

**As Reported by the Senate Finance and Financial Institutions
Committee**

**128th General Assembly
Regular Session
2009-2010**

Sub. H. B. No. 1

Representative Sykes

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

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section 5739.033 of the Revised Code that is	278
scheduled to take effect January 1, 2010, to	279
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

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6103.02, 6109.21, 6111.044, 6117.01, 6117.02, 6119.011, and 419
6301.03 be amended; sections 173.43 (173.422), 3319.233 420
(3333.049), 4753.073 (3319.227), 5101.5110 (5101.5111), 5111.019 421
(5111.0120), and 5111.688 (5111.689) be amended for the purpose of 422
adopting new section numbers as indicated in parentheses; new 423
sections 173.43, 3319.222, 5101.5110, and 5111.688 and sections 424
5.2265, 7.16, 9.317, 103.24, 107.19, 111.26, 111.27, 117.162, 425
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5721.012, 5725.33, 5729.16, 5733.58, 5739.051, 5747.66, 5751.014, 455
5907.111, 5911.11, 5919.20, 5919.36, and 6119.091 of the Revised 456
Code be enacted to read as follows: 457

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Sec. 5.2265. The month of August is designated as "Ohio 468
Military Family Month." 469

Sec. 7.12. Whenever any legal publication is required by law 470
to be made in a newspaper published in a municipal corporation, 471

county, or other political subdivision, the newspaper shall also 472
be a newspaper of general circulation in the municipal 473
corporation, county, or other political subdivision, without 474
further restriction or limitation upon a selection of the 475
newspaper to be used. If no newspaper is published in such 476
municipal corporation, county, or other political subdivision, 477
such legal publication shall be made in any newspaper of general 478
circulation therein. If there are less than two newspapers 479
published in any municipal corporation, county, or other political 480
subdivision in the manner defined by this section, then any legal 481
publication required by law to be made in a newspaper published in 482
a municipal corporation, county, or other political subdivision 483
may be made in any newspaper regularly issued at stated intervals 484
from a known office of publication located within the municipal 485
corporation, county, or other political subdivision. As used in 486
this section, a known office of publication is a public office 487
where the business of the newspaper is transacted during the usual 488
business hours, and such office shall be shown by the publication 489
itself. 490

In addition to all other requirements, a newspaper or 491
newspaper of general circulation, except those publications 492
performing the functions described in section 2701.09 of the 493
Revised Code for a period of one year immediately preceding any 494
such publication required to be made, shall be a publication 495
bearing a title or name, regularly issued as frequently as once a 496
week ~~for a definite price or consideration paid for by not less~~ 497
~~than fifty per cent of those to whom distribution is made, having~~ 498
~~a second class mailing privilege,~~ being not less than four pages, 499
published continuously during the immediately preceding one-year 500
period, and circulated generally in the political subdivision in 501
which it is published. Such publication must be of a type to which 502
the general public resorts for passing events of a political, 503
religious, commercial, and social nature, current happenings, 504

announcements, miscellaneous reading matter, advertisements, and 505
other notices, that has at least twenty-five per cent editorial, 506
nonadvertising content, exclusive of inserts, measured relative to 507
total publication space, and an audited circulation to at least 508
fifty per cent of the households in the newspaper's retail trade 509
zone as defined by the audit. 510

Any notice required to be published in a newspaper of general 511
circulation may appear on an insert placed in such a newspaper. A 512
responsible party who is required to publish such a notice shall 513
consider various advertising media to determine which media might 514
reach the intended public most broadly. The responsible party need 515
publish the notice in only one qualified medium to meet the 516
requirements of law. 517

Sec. 7.16. A notice required to be published by a provision 518
of a statute or rule may be published on the state-sanctioned 519
public notice web site. A responsible party who is required to 520
publish such a notice may submit a copy of the notice and a 521
request for publication to the state-sanctioned public notice web 522
site service provider, together with the fee charged. The 523
responsible party shall identify in the notice or request the 524
provision of the statute or rule that requires the notice to be 525
published. The responsible party may, but is not required to, 526
prepare the request on the form that can be downloaded from the 527
web site. The notice permitted under this section is cumulative 528
with other notice provisions under statute or rule. 529

Sec. 9.03. (A) As used in this section, "political 530
subdivision" means any body corporate and politic, except a 531
municipal corporation that has adopted a charter under Section 7 532
of Article XVIII, Ohio Constitution, and except a county that has 533
adopted a charter under Sections 3 and 4 of Article X, Ohio 534
Constitution, to which both of the following apply: 535

(1) It is responsible for governmental activities only in a geographic area smaller than the state.	536 537
(2) It is subject to the sovereign immunity of the state.	538
(B) Except as otherwise provided in division (C) of this section, the governing body of a political subdivision may use public funds to publish and distribute newsletters, or to use any other means, to communicate information about the plans, policies, and operations of the political subdivision to members of the public within the political subdivision and to other persons who may be affected by the political subdivision.	539 540 541 542 543 544 545
(C) Except as otherwise provided in division (A)(7) of section 340.03 or division (A)(12) of section 340.033 of the Revised Code, no governing body of a political subdivision shall use public funds to do any of the following:	546 547 548 549
(1) Publish, distribute, or otherwise communicate information that does any of the following:	550 551
(a) Contains defamatory, libelous, or obscene matter;	552
(b) Promotes alcoholic beverages, cigarettes or other tobacco products, or any illegal product, service, or activity;	553 554
(c) Promotes illegal discrimination on the basis of race, color, religion, national origin, handicap, age, or ancestry;	555 556
(d) Supports or opposes any labor organization or any action by, on behalf of, or against any labor organization;	557 558
(e) Supports or opposes the nomination or election of a candidate for public office, the investigation, prosecution, or recall of a public official, or the passage of a levy or bond issue.	559 560 561 562
(2) Compensate any employee of the political subdivision for time spent on any activity to influence the outcome of an election for any of the purposes described in division (C)(1)(e) of this	563 564 565

section. Division (C)(2) of this section does not prohibit the use 566
of public funds to compensate an employee of a political 567
subdivision for attending a public meeting to present information 568
about the political subdivision's finances, activities, and 569
governmental actions in a manner that is not designed to influence 570
the outcome of an election or the passage of a levy or bond issue, 571
even though the election, levy, or bond issue is discussed or 572
debated at the meeting. 573

(D)(1) Nothing in this section prohibits or restricts any 574
political subdivision from sponsoring, participating in, or doing 575
any of the following: 576

~~(1)~~(a) Charitable or public service advertising that is not 577
commercial in nature; 578

~~(2)~~(b) Advertising of exhibitions, performances, programs, 579
products, or services that are provided by employees of a 580
political subdivision or are provided at or through premises owned 581
or operated by a political subdivision; 582

~~(3)~~(c) Licensing an interest in a name or mark that is owned 583
or controlled by the political subdivision. 584

(2) Nothing in this section prohibits or restricts a county 585
official from placing commercial advertisements on a county web 586
site in accordance with section 307.121 of the Revised Code. 587

(E) As used in this section, "cigarettes" and "tobacco 588
product" have the same meanings as in section 5743.01 of the 589
Revised Code. 590

Sec. 9.314. (A) As used in this section: 591

(1) "Contracting authority" has the same meaning as in 592
section 307.92 of the Revised Code. 593

(2) "Political subdivision" means a municipal corporation, 594
township, county, school district, or other body corporate and 595

politic responsible for governmental activities only in geographic 596
areas smaller than that of the state and also includes a 597
contracting authority. 598

(3) "Reverse auction" means a purchasing process in which 599
offerors submit proposals in competing to sell services or 600
supplies in an open environment via the internet. 601

(4) "Services" means the furnishing of labor, time, or effort 602
by a person, not involving the delivery of a specific end product 603
other than a report which, if provided, is merely incidental to 604
the required performance. "Services" does not include services 605
furnished pursuant to employment agreements or collective 606
bargaining agreements. 607

(5) "Supplies" means all property, including, but not limited 608
to, equipment, materials, other tangible assets, and insurance, 609
but excluding real property or interests in real property. 610

(B)(1) Whenever any political subdivision determines that the 611
use of a reverse auction is advantageous to the political 612
subdivision, the political subdivision, in accordance with this 613
section and rules the political subdivision shall adopt, may 614
purchase services or supplies by reverse auction. 615

(2) A political subdivision shall not purchase supplies or 616
services by reverse auction if the contract concerns the design, 617
construction, alteration, repair, reconstruction, or demolition of 618
a building, highway, road, street, alley, drainage system, water 619
system, waterworks, ditch, sewer, sewage disposal plant, or any 620
other structure or works of any kind. 621

(C) A political subdivision shall solicit proposals through a 622
request for proposals. The request for proposals shall state the 623
relative importance of price and other evaluation factors. The 624
political subdivision shall give notice of the request for 625
proposals in accordance with the rules it adopts. 626

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

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

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

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

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

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

waterworks, ditch, sewer, sewage disposal plant, or any other 658
structure or works of any kind. 659

Sec. 101.34. (A) There is hereby created a joint legislative 660
ethics committee to serve the general assembly. The committee 661
shall be composed of twelve members, six each from the two major 662
political parties, and each member shall serve on the committee 663
during the member's term as a member of that general assembly. Six 664
members of the committee shall be members of the house of 665
representatives appointed by the speaker of the house of 666
representatives, not more than three from the same political 667
party, and six members of the committee shall be members of the 668
senate appointed by the president of the senate, not more than 669
three from the same political party. A vacancy in the committee 670
shall be filled for the unexpired term in the same manner as an 671
original appointment. The members of the committee shall be 672
appointed within fifteen days after the first day of the first 673
regular session of each general assembly and the committee shall 674
meet and proceed to recommend an ethics code not later than thirty 675
days after the first day of the first regular session of each 676
general assembly. 677

In the first regular session of each general assembly, the 678
speaker of the house of representatives shall appoint the 679
chairperson of the committee from among the house members of the 680
committee, and the president of the senate shall appoint the 681
vice-chairperson of the committee from among the senate members of 682
the committee. In the second regular session of each general 683
assembly, the president of the senate shall appoint the 684
chairperson of the committee from among the senate members of the 685
committee, and the speaker of the house of representatives shall 686
appoint the vice-chairperson of the committee from among the house 687
members of the committee. The chairperson, vice-chairperson, and 688
members of the committee shall serve until their respective 689

successors are appointed or until they are no longer members of 690
the general assembly. 691

The committee shall meet at the call of the chairperson or 692
upon the written request of seven members of the committee. 693

(B) The joint legislative ethics committee: 694

(1) Shall recommend a code of ethics that is consistent with 695
law to govern all members and employees of each house of the 696
general assembly and all candidates for the office of member of 697
each house; 698

(2) May receive and hear any complaint that alleges a breach 699
of any privilege of either house, or misconduct of any member, 700
employee, or candidate, or any violation of the appropriate code 701
of ethics; 702

(3) May obtain information with respect to any complaint 703
filed pursuant to this section and to that end may enforce the 704
attendance and testimony of witnesses, and the production of books 705
and papers; 706

(4) May recommend whatever sanction is appropriate with 707
respect to a particular member, employee, or candidate as will 708
best maintain in the minds of the public a good opinion of the 709
conduct and character of members and employees of the general 710
assembly; 711

(5) May recommend legislation to the general assembly 712
relating to the conduct and ethics of members and employees of and 713
candidates for the general assembly; 714

(6) Shall employ an executive director for the committee and 715
may employ other staff as the committee determines necessary to 716
assist it in exercising its powers and duties. The executive 717
director and staff of the committee shall be known as the office 718
of legislative inspector general. At least one member of the staff 719

of the committee shall be an attorney at law licensed to practice 720
law in this state. The appointment and removal of the executive 721
director shall require the approval of at least eight members of 722
the committee. 723

(7) May employ a special counsel to assist the committee in 724
exercising its powers and duties. The appointment and removal of a 725
special counsel shall require the approval of at least eight 726
members of the committee. 727

(8) Shall act as an advisory body to the general assembly and 728
to individual members, candidates, and employees on questions 729
relating to ethics, possible conflicts of interest, and financial 730
disclosure; 731

(9) Shall provide for the proper forms on which a statement 732
required pursuant to section 102.02 or 102.021 of the Revised Code 733
shall be filed and instructions as to the filing of the statement; 734

(10) Exercise the powers and duties prescribed under sections 735
101.70 to 101.79, sections 101.90 to 101.98, Chapter 102., and 736
sections 121.60 to 121.69 of the Revised Code; 737

(11) Adopt, in accordance with section 111.15 of the Revised 738
Code, any rules that are necessary to implement and clarify 739
Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code. 740

(C) There is hereby created in the state treasury the joint 741
legislative ethics committee fund. All money collected from 742
registration fees and late filing fees prescribed under sections 743
101.72, 101.92, and 121.62 of the Revised Code shall be deposited 744
into the state treasury to the credit of the fund. Money credited 745
to the fund and any interest and earnings from the fund shall be 746
used solely for the operation of the joint legislative ethics 747
committee and the office of legislative inspector general and for 748
the purchase of data storage and computerization facilities for 749
the statements filed with the committee under sections 101.73, 750

101.74, 101.93, 101.94, 121.63, and 121.64 of the Revised Code. 751

(D) The chairperson of the joint legislative ethics committee 752
shall issue a written report, not later than the thirty-first day 753
of January of each year, to the speaker and minority leader of the 754
house of representatives and to the president and minority leader 755
of the senate that lists the number of committee meetings and 756
investigations the committee conducted during the immediately 757
preceding calendar year and the number of advisory opinions it 758
issued during the immediately preceding calendar year. 759

(E) Any investigative report that contains facts and findings 760
regarding a complaint filed with the joint legislative ethics 761
committee and that is prepared by the staff of the committee or a 762
special counsel to the committee shall become a public record upon 763
its acceptance by a vote of the majority of the members of the 764
committee, except for any names of specific individuals and 765
entities contained in the report. If the committee recommends 766
disciplinary action or reports its findings to the appropriate 767
prosecuting authority for proceedings in prosecution of the 768
violations alleged in the complaint, the investigatory report 769
regarding the complaint shall become a public record in its 770
entirety. 771

(F)(1) Any file obtained by or in the possession of the 772
former house ethics committee or former senate ethics committee 773
shall become the property of the joint legislative ethics 774
committee. Any such file is confidential if either of the 775
following applies: 776

(a) It is confidential under section 102.06 of the Revised 777
Code or the legislative code of ethics. 778

(b) If the file was obtained from the former house ethics 779
committee or from the former senate ethics committee, it was 780
confidential under any statute or any provision of a code of 781

ethics that governed the file. 782

(2) As used in this division, "file" includes, but is not 783
limited to, evidence, documentation, or any other tangible thing. 784

(G) There is hereby created in the state treasury the joint 785
legislative ethics committee investigative fund. Investment 786
earnings of the fund shall be credited to the fund. Money in the 787
fund shall be used solely for the operations of the committee in 788
conducting investigations. 789

Sec. 101.35. There is hereby created in the general assembly 790
the joint committee on agency rule review. The committee shall 791
consist of five members of the house of representatives and five 792
members of the senate. Within fifteen days after the commencement 793
of the first regular session of each general assembly, the speaker 794
of the house of representatives shall appoint the members of the 795
committee from the house of representatives, and the president of 796
the senate shall appoint the members of the committee from the 797
senate. Not more than three of the members from each house shall 798
be of the same political party. In the first regular session of a 799
general assembly, the chairperson of the committee shall be 800
appointed by the speaker of the house from among the house members 801
of the committee, and the vice-chairperson shall be appointed by 802
the president of the senate from among the senate members of the 803
committee. In the second regular session of a general assembly, 804
the chairperson shall be appointed by the president of the senate 805
from among the senate members of the committee, and the 806
vice-chairperson shall be appointed by the speaker of the house 807
from among the house members of the committee. The chairperson, 808
vice-chairperson, and members of the committee shall serve until 809
their respective successors are appointed or until they are no 810
longer members of the general assembly. When a vacancy occurs 811
among the officers or members of the committee, it shall be filled 812

in the same manner as the original appointment. 813

814

Notwithstanding section 101.26 of the Revised Code, the 815
members, when engaged in their duties as members of the committee 816
on days when there is not a voting session of the member's house 817
of the general assembly, shall be paid at the per diem rate of one 818
hundred fifty dollars, and their necessary traveling expenses, 819
which shall be paid from the funds appropriated for the payment of 820
expenses of legislative committees. 821

The committee has the same powers as other standing or select 822
committees of the general assembly. Six members constitute a 823
quorum, and the concurrence of six members is required for the 824
recommendation of a concurrent resolution invalidating a proposed 825
or effective rule, amendment, rescission, or part thereof, or for 826
the suspension of a rule, amendment, rescission, or part thereof, 827
under division (I) of section 119.03 ~~or section 119.031~~ of the 828
Revised Code. 829

When a member of the committee is absent, the president or 830
speaker, as the case may be, may designate a substitute from the 831
same house and political party as the absent member. The 832
substitute shall serve on the committee in the member's absence, 833
and is entitled to perform the duties of a member of the 834
committee. For serving on the committee, the substitute shall be 835
paid the same per diem and necessary traveling expenses as the 836
substitute would be entitled to receive if the substitute were a 837
member of the committee. 838

The president or speaker shall inform the executive director 839
of the committee of a substitution. If the executive director 840
learns of a substitution sufficiently in advance of the meeting of 841
the committee the substitute is to attend, the executive director 842
shall publish notice of the substitution on the internet, make 843
reasonable effort to inform of the substitution persons who are 844

known to the executive director to be interested in rules that are 845
scheduled for review at the meeting, and inform of the 846
substitution persons who inquire of the executive director 847
concerning the meeting. 848

The committee may meet during periods in which the general 849
assembly has adjourned. At meetings of the committee, the 850
committee may request a rule-making agency, as defined in section 851
119.01 of the Revised Code, to provide information relative to the 852
agency's implementation of its statutory authority. 853

A member of the committee, and the executive director and 854
staff of the committee, are entitled in their official capacities 855
to attend, but not in their official capacities to participate in, 856
a public hearing conducted by a rule-making agency on a proposed 857
rule, amendment, or rescission. 858

Sec. 101.72. (A) Each legislative agent and employer, within 859
ten days following an engagement of a legislative agent, shall 860
file with the joint legislative ethics committee an initial 861
registration statement showing all of the following: 862

(1) The name, business address, and occupation of the 863
legislative agent; 864

(2) The name and business address of the employer and the 865
real party in interest on whose behalf the legislative agent is 866
actively advocating, if it is different from the employer. For the 867
purposes of division (A) of this section, where a trade 868
association or other charitable or fraternal organization that is 869
exempt from federal income taxation under subsection 501(c) of the 870
federal Internal Revenue Code is the employer, the statement need 871
not list the names and addresses of each member of the association 872
or organization, so long as the association or organization itself 873
is listed. 874

(3) A brief description of the type of legislation to which 875
the engagement relates. 876

(B) In addition to the initial registration statement 877
required by division (A) of this section, each legislative agent 878
and employer shall file with the joint committee, not later than 879
the last day of January, May, and September of each year, an 880
updated registration statement that confirms the continuing 881
existence of each engagement described in an initial registration 882
statement and that lists the specific bills or resolutions on 883
which the agent actively advocated under that engagement during 884
the period covered by the updated statement, and with it any 885
statement of expenditures required to be filed by section 101.73 886
of the Revised Code and any details of financial transactions 887
required to be filed by section 101.74 of the Revised Code. 888

(C) If a legislative agent is engaged by more than one 889
employer, the agent shall file a separate initial and updated 890
registration statement for each engagement. If an employer engages 891
more than one legislative agent, the employer need file only one 892
updated registration statement under division (B) of this section, 893
which shall contain the information required by division (B) of 894
this section regarding all of the legislative agents engaged by 895
the employer. 896

(D)(1) A change in any information required by division 897
(A)(1), (2), or (B) of this section shall be reflected in the next 898
updated registration statement filed under division (B) of this 899
section. 900

(2) Within thirty days after the termination of an 901
engagement, the legislative agent who was employed under the 902
engagement shall send written notification of the termination to 903
the joint committee. 904

(E) ~~Except as otherwise provided in this division, a~~ A 905

registration fee of twenty-five dollars shall be charged for 906
filing an initial registration statement. The state agency of an 907
officer or employee who actively advocates in a fiduciary capacity 908
as a representative of that state agency shall pay the 909
registration fee required under this division. All money collected 910
from registration fees under this division and late filing fees 911
under division (G) of this section shall be deposited into the 912
state treasury to the credit of the joint legislative ethics 913
committee fund created under section 101.34 of the Revised Code. 914
915

An officer or employee of a state agency who actively 916
advocates in a fiduciary capacity as a representative of that 917
state agency need not ~~pay the registration fee prescribed by this~~ 918
~~division or~~ file expenditure statements under section 101.73 of 919
the Revised Code. As used in this division, "state agency" does 920
not include a state institution of higher education as defined in 921
section 3345.011 of the Revised Code. 922

(F) Upon registration pursuant to division (A) of this 923
section, the legislative agent shall be issued a card by the joint 924
committee showing that the legislative agent is registered. The 925
registration card and the legislative agent's registration shall 926
be valid from the date of their issuance until the next 927
thirty-first day of December of an even-numbered year. 928

(G) The executive director of the joint committee shall be 929
responsible for reviewing each registration statement filed with 930
the joint committee under this section and for determining whether 931
the statement contains all of the information required by this 932
section. If the joint committee determines that the registration 933
statement does not contain all of the required information or that 934
a legislative agent or employer has failed to file a registration 935
statement, the joint committee shall send written notification by 936
certified mail to the person who filed the registration statement 937

regarding the deficiency in the statement or to the person who 938
failed to file the registration statement regarding the failure. 939
Any person so notified by the joint committee shall, not later 940
than fifteen days after receiving the notice, file a registration 941
statement or an amended registration statement that does contain 942
all of the information required by this section. If any person who 943
receives a notice under this division fails to file a registration 944
statement or such an amended registration statement within this 945
fifteen-day period, the joint committee shall assess a late filing 946
fee equal to twelve dollars and fifty cents per day, up to a 947
maximum of one hundred dollars, upon that person. The joint 948
committee may waive the late filing fee for good cause shown. 949

(H) On or before the fifteenth day of March of each year, the 950
joint committee shall, in the manner and form that it determines, 951
publish a report containing statistical information on the 952
registration statements filed with it under this section during 953
the preceding year. 954

Sec. 102.02. (A) Except as otherwise provided in division (H) 955
of this section, all of the following shall file with the 956
appropriate ethics commission the disclosure statement described 957
in this division on a form prescribed by the appropriate 958
commission: every person who is elected to or is a candidate for a 959
state, county, or city office and every person who is appointed to 960
fill a vacancy for an unexpired term in such an elective office; 961
all members of the state board of education; the director, 962
assistant directors, deputy directors, division chiefs, or persons 963
of equivalent rank of any administrative department of the state; 964
the president or other chief administrative officer of every state 965
institution of higher education as defined in section 3345.011 of 966
the Revised Code; the executive director and the members of the 967
capitol square review and advisory board appointed or employed 968
pursuant to section 105.41 of the Revised Code; the chief 969

executive officer and the members of the board of each state 970
retirement system; each employee of a state retirement board who 971
is a state retirement system investment officer licensed pursuant 972
to section 1707.163 of the Revised Code; the members of the Ohio 973
retirement study council appointed pursuant to division (C) of 974
section 171.01 of the Revised Code; employees of the Ohio 975
retirement study council, other than employees who perform purely 976
administrative or clerical functions; the administrator of 977
workers' compensation and each member of the bureau of workers' 978
compensation board of directors; the bureau of workers' 979
compensation director of investments; the chief investment officer 980
of the bureau of workers' compensation; the director appointed by 981
the workers' compensation council; all members of the board of 982
commissioners on grievances and discipline of the supreme court 983
and the ethics commission created under section 102.05 of the 984
Revised Code; every business manager, treasurer, or superintendent 985
of a city, local, exempted village, joint vocational, or 986
cooperative education school district or an educational service 987
center; every person who is elected to or is a candidate for the 988
office of member of a board of education of a city, local, 989
exempted village, joint vocational, or cooperative education 990
school district or of a governing board of an educational service 991
center that has a total student count of twelve thousand or more 992
as most recently determined by the department of education 993
pursuant to section 3317.03 of the Revised Code; every person who 994
is appointed to the board of education of a municipal school 995
district pursuant to division (B) or (F) of section 3311.71 of the 996
Revised Code; all members of the board of directors of a sanitary 997
district that is established under Chapter 6115. of the Revised 998
Code and organized wholly for the purpose of providing a water 999
supply for domestic, municipal, and public use, and that includes 1000
two municipal corporations in two counties; every public official 1001
or employee who is paid a salary or wage in accordance with 1002

schedule C of section 124.15 or schedule E-2 of section 124.152 of 1003
the Revised Code; members of the board of trustees and the 1004
executive director of the southern Ohio agricultural and community 1005
development foundation; and every other public official or 1006
employee who is designated by the appropriate ethics commission 1007
pursuant to division (B) of this section. 1008

The disclosure statement shall include all of the following: 1009

(1) The name of the person filing the statement and each 1010
member of the person's immediate family and all names under which 1011
the person or members of the person's immediate family do 1012
business; 1013

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 1014
and except as otherwise provided in section 102.022 of the Revised 1015
Code, identification of every source of income, other than income 1016
from a legislative agent identified in division (A)(2)(b) of this 1017
section, received during the preceding calendar year, in the 1018
person's own name or by any other person for the person's use or 1019
benefit, by the person filing the statement, and a brief 1020
description of the nature of the services for which the income was 1021
received. If the person filing the statement is a member of the 1022
general assembly, the statement shall identify the amount of every 1023
source of income received in accordance with the following ranges 1024
of amounts: zero or more, but less than one thousand dollars; one 1025
thousand dollars or more, but less than ten thousand dollars; ten 1026
thousand dollars or more, but less than twenty-five thousand 1027
dollars; twenty-five thousand dollars or more, but less than fifty 1028
thousand dollars; fifty thousand dollars or more, but less than 1029
one hundred thousand dollars; and one hundred thousand dollars or 1030
more. Division (A)(2)(a) of this section shall not be construed to 1031
require a person filing the statement who derives income from a 1032
business or profession to disclose the individual items of income 1033
that constitute the gross income of that business or profession, 1034

except for those individual items of income that are attributable 1035
to the person's or, if the income is shared with the person, the 1036
partner's, solicitation of services or goods or performance, 1037
arrangement, or facilitation of services or provision of goods on 1038
behalf of the business or profession of clients, including 1039
corporate clients, who are legislative agents. A person who files 1040
the statement under this section shall disclose the identity of 1041
and the amount of income received from a person who the public 1042
official or employee knows or has reason to know is doing or 1043
seeking to do business of any kind with the public official's or 1044
employee's agency. 1045

(b) If the person filing the statement is a member of the 1046
general assembly, the statement shall identify every source of 1047
income and the amount of that income that was received from a 1048
legislative agent during the preceding calendar year, in the 1049
person's own name or by any other person for the person's use or 1050
benefit, by the person filing the statement, and a brief 1051
description of the nature of the services for which the income was 1052
received. Division (A)(2)(b) of this section requires the 1053
disclosure of clients of attorneys or persons licensed under 1054
section 4732.12 of the Revised Code, or patients of persons 1055
certified under section 4731.14 of the Revised Code, if those 1056
clients or patients are legislative agents. Division (A)(2)(b) of 1057
this section requires a person filing the statement who derives 1058
income from a business or profession to disclose those individual 1059
items of income that constitute the gross income of that business 1060
or profession that are received from legislative agents. 1061

(c) Except as otherwise provided in division (A)(2)(c) of 1062
this section, division (A)(2)(a) of this section applies to 1063
attorneys, physicians, and other persons who engage in the 1064
practice of a profession and who, pursuant to a section of the 1065
Revised Code, the common law of this state, a code of ethics 1066

applicable to the profession, or otherwise, generally are required 1067
not to reveal, disclose, or use confidences of clients, patients, 1068
or other recipients of professional services except under 1069
specified circumstances or generally are required to maintain 1070
those types of confidences as privileged communications except 1071
under specified circumstances. Division (A)(2)(a) of this section 1072
does not require an attorney, physician, or other professional 1073
subject to a confidentiality requirement as described in division 1074
(A)(2)(c) of this section to disclose the name, other identity, or 1075
address of a client, patient, or other recipient of professional 1076
services if the disclosure would threaten the client, patient, or 1077
other recipient of professional services, would reveal details of 1078
the subject matter for which legal, medical, or professional 1079
advice or other services were sought, or would reveal an otherwise 1080
privileged communication involving the client, patient, or other 1081
recipient of professional services. Division (A)(2)(a) of this 1082
section does not require an attorney, physician, or other 1083
professional subject to a confidentiality requirement as described 1084
in division (A)(2)(c) of this section to disclose in the brief 1085
description of the nature of services required by division 1086
(A)(2)(a) of this section any information pertaining to specific 1087
professional services rendered for a client, patient, or other 1088
recipient of professional services that would reveal details of 1089
the subject matter for which legal, medical, or professional 1090
advice was sought or would reveal an otherwise privileged 1091
communication involving the client, patient, or other recipient of 1092
professional services. 1093

(3) The name of every corporation on file with the secretary 1094
of state that is incorporated in this state or holds a certificate 1095
of compliance authorizing it to do business in this state, trust, 1096
business trust, partnership, or association that transacts 1097
business in this state in which the person filing the statement or 1098
any other person for the person's use and benefit had during the 1099

preceding calendar year an investment of over one thousand dollars 1100
at fair market value as of the thirty-first day of December of the 1101
preceding calendar year, or the date of disposition, whichever is 1102
earlier, or in which the person holds any office or has a 1103
fiduciary relationship, and a description of the nature of the 1104
investment, office, or relationship. Division (A)(3) of this 1105
section does not require disclosure of the name of any bank, 1106
savings and loan association, credit union, or building and loan 1107
association with which the person filing the statement has a 1108
deposit or a withdrawable share account. 1109

(4) All fee simple and leasehold interests to which the 1110
person filing the statement holds legal title to or a beneficial 1111
interest in real property located within the state, excluding the 1112
person's residence and property used primarily for personal 1113
recreation; 1114

(5) The names of all persons residing or transacting business 1115
in the state to whom the person filing the statement owes, in the 1116
person's own name or in the name of any other person, more than 1117
one thousand dollars. Division (A)(5) of this section shall not be 1118
construed to require the disclosure of debts owed by the person 1119
resulting from the ordinary conduct of a business or profession or 1120
debts on the person's residence or real property used primarily 1121
for personal recreation, except that the superintendent of 1122
financial institutions shall disclose the names of all 1123
state-chartered savings and loan associations and of all service 1124
corporations subject to regulation under division (E)(2) of 1125
section 1151.34 of the Revised Code to whom the superintendent in 1126
the superintendent's own name or in the name of any other person 1127
owes any money, and that the superintendent and any deputy 1128
superintendent of banks shall disclose the names of all 1129
state-chartered banks and all bank subsidiary corporations subject 1130
to regulation under section 1109.44 of the Revised Code to whom 1131

the superintendent or deputy superintendent owes any money. 1132

(6) The names of all persons residing or transacting business 1133
in the state, other than a depository excluded under division 1134
(A)(3) of this section, who owe more than one thousand dollars to 1135
the person filing the statement, either in the person's own name 1136
or to any person for the person's use or benefit. Division (A)(6) 1137
of this section shall not be construed to require the disclosure 1138
of clients of attorneys or persons licensed under section 4732.12 1139
or 4732.15 of the Revised Code, or patients of persons certified 1140
under section 4731.14 of the Revised Code, nor the disclosure of 1141
debts owed to the person resulting from the ordinary conduct of a 1142
business or profession. 1143

(7) Except as otherwise provided in section 102.022 of the 1144
Revised Code, the source of each gift of over seventy-five 1145
dollars, or of each gift of over twenty-five dollars received by a 1146
member of the general assembly from a legislative agent, received 1147
by the person in the person's own name or by any other person for 1148
the person's use or benefit during the preceding calendar year, 1149
except gifts received by will or by virtue of section 2105.06 of 1150
the Revised Code, or received from spouses, parents, grandparents, 1151
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 1152
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 1153
fathers-in-law, mothers-in-law, or any person to whom the person 1154
filing the statement stands in loco parentis, or received by way 1155
of distribution from any inter vivos or testamentary trust 1156
established by a spouse or by an ancestor; 1157

(8) Except as otherwise provided in section 102.022 of the 1158
Revised Code, identification of the source and amount of every 1159
payment of expenses incurred for travel to destinations inside or 1160
outside this state that is received by the person in the person's 1161
own name or by any other person for the person's use or benefit 1162
and that is incurred in connection with the person's official 1163

duties, except for expenses for travel to meetings or conventions 1164
of a national or state organization to which any state agency, 1165
including, but not limited to, any legislative agency or state 1166
institution of higher education as defined in section 3345.011 of 1167
the Revised Code, pays membership dues, or any political 1168
subdivision or any office or agency of a political subdivision 1169
pays membership dues; 1170

(9) Except as otherwise provided in section 102.022 of the 1171
Revised Code, identification of the source of payment of expenses 1172
for meals and other food and beverages, other than for meals and 1173
other food and beverages provided at a meeting at which the person 1174
participated in a panel, seminar, or speaking engagement or at a 1175
meeting or convention of a national or state organization to which 1176
any state agency, including, but not limited to, any legislative 1177
agency or state institution of higher education as defined in 1178
section 3345.011 of the Revised Code, pays membership dues, or any 1179
political subdivision or any office or agency of a political 1180
subdivision pays membership dues, that are incurred in connection 1181
with the person's official duties and that exceed one hundred 1182
dollars aggregated per calendar year; 1183

(10) If the disclosure statement is filed by a public 1184
official or employee described in division (B)(2) of section 1185
101.73 of the Revised Code or division (B)(2) of section 121.63 of 1186
the Revised Code who receives a statement from a legislative 1187
agent, executive agency lobbyist, or employer that contains the 1188
information described in division (F)(2) of section 101.73 of the 1189
Revised Code or division (G)(2) of section 121.63 of the Revised 1190
Code, all of the nondisputed information contained in the 1191
statement delivered to that public official or employee by the 1192
legislative agent, executive agency lobbyist, or employer under 1193
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 1194
the Revised Code. 1195

A person may file a statement required by this section in 1196
person or by mail. A person who is a candidate for elective office 1197
shall file the statement no later than the thirtieth day before 1198
the primary, special, or general election at which the candidacy 1199
is to be voted on, whichever election occurs soonest, except that 1200
a person who is a write-in candidate shall file the statement no 1201
later than the twentieth day before the earliest election at which 1202
the person's candidacy is to be voted on. A person who holds 1203
elective office shall file the statement on or before the 1204
fifteenth day of April of each year unless the person is a 1205
candidate for office. A person who is appointed to fill a vacancy 1206
for an unexpired term in an elective office shall file the 1207
statement within fifteen days after the person qualifies for 1208
office. Other persons shall file an annual statement on or before 1209
the fifteenth day of April or, if appointed or employed after that 1210
date, within ninety days after appointment or employment. No 1211
person shall be required to file with the appropriate ethics 1212
commission more than one statement or pay more than one filing fee 1213
for any one calendar year. 1214

The appropriate ethics commission, for good cause, may extend 1215
for a reasonable time the deadline for filing a statement under 1216
this section. 1217

A statement filed under this section is subject to public 1218
inspection at locations designated by the appropriate ethics 1219
commission except as otherwise provided in this section. 1220

(B) The Ohio ethics commission, the joint legislative ethics 1221
committee, and the board of commissioners on grievances and 1222
discipline of the supreme court, using the rule-making procedures 1223
of Chapter 119. of the Revised Code, may require any class of 1224
public officials or employees under its jurisdiction and not 1225
specifically excluded by this section whose positions involve a 1226
substantial and material exercise of administrative discretion in 1227

the formulation of public policy, expenditure of public funds, 1228
enforcement of laws and rules of the state or a county or city, or 1229
the execution of other public trusts, to file an annual statement 1230
on or before the fifteenth day of April under division (A) of this 1231
section. The appropriate ethics commission shall send the public 1232
officials or employees written notice of the requirement by the 1233
fifteenth day of February of each year the filing is required 1234
unless the public official or employee is appointed after that 1235
date, in which case the notice shall be sent within thirty days 1236
after appointment, and the filing shall be made not later than 1237
ninety days after appointment. 1238

Except for disclosure statements filed by members of the 1239
board of trustees and the executive director of the southern Ohio 1240
agricultural and community development foundation, disclosure 1241
statements filed under this division with the Ohio ethics 1242
commission by members of boards, commissions, or bureaus of the 1243
state for which no compensation is received other than reasonable 1244
and necessary expenses shall be kept confidential. Disclosure 1245
statements filed with the Ohio ethics commission under division 1246
(A) of this section by business managers, treasurers, and 1247
superintendents of city, local, exempted village, joint 1248
vocational, or cooperative education school districts or 1249
educational service centers shall be kept confidential, except 1250
that any person conducting an audit of any such school district or 1251
educational service center pursuant to section 115.56 or Chapter 1252
117. of the Revised Code may examine the disclosure statement of 1253
any business manager, treasurer, or superintendent of that school 1254
district or educational service center. The Ohio ethics commission 1255
shall examine each disclosure statement required to be kept 1256
confidential to determine whether a potential conflict of interest 1257
exists for the person who filed the disclosure statement. A 1258
potential conflict of interest exists if the private interests of 1259
the person, as indicated by the person's disclosure statement, 1260

might interfere with the public interests the person is required 1261
to serve in the exercise of the person's authority and duties in 1262
the person's office or position of employment. If the commission 1263
determines that a potential conflict of interest exists, it shall 1264
notify the person who filed the disclosure statement and shall 1265
make the portions of the disclosure statement that indicate a 1266
potential conflict of interest subject to public inspection in the 1267
same manner as is provided for other disclosure statements. Any 1268
portion of the disclosure statement that the commission determines 1269
does not indicate a potential conflict of interest shall be kept 1270
confidential by the commission and shall not be made subject to 1271
public inspection, except as is necessary for the enforcement of 1272
Chapters 102. and 2921. of the Revised Code and except as 1273
otherwise provided in this division. 1274

(C) No person shall knowingly fail to file, on or before the 1275
applicable filing deadline established under this section, a 1276
statement that is required by this section. 1277

(D) No person shall knowingly file a false statement that is 1278
required to be filed under this section. 1279

(E)(1) Except as provided in divisions (E)(2) and (3) of this 1280
section, the statement required by division (A) or (B) of this 1281
section shall be accompanied by a filing fee of forty dollars. 1282

(2) The statement required by division (A) of this section 1283
shall be accompanied by the following filing fee to be paid by the 1284
person who is elected or appointed to, or is a candidate for, any 1285
of the following offices: 1286

For state office, except member of the		1287
state board of education	\$65	1288
For office of member of general assembly	\$40	1289
For county office	\$40	1290
For city office	\$25	1291

For office of member of the state board		1292
of education	\$25	1293
For office of member of a city, local,		1294
exempted village, or cooperative		1295
education board of		1296
education or educational service		1297
center governing board	\$20	1298
For position of business manager,		1299
treasurer, or superintendent of a		1300
city, local, exempted village, joint		1301
vocational, or cooperative education		1302
school district or		1303
educational service center	\$20	1304
(3) No judge of a court of record or candidate for judge of a		1305
court of record, and no referee or magistrate serving a court of		1306
record, shall be required to pay the fee required under division		1307
(E)(1) or (2) or (F) of this section.		1308
(4) For any public official who is appointed to a nonelective		1309
office of the state and for any employee who holds a nonelective		1310
position in a public agency of the state, the state agency that is		1311
the primary employer of the state official or employee shall pay		1312
the fee required under division (E)(1) or (F) of this section.		1313
(F) If a statement required to be filed under this section is		1314
not filed by the date on which it is required to be filed, the		1315
appropriate ethics commission shall assess the person required to		1316
file the statement a late filing fee of ten dollars for each day		1317
the statement is not filed, except that the total amount of the		1318
late filing fee shall not exceed two hundred fifty dollars.		1319
(G)(1) The appropriate ethics commission other than the Ohio		1320
ethics commission <u>and the joint legislative ethics committee</u> shall		1321
deposit all fees it receives under divisions (E) and (F) of this		1322
section into the general revenue fund of the state.		1323

(2) The Ohio ethics commission shall deposit all receipts, 1324
including, but not limited to, fees it receives under divisions 1325
(E) and (F) of this section and all moneys it receives from 1326
settlements under division (G) of section 102.06 of the Revised 1327
Code, into the Ohio ethics commission fund, which is hereby 1328
created in the state treasury. All moneys credited to the fund 1329
shall be used solely for expenses related to the operation and 1330
statutory functions of the commission. 1331

(3) The joint legislative ethics committee shall deposit all 1332
receipts it receives from the payment of financial disclosure 1333
statement filing fees under divisions (E) and (F) of this section 1334
into the joint legislative ethics committee investigative fund. 1335

(H) Division (A) of this section does not apply to a person 1336
elected or appointed to the office of precinct, ward, or district 1337
committee member under Chapter 3517. of the Revised Code; a 1338
presidential elector; a delegate to a national convention; village 1339
or township officials and employees; any physician or psychiatrist 1340
who is paid a salary or wage in accordance with schedule C of 1341
section 124.15 or schedule E-2 of section 124.152 of the Revised 1342
Code and whose primary duties do not require the exercise of 1343
administrative discretion; or any member of a board, commission, 1344
or bureau of any county or city who receives less than one 1345
thousand dollars per year for serving in that position. 1346

Sec. 103.0511. The director of the legislative service 1347
commission shall establish and maintain, and enhance and improve, 1348
an electronic rule-filing system connecting: 1349

(A) The legislative service commission, the joint committee 1350
on agency rule review, the secretary of state, the small business 1351
regulatory review board, and the ~~office of Ohio~~ small business 1352
ombudsperson; 1353

(B) The governor, the senate and house of representatives, 1354

and the clerks of the senate and house of representatives; 1355

(C) Each agency that files rules and other rule-making and 1356
rule-related documents with the legislative service commission, 1357
the joint committee on agency rule review, the governor, the 1358
secretary of state, the ~~office of Ohio~~ small business 1359
ombudsperson, the general assembly, or a committee of the senate 1360
or house of representatives under section 111.15, 117.20, 119.03, 1361
~~119.031~~, 119.032, 119.0311, 119.04, ~~121.24~~ 121.254, 121.39, 1362
127.18, 4141.14, 5117.02, or 5703.14 of the Revised Code or any 1363
other statute; 1364

(D) The several publishers of the Administrative Code; and 1365

(E) Any other person or governmental officer or entity whose 1366
inclusion in the system is required for the system to be a 1367
complete electronic rule-filing system. 1368

The electronic rule-filing system is to enable rules and 1369
rule-making and rule-related documents to be filed, and official 1370
responses to these filings to be made, exclusively by electronic 1371
means. 1372

Sec. 103.24. There is hereby created in the state treasury 1373
the legislative agency telephone usage fund. Money collected from 1374
the house of representatives, senate, and joint legislative ethics 1375
committee shall be credited to the fund, along with money 1376
collected from any other legislative agency that the legislative 1377
service commission determines should account for calls made from 1378
the agency's telephones through the fund. The fund shall be used 1379
to pay the telephone carriers for all such telephone calls. 1380

Sec. 105.41. (A) There is hereby created in the legislative 1381
branch of government the capitol square review and advisory board, 1382
consisting of thirteen members as follows: 1383

(1) Two members of the senate, appointed by the president of 1384

the senate, both of whom shall not be members of the same 1385
political party; 1386

(2) Two members of the house of representatives, appointed by 1387
the speaker of the house of representatives, both of whom shall 1388
not be members of the same political party; 1389

(3) Five members appointed by the governor, with the advice 1390
and consent of the senate, not more than three of whom shall be 1391
members of the same political party, one of whom shall be the 1392
chief of staff of the governor's office, one of whom shall 1393
represent the Ohio arts council, one of whom shall represent the 1394
Ohio historical society, one of whom shall represent the Ohio 1395
building authority, and one of whom shall represent the public at 1396
large; 1397

(4) One member, who shall be a former president of the 1398
senate, appointed by the current president of the senate. If the 1399
current president of the senate, in the current president's 1400
discretion, decides for any reason not to make the appointment or 1401
if no person is eligible or available to serve, the seat shall 1402
remain vacant. 1403

(5) One member, who shall be a former speaker of the house of 1404
representatives, appointed by the current speaker of the house of 1405
representatives. If the current speaker of the house of 1406
representatives, in the current speaker's discretion, decides for 1407
any reason not to make the appointment or if no person is eligible 1408
or available to serve, the seat shall remain vacant. 1409

(6) The clerk of the senate and the clerk of the house of 1410
representatives. 1411

(B) Terms of office of each appointed member of the board 1412
shall be for three years, except that members of the general 1413
assembly appointed to the board shall be members of the board only 1414
so long as they are members of the general assembly and the chief 1415

of staff of the governor's office shall be a member of the board 1416
only so long as the appointing governor remains in office. Each 1417
member shall hold office from the date of the member's appointment 1418
until the end of the term for which the member was appointed. In 1419
case of a vacancy occurring on the board, the president of the 1420
senate, the speaker of the house of representatives, or the 1421
governor, as the case may be, shall in the same manner prescribed 1422
for the regular appointment to the commission, fill the vacancy by 1423
appointing a member. Any member appointed to fill a vacancy 1424
occurring prior to the expiration of the term for which the 1425
member's predecessor was appointed shall hold office for the 1426
remainder of the term. Any appointed member shall continue in 1427
office subsequent to the expiration date of the member's term 1428
until the member's successor takes office, or until a period of 1429
sixty days has elapsed, whichever occurs first. 1430

(C) The board shall hold meetings in a manner and at times 1431
prescribed by the rules adopted by the board. A majority of the 1432
board constitutes a quorum, and no action shall be taken by the 1433
board unless approved by at least six members or by at least seven 1434
members if a person is appointed under division (A)(4) or (5) of 1435
this section. At its first meeting, the board shall adopt rules 1436
for the conduct of its business and the election of its officers, 1437
and shall organize by selecting a chairperson and other officers 1438
as it considers necessary. Board members shall serve without 1439
compensation but shall be reimbursed for actual and necessary 1440
expenses incurred in the performance of their duties. 1441

(D) The board may do any of the following: 1442

(1) Employ or hire on a consulting basis professional, 1443
technical, and clerical employees as are necessary for the 1444
performance of its duties~~+~~. All employees of the board are in the 1445
unclassified civil service and serve at the pleasure of the board. 1446
For the purposes of sections 718.04 and 4117.01 of the Revised 1447

Code, employees of the board shall be considered employees of the 1448
general assembly. 1449

(2) Hold public hearings at times and places as determined by 1450
the board; 1451

(3) Adopt, amend, or rescind rules necessary to accomplish 1452
the duties of the board as set forth in this section; 1453

(4) Sponsor, conduct, and support such social events as the 1454
board may authorize and consider appropriate for the employees of 1455
the board, employees and members of the general assembly, 1456
employees of persons under contract with the board or otherwise 1457
engaged to perform services on the premises of capitol square, or 1458
other persons as the board may consider appropriate. Subject to 1459
the requirements of Chapter 4303. of the Revised Code, the board 1460
may provide beer, wine, and intoxicating liquor, with or without 1461
charge, for those events and may use funds only from the sale of 1462
goods and services fund to purchase the beer, wine, and 1463
intoxicating liquor the board provides; 1464

(5) Purchase a warehouse in which to store items of the 1465
capitol collection trust and, whenever necessary, equipment or 1466
other property of the board. 1467

(E) The board shall do all of the following: 1468

(1) Have sole authority to coordinate and approve any 1469
improvements, additions, and renovations that are made to the 1470
capitol square. The improvements shall include, but not be limited 1471
to, the placement of monuments and sculpture on the capitol 1472
grounds. 1473

(2) Subject to section 3353.07 of the Revised Code, operate 1474
the capitol square, and have sole authority to regulate all uses 1475
of the capitol square. The uses shall include, but not be limited 1476
to, the casual and recreational use of the capitol square. 1477

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

(4) Establish and maintain the capitol collection trust. The capitol collection trust shall consist of furniture, antiques, and other items of personal property that the board shall store in suitable facilities until they are ready to be displayed in the capitol square.

(5) Perform repair, construction, contracting, purchasing, maintenance, supervisory, and operating activities the board determines are necessary for the operation and maintenance of the capitol square;

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

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

(F)(1) The board shall lease capital facilities improved or financed by the Ohio building authority pursuant to Chapter 152. of the Revised Code for the use of the board, and may enter into any other agreements with the authority ancillary to improvement, financing, or leasing of those capital facilities, including, but not limited to, any agreement required by the applicable bond proceedings authorized by Chapter 152. of the Revised Code. Any lease of capital facilities authorized by this section shall be governed by division (D) of section 152.24 of the Revised Code.

(2) Fees, receipts, and revenues received by the board from

the state underground parking garage constitute available receipts 1509
as defined in section 152.09 of the Revised Code, and may be 1510
pledged to the payment of bond service charges on obligations 1511
issued by the Ohio building authority pursuant to Chapter 152. of 1512
the Revised Code to improve, finance, or purchase capital 1513
facilities useful to the board. The authority may, with the 1514
consent of the board, provide in the bond proceedings for a pledge 1515
of all or a portion of those fees, receipts, and revenues as the 1516
authority determines. The authority may provide in the bond 1517
proceedings or by separate agreement with the board for the 1518
transfer of those fees, receipts, and revenues to the appropriate 1519
bond service fund or bond service reserve fund as required to pay 1520
the bond service charges when due, and any such provision for the 1521
transfer of those fees, receipts, and revenues shall be 1522
controlling notwithstanding any other provision of law pertaining 1523
to those fees, receipts, and revenues. 1524

(3) All moneys received by the treasurer of state on account 1525
of the board and required by the applicable bond proceedings or by 1526
separate agreement with the board to be deposited, transferred, or 1527
credited to the bond service fund or bond service reserve fund 1528
established by the bond proceedings shall be transferred by the 1529
treasurer of state to such fund, whether or not it is in the 1530
custody of the treasurer of state, without necessity for further 1531
appropriation, upon receipt of notice from the Ohio building 1532
authority as prescribed in the bond proceedings. 1533

(G) All fees, receipts, and revenues received by the board 1534
from the state underground parking garage shall be deposited into 1535
the state treasury to the credit of the underground parking garage 1536
operating fund, which is hereby created, to be used for the 1537
purposes specified in division (F) of this section and for the 1538
operation and maintenance of the garage. All investment earnings 1539
of the fund shall be credited to the fund. 1540

(H) All donations received by the board shall be deposited 1541
into the state treasury to the credit of the capitol square 1542
renovation gift fund, which is hereby created. The fund shall be 1543
used by the board as follows: 1544

(1) To provide part or all of the funding related to 1545
construction, goods, or services for the renovation of the capitol 1546
square; 1547

(2) To purchase art, antiques, and artifacts for display at 1548
the capitol square; 1549

(3) To award contracts or make grants to organizations for 1550
educating the public regarding the historical background and 1551
governmental functions of the capitol square. Chapters 125., 127., 1552
and 153. and section 3517.13 of the Revised Code do not apply to 1553
purchases made exclusively from the fund, notwithstanding anything 1554
to the contrary in those chapters or that section. All investment 1555
earnings of the fund shall be credited to the fund. 1556

(I) Except as provided in divisions (G), (H), and (J) of this 1557
section, all fees, receipts, and revenues received by the board 1558
shall be deposited into the state treasury to the credit of the 1559
sale of goods and services fund, which is hereby created. Money 1560
credited to the fund shall be used solely to pay costs of the 1561
board other than those specified in divisions (F) and (G) of this 1562
section. All investment earnings of the fund shall be credited to 1563
the fund. 1564

(J) There is hereby created in the state treasury the capitol 1565
square improvement fund, to be used by the board to pay 1566
construction, renovation, and other costs related to the capitol 1567
square for which money is not otherwise available to the board. 1568
Whenever the board determines that there is a need to incur those 1569
costs and that the unencumbered, unobligated balance to the credit 1570
of the underground parking garage operating fund exceeds the 1571

amount needed for the purposes specified in division (F) of this 1572
section and for the operation and maintenance of the garage, the 1573
board may request the director of budget and management to 1574
transfer from the underground parking garage operating fund to the 1575
capitol square improvement fund the amount needed to pay such 1576
construction, renovation, or other costs. The director then shall 1577
transfer the amount needed from the excess balance of the 1578
underground parking garage operating fund. 1579

(K) As the operation and maintenance of the capitol square 1580
constitute essential government functions of a public purpose, the 1581
board shall not be required to pay taxes or assessments upon the 1582
square, upon any property acquired or used by the board under this 1583
section, or upon any income generated by the operation of the 1584
square. 1585

(L) Section 125.18 of the Revised Code does not apply to the 1586
board. 1587

(M) As used in this section, "capitol square" means the 1588
capitol building, senate building, capitol atrium, capitol 1589
grounds, the state underground parking garage, and the warehouse 1590
owned by the board. 1591

~~(M)~~(N) The capitol annex shall be known as the senate 1592
building. 1593

Sec. 107.19. The governor shall have no power to issue any 1594
executive order that has previously been issued and that the 1595
federal trade commission, office of policy planning, bureau of 1596
economics, and bureau of competition has opined is 1597
anti-competitive and is in violation of anti-trust laws. Any such 1598
executive order shall be considered invalid and unenforceable. 1599

Sec. 107.21. (A) As used in this section, "Appalachian 1600
region" means the following counties in this state ~~which~~ that have 1601

been designated as part of Appalachia by the federal Appalachian regional commission and ~~which~~ that have been geographically isolated and economically depressed: Adams, Ashtabula, Athens, Belmont, Brown, Carroll, Clermont, Columbiana, Coshocton, Gallia, Guernsey, Harrison, Highland, Hocking, Holmes, Jackson, Jefferson, Lawrence, Mahoning, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Trumbull, Tuscarawas, Vinton, and Washington.

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

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

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

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

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

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

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

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

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

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

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

Sec. 107.40. (A) There is hereby created the governor's residence advisory commission. The commission shall provide for the preservation, restoration, acquisition, and conservation of all decorations, objects of art, chandeliers, china, silver, statues, paintings, furnishings, accouterments, and other aesthetic materials that have been acquired, donated, loaned, or otherwise obtained by the state for the governor's residence and that have been approved by the commission. In addition, the commission shall provide for the maintenance of plants that have been acquired, donated, loaned, or otherwise obtained by the state for the governor's residence and that have been approved by the commission.

(B) The commission shall be responsible for the care, provision, repair, and placement of furnishings and other objects and accessories of the grounds and public areas of the first story of the governor's residence and for the care and placement of plants on the grounds. The commission shall not exercise its responsibility under this division by using prison labor. In exercising ~~this~~ its responsibility under this division, the commission shall preserve and seek to further establish all of the following:

(1) The authentic ambiance and decor of the historic era during which the governor's residence was constructed;

(2) The grounds as a representation of Ohio's natural ecosystems;

(3) The heritage garden for all of the following purposes:

(a) To preserve, sustain, and encourage the use of native flora throughout the state;

(b) To replicate the state's physiographic regions, plant communities, and natural landscapes;

(c) To serve as an educational garden that demonstrates the artistic, industrial, political, horticultural, and geologic history of the state through the use of plants;

(d) To serve as a reservoir of rare species of plants from the physiographic regions of the state.

These duties shall not affect the obligation of the department of administrative services to provide for and adopt policies and procedures regarding the use, general maintenance, and operating expenses of the governor's residence. The department shall not use prison labor in providing for the general maintenance of the governor's residence.

(C) The commission shall consist of eleven members. One member shall be the director of administrative services or the director's designee, who shall serve during the director's term of office and shall serve as chairperson. One member shall be the director of the Ohio historical society or the director's designee, who shall serve during the director's term of office and shall serve as vice-chairperson. One member shall represent the Columbus landmarks foundation. One member shall represent the Bexley historical society. One member shall be the mayor of the city of Bexley, who shall serve during the mayor's term of office. One member shall be the chief executive officer of the Franklin park conservatory joint recreation district, who shall serve during the term of employment as chief executive officer. The remaining five members shall be appointed by the governor with the advice and consent of the senate. The five members appointed by the governor shall be persons with knowledge of Ohio history, architecture, decorative arts, or historic preservation, and one of those members shall have knowledge of landscape architecture, garden design, horticulture, and plants native to this state.

(D) Of the initial appointees, the representative of the Columbus landmarks foundation shall serve for a term expiring

December 31, 1996, and the representative of the Bexley historical society shall serve for a term expiring December 31, 1997. Of the five members appointed by the governor, three shall serve for terms ending December 31, 1998, and two shall serve for terms ending December 31, 1999. Thereafter, each term shall be for four years, commencing on the first day of January and ending on the last day of December. The member having knowledge of landscape architecture, garden design, horticulture, and plants native to this state initially shall be appointed upon the first vacancy on the commission occurring on or after June 30, 2006.

Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the end of the term for which the member's predecessor was appointed shall hold office for the remainder of the term. Any member shall continue in office subsequent to the expiration of the term until the member's successor takes office.

(E) Six members of the commission constitute a quorum, and the affirmative vote of six members is required for approval of any action by the commission.

(F) After each initial member of the commission has been appointed, the commission shall meet and select one member as secretary and another as treasurer. Organizational meetings of the commission shall be held at the time and place designated by call of the chairperson. Meetings of the commission may be held anywhere in the state and shall be in compliance with Chapters 121. and 149. of the Revised Code. The commission may adopt, pursuant to section 111.15 of the Revised Code, rules necessary to carry out the purposes of this section.

(G) Members of the commission shall serve without remuneration, but shall be compensated for actual and necessary expenses incurred in the performance of their official duties.

(H) All expenses incurred in carrying out this section are 1758
payable solely from money accrued under this section or 1759
appropriated for these purposes by the general assembly, and the 1760
commission shall incur no liability or obligation beyond such 1761
money. 1762

(I) Except as otherwise provided in this division, the 1763
commission may accept any payment for the use of the governor's 1764
residence or may accept any donation, gift, bequest, or devise for 1765
the governor's residence or as an endowment for the maintenance 1766
and care of the garden on the grounds of the governor's residence 1767
in furtherance of its duties. The commission shall not accept any 1768
donation, gift, bequest, or devise from a person, individual, or 1769
member of an individual's immediate family if the person or 1770
individual is receiving payments under a contract with the state 1771
or a state agency for the purchase of supplies, services, or 1772
equipment or for the construction, reconstruction, improvement, 1773
enlargement, alteration, repair, painting, or decoration of a 1774
public improvement, except for payments received under an 1775
employment contract or a collective bargaining agreement. Any 1776
revenue received by the commission shall be deposited into the 1777
governor's residence fund, which is hereby established in the 1778
state treasury, for use by the commission in accordance with the 1779
performance of its duties. All investment earnings of the fund 1780
shall be credited to the fund. Title to all property acquired by 1781
the commission shall be taken in the name of the state and shall 1782
be held for the use and benefit of the commission. 1783

(J) Nothing in this section limits the ability of a person or 1784
other entity to purchase decorations, objects of art, chandeliers, 1785
china, silver, statues, paintings, furnishings, accouterments, 1786
plants, or other aesthetic materials for placement in the 1787
governor's residence or on the grounds of the governor's residence 1788
or donation to the commission. No such object or plant, however, 1789

shall be placed on the grounds or public areas of the first story 1790
of the governor's residence without the consent of the commission. 1791

(K) The heritage garden established under this section shall 1792
be officially known as "the heritage garden at the Ohio governor's 1793
residence." 1794

(L) As used in this section, "heritage garden" means the 1795
botanical garden of native plants established at the governor's 1796
residence. 1797

Sec. 109.57. (A)(1) The superintendent of the bureau of 1798
criminal identification and investigation shall procure from 1799
wherever procurable and file for record photographs, pictures, 1800
descriptions, fingerprints, measurements, and other information 1801
that may be pertinent of all persons who have been convicted of 1802
committing within this state a felony, any crime constituting a 1803
misdemeanor on the first offense and a felony on subsequent 1804
offenses, or any misdemeanor described in division (A)(1)(a), 1805
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 1806
of all children under eighteen years of age who have been 1807
adjudicated delinquent children for committing within this state 1808
an act that would be a felony or an offense of violence if 1809
committed by an adult or who have been convicted of or pleaded 1810
guilty to committing within this state a felony or an offense of 1811
violence, and of all well-known and habitual criminals. The person 1812
in charge of any county, multicounty, municipal, municipal-county, 1813
or multicounty-municipal jail or workhouse, community-based 1814
correctional facility, halfway house, alternative residential 1815
facility, or state correctional institution and the person in 1816
charge of any state institution having custody of a person 1817
suspected of having committed a felony, any crime constituting a 1818
misdemeanor on the first offense and a felony on subsequent 1819
offenses, or any misdemeanor described in division (A)(1)(a), 1820

(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code or 1821
having custody of a child under eighteen years of age with respect 1822
to whom there is probable cause to believe that the child may have 1823
committed an act that would be a felony or an offense of violence 1824
if committed by an adult shall furnish such material to the 1825
superintendent of the bureau. Fingerprints, photographs, or other 1826
descriptive information of a child who is under eighteen years of 1827
age, has not been arrested or otherwise taken into custody for 1828
committing an act that would be a felony or an offense of violence 1829
who is not in any other category of child specified in this 1830
division, if committed by an adult, has not been adjudicated a 1831
delinquent child for committing an act that would be a felony or 1832
an offense of violence if committed by an adult, has not been 1833
convicted of or pleaded guilty to committing a felony or an 1834
offense of violence, and is not a child with respect to whom there 1835
is probable cause to believe that the child may have committed an 1836
act that would be a felony or an offense of violence if committed 1837
by an adult shall not be procured by the superintendent or 1838
furnished by any person in charge of any county, multicounty, 1839
municipal, municipal-county, or multicounty-municipal jail or 1840
workhouse, community-based correctional facility, halfway house, 1841
alternative residential facility, or state correctional 1842
institution, except as authorized in section 2151.313 of the 1843
Revised Code. 1844

(2) Every clerk of a court of record in this state, other 1845
than the supreme court or a court of appeals, shall send to the 1846
superintendent of the bureau a weekly report containing a summary 1847
of each case involving a felony, involving any crime constituting 1848
a misdemeanor on the first offense and a felony on subsequent 1849
offenses, involving a misdemeanor described in division (A)(1)(a), 1850
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 1851
or involving an adjudication in a case in which a child under 1852
eighteen years of age was alleged to be a delinquent child for 1853

committing an act that would be a felony or an offense of violence 1854
if committed by an adult. The clerk of the court of common pleas 1855
shall include in the report and summary the clerk sends under this 1856
division all information described in divisions (A)(2)(a) to (f) 1857
of this section regarding a case before the court of appeals that 1858
is served by that clerk. The summary shall be written on the 1859
standard forms furnished by the superintendent pursuant to 1860
division (B) of this section and shall include the following 1861
information: 1862

(a) The incident tracking number contained on the standard 1863
forms furnished by the superintendent pursuant to division (B) of 1864
this section; 1865

(b) The style and number of the case; 1866

(c) The date of arrest, offense, summons, or arraignment; 1867

(d) The date that the person was convicted of or pleaded 1868
guilty to the offense, adjudicated a delinquent child for 1869
committing the act that would be a felony or an offense of 1870
violence if committed by an adult, found not guilty of the 1871
offense, or found not to be a delinquent child for committing an 1872
act that would be a felony or an offense of violence if committed 1873
by an adult, the date of an entry dismissing the charge, an entry 1874
declaring a mistrial of the offense in which the person is 1875
discharged, an entry finding that the person or child is not 1876
competent to stand trial, or an entry of a nolle prosequi, or the 1877
date of any other determination that constitutes final resolution 1878
of the case; 1879

(e) A statement of the original charge with the section of 1880
the Revised Code that was alleged to be violated; 1881

(f) If the person or child was convicted, pleaded guilty, or 1882
was adjudicated a delinquent child, the sentence or terms of 1883
probation imposed or any other disposition of the offender or the 1884

delinquent child. 1885

If the offense involved the disarming of a law enforcement 1886
officer or an attempt to disarm a law enforcement officer, the 1887
clerk shall clearly state that fact in the summary, and the 1888
superintendent shall ensure that a clear statement of that fact is 1889
placed in the bureau's records. 1890

(3) The superintendent shall cooperate with and assist 1891
sheriffs, chiefs of police, and other law enforcement officers in 1892
the establishment of a complete system of criminal identification 1893
and in obtaining fingerprints and other means of identification of 1894
all persons arrested on a charge of a felony, any crime 1895
constituting a misdemeanor on the first offense and a felony on 1896
subsequent offenses, or a misdemeanor described in division 1897
(A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the 1898
Revised Code and of all children under eighteen years of age 1899
arrested or otherwise taken into custody for committing an act 1900
that would be a felony or an offense of violence if committed by 1901
an adult. The superintendent also shall file for record the 1902
fingerprint impressions of all persons confined in a county, 1903
multicounty, municipal, municipal-county, or multicounty-municipal 1904
jail or workhouse, community-based correctional facility, halfway 1905
house, alternative residential facility, or state correctional 1906
institution for the violation of state laws and of all children 1907
under eighteen years of age who are confined in a county, 1908
multicounty, municipal, municipal-county, or multicounty-municipal 1909
jail or workhouse, community-based correctional facility, halfway 1910
house, alternative residential facility, or state correctional 1911
institution or in any facility for delinquent children for 1912
committing an act that would be a felony or an offense of violence 1913
if committed by an adult, and any other information that the 1914
superintendent may receive from law enforcement officials of the 1915
state and its political subdivisions. 1916

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

(5) The bureau shall perform centralized recordkeeping functions for criminal history records and services in this state for purposes of the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code and is the criminal history record repository as defined in that section for purposes of that compact. The superintendent or the superintendent's designee is the compact officer for purposes of that compact and shall carry out the responsibilities of the compact officer specified in that compact.

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

(C)(1) The superintendent may operate a center for electronic, automated, or other data processing for the storage and retrieval of information, data, and statistics pertaining to criminals and to children under eighteen years of age who are adjudicated delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, criminal activity, crime prevention, law enforcement, and criminal

justice, and may establish and operate a statewide communications 1949
network to gather and disseminate information, data, and 1950
statistics for the use of law enforcement agencies and for other 1951
uses specified in this division. The superintendent may gather, 1952
store, retrieve, and disseminate information, data, and statistics 1953
that pertain to children who are under eighteen years of age and 1954
that are gathered pursuant to sections 109.57 to 109.61 of the 1955
Revised Code together with information, data, and statistics that 1956
pertain to adults and that are gathered pursuant to those 1957
sections. 1958

(2) The superintendent or the superintendent's designee shall 1959
gather information of the nature described in division (C)(1) of 1960
this section that pertains to the offense and delinquency history 1961
of a person who has been convicted of, pleaded guilty to, or been 1962
adjudicated a delinquent child for committing a sexually oriented 1963
offense or a child-victim oriented offense for inclusion in the 1964
state registry of sex offenders and child-victim offenders 1965
maintained pursuant to division (A)(1) of section 2950.13 of the 1966
Revised Code and in the internet database operated pursuant to 1967
division (A)(13) of that section and for possible inclusion in the 1968
internet database operated pursuant to division (A)(11) of that 1969
section. 1970

(3) In addition to any other authorized use of information, 1971
data, and statistics of the nature described in division (C)(1) of 1972
this section, the superintendent or the superintendent's designee 1973
may provide and exchange the information, data, and statistics 1974
pursuant to the national crime prevention and privacy compact as 1975
described in division (A)(5) of this section. 1976

(D) The information and materials furnished to the 1977
superintendent pursuant to division (A) of this section and 1978
information and materials furnished to any board or person under 1979
division (F) or (G) of this section are not public records under 1980

section 149.43 of the Revised Code. The superintendent or the 1981
superintendent's designee shall gather and retain information so 1982
furnished under division (A) of this section that pertains to the 1983
offense and delinquency history of a person who has been convicted 1984
of, pleaded guilty to, or been adjudicated a delinquent child for 1985
committing a sexually oriented offense or a child-victim oriented 1986
offense for the purposes described in division (C)(2) of this 1987
section. 1988

(E) The attorney general shall adopt rules, in accordance 1989
with Chapter 119. of the Revised Code, setting forth the procedure 1990
by which a person may receive or release information gathered by 1991
the superintendent pursuant to division (A) of this section. A 1992
reasonable fee may be charged for this service. If a temporary 1993
employment service submits a request for a determination of 1994
whether a person the service plans to refer to an employment 1995
position has been convicted of or pleaded guilty to an offense 1996
listed in division (A)(1), (3), (4), (5), or (6) of section 1997
109.572 of the Revised Code, the request shall be treated as a 1998
single request and only one fee shall be charged. 1999

(F)(1) As used in division (F)(2) of this section, "head 2000
start agency" means an entity in this state that has been approved 2001
to be an agency for purposes of subchapter II of the "Community 2002
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 2003
as amended. 2004

(2)(a) In addition to or in conjunction with any request that 2005
is required to be made under section 109.572, 2151.86, 3301.32, or 2006
3301.541, division (C) of section 3310.58, or section 3319.39, 2007
3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, 2008
5126.28, 5126.281, or 5153.111 of the Revised Code or that is made 2009
under section 3314.41, 3319.392, or 3326.25 of the Revised Code, 2010
the board of education of any school district; the director of 2011
mental retardation and developmental disabilities; any county 2012

board of mental retardation and developmental disabilities; any 2013
entity under contract with a county board of mental retardation 2014
and developmental disabilities; the chief administrator of any 2015
chartered nonpublic school; the chief administrator of a 2016
registered private provider that is not also a chartered nonpublic 2017
school; the chief administrator of any home health agency; the 2018
chief administrator of or person operating any child day-care 2019
center, type A family day-care home, or type B family day-care 2020
home licensed or certified under Chapter 5104. of the Revised 2021
Code; the administrator of any type C family day-care home 2022
certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 2023
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 2024
general assembly; the chief administrator of any head start 2025
agency; the executive director of a public children services 2026
agency; a private company described in section 3314.41, 3319.392, 2027
or 3326.25 of the Revised Code; or an employer described in 2028
division (J)(2) of section 3327.10 of the Revised Code may request 2029
that the superintendent of the bureau investigate and determine, 2030
with respect to any individual who has applied for employment in 2031
any position after October 2, 1989, or any individual wishing to 2032
apply for employment with a board of education may request, with 2033
regard to the individual, whether the bureau has any information 2034
gathered under division (A) of this section that pertains to that 2035
individual. On receipt of the request, the superintendent shall 2036
determine whether that information exists and, upon request of the 2037
person, board, or entity requesting information, also shall 2038
request from the federal bureau of investigation any criminal 2039
records it has pertaining to that individual. The superintendent 2040
or the superintendent's designee also may request criminal history 2041
records from other states or the federal government pursuant to 2042
the national crime prevention and privacy compact set forth in 2043
section 109.571 of the Revised Code. Within thirty days of the 2044
date that the superintendent receives a request, the 2045

superintendent shall send to the board, entity, or person a report 2046
of any information that the superintendent determines exists, 2047
including information contained in records that have been sealed 2048
under section 2953.32 of the Revised Code, and, within thirty days 2049
of its receipt, shall send the board, entity, or person a report 2050
of any information received from the federal bureau of 2051
investigation, other than information the dissemination of which 2052
is prohibited by federal law. 2053

(b) When a board of education or a registered private 2055
provider is required to receive information under this section as 2056
a prerequisite to employment of an individual pursuant to division 2057
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 2058
may accept a certified copy of records that were issued by the 2059
bureau of criminal identification and investigation and that are 2060
presented by an individual applying for employment with the 2061
district in lieu of requesting that information itself. In such a 2062
case, the board or provider shall accept the certified copy issued 2063
by the bureau in order to make a photocopy of it for that 2064
individual's employment application documents and shall return the 2065
certified copy to the individual. In a case of that nature, a 2066
district or provider only shall accept a certified copy of records 2067
of that nature within one year after the date of their issuance by 2068
the bureau. 2069

(c) Notwithstanding division (F)(2)(a) of this section, in 2070
the case of a request under section 3319.39, 3319.391, or 3327.10 2071
of the Revised Code only for criminal records maintained by the 2072
federal bureau of investigation, the superintendent shall not 2073
determine whether any information gathered under division (A) of 2074
this section exists on the person for whom the request is made. 2075

(3) The state board of education may request, with respect to 2076
any individual who has applied for employment after October 2, 2077

1989, in any position with the state board or the department of 2078
education, any information that a school district board of 2079
education is authorized to request under division (F)(2) of this 2080
section, and the superintendent of the bureau shall proceed as if 2081
the request has been received from a school district board of 2082
education ~~under division~~ and shall comply with divisions (F)(2)(a) 2083
and (c) of this section. 2084

(4) When the superintendent of the bureau receives a request 2085
for information under section 3319.291 of the Revised Code, the 2086
superintendent shall proceed as if the request has been received 2087
from a school district board of education under division (F)(2) of 2088
this section. 2089

(5) When a recipient of a classroom reading improvement grant 2090
paid under section 3301.86 of the Revised Code requests, with 2091
respect to any individual who applies to participate in providing 2092
any program or service funded in whole or in part by the grant, 2093
the information that a school district board of education is 2094
authorized to request under division (F)(2)(a) of this section, 2095
the superintendent of the bureau shall proceed as if the request 2096
has been received from a school district board of education under 2097
division (F)(2)(a) of this section. 2098

(G) In addition to or in conjunction with any request that is 2099
required to be made under section 3701.881, 3712.09, 3721.121, or 2100
3722.151 of the Revised Code with respect to an individual who has 2101
applied for employment in a position that involves providing 2102
direct care to an older adult, the chief administrator of a home 2103
health agency, hospice care program, home licensed under Chapter 2104
3721. of the Revised Code, adult day-care program operated 2105
pursuant to rules adopted under section 3721.04 of the Revised 2106
Code, or adult care facility may request that the superintendent 2107
of the bureau investigate and determine, with respect to any 2108
individual who has applied after January 27, 1997, for employment 2109

in a position that does not involve providing direct care to an 2110
older adult, whether the bureau has any information gathered under 2111
division (A) of this section that pertains to that individual. 2112

2113

In addition to or in conjunction with any request that is 2114
required to be made under section 173.27 of the Revised Code with 2115
respect to an individual who has applied for employment in a 2116
position that involves providing ombudsperson services to 2117
residents of long-term care facilities or recipients of 2118
community-based long-term care services, the state long-term care 2119
ombudsperson, ombudsperson's designee, or director of health may 2120
request that the superintendent investigate and determine, with 2121
respect to any individual who has applied for employment in a 2122
position that does not involve providing such ombudsperson 2123
services, whether the bureau has any information gathered under 2124
division (A) of this section that pertains to that applicant. 2125

In addition to or in conjunction with any request that is 2126
required to be made under section 173.394 of the Revised Code with 2127
respect to an individual who has applied for employment in a 2128
position that involves providing direct care to an individual, the 2129
chief administrator of a community-based long-term care agency may 2130
request that the superintendent investigate and determine, with 2131
respect to any individual who has applied for employment in a 2132
position that does not involve providing direct care, whether the 2133
bureau has any information gathered under division (A) of this 2134
section that pertains to that applicant. 2135

On receipt of a request under this division, the 2136
superintendent shall determine whether that information exists 2137
and, on request of the individual requesting information, shall 2138
also request from the federal bureau of investigation any criminal 2139
records it has pertaining to the applicant. The superintendent or 2140
the superintendent's designee also may request criminal history 2141

records from other states or the federal government pursuant to 2142
the national crime prevention and privacy compact set forth in 2143
section 109.571 of the Revised Code. Within thirty days of the 2144
date a request is received, the superintendent shall send to the 2145
requester a report of any information determined to exist, 2146
including information contained in records that have been sealed 2147
under section 2953.32 of the Revised Code, and, within thirty days 2148
of its receipt, shall send the requester a report of any 2149
information received from the federal bureau of investigation, 2150
other than information the dissemination of which is prohibited by 2151
federal law. 2152

(H) Information obtained by a government entity or person 2153
under this section is confidential and shall not be released or 2154
disseminated. 2155

(I) The superintendent may charge a reasonable fee for 2156
providing information or criminal records under division (F)(2) or 2157
(G) of this section. 2158

(J) As used in this section, ~~"sexually:~~ 2159

(1) "Sexually oriented offense" and "child-victim oriented 2160
offense" have the same meanings as in section 2950.01 of the 2161
Revised Code. 2162

(2) "Registered private provider" means a nonpublic school or 2163
entity registered with the superintendent of public instruction 2164
under section 3310.41 of the Revised Code to participate in the 2165
autism scholarship program or section 3310.58 of the Revised Code 2166
to participate in the special education scholarship pilot program. 2167
2168

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 2169
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 2170
a completed form prescribed pursuant to division (C)(1) of this 2171

section, and a set of fingerprint impressions obtained in the 2172
manner described in division (C)(2) of this section, the 2173
superintendent of the bureau of criminal identification and 2174
investigation shall conduct a criminal records check in the manner 2175
described in division (B) of this section to determine whether any 2176
information exists that indicates that the person who is the 2177
subject of the request previously has been convicted of or pleaded 2178
guilty to any of the following: 2179

(a) A violation of section 2903.01, 2903.02, 2903.03, 2180
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2181
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2182
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2183
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2184
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2185
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2186
2925.06, or 3716.11 of the Revised Code, felonious sexual 2187
penetration in violation of former section 2907.12 of the Revised 2188
Code, a violation of section 2905.04 of the Revised Code as it 2189
existed prior to July 1, 1996, a violation of section 2919.23 of 2190
the Revised Code that would have been a violation of section 2191
2905.04 of the Revised Code as it existed prior to July 1, 1996, 2192
had the violation been committed prior to that date, or a 2193
violation of section 2925.11 of the Revised Code that is not a 2194
minor drug possession offense; 2195

(b) A violation of an existing or former law of this state, 2196
any other state, or the United States that is substantially 2197
equivalent to any of the offenses listed in division (A)(1)(a) of 2198
this section. 2199

(2) On receipt of a request pursuant to section 5123.081 of 2200
the Revised Code with respect to an applicant for employment in 2201
any position with the department of mental retardation and 2202
developmental disabilities, pursuant to section 5126.28 of the 2203

Revised Code with respect to an applicant for employment in any 2204
position with a county board of mental retardation and 2205
developmental disabilities, or pursuant to section 5126.281 of the 2206
Revised Code with respect to an applicant for employment in a 2207
direct services position with an entity contracting with a county 2208
board for employment, a completed form prescribed pursuant to 2209
division (C)(1) of this section, and a set of fingerprint 2210
impressions obtained in the manner described in division (C)(2) of 2211
this section, the superintendent of the bureau of criminal 2212
identification and investigation shall conduct a criminal records 2213
check. The superintendent shall conduct the criminal records check 2214
in the manner described in division (B) of this section to 2215
determine whether any information exists that indicates that the 2216
person who is the subject of the request has been convicted of or 2217
pleaded guilty to any of the following: 2218

(a) A violation of section 2903.01, 2903.02, 2903.03, 2219
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2220
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2221
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2222
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2223
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2224
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2225
2925.03, or 3716.11 of the Revised Code; 2226

(b) An existing or former municipal ordinance or law of this 2227
state, any other state, or the United States that is substantially 2228
equivalent to any of the offenses listed in division (A)(2)(a) of 2229
this section. 2230

(3) On receipt of a request pursuant to section 173.27, 2231
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 2232
completed form prescribed pursuant to division (C)(1) of this 2233
section, and a set of fingerprint impressions obtained in the 2234
manner described in division (C)(2) of this section, the 2235

superintendent of the bureau of criminal identification and 2236
investigation shall conduct a criminal records check with respect 2237
to any person who has applied for employment in a position for 2238
which a criminal records check is required by those sections. The 2239
superintendent shall conduct the criminal records check in the 2240
manner described in division (B) of this section to determine 2241
whether any information exists that indicates that the person who 2242
is the subject of the request previously has been convicted of or 2243
pleaded guilty to any of the following: 2244

(a) A violation of section 2903.01, 2903.02, 2903.03, 2245
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2246
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2247
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2248
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2249
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2250
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2251
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2252
2925.22, 2925.23, or 3716.11 of the Revised Code; 2253

(b) An existing or former law of this state, any other state, 2254
or the United States that is substantially equivalent to any of 2255
the offenses listed in division (A)(3)(a) of this section. 2256

(4) On receipt of a request pursuant to section 3701.881 of 2257
the Revised Code with respect to an applicant for employment with 2258
a home health agency as a person responsible for the care, 2259
custody, or control of a child, a completed form prescribed 2260
pursuant to division (C)(1) of this section, and a set of 2261
fingerprint impressions obtained in the manner described in 2262
division (C)(2) of this section, the superintendent of the bureau 2263
of criminal identification and investigation shall conduct a 2264
criminal records check. The superintendent shall conduct the 2265
criminal records check in the manner described in division (B) of 2266
this section to determine whether any information exists that 2267

indicates that the person who is the subject of the request 2268
previously has been convicted of or pleaded guilty to any of the 2269
following: 2270

(a) A violation of section 2903.01, 2903.02, 2903.03, 2271
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2272
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 2273
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 2274
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2275
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2276
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2277
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 2278
violation of section 2925.11 of the Revised Code that is not a 2279
minor drug possession offense; 2280

(b) An existing or former law of this state, any other state, 2281
or the United States that is substantially equivalent to any of 2282
the offenses listed in division (A)(4)(a) of this section. 2283

(5) On receipt of a request pursuant to section 5111.032, 2284
5111.033, or 5111.034 of the Revised Code, a completed form 2285
prescribed pursuant to division (C)(1) of this section, and a set 2286
of fingerprint impressions obtained in the manner described in 2287
division (C)(2) of this section, the superintendent of the bureau 2288
of criminal identification and investigation shall conduct a 2289
criminal records check. The superintendent shall conduct the 2290
criminal records check in the manner described in division (B) of 2291
this section to determine whether any information exists that 2292
indicates that the person who is the subject of the request 2293
previously has been convicted of, has pleaded guilty to, or has 2294
been found eligible for intervention in lieu of conviction for any 2295
of the following, regardless of the date of the conviction, the 2296
date of entry of the guilty plea, or the date the person was found 2297
eligible for intervention in lieu of conviction: 2298

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2299

2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2300
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2301
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2302
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2303
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2304
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 2305
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2306
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2307
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2308
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 2309
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2310
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 2311
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2312
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2313
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 2314
penetration in violation of former section 2907.12 of the Revised 2315
Code, a violation of section 2905.04 of the Revised Code as it 2316
existed prior to July 1, 1996, a violation of section 2919.23 of 2317
the Revised Code that would have been a violation of section 2318
2905.04 of the Revised Code as it existed prior to July 1, 1996, 2319
had the violation been committed prior to that date; 2320

(b) ~~An~~ A violation of an existing or former municipal 2321
ordinance or law of this state, any other state, or the United 2322
States that is substantially equivalent to any of the offenses 2323
listed in division (A)(5)(a) of this section. 2324

(6) On receipt of a request pursuant to section 3701.881 of 2325
the Revised Code with respect to an applicant for employment with 2326
a home health agency in a position that involves providing direct 2327
care to an older adult, a completed form prescribed pursuant to 2328
division (C)(1) of this section, and a set of fingerprint 2329
impressions obtained in the manner described in division (C)(2) of 2330
this section, the superintendent of the bureau of criminal 2331

identification and investigation shall conduct a criminal records 2332
check. The superintendent shall conduct the criminal records check 2333
in the manner described in division (B) of this section to 2334
determine whether any information exists that indicates that the 2335
person who is the subject of the request previously has been 2336
convicted of or pleaded guilty to any of the following: 2337

(a) A violation of section 2903.01, 2903.02, 2903.03, 2338
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2339
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2340
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2341
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2342
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2343
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2344
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2345
2925.22, 2925.23, or 3716.11 of the Revised Code; 2346

(b) An existing or former law of this state, any other state, 2347
or the United States that is substantially equivalent to any of 2348
the offenses listed in division (A)(6)(a) of this section. 2349

(7) When conducting a criminal records check upon a request 2350
pursuant to section 3319.39 of the Revised Code for an applicant 2351
who is a teacher, in addition to the determination made under 2352
division (A)(1) of this section, the superintendent shall 2353
determine whether any information exists that indicates that the 2354
person who is the subject of the request previously has been 2355
convicted of or pleaded guilty to any offense specified in section 2356
3319.31 of the Revised Code. 2357

(8) On receipt of a request pursuant to section 2151.86 of 2358
the Revised Code, a completed form prescribed pursuant to division 2359
(C)(1) of this section, and a set of fingerprint impressions 2360
obtained in the manner described in division (C)(2) of this 2361
section, the superintendent of the bureau of criminal 2362
identification and investigation shall conduct a criminal records 2363

check in the manner described in division (B) of this section to 2364
determine whether any information exists that indicates that the 2365
person who is the subject of the request previously has been 2366
convicted of or pleaded guilty to any of the following: 2367

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2368
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2369
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2370
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2371
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2372
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2373
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2374
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2375
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 2376
of the Revised Code, a violation of section 2905.04 of the Revised 2377
Code as it existed prior to July 1, 1996, a violation of section 2378
2919.23 of the Revised Code that would have been a violation of 2379
section 2905.04 of the Revised Code as it existed prior to July 1, 2380
1996, had the violation been committed prior to that date, a 2381
violation of section 2925.11 of the Revised Code that is not a 2382
minor drug possession offense, two or more OVI or OVUAC violations 2383
committed within the three years immediately preceding the 2384
submission of the application or petition that is the basis of the 2385
request, or felonious sexual penetration in violation of former 2386
section 2907.12 of the Revised Code; 2387

(b) A violation of an existing or former law of this state, 2388
any other state, or the United States that is substantially 2389
equivalent to any of the offenses listed in division (A)(8)(a) of 2390
this section. 2391

(9) Upon receipt of a request pursuant to section 5104.012 or 2392
5104.013 of the Revised Code, a completed form prescribed pursuant 2393
to division (C)(1) of this section, and a set of fingerprint 2394
impressions obtained in the manner described in division (C)(2) of 2395

this section, the superintendent of the bureau of criminal 2396
identification and investigation shall conduct a criminal records 2397
check in the manner described in division (B) of this section to 2398
determine whether any information exists that indicates that the 2399
person who is the subject of the request has been convicted of or 2400
pleaded guilty to any of the following: 2401

(a) A violation of section 2903.01, 2903.02, 2903.03, 2402
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2403
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2404
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2405
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2406
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 2407
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2408
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2409
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 2410
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 2411
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 2412
3716.11 of the Revised Code, felonious sexual penetration in 2413
violation of former section 2907.12 of the Revised Code, a 2414
violation of section 2905.04 of the Revised Code as it existed 2415
prior to July 1, 1996, a violation of section 2919.23 of the 2416
Revised Code that would have been a violation of section 2905.04 2417
of the Revised Code as it existed prior to July 1, 1996, had the 2418
violation been committed prior to that date, a violation of 2419
section 2925.11 of the Revised Code that is not a minor drug 2420
possession offense, a violation of section 2923.02 or 2923.03 of 2421
the Revised Code that relates to a crime specified in this 2422
division, or a second violation of section 4511.19 of the Revised 2423
Code within five years of the date of application for licensure or 2424
certification. 2425

(b) A violation of an existing or former law of this state, 2426
any other state, or the United States that is substantially 2427

equivalent to any of the offenses or violations described in 2428
division (A)(9)(a) of this section. 2429

(10) Upon receipt of a request pursuant to section 5153.111 2430
of the Revised Code, a completed form prescribed pursuant to 2431
division (C)(1) of this section, and a set of fingerprint 2432
impressions obtained in the manner described in division (C)(2) of 2433
this section, the superintendent of the bureau of criminal 2434
identification and investigation shall conduct a criminal records 2435
check in the manner described in division (B) of this section to 2436
determine whether any information exists that indicates that the 2437
person who is the subject of the request previously has been 2438
convicted of or pleaded guilty to any of the following: 2439

(a) A violation of section 2903.01, 2903.02, 2903.03, 2440
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2441
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2442
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2443
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2444
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2445
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2446
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 2447
felonious sexual penetration in violation of former section 2448
2907.12 of the Revised Code, a violation of section 2905.04 of the 2449
Revised Code as it existed prior to July 1, 1996, a violation of 2450
section 2919.23 of the Revised Code that would have been a 2451
violation of section 2905.04 of the Revised Code as it existed 2452
prior to July 1, 1996, had the violation been committed prior to 2453
that date, or a violation of section 2925.11 of the Revised Code 2454
that is not a minor drug possession offense; 2455

(b) A violation of an existing or former law of this state, 2456
any other state, or the United States that is substantially 2457
equivalent to any of the offenses listed in division (A)(10)(a) of 2458
this section. 2459

(11) On receipt of a request for a criminal records check 2460
from an individual pursuant to section 4749.03 or 4749.06 of the 2461
Revised Code, accompanied by a completed copy of the form 2462
prescribed in division (C)(1) of this section and a set of 2463
fingerprint impressions obtained in a manner described in division 2464
(C)(2) of this section, the superintendent of the bureau of 2465
criminal identification and investigation shall conduct a criminal 2466
records check in the manner described in division (B) of this 2467
section to determine whether any information exists indicating 2468
that the person who is the subject of the request has been 2469
convicted of or pleaded guilty to a felony in this state or in any 2470
other state. If the individual indicates that a firearm will be 2471
carried in the course of business, the superintendent shall 2472
require information from the federal bureau of investigation as 2473
described in division (B)(2) of this section. The superintendent 2474
shall report the findings of the criminal records check and any 2475
information the federal bureau of investigation provides to the 2476
director of public safety. 2477

(12) On receipt of a request pursuant to section 1321.37, 2478
1322.03, 1322.031, or 4763.05 of the Revised Code, a completed 2479
form prescribed pursuant to division (C)(1) of this section, and a 2480
set of fingerprint impressions obtained in the manner described in 2481
division (C)(2) of this section, the superintendent of the bureau 2482
of criminal identification and investigation shall conduct a 2483
criminal records check with respect to any person who has applied 2484
for a license, permit, or certification from the department of 2485
commerce or a division in the department. The superintendent shall 2486
conduct the criminal records check in the manner described in 2487
division (B) of this section to determine whether any information 2488
exists that indicates that the person who is the subject of the 2489
request previously has been convicted of or pleaded guilty to any 2490
of the following: a violation of section 2913.02, 2913.11, 2491
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 2492

criminal offense involving theft, receiving stolen property, 2493
embezzlement, forgery, fraud, passing bad checks, money 2494
laundering, or drug trafficking, or any criminal offense involving 2495
money or securities, as set forth in Chapters 2909., 2911., 2913., 2496
2915., 2921., 2923., and 2925. of the Revised Code; or any 2497
existing or former law of this state, any other state, or the 2498
United States that is substantially equivalent to those offenses. 2499

2500

2501

(13) On receipt of a request for a criminal records check 2502
from the treasurer of state under section 113.041 of the Revised 2503
Code or from an individual under section 4701.08, 4715.101, 2504
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 2505
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 2506
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 2507
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 2508
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 2509
a completed form prescribed under division (C)(1) of this section 2510
and a set of fingerprint impressions obtained in the manner 2511
described in division (C)(2) of this section, the superintendent 2512
of the bureau of criminal identification and investigation shall 2513
conduct a criminal records check in the manner described in 2514
division (B) of this section to determine whether any information 2515
exists that indicates that the person who is the subject of the 2516
request has been convicted of or pleaded guilty to any criminal 2517
offense in this state or any other state. The superintendent shall 2518
send the results of a check requested under section 113.041 of the 2519
Revised Code to the treasurer of state and shall send the results 2520
of a check requested under any of the other listed sections to the 2521
licensing board specified by the individual in the request. 2522

2523

(14) On receipt of a request pursuant to section 1121.23, 2524

1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 2525
Code, a completed form prescribed pursuant to division (C)(1) of 2526
this section, and a set of fingerprint impressions obtained in the 2527
manner described in division (C)(2) of this section, the 2528
superintendent of the bureau of criminal identification and 2529
investigation shall conduct a criminal records check in the manner 2530
described in division (B) of this section to determine whether any 2531
information exists that indicates that the person who is the 2532
subject of the request previously has been convicted of or pleaded 2533
guilty to any criminal offense under any existing or former law of 2534
this state, any other state, or the United States. 2535

(15) Not later than thirty days after the date the 2536
superintendent receives a request of a type described in division 2537
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), 2538
or (14) of this section, the completed form, and the fingerprint 2539
impressions, the superintendent shall send the person, board, or 2540
entity that made the request any information, other than 2541
information the dissemination of which is prohibited by federal 2542
law, the superintendent determines exists with respect to the 2543
person who is the subject of the request that indicates that the 2544
person previously has been convicted of or pleaded guilty to any 2545
offense listed or described in division (A)(1), (2), (3), (4), 2546
(5), (6), (7), (8), (9), (10), (11), (12), or (14) of this 2547
section, as appropriate. The superintendent shall send the person, 2548
board, or entity that made the request a copy of the list of 2549
offenses specified in division (A)(1), (2), (3), (4), (5), (6), 2550
(7), (8), (9), (10), (11), (12), or (14) of this section, as 2551
appropriate. If the request was made under section 3701.881 of the 2552
Revised Code with regard to an applicant who may be both 2553
responsible for the care, custody, or control of a child and 2554
involved in providing direct care to an older adult, the 2555
superintendent shall provide a list of the offenses specified in 2556
divisions (A)(4) and (6) of this section. 2557

Not later than thirty days after the superintendent receives 2558
a request for a criminal records check pursuant to section 113.041 2559
of the Revised Code, the completed form, and the fingerprint 2560
impressions, the superintendent shall send the treasurer of state 2561
any information, other than information the dissemination of which 2562
is prohibited by federal law, the superintendent determines exist 2563
with respect to the person who is the subject of the request that 2564
indicates that the person previously has been convicted of or 2565
pleaded guilty to any criminal offense in this state or any other 2566
state. 2567

(B) The superintendent shall conduct any criminal records 2568
check requested under section 113.041, 121.08, 173.27, 173.394, 2569
1121.23, 1155.03, 1163.05, 1315.141, 1322.03, 1322.031, 1733.47, 2570
1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 2571
3721.121, 3722.151, 4701.08, 4715.101, 4717.061, 4725.121, 2572
4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 2573
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 2574
4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 2575
4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 2576
4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 2577
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code as 2578
follows: 2579

(1) The superintendent shall review or cause to be reviewed 2580
any relevant information gathered and compiled by the bureau under 2581
division (A) of section 109.57 of the Revised Code that relates to 2582
the person who is the subject of the request, including, if the 2583
criminal records check was requested under section 113.041, 2584
121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 2585
1321.37, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 2586
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 2587
4749.06, 4763.05, 5104.012, 5104.013, 5111.032, 5111.033, 2588
5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 2589

Code, any relevant information contained in records that have been 2590
sealed under section 2953.32 of the Revised Code; 2591

(2) If the request received by the superintendent asks for 2592
information from the federal bureau of investigation, the 2593
superintendent shall request from the federal bureau of 2594
investigation any information it has with respect to the person 2595
who is the subject of the request, including fingerprint-based 2596
checks of national crime information databases as described in 42 2597
U.S.C. 671 if the request is made pursuant to section 2151.86, 2598
5104.012, or 5104.013 of the Revised Code or if any other Revised 2599
Code section requires fingerprint-based checks of that nature, and 2600
shall review or cause to be reviewed any information the 2601
superintendent receives from that bureau. If a request under 2602
section 3319.39 of the Revised Code asks only for information from 2603
the federal bureau of investigation, the superintendent shall not 2604
conduct the review prescribed by division (B)(1) of this section. 2605

(3) The superintendent or the superintendent's designee may 2606
request criminal history records from other states or the federal 2607
government pursuant to the national crime prevention and privacy 2608
compact set forth in section 109.571 of the Revised Code. 2609

(C)(1) The superintendent shall prescribe a form to obtain 2610
the information necessary to conduct a criminal records check from 2611
any person for whom a criminal records check is requested under 2612
section 113.041 of the Revised Code or required by section 121.08, 2613
173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1322.03, 2614
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 2615
3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 2616
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 2617
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 2618
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 2619
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 2620
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 2621

5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 2622
5126.281, or 5153.111 of the Revised Code. The form that the 2623
superintendent prescribes pursuant to this division may be in a 2624
tangible format, in an electronic format, or in both tangible and 2625
electronic formats. 2626

(2) The superintendent shall prescribe standard impression 2627
sheets to obtain the fingerprint impressions of any person for 2628
whom a criminal records check is requested under section 113.041 2629
of the Revised Code or required by section 121.08, 173.27, 2630
173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1322.03, 1322.031, 2631
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 2632
3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 4717.061, 2633
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 2634
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 2635
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 2636
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 2637
4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 5104.013, 2638
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 2639
5153.111 of the Revised Code. Any person for whom a records check 2640
is requested under or required by any of those sections shall 2641
obtain the fingerprint impressions at a county sheriff's office, 2642
municipal police department, or any other entity with the ability 2643
to make fingerprint impressions on the standard impression sheets 2644
prescribed by the superintendent. The office, department, or 2645
entity may charge the person a reasonable fee for making the 2646
impressions. The standard impression sheets the superintendent 2647
prescribes pursuant to this division may be in a tangible format, 2648
in an electronic format, or in both tangible and electronic 2649
formats. 2650

(3) Subject to division (D) of this section, the 2651
superintendent shall prescribe and charge a reasonable fee for 2652
providing a criminal records check requested under section 2653

113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 2654
1315.141, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 2655
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 2656
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 2657
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 2658
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 2659
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 2660
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 2661
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 2662
5126.281, or 5153.111 of the Revised Code. The person making a 2663
criminal records request under any of those sections shall pay the 2664
fee prescribed pursuant to this division. A person making a 2665
request under section 3701.881 of the Revised Code for a criminal 2666
records check for an applicant who may be both responsible for the 2667
care, custody, or control of a child and involved in providing 2668
direct care to an older adult shall pay one fee for the request. 2669
In the case of a request under section 1121.23, 1155.03, 1163.05, 2670
1315.141, 1733.47, 1761.26, or 5111.032 of the Revised Code, the 2671
fee shall be paid in the manner specified in that section. 2672

(4) The superintendent of the bureau of criminal 2674
identification and investigation may prescribe methods of 2675
forwarding fingerprint impressions and information necessary to 2676
conduct a criminal records check, which methods shall include, but 2677
not be limited to, an electronic method. 2678

(D) A determination whether any information exists that 2679
indicates that a person previously has been convicted of or 2680
pleaded guilty to any offense listed or described in division 2681
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 2682
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 2683
(A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), or (A)(14) of this 2684
section, or that indicates that a person previously has been 2685

convicted of or pleaded guilty to any criminal offense in this 2686
state or any other state regarding a criminal records check of a 2687
type described in division (A)(13) of this section, and that is 2688
made by the superintendent with respect to information considered 2689
in a criminal records check in accordance with this section is 2690
valid for the person who is the subject of the criminal records 2691
check for a period of one year from the date upon which the 2692
superintendent makes the determination. During the period in which 2693
the determination in regard to a person is valid, if another 2694
request under this section is made for a criminal records check 2695
for that person, the superintendent shall provide the information 2696
that is the basis for the superintendent's initial determination 2697
at a lower fee than the fee prescribed for the initial criminal 2698
records check. 2699

(E) When the superintendent receives a request for 2700
information from a registered private provider, the superintendent 2701
shall proceed as if the request was received from a school 2702
district board of education under section 3319.39 of the Revised 2703
Code. The superintendent shall apply division (A)(7) of this 2704
section to any such request for an applicant who is a teacher. 2705
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(F) As used in this section: 2707

(1) "Criminal records check" means any criminal records check 2708
conducted by the superintendent of the bureau of criminal 2709
identification and investigation in accordance with division (B) 2710
of this section. 2711

(2) "Minor drug possession offense" has the same meaning as 2712
in section 2925.01 of the Revised Code. 2713

(3) "Older adult" means a person age sixty or older. 2714

(4) "OVI or OVUAC violation" means a violation of section 2715
4511.19 of the Revised Code or a violation of an existing or 2716

former law of this state, any other state, or the United States 2717
that is substantially equivalent to section 4511.19 of the Revised 2718
Code. 2719

(5) "Registered private provider" means a nonpublic school or 2720
entity registered with the superintendent of public instruction 2721
under section 3310.41 of the Revised Code to participate in the 2722
autism scholarship program or section 3310.58 of the Revised Code 2723
to participate in the special education scholarship pilot program. 2724
2725

Sec. 109.73. (A) The Ohio peace officer training commission 2726
shall recommend rules to the attorney general with respect to all 2727
of the following: 2728

(1) The approval, or revocation of approval, of peace officer 2729
training schools administered by the state, counties, municipal 2730
corporations, public school districts, technical college 2731
districts, and the department of natural resources; 2732

(2) Minimum courses of study, attendance requirements, and 2733
equipment and facilities to be required at approved state, county, 2734
municipal, and department of natural resources peace officer 2735
training schools; 2736

(3) Minimum qualifications for instructors at approved state, 2737
county, municipal, and department of natural resources peace 2738
officer training schools; 2739

(4) The requirements of minimum basic training that peace 2740
officers appointed to probationary terms shall complete before 2741
being eligible for permanent appointment, which requirements shall 2742
include ~~a minimum of fifteen hours of training~~ in the handling of 2743
the offense of domestic violence, other types of domestic 2744
violence-related offenses and incidents, and protection orders and 2745
consent agreements issued or approved under section 2919.26 or 2746

3113.31 of the Revised Code; ~~a minimum of six hours of crisis~~ 2747
~~intervention training; and a specified amount of training in the~~ 2748
handling of missing children and child abuse and neglect cases; 2749
and the time within which such basic training shall be completed 2750
following appointment to a probationary term; 2751

(5) The requirements of minimum basic training that peace 2752
officers not appointed for probationary terms but appointed on 2753
other than a permanent basis shall complete in order to be 2754
eligible for continued employment or permanent appointment, which 2755
requirements shall include ~~a minimum of fifteen hours of training~~ 2756
in the handling of the offense of domestic violence, other types 2757
of domestic violence-related offenses and incidents, and 2758
protection orders and consent agreements issued or approved under 2759
section 2919.26 or 3113.31 of the Revised Code, ~~a minimum of six~~ 2760
~~hours of crisis intervention training, and a specified amount of~~ 2761
training in the handling of missing children and child abuse and 2762
neglect cases, and the time within which such basic training shall 2763
be completed following appointment on other than a permanent 2764
basis; 2765

(6) Categories or classifications of advanced in-service 2766
training programs for peace officers, including programs in the 2767
handling of the offense of domestic violence, other types of 2768
domestic violence-related offenses and incidents, and protection 2769
orders and consent agreements issued or approved under section 2770
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 2771
and in the handling of missing children and child abuse and 2772
neglect cases, and minimum courses of study and attendance 2773
requirements with respect to such categories or classifications; 2774

(7) Permitting persons, who are employed as members of a 2775
campus police department appointed under section 1713.50 of the 2776
Revised Code; who are employed as police officers by a qualified 2777
nonprofit corporation police department pursuant to section 2778

1702.80 of the Revised Code; who are appointed and commissioned as 2779
bank, savings and loan association, savings bank, credit union, or 2780
association of banks, savings and loan associations, savings 2781
banks, or credit unions police officers, as railroad police 2782
officers, or as hospital police officers pursuant to sections 2783
4973.17 to 4973.22 of the Revised Code; or who are appointed and 2784
commissioned as amusement park police officers pursuant to section 2785
4973.17 of the Revised Code, to attend approved peace officer 2786
training schools, including the Ohio peace officer training 2787
academy, and to receive certificates of satisfactory completion of 2788
basic training programs, if the private college or university that 2789
established the campus police department; qualified nonprofit 2790
corporation police department; bank, savings and loan association, 2791
savings bank, credit union, or association of banks, savings and 2792
loan associations, savings banks, or credit unions; railroad 2793
company; hospital; or amusement park sponsoring the police 2794
officers pays the entire cost of the training and certification 2795
and if trainee vacancies are available; 2796

(8) Permitting undercover drug agents to attend approved 2797
peace officer training schools, other than the Ohio peace officer 2798
training academy, and to receive certificates of satisfactory 2799
completion of basic training programs, if, for each undercover 2800
drug agent, the county, township, or municipal corporation that 2801
employs that undercover drug agent pays the entire cost of the 2802
training and certification; 2803

(9)(a) The requirements for basic training programs for 2804
bailiffs and deputy bailiffs of courts of record of this state and 2805
for criminal investigators employed by the state public defender 2806
that those persons shall complete before they may carry a firearm 2807
while on duty; 2808

(b) The requirements for any training received by a bailiff 2809
or deputy bailiff of a court of record of this state or by a 2810

criminal investigator employed by the state public defender prior 2811
to June 6, 1986, that is to be considered equivalent to the 2812
training described in division (A)(9)(a) of this section. 2813

(10) Establishing minimum qualifications and requirements for 2814
certification for dogs utilized by law enforcement agencies; 2815

(11) Establishing minimum requirements for certification of 2816
persons who are employed as correction officers in a full-service 2817
jail, five-day facility, or eight-hour holding facility or who 2818
provide correction services in such a jail or facility; 2819

(12) Establishing requirements for the training of agents of 2820
a county humane society under section 1717.06 of the Revised Code, 2821
including, without limitation, a requirement that the agents 2822
receive instruction on traditional animal husbandry methods and 2823
training techniques, including customary owner-performed 2824
practices. 2825

(B) The commission shall appoint an executive director, with 2826
the approval of the attorney general, who shall hold office during 2827
the pleasure of the commission. The executive director shall 2828
perform such duties assigned by the commission. The executive 2829
director shall receive a salary fixed pursuant to Chapter 124. of 2830
the Revised Code and reimbursement for expenses within the amounts 2831
available by appropriation. The executive director may appoint 2832
officers, employees, agents, and consultants as the executive 2833
director considers necessary, prescribe their duties, and provide 2834
for reimbursement of their expenses within the amounts available 2835
for reimbursement by appropriation and with the approval of the 2836
commission. 2837

(C) The commission may do all of the following: 2838

(1) Recommend studies, surveys, and reports to be made by the 2839
executive director regarding the carrying out of the objectives 2840
and purposes of sections 109.71 to 109.77 of the Revised Code; 2841

(2) Visit and inspect any peace officer training school that 2842
has been approved by the executive director or for which 2843
application for approval has been made; 2844

(3) Make recommendations, from time to time, to the executive 2845
director, the attorney general, and the general assembly regarding 2846
the carrying out of the purposes of sections 109.71 to 109.77 of 2847
the Revised Code; 2848

(4) Report to the attorney general from time to time, and to 2849
the governor and the general assembly at least annually, 2850
concerning the activities of the commission; 2851

(5) Establish fees for the services the commission offers 2852
under sections 109.71 to 109.79 of the Revised Code, including, 2853
but not limited to, fees for training, certification, and testing; 2854

(6) Perform such other acts as are necessary or appropriate 2855
to carry out the powers and duties of the commission as set forth 2856
in sections 109.71 to 109.77 of the Revised Code. 2857

(D) In establishing the requirements, under division (A)(12) 2858
of this section, the commission may consider any portions of the 2859
curriculum for instruction on the topic of animal husbandry 2860
practices, if any, of the Ohio state university college of 2861
veterinary medicine. No person or entity that fails to provide 2862
instruction on traditional animal husbandry methods and training 2863
techniques, including customary owner-performed practices, shall 2864
qualify to train a humane agent for appointment under section 2865
1717.06 of the Revised Code. 2866

Sec. 109.731. (A) The Ohio peace officer training commission 2867
shall prescribe, and shall make available to sheriffs, all of the 2868
following: 2869

(1) An application form that is to be used under section 2870
2923.125 of the Revised Code by a person who applies for a license 2871

to carry a concealed handgun or for the renewal of a license of 2872
that nature and that conforms substantially to the form prescribed 2873
in section 2923.1210 of the Revised Code; 2874

(2) A form for the license to carry a concealed handgun that 2875
is to be issued by sheriffs to persons who qualify for a license 2876
to carry a concealed handgun under section 2923.125 of the Revised 2877
Code and that conforms to the following requirements: 2878

(a) It has space for the licensee's full name, residence 2879
address, and date of birth and for a color photograph of the 2880
licensee. 2881

(b) It has space for the date of issuance of the license, its 2882
expiration date, its county of issuance, the name of the sheriff 2883
who issues the license, and the unique combination of letters and 2884
numbers that identify the county of issuance and the license given 2885
to the licensee by the sheriff in accordance with division (A)(4) 2886
of this section. 2887

(c) It has space for the signature of the licensee and the 2888
signature or a facsimile signature of the sheriff who issues the 2889
license. 2890

(d) It does not require the licensee to include serial 2891
numbers of handguns, other identification related to handguns, or 2892
similar data that is not pertinent or relevant to obtaining the 2893
license and that could be used as a de facto means of registration 2894
of handguns owned by the licensee. 2895

(3) A series of three-letter county codes that identify each 2896
county in this state; 2897

(4) A procedure by which a sheriff shall give each license, 2898
replacement license, or renewal license to carry a concealed 2899
handgun and each temporary emergency license or replacement 2900
temporary emergency license to carry a concealed handgun the 2901
sheriff issues under section 2923.125 or 2923.1213 of the Revised 2902

Code a unique combination of letters and numbers that identifies 2903
the county in which the license or temporary emergency license was 2904
issued and that uses the county code and a unique number for each 2905
license and each temporary emergency license the sheriff of that 2906
county issues; 2907

(5) A form for the temporary emergency license to carry a 2908
concealed handgun that is to be issued by sheriffs to persons who 2909
qualify for a temporary emergency license under section 2923.1213 2910
of the Revised Code, which form shall conform to all the 2911
requirements set forth in divisions (A)(2)(a) to (d) of this 2912
section and shall additionally conspicuously specify that the 2913
license is a temporary emergency license and the date of its 2914
issuance. 2915

(B)(1) The Ohio peace officer training commission, in 2916
consultation with the attorney general, shall prepare a pamphlet 2917
that does all of the following, in everyday language: 2918

(a) Explains the firearms laws of this state; 2919

(b) Instructs the reader in dispute resolution and explains 2920
the laws of this state related to that matter; 2921

(c) Provides information to the reader regarding all aspects 2922
of the use of deadly force with a firearm, including, but not 2923
limited to, the steps that should be taken before contemplating 2924
the use of, or using, deadly force with a firearm, possible 2925
alternatives to using deadly force with a firearm, and the law 2926
governing the use of deadly force with a firearm. 2927

(2) The attorney general shall consult with and assist the 2928
commission in the preparation of the pamphlet described in 2929
division (B)(1) of this section and, as necessary, shall recommend 2930
to the commission changes in the pamphlet to reflect changes in 2931
the law that are relevant to it. The commission shall make copies 2932
of the pamphlet available to any person, public entity, or private 2933

entity that operates or teaches a training course, class, or 2934
program described in division (B)(3)(a), (b), (c), and (e) of 2935
section 2923.125 of the Revised Code and requests copies for 2936
distribution to persons who take the course, class, or program, 2937
and to sheriffs for distribution to applicants under section 2938
2923.125 of the Revised Code for a license to carry a concealed 2939
handgun and applicants under that section for the renewal of a 2940
license to carry a concealed handgun. 2941

~~(C)(1) The Ohio peace officer training commission, in 2942
consultation with the attorney general, shall prescribe a fee to 2943
be paid by an applicant under section 2923.125 of the Revised Code 2944
for a license to carry a concealed handgun or for the renewal of a 2945
license to carry a concealed handgun as follows: 2946~~

~~(a) For an applicant who has been a resident of this state 2947
for five or more years, an amount that does not exceed the lesser 2948
of the actual cost of issuing the license, including, but not 2949
limited to, the cost of conducting a criminal records check, or 2950
whichever of the following is applicable: 2951~~

~~(i) For an application made on or after the effective date of 2952
this amendment, fifty five dollars; 2953~~

~~(ii) For an application made prior to the effective date of 2954
this amendment, forty five dollars; 2955~~

~~(b) For an applicant who has been a resident of this state 2956
for less than five years, an amount that shall consist of the 2957
actual cost of having a criminal background check performed by the 2958
federal bureau of investigation, if one is so performed, plus the 2959
lesser of the actual cost of issuing the license, including, but 2960
not limited to, the cost of conducting a criminal records check, 2961
or whichever of the following is applicable: 2962~~

~~(i) For an application made on or after the effective date of 2963
this amendment, fifty five dollars; 2964~~

~~(ii) For an application made prior to the effective date of this amendment, forty five dollars.~~ 2965
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~~(2) The commission, in consultation with the attorney general, shall specify the portion of the fee prescribed under division (C)(1) of this section that will be used to pay each particular cost of the issuance of the license. The sheriff shall deposit all fees paid by an applicant under section 2923.125 of the Revised Code into the sheriff's concealed handgun license issuance expense fund established pursuant to section 311.42 of the Revised Code.~~ 2967
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~~(D)~~ The Ohio peace officer training commission shall maintain statistics with respect to the issuance, renewal, suspension, revocation, and denial of licenses to carry a concealed handgun and the suspension of processing of applications for those licenses, and with respect to the issuance, suspension, revocation, and denial of temporary emergency licenses to carry a concealed handgun, as reported by the sheriffs pursuant to division (C) of section 2923.129 of the Revised Code. Not later than the first day of March in each year, the commission shall submit a statistical report to the governor, the president of the senate, and the speaker of the house of representatives indicating the number of licenses to carry a concealed handgun that were issued, renewed, suspended, revoked, and denied in the previous calendar year, the number of applications for those licenses for which processing was suspended in accordance with division (D)(3) of section 2923.125 of the Revised Code in the previous calendar year, and the number of temporary emergency licenses to carry a concealed handgun that were issued, suspended, revoked, or denied in the previous calendar year. Nothing in the statistics or the statistical report shall identify, or enable the identification of, any individual who was issued or denied a license, for whom a license was renewed, whose license was suspended or revoked, or 2975
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for whom application processing was suspended. The statistics and 2997
the statistical report are public records for the purpose of 2998
section 149.43 of the Revised Code. 2999

~~(E)~~(D) As used in this section, "handgun" has the same 3000
meaning as in section 2923.11 of the Revised Code. 3001

Sec. 109.742. The attorney general shall adopt, in accordance 3002
with Chapter 119. or pursuant to section 109.74 of the Revised 3003
Code, rules governing the training of peace officers in crisis 3004
intervention. The rules shall specify ~~six or more hours of that~~ 3005
the amount of training necessary for the satisfactory completion 3006
of basic training programs at approved peace officer training 3007
schools, other than the Ohio peace officer training academy. 3008
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Sec. 109.744. The attorney general shall adopt, in accordance 3010
with Chapter 119. of the Revised Code or pursuant to section 3011
109.74 of the Revised Code, rules governing the training of peace 3012
officers in the handling of the offense of domestic violence, 3013
other types of domestic violence-related offenses and incidents, 3014
and protection orders and consent agreements issued or approved 3015
under section 2919.26 or 3113.31 of the Revised Code. The 3016
provisions of the rules shall include, but shall not be limited 3017
to, all of the following: 3018

(A) A ~~specification that fifteen or more hours~~ specified 3019
amount of ~~that~~ training that is ~~required~~ necessary for the 3020
satisfactory completion of basic training programs at approved 3021
peace officer training schools, other than the Ohio peace officer 3022
training academy; 3023

(B) A requirement that the training include, but not be 3024
limited to, training in all of the following: 3025

(1) All recent amendments to domestic violence-related laws; 3026

(2) Notifying a victim of domestic violence of ~~his~~ the 3027
victim's rights; 3028

(3) Processing protection orders and consent agreements 3029
issued or approved under section 2919.26 or 3113.31 of the Revised 3030
Code. 3031

Sec. 109.751. (A) The executive director of the Ohio peace 3032
officer training commission shall neither approve nor issue a 3033
certificate of approval to a peace officer training school 3034
pursuant to section 109.75 of the Revised Code unless the school 3035
agrees to permit, in accordance with rules adopted by the attorney 3036
general pursuant to division (C) of this section, undercover drug 3037
agents to attend its basic training programs. The executive 3038
director shall revoke approval, and the certificate of approval 3039
of, a peace officer training school that does not permit, in 3040
accordance with rules adopted by the attorney general pursuant to 3041
division (C) of this section, undercover drug agents to attend its 3042
basic training programs. 3043

This division does not apply to peace officer training 3044
schools for employees of conservancy districts who are designated 3045
pursuant to section 6101.75 of the Revised Code or for a natural 3046
resources law enforcement staff officer, park officers, forest 3047
officers, preserve officers, wildlife officers, or state 3048
watercraft officers of the department of natural resources. 3049

(B)(1) A peace officer training school is not required to 3050
permit an undercover drug agent, a bailiff or deputy bailiff of a 3051
court of record of this state, or a criminal investigator employed 3052
by the state public defender to attend its basic training programs 3053
if either of the following applies: 3054

(a) In the case of the Ohio peace officer training academy, 3055
the employer county, township, municipal corporation, court, or 3056
state public defender or the particular undercover drug agent, 3057

bailiff, deputy bailiff, or criminal investigator has not paid the 3058
tuition costs of training in accordance with section 109.79 of the 3059
Revised Code; 3060

(b) In the case of other peace officer training schools, the 3061
~~employer~~ employing county, township, municipal corporation, court, 3062
or state public defender fails to pay the entire cost of the 3063
training and certification. 3064

(2) A training school shall not permit a bailiff or deputy 3065
bailiff of a court of record of this state or a criminal 3066
investigator employed by the state public defender to attend its 3067
basic training programs unless the employing court of the bailiff 3068
or deputy bailiff or the state public defender, whichever is 3069
applicable, has authorized the bailiff, deputy bailiff, or 3070
investigator to attend the school. 3071

(C) The attorney general shall adopt, in accordance with 3072
Chapter 119. or pursuant to section 109.74 of the Revised Code, 3073
rules governing the attendance of undercover drug agents at 3074
approved peace officer training schools, other than the Ohio peace 3075
officer training academy, and the certification of the agents upon 3076
their satisfactory completion of basic training programs. 3077

Sec. 109.761. (A)(1) Each agency or entity that appoints or 3078
employs one or more peace officers shall report to the Ohio peace 3079
officer training commission all of the following that occur on or 3080
after February 20, 2002: 3081

(a) The appointment or employment of any person to serve the 3082
agency or entity as a peace officer in any full-time, part-time, 3083
reserve, auxiliary, or other capacity; 3084

(b) The termination, resignation, felony conviction, ~~or~~ 3085
death, or guilty plea as specified in division (F) of section 3086
109.77 of the Revised Code of any person who has been appointed to 3087

or employed by the agency or entity as a peace officer in any 3088
full-time, part-time, reserve, auxiliary, or other capacity and is 3089
serving the agency or entity in any of those peace officer 3090
capacities. 3091

(2) An agency or entity shall make each report required by 3092
this division not later than ten days after the occurrence of the 3093
event being reported. The agency or entity shall make the report 3094
in the manner and format prescribed by the executive director of 3095
the Ohio peace officer training commission. 3096

(B) Each agency or entity that appoints or employs one or 3097
more peace officers or state highway patrol troopers shall 3098
annually provide to the Ohio peace officer training commission a 3099
roster of all persons who have been appointed to or employed by 3100
the agency or entity as peace officers or troopers in any 3101
full-time, part-time, reserve, auxiliary, or other capacity and 3102
are serving, or during the year covered by the report have served, 3103
the agency or entity in any of those peace officer or trooper 3104
capacities. The agency or entity shall provide the roster in the 3105
manner and format, and by the date, prescribed by the executive 3106
director of the Ohio peace officer training commission. 3107

(C) The Ohio peace officer training commission shall 3108
prescribe the manner and format of making reports under division 3109
(A) of this section and providing annual rosters under division 3110
(B) of this section and shall prescribe the date by which the 3111
annual rosters must be provided. 3112

Sec. 109.77. (A) As used in this section, "felony" has the 3113
same meaning as in section 109.511 of the Revised Code. 3114

(B)(1) Notwithstanding any general, special, or local law or 3115
charter to the contrary, and except as otherwise provided in this 3116
section, no person shall receive an original appointment on a 3117
permanent basis as any of the following unless the person 3118

previously has been awarded a certificate by the executive	3119
director of the Ohio peace officer training commission attesting	3120
to the person's satisfactory completion of an approved state,	3121
county, municipal, or department of natural resources peace	3122
officer basic training program:	3123
(a) A peace officer of any county, township, municipal	3124
corporation, regional transit authority, or metropolitan housing	3125
authority;	3126
(b) A natural resources law enforcement staff officer, park	3127
officer, forest officer, preserve officer, wildlife officer, or	3128
state watercraft officer of the department of natural resources;	3129
(c) An employee of a park district under section 511.232 or	3130
1545.13 of the Revised Code;	3131
(d) An employee of a conservancy district who is designated	3132
pursuant to section 6101.75 of the Revised Code;	3133
(e) A state university law enforcement officer;	3134
(f) A special police officer employed by the department of	3135
mental health pursuant to section 5119.14 of the Revised Code or	3136
the department of mental retardation and developmental	3137
disabilities pursuant to section 5123.13 of the Revised Code;	3138
(g) An enforcement agent of the department of public safety	3139
whom the director of public safety designates under section	3140
5502.14 of the Revised Code;	3141
(h) A special police officer employed by a port authority	3142
under section 4582.04 or 4582.28 of the Revised Code;	3143
(i) A special police officer employed by a municipal	3144
corporation at a municipal airport, or other municipal air	3145
navigation facility, that has scheduled operations, as defined in	3146
section 119.3 of Title 14 of the Code of Federal Regulations, 14	3147
C.F.R. 119.3, as amended, and that is required to be under a	3148

security program and is governed by aviation security rules of the 3149
transportation security administration of the United States 3150
department of transportation as provided in Parts 1542. and 1544. 3151
of Title 49 of the Code of Federal Regulations, as amended. 3152

(2) Every person who is appointed on a temporary basis or for 3153
a probationary term or on other than a permanent basis as any of 3154
the following shall forfeit the appointed position unless the 3155
person previously has completed satisfactorily or, within the time 3156
prescribed by rules adopted by the attorney general pursuant to 3157
section 109.74 of the Revised Code, satisfactorily completes a 3158
state, county, municipal, or department of natural resources peace 3159
officer basic training program for temporary or probationary 3160
officers and is awarded a certificate by the director attesting to 3161
the satisfactory completion of the program: 3162

(a) A peace officer of any county, township, municipal 3163
corporation, regional transit authority, or metropolitan housing 3164
authority; 3165

(b) A natural resources law enforcement staff officer, park 3166
officer, forest officer, preserve officer, wildlife officer, or 3167
state watercraft officer of the department of natural resources; 3168

(c) An employee of a park district under section 511.232 or 3169
1545.13 of the Revised Code; 3170

(d) An employee of a conservancy district who is designated 3171
pursuant to section 6101.75 of the Revised Code; 3172

(e) A special police officer employed by the department of 3173
mental health pursuant to section 5119.14 of the Revised Code or 3174
the department of mental retardation and developmental 3175
disabilities pursuant to section 5123.13 of the Revised Code; 3176

(f) An enforcement agent of the department of public safety 3177
whom the director of public safety designates under section 3178
5502.14 of the Revised Code; 3179

(g) A special police officer employed by a port authority 3180
under section 4582.04 or 4582.28 of the Revised Code; 3181

(h) A special police officer employed by a municipal 3182
corporation at a municipal airport, or other municipal air 3183
navigation facility, that has scheduled operations, as defined in 3184
section 119.3 of Title 14 of the Code of Federal Regulations, 14 3185
C.F.R. 119.3, as amended, and that is required to be under a 3186
security program and is governed by aviation security rules of the 3187
transportation security administration of the United States 3188
department of transportation as provided in Parts 1542. and 1544. 3189
of Title 49 of the Code of Federal Regulations, as amended. 3190

(3) For purposes of division (B) of this section, a state, 3191
county, municipal, or department of natural resources peace 3192
officer basic training program, regardless of whether the program 3193
is to be completed by peace officers appointed on a permanent or 3194
temporary, probationary, or other nonpermanent basis, shall 3195
include ~~at least fifteen hours of~~ training in the handling of the 3196
offense of domestic violence, other types of domestic 3197
violence-related offenses and incidents, and protection orders and 3198
consent agreements issued or approved under section 2919.26 or 3199
3113.31 of the Revised Code and ~~at least six hours of~~ crisis 3200
intervention training. The requirement to complete ~~fifteen hours~~ 3201
~~of~~ training in the handling of the offense of domestic violence, 3202
other types of domestic violence-related offenses and incidents, 3203
and protection orders and consent agreements issued or approved 3204
under section 2919.26 or 3113.31 of the Revised Code does not 3205
apply to any person serving as a peace officer on March 27, 1979, 3206
and the requirement to complete ~~six hours of~~ training in crisis 3207
intervention does not apply to any person serving as a peace 3208
officer on April 4, 1985. Any person who is serving as a peace 3209
officer on April 4, 1985, who terminates that employment after 3210
that date, and who subsequently is hired as a peace officer by the 3211

same or another law enforcement agency shall complete ~~the six~~ 3212
~~hours of~~ training in crisis intervention ~~within the time as~~ 3213
prescribed by rules adopted by the attorney general pursuant to 3214
section 109.742 of the Revised Code. No peace officer shall have 3215
employment as a peace officer terminated and then be reinstated 3216
with intent to circumvent this section. 3217

(4) Division (B) of this section does not apply to any person 3218
serving on a permanent basis on March 28, 1985, as a park officer, 3219
forest officer, preserve officer, wildlife officer, or state 3220
watercraft officer of the department of natural resources or as an 3221
employee of a park district under section 511.232 or 1545.13 of 3222
the Revised Code, to any person serving on a permanent basis on 3223
March 6, 1986, as an employee of a conservancy district designated 3224
pursuant to section 6101.75 of the Revised Code, to any person 3225
serving on a permanent basis on January 10, 1991, as a preserve 3226
officer of the department of natural resources, to any person 3227
employed on a permanent basis on July 2, 1992, as a special police 3228
officer by the department of mental health pursuant to section 3229
5119.14 of the Revised Code or by the department of mental 3230
retardation and developmental disabilities pursuant to section 3231
5123.13 of the Revised Code, to any person serving on a permanent 3232
basis on May 17, 2000, as a special police officer employed by a 3233
port authority under section 4582.04 or 4582.28 of the Revised 3234
Code, to any person serving on a permanent basis on ~~the effective~~ 3235
~~date of this amendment~~ March 19, 2003, as a special police officer 3236
employed by a municipal corporation at a municipal airport or 3237
other municipal air navigation facility described in division 3238
(A)(19) of section 109.71 of the Revised Code, to any person 3239
serving on a permanent basis on June 19, 1978, as a state 3240
university law enforcement officer pursuant to section 3345.04 of 3241
the Revised Code and who, immediately prior to June 19, 1978, was 3242
serving as a special police officer designated under authority of 3243
that section, or to any person serving on a permanent basis on 3244

September 20, 1984, as a liquor control investigator, known after 3245
June 30, 1999, as an enforcement agent of the department of public 3246
safety, engaged in the enforcement of Chapters 4301. and 4303. of 3247
the Revised Code. 3248

(5) Division (B) of this section does not apply to any person 3249
who is appointed as a regional transit authority police officer 3250
pursuant to division (Y) of section 306.35 of the Revised Code if, 3251
on or before July 1, 1996, the person has completed satisfactorily 3252
an approved state, county, municipal, or department of natural 3253
resources peace officer basic training program and has been 3254
awarded a certificate by the executive director of the Ohio peace 3255
officer training commission attesting to the person's satisfactory 3256
completion of such an approved program and if, on July 1, 1996, 3257
the person is performing peace officer functions for a regional 3258
transit authority. 3259

(C) No person, after September 20, 1984, shall receive an 3260
original appointment on a permanent basis as a veterans' home 3261
police officer designated under section 5907.02 of the Revised 3262
Code unless the person previously has been awarded a certificate 3263
by the executive director of the Ohio peace officer training 3264
commission attesting to the person's satisfactory completion of an 3265
approved police officer basic training program. Every person who 3266
is appointed on a temporary basis or for a probationary term or on 3267
other than a permanent basis as a veterans' home police officer 3268
designated under section 5907.02 of the Revised Code shall forfeit 3269
that position unless the person previously has completed 3270
satisfactorily or, within one year from the time of appointment, 3271
satisfactorily completes an approved police officer basic training 3272
program. 3273

(D) No bailiff or deputy bailiff of a court of record of this 3274
state and no criminal investigator who is employed by the state 3275
public defender shall carry a firearm, as defined in section 3276

2923.11 of the Revised Code, while on duty unless the bailiff, 3277
deputy bailiff, or criminal investigator has done or received one 3278
of the following: 3279

(1) Has been awarded a certificate by the executive director 3280
of the Ohio peace officer training commission, which certificate 3281
attests to satisfactory completion of an approved state, county, 3282
or municipal basic training program for bailiffs and deputy 3283
bailiffs of courts of record and for criminal investigators 3284
employed by the state public defender that has been recommended by 3285
the Ohio peace officer training commission; 3286

(2) Has successfully completed a firearms training program 3287
approved by the Ohio peace officer training commission prior to 3288
employment as a bailiff, deputy bailiff, or criminal investigator; 3289

(3) Prior to June 6, 1986, was authorized to carry a firearm 3290
by the court that employed the bailiff or deputy bailiff or, in 3291
the case of a criminal investigator, by the state public defender 3292
and has received training in the use of firearms that the Ohio 3293
peace officer training commission determines is equivalent to the 3294
training that otherwise is required by division (D) of this 3295
section. 3296

(E)(1) Before a person seeking a certificate completes an 3297
approved peace officer basic training program, the executive 3298
director of the Ohio peace officer training commission shall 3299
request the person to disclose, and the person shall disclose, any 3300
previous criminal conviction of or plea of guilty of that person 3301
to a felony. 3302

(2) Before a person seeking a certificate completes an 3303
approved peace officer basic training program, the executive 3304
director shall request a criminal history records check on the 3305
person. The executive director shall submit the person's 3306
fingerprints to the bureau of criminal identification and 3307

investigation, which shall submit the fingerprints to the federal 3308
bureau of investigation for a national criminal history records 3309
check. 3310

Upon receipt of the executive director's request, the bureau 3311
of criminal identification and investigation and the federal 3312
bureau of investigation shall conduct a criminal history records 3313
check on the person and, upon completion of the check, shall 3314
provide a copy of the criminal history records check to the 3315
executive director. The executive director shall not award any 3316
certificate prescribed in this section unless the executive 3317
director has received a copy of the criminal history records check 3318
on the person to whom the certificate is to be awarded. 3319

(3) The executive director of the commission shall not award 3320
a certificate prescribed in this section to a person who has been 3321
convicted of or has pleaded guilty to a felony or who fails to 3322
disclose any previous criminal conviction of or plea of guilty to 3323
a felony as required under division (E)(1) of this section. 3324

(4) The executive director of the commission shall revoke the 3325
certificate awarded to a person as prescribed in this section, and 3326
that person shall forfeit all of the benefits derived from being 3327
certified as a peace officer under this section, if the person, 3328
before completion of an approved peace officer basic training 3329
program, failed to disclose any previous criminal conviction of or 3330
plea of guilty to a felony as required under division (E)(1) of 3331
this section. 3332

(F)(1) Regardless of whether the person has been awarded the 3333
certificate or has been classified as a peace officer prior to, 3334
on, or after October 16, 1996, the executive director of the Ohio 3335
peace officer training commission shall revoke any certificate 3336
that has been awarded to a person as prescribed in this section if 3337
the person does either of the following: 3338

(a) Pleads guilty to a felony committed on or after January 1, 1997; 3339
3340

(b) Pleads guilty to a misdemeanor committed on or after 3341
January 1, 1997, pursuant to a negotiated plea agreement as 3342
provided in division (D) of section 2929.43 of the Revised Code in 3343
which the person agrees to surrender the certificate awarded to 3344
the person under this section. 3345

(2) The executive director of the commission shall suspend 3346
any certificate that has been awarded to a person as prescribed in 3347
this section if the person is convicted, after trial, of a felony 3348
committed on or after January 1, 1997. The executive director 3349
shall suspend the certificate pursuant to division (F)(2) of this 3350
section pending the outcome of an appeal by the person from that 3351
conviction to the highest court to which the appeal is taken or 3352
until the expiration of the period in which an appeal is required 3353
to be filed. If the person files an appeal that results in that 3354
person's acquittal of the felony or conviction of a misdemeanor, 3355
or in the dismissal of the felony charge against that person, the 3356
executive director shall reinstate the certificate awarded to the 3357
person under this section. If the person files an appeal from that 3358
person's conviction of the felony and the conviction is upheld by 3359
the highest court to which the appeal is taken or if the person 3360
does not file a timely appeal, the executive director shall revoke 3361
the certificate awarded to the person under this section. 3362

(G)(1) If a person is awarded a certificate under this 3363
section and the certificate is revoked pursuant to division (E)(4) 3364
or (F) of this section, the person shall not be eligible to 3365
receive, at any time, a certificate attesting to the person's 3366
satisfactory completion of a peace officer basic training program. 3367

(2) The revocation or suspension of a certificate under 3368
division (E)(4) or (F) of this section shall be in accordance with 3369
Chapter 119. of the Revised Code. 3370

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

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

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

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

peace officer is required by this section to complete 3403
satisfactorily. 3404

(K) This section does not apply to any member of the police 3405
department of a municipal corporation in an adjoining state 3406
serving in this state under a contract pursuant to section 737.04 3407
of the Revised Code. 3408

Sec. 109.802. (A) There is hereby created in the state 3409
treasury the law enforcement assistance fund. The ~~fund~~ attorney 3410
general shall ~~be used~~ use the fund to pay reimbursements for 3411
continuing professional training programs for peace officers and 3412
troopers as provided in this section and section 109.803 of the 3413
Revised Code, ~~the~~ compensation of any employees of the attorney 3414
general required to administer those sections, and any other 3415
administrative costs incurred by the attorney general to 3416
administer those sections. 3417

(B) The attorney general shall adopt rules in accordance with 3418
Chapter 119. of the Revised Code establishing application 3419
procedures, standards, and guidelines, and prescribing an 3420
application form, for the reimbursement of public appointing 3421
authorities for the cost of continuing professional training 3422
programs for their peace officers and troopers. The rules shall 3423
include, but are not limited to, all of the following: 3424

(1) A requirement that applications for reimbursement be 3425
submitted on a calendar-year basis; 3426

(2) The documentation required to substantiate any costs for 3427
which the applicant seeks reimbursement; 3428

(3) Procedures for submitting applications for reimbursement 3429
for the cost of continuing professional training programs 3430
completed by a peace officer or trooper for whom the executive 3431
director of the Ohio peace officer training commission granted 3432

pursuant to division (A)(2) of section 109.803 of the Revised Code 3433
an extension of the time for compliance with the continuing 3434
professional training requirement specified in division (A) of 3435
that section and who complied with the requirement prior to the 3436
date on which the extension ends; 3437

(4) Any other requirements necessary for the proper 3438
administration of the reimbursement program. 3439

(C) The Ohio peace officer training commission shall 3440
administer a program for reimbursing public appointing authorities 3441
for the costs of continuing professional training programs that 3442
are successfully completed by the appointing authority's peace 3443
officers or troopers. The commission shall administer the 3444
reimbursement program in accordance with rules adopted by the 3445
attorney general pursuant to division (B) of this section. 3446

(D) Each public appointing authority may apply each calendar 3447
year to the peace officer training commission for reimbursement 3448
for the costs of continuing professional training programs that 3449
are successfully completed by the appointing authority's peace 3450
officers or troopers. Each application shall be made in accordance 3451
with, on an application form prescribed in, and be supported by 3452
the documentation required by, the rules adopted by the attorney 3453
general pursuant to division (B) of this section. 3454

(E)(1) The Ohio peace officer training commission, in 3455
accordance with rules of the attorney general adopted under 3456
division (B) of this section, shall review each application for 3457
reimbursement made under division (D) of this section to determine 3458
if the applicant is entitled to reimbursement for the training 3459
programs for which the applicant seeks reimbursement. Except as 3460
provided in division (E)(2) of this section, a public appointing 3461
authority that complies with division (B) of section 109.761 of 3462
the Revised Code and applies under division (D) of this section 3463
for reimbursement is entitled to reimbursement ~~only if all~~ for 3464

each of the appointing authority's peace officers or troopers 3465
~~comply who timely complies~~ with the continuing professional 3466
training requirement specified in division (A)(1) of section 3467
109.803 of the Revised Code by completing the minimum number of 3468
hours of training directed by the Ohio peace officer training 3469
commission under that division and with the other requirements 3470
described in that division. 3471

~~(2) If a public appointing authority applies under division 3472
(D) of this section for reimbursement, if one or more of its peace 3473
officers or troopers have not complied with the continuing 3474
professional training requirement specified in division (A)(1) of 3475
section 109.803 of the Revised Code by completing the minimum 3476
number of hours of training directed by the Ohio peace officer 3477
training commission under that division, and if the executive 3478
director of the commission granted pursuant to division (A)(2) of 3479
section 109.803 of the Revised Code an extension of the time 3480
within which each of those peace officers or troopers who have not 3481
complied with the continuing professional training requirement 3482
must comply with that requirement, notwithstanding division (E)(1) 3483
of this section, both of the following apply:~~ 3484

~~(a) If each peace officer or trooper of the public appointing 3485
authority for whom the executive director of the commission did 3486
not grant an extension pursuant to division (A)(2) of section 3487
109.803 of the Revised Code has complied with the continuing 3488
professional training requirement and with the other requirements 3489
described in division (A)(1) of section 109.803 of the Revised 3490
Code, the public appointing authority is entitled to reimbursement 3491
for the training programs completed by all of its peace officers 3492
or troopers who have so complied with the continuing professional 3493
training requirement and the other specified requirements.~~ 3494

~~(b) If a peace officer or trooper of the public appointing 3495
authority for whom the executive director of the commission 3496~~

granted an extension pursuant to division (A)(2) of section 3497
109.803 of the Revised Code complies prior to the date on which 3498
the extension ends with the continuing professional training 3499
requirement, and if the peace officer or trooper also has complied 3500
with the other requirements described in division (A)(1) of 3501
section 109.803 of the Revised Code, the public appointing 3502
authority is entitled to reimbursement for the training programs 3503
completed by that peace officer or trooper. An application for 3504
reimbursement of the type described in this division shall be made 3505
in accordance with rules adopted by the attorney general pursuant 3506
to division (B) of section 109.802 of the Revised Code. 3507

(3) If a public appointing authority that applies under 3508
division (D) of this section for reimbursement is entitled to 3509
reimbursement under division (E)(1) or (2) of this section for 3510
each peace officer and trooper who successfully completes a 3511
training program, the commission shall approve reimbursing the 3512
appointing authority for the cost of that program. The actual 3513
amount of reimbursement for each authorized training program shall 3514
be determined by rules adopted by the attorney general under 3515
division (B) of this section. 3516

If the public appointing authority is entitled to 3517
reimbursement under division (E)(2)~~(a)~~ of this section, payment of 3518
the reimbursement shall not be withheld during the period of the 3519
extension granted to the other peace officers or troopers of the 3520
authority pursuant to division (A)(2) of section 109.803 of the 3521
Revised Code, pending their compliance with the requirement. If 3522
the public appointing authority is entitled to reimbursement under 3523
division (E)(2)~~(a)~~ of this section and if one or more of its peace 3524
officers or troopers who were granted an extension pursuant to 3525
division (A)(2) of section 109.803 of the Revised Code fails to 3526
complete prior to the date on which the extension ends the 3527
required minimum number of hours of continuing professional 3528

training set by the commission under division (A)(1) of section 3529
109.803 of the Revised Code, the failure does not affect the 3530
reimbursement made to the public appointing authority, and the 3531
public appointing authority is not required to return the 3532
reimbursement or any portion of it. 3533

(F) Each public appointing authority that receives funds 3534
under this section shall keep those funds separate from any other 3535
funds of the appointing authority and shall use those funds only 3536
for paying the cost of continuing professional training programs. 3537

(G) As used in this section and section 109.803 of the 3538
Revised Code: 3539

(1) "Peace officer" has the same meaning as in section 109.71 3540
of the Revised Code. 3541

(2) "Trooper" means an individual appointed as a state 3542
highway patrol trooper under section 5503.01 of the Revised Code. 3543

(3) "Appointing authority" means any agency or entity that 3544
appoints a peace officer or trooper. 3545

Sec. 109.803. (A)(1) Subject to division (A)(2) of this 3546
section, every appointing authority shall require each of its 3547
appointed peace officers and troopers to complete up to 3548
twenty-four hours of continuing professional training each 3549
calendar year, as directed by the Ohio peace officer training 3550
commission. The number of hours directed by the commission, up to 3551
twenty-four hours, is intended to be a minimum requirement, and 3552
appointing authorities are encouraged to exceed the number of 3553
hours the commission directs as the minimum. The commission shall 3554
set the required minimum number of hours based upon available 3555
funding for reimbursement as described in this division. If no 3556
funding for the reimbursement is available, no continuing 3557
professional training will be required. 3558

(2) An appointing authority may submit a written request to 3559
the peace officer training commission that requests for a calendar 3560
year because of emergency circumstances an extension of the time 3561
within which one or more of its appointed peace officers or 3562
troopers must complete the required minimum number of hours of 3563
continuing professional training set by the commission, as 3564
described in division (A)(1) of this section. A request made under 3565
this division shall set forth the name of each of the appointing 3566
authority's peace officers or troopers for whom an extension is 3567
requested, identify the emergency circumstances related to that 3568
peace officer or trooper, include documentation of those emergency 3569
circumstances, and set forth the date on which the request is 3570
submitted to the commission. A request shall be made under this 3571
division not later than the fifteenth day of December in the 3572
calendar year for which the extension is requested. 3573

Upon receipt of a written request made under this division, 3574
the executive director of the commission shall review the request 3575
and the submitted documentation. If the executive director of the 3576
commission is satisfied that emergency circumstances exist for any 3577
peace officer or trooper for whom a request was made under this 3578
division, the executive director may approve the request for that 3579
peace officer or trooper and grant an extension of the time within 3580
which that peace officer or trooper must complete the required 3581
minimum number of hours of continuing professional training set by 3582
the commission. An extension granted under this division may be 3583
for any period of time the executive director believes to be 3584
appropriate, and the executive director shall specify in the 3585
notice granting the extension the date on which the extension 3586
ends. Not later than thirty days after the date on which a request 3587
is submitted to the commission, for each peace officer and trooper 3588
for whom an extension is requested, the executive director either 3589
shall approve the request and grant an extension or deny the 3590
request and deny an extension and shall send to the appointing 3591

authority that submitted the request written notice of the 3592
executive director's decision. 3593

If the executive director grants an extension of the time 3594
within which a particular appointed peace officer or trooper of an 3595
appointing authority must complete the required minimum number of 3596
hours of continuing professional training set by the commission, 3597
the appointing authority shall require that peace officer or 3598
trooper to complete the required minimum number of hours of 3599
training not later than the date on which the extension ends. 3600

~~(3)(a) If a public appointing authority complies with the 3601
training requirement specified in division (A)(1) of this section 3602
by requiring each of its appointed peace officers and troopers to 3603
complete the number of hours of training the commission directs as 3604
the minimum and with division (B) of section 109.761 of the 3605
Revised Code and if the appointed peace officers and troopers of 3606
the public appointing authority comply with section 109.801 of the 3607
Revised Code to the extent that they are subject to that section 3608
and comply with all other training mandated by the general 3609
assembly or the attorney general, the attorney general shall 3610
reimburse the public appointing authority for the successful 3611
training costs of each of its appointed peace officers and 3612
troopers as provided in section 109.802 of the Revised Code. 3613~~

~~(b) If the executive director of the Ohio peace officer 3614
training commission grants pursuant to division (A)(2) of this 3615
section an extension of the time within which one or more 3616
appointed peace officers or troopers of a public appointing 3617
authority must complete the required minimum number of hours of 3618
continuing professional training set by the commission, and if the 3619
criteria set forth in division (A)(3)(a) of this section are 3620
satisfied regarding each appointed peace officer or trooper of the 3621
public appointing authority for whom such an extension was not 3622
granted, the attorney general shall reimburse the public 3623~~

~~appointing authority for the successful training costs of each of 3624
its appointed peace officers and troopers for whom such an 3625
extension was not granted, as provided in section 109.802 of the 3626
Revised Code. 3627~~

~~If an appointed peace officer or trooper of a public 3628
appointing authority for whom the executive director granted such 3629
an extension completes prior to the date on which the extension 3630
ends the number of hours of training the commission directs as the 3631
minimum, if the officer or trooper also has complied with section 3632
109.801 of the Revised Code to the extent that the officer or 3633
trooper is subject to that section and has complied with all other 3634
training mandated by the general assembly or the attorney general, 3635
and if the public appointing authority has complied with division 3636
(B) of section 109.761 of the Revised Code, the attorney general 3637
shall reimburse the public appointing authority for the successful 3638
training costs of that peace officer or trooper as provided in 3639
section 109.802 of the Revised Code. 3640~~

~~(B)(1) Subject to division (B)(2) of this section, no 3641
appointed peace officer or trooper of an appointing authority who 3642
fails to complete in any calendar year the required hours of 3643
continuing professional training the Ohio peace officer training 3644
commission directs pursuant to division (A) of this section as the 3645
minimum number of hours or who fails to comply with section 3646
109.801 of the Revised Code or any other required training shall 3647
carry a firearm during the course of official duties or perform 3648
the functions of a peace officer or trooper until evidence of the 3649
peace officer's or trooper's compliance with those requirements is 3650
filed with the executive director of the Ohio peace officer 3651
training commission. 3652~~

~~(2) If the executive director of the Ohio peace officer 3653
training commission grants pursuant to division (A)(2) of this 3654
section an extension of the time within which an appointed peace 3655~~

~~officer or trooper of an appointing authority must complete the 3656
required minimum number of hours of continuing professional 3657
training set by the commission, during the period of the extension 3658
division (B)(1) of this section does not apply to a peace officer 3659
or trooper for whom such an extension was granted, provided that 3660
peace officer or trooper has complied with section 109.801 of the 3661
Revised Code to the extent that the officer or trooper is subject 3662
to that section and has complied with all other required training. 3663
If a peace officer or trooper of an appointing authority for whom 3664
such an extension was granted fails to complete prior to the date 3665
on which the extension ends the required minimum number of hours 3666
of continuing professional training set by the commission, 3667
division (B)(1) of this section applies to that officer or trooper 3668
after the date on which the extension ends. 3669~~

~~(C)(B) With the advice of the Ohio peace officer training 3670
commission, the attorney general shall adopt in accordance with 3671
Chapter 119. of the Revised Code rules setting forth minimum 3672
standards for continuing professional training for peace officers 3673
and troopers and governing the administration of continuing 3674
professional training programs for peace officers and troopers. 3675
The attorney general shall transmit a certified copy of any rule 3676
adopted under this section to the secretary of state. 3677~~

Sec. 111.15. (A) As used in this section: 3678

(1) "Rule" includes any rule, regulation, bylaw, or standard 3679
having a general and uniform operation adopted by an agency under 3680
the authority of the laws governing the agency; any appendix to a 3681
rule; and any internal management rule. "Rule" does not include 3682
any guideline adopted pursuant to section 3301.0714 of the Revised 3683
Code, any order respecting the duties of employees, any finding, 3684
any determination of a question of law or fact in a matter 3685
presented to an agency, or any rule promulgated pursuant to 3686

Chapter 119., section 4141.14, division (C)(1) or (2) of section 3687
5117.02, or section 5703.14 of the Revised Code. "Rule" includes 3688
any amendment or rescission of a rule. 3689

(2) "Agency" means any governmental entity of the state and 3690
includes, but is not limited to, any board, department, division, 3691
commission, bureau, society, council, institution, state college 3692
or university, community college district, technical college 3693
district, or state community college. "Agency" does not include 3694
the general assembly, the controlling board, the adjutant 3695
general's department, or any court. 3696

(3) "Internal management rule" means any rule, regulation, 3697
bylaw, or standard governing the day-to-day staff procedures and 3698
operations within an agency. 3699

(4) "Substantive revision" has the same meaning as in 3700
division (J) of section 119.01 of the Revised Code. 3701

(B)(1) Any rule, other than a rule of an emergency nature, 3702
adopted by any agency pursuant to this section shall be effective 3703
on the tenth day after the day on which the rule in final form and 3704
in compliance with division (B)(3) of this section is filed as 3705
follows: 3706

(a) The rule shall be filed in electronic form with both the 3707
secretary of state and the director of the legislative service 3708
commission; 3709

(b) The rule shall be filed in electronic form with the joint 3710
committee on agency rule review. Division (B)(1)(b) of this 3711
section does not apply to any rule to which division (D) of this 3712
section does not apply. 3713

An agency that adopts or amends a rule that is subject to 3714
division (D) of this section shall assign a review date to the 3715
rule that is not later than five years after its effective date. 3716
If no review date is assigned to a rule, or if a review date 3717

assigned to a rule exceeds the five-year maximum, the review date 3718
for the rule is five years after its effective date. A rule with a 3719
review date is subject to review under section 119.032 of the 3720
Revised Code. This paragraph does not apply to a rule of a state 3721
college or university, community college district, technical 3722
college district, or state community college. 3723

If all filings are not completed on the same day, the rule 3724
shall be effective on the tenth day after the day on which the 3725
latest filing is completed. If an agency in adopting a rule 3726
designates an effective date that is later than the effective date 3727
provided for by division (B)(1) of this section, the rule if filed 3728
as required by such division shall become effective on the later 3729
date designated by the agency. 3730

Any rule that is required to be filed under division (B)(1) 3731
of this section is also subject to division (D) of this section if 3732
not exempted by division (D)(1), (2), (3), (4), (5), (6), (7), or 3733
(8) of this section. 3734

If a rule incorporates a text or other material by reference, 3735
the agency shall comply with sections 121.71 to 121.76 of the 3736
Revised Code. 3737

(2) A rule of an emergency nature necessary for the immediate 3738
preservation of the public peace, health, or safety shall state 3739
the reasons for the necessity. The emergency rule, in final form 3740
and in compliance with division (B)(3) of this section, shall be 3741
filed in electronic form with the secretary of state, the director 3742
of the legislative service commission, and the joint committee on 3743
agency rule review. The emergency rule is effective immediately 3744
upon completion of the latest filing, except that if the agency in 3745
adopting the emergency rule designates an effective date, or date 3746
and time of day, that is later than the effective date and time 3747
provided for by division (B)(2) of this section, the emergency 3748
rule if filed as required by such division shall become effective 3749

at the later date, or later date and time of day, designated by 3750
the agency. 3751

An emergency rule becomes invalid at the end of the ninetieth 3752
day it is in effect. Prior to that date, the agency may file the 3753
emergency rule as a nonemergency rule in compliance with division 3754
(B)(1) of this section. The agency may not refile the emergency 3755
rule in compliance with division (B)(2) of this section so that, 3756
upon the emergency rule becoming invalid under such division, the 3757
emergency rule will continue in effect without interruption for 3758
another ninety-day period. 3759

(3) An agency shall file a rule under division (B)(1) or (2) 3760
of this section in compliance with the following standards and 3761
procedures: 3762

(a) The rule shall be numbered in accordance with the 3763
numbering system devised by the director for the Ohio 3764
administrative code. 3765

(b) The rule shall be prepared and submitted in compliance 3766
with the rules of the legislative service commission. 3767

(c) The rule shall clearly state the date on which it is to 3768
be effective and the date on which it will expire, if known. 3769

(d) Each rule that amends or rescinds another rule shall 3770
clearly refer to the rule that is amended or rescinded. Each 3771
amendment shall fully restate the rule as amended. 3772

If the director of the legislative service commission or the 3773
director's designee gives an agency notice pursuant to section 3774
103.05 of the Revised Code that a rule filed by the agency is not 3775
in compliance with the rules of the legislative service 3776
commission, the agency shall within thirty days after receipt of 3777
the notice conform the rule to the rules of the commission as 3778
directed in the notice. 3779

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 3780
of this section shall be recorded by the secretary of state and 3781
the director under the title of the agency adopting the rule and 3782
shall be numbered according to the numbering system devised by the 3783
director. The secretary of state and the director shall preserve 3784
the rules in an accessible manner. Each such rule shall be a 3785
public record open to public inspection and may be transmitted to 3786
any law publishing company that wishes to reproduce it. 3787

(D) At least sixty-five days before a board, commission, 3788
department, division, or bureau of the government of the state 3789
files a rule under division (B)(1) of this section, it shall file 3790
the full text of the proposed rule in electronic form with the 3791
joint committee on agency rule review, and the proposed rule is 3792
subject to legislative review and invalidation under division (I) 3793
of section 119.03 of the Revised Code. If a state board, 3794
commission, department, division, or bureau makes a substantive 3795
revision in a proposed rule after it is filed with the joint 3796
committee, the state board, commission, department, division, or 3797
bureau shall promptly file the full text of the proposed rule in 3798
its revised form in electronic form with the joint committee. The 3799
latest version of a proposed rule as filed with the joint 3800
committee supersedes each earlier version of the text of the same 3801
proposed rule. Except as provided in division (F) of this section, 3802
a state board, commission, department, division, or bureau shall 3803
also file the rule summary and fiscal analysis prepared under 3804
section ~~121.24~~ or 127.18 of the Revised Code, ~~or both,~~ in 3805
electronic form along with a proposed rule, and along with a 3806
proposed rule in revised form, that is filed under this division. 3807

The joint committee shall promptly file a notice in 3808
electronic form with the Ohio small business ombudsperson of the 3809
filing under this division of a proposed rule, or of a proposed 3810
rule in revised form, that previously was filed with the 3811

<u>ombudsperson under section 121.254 of the Revised Code.</u>	3812
As used in this division, "commission" includes the public	3813
utilities commission when adopting rules under a federal or state	3814
statute.	3815
This division does not apply to any of the following:	3816
(1) A proposed rule of an emergency nature;	3817
(2) A rule proposed under section 1121.05, 1121.06, 1155.18,	3818
1163.22, 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341,	3819
4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised	3820
Code;	3821
(3) A rule proposed by an agency other than a board,	3822
commission, department, division, or bureau of the government of	3823
the state;	3824
(4) A proposed internal management rule of a board,	3825
commission, department, division, or bureau of the government of	3826
the state;	3827
(5) Any proposed rule that must be adopted verbatim by an	3828
agency pursuant to federal law or rule, to become effective within	3829
sixty days of adoption, in order to continue the operation of a	3830
federally reimbursed program in this state, so long as the	3831
proposed rule contains both of the following:	3832
(a) A statement that it is proposed for the purpose of	3833
complying with a federal law or rule;	3834
(b) A citation to the federal law or rule that requires	3835
verbatim compliance.	3836
(6) An initial rule proposed by the director of health to	3837
impose safety standards and quality-of-care standards with respect	3838
to a health service specified in section 3702.11 of the Revised	3839
Code, or an initial rule proposed by the director to impose	3840
quality standards on a facility listed in division (A)(4) of	3841

section 3702.30 of the Revised Code, if section 3702.12 of the Revised Code requires that the rule be adopted under this section;

(7) A rule of the state lottery commission pertaining to instant game rules.

If a rule is exempt from legislative review under division (D)(5) of this section, and if the federal law or rule pursuant to which the rule was adopted expires, is repealed or rescinded, or otherwise terminates, the rule is thereafter subject to legislative review under division (D) of this section.

(E) Whenever a state board, commission, department, division, or bureau files a proposed rule or a proposed rule in revised form under division (D) of this section, it shall also file the full text of the same proposed rule or proposed rule in revised form in electronic form with the secretary of state and the director of the legislative service commission. Except as provided in division (F) of this section, a state board, commission, department, division, or bureau shall file the rule summary and fiscal analysis prepared under section ~~121.24~~ or 127.18 of the Revised Code, ~~or both,~~ in electronic form along with a proposed rule or proposed rule in revised form that is filed with the secretary of state or the director of the legislative service commission.

(F) Except as otherwise provided in this division, the auditor of state or the auditor of state's designee is not required to file a rule summary and fiscal analysis along with a proposed rule, or proposed rule in revised form, that the auditor of state proposes under section 117.12, 117.19, 117.38, or 117.43 of the Revised Code and files under division (D) or (E) of this section. ~~If, however, the auditor of state or the designee prepares a rule summary and fiscal analysis of the original version of such a proposed rule for purposes of complying with section 121.24 of the Revised Code, the auditor of state or designee shall file the rule summary and fiscal analysis in~~

~~electronic form along with the original version of the proposed 3874
rule filed under division (D) or (E) of this section. 3875~~

Sec. 111.26. (A) It is hereby declared to be a public purpose 3876
and function of the state to facilitate the conduct of elections 3877
by assisting boards of elections in acquiring state capital 3878
facilities consisting of voting machines, marking devices, and 3879
automatic tabulating equipment certified for use in this state 3880
under section 3506.05 of the Revised Code. Those voting machines, 3881
marking devices, and automatic tabulating equipment are designated 3882
as capital facilities under sections 152.09 to 152.33 of the 3883
Revised Code. The Ohio building authority is authorized to issue 3884
revenue obligations under sections 152.09 to 152.33 of the Revised 3885
Code to pay all or part of the cost of those state capital 3886
facilities as are designated by law. 3887

Boards of elections, due to their responsibilities related to 3888
the proper conduct of elections under state law, are designated as 3889
state agencies having jurisdiction over those state capital 3890
facilities financed in part pursuant to this section and Chapter 3891
152. of the Revised Code. It is hereby determined and declared 3892
that voting machines, marking devices, and automatic tabulating 3893
equipment financed in part under this section are for the purpose 3894
of housing agencies of state government, their functions and 3895
equipment. 3896

(B) A county shall contribute to the cost of capital 3897
facilities authorized under this section as provided below. 3898

(C) Any lease of capital facilities authorized by this 3899
section, the rentals of which are payable in whole or in part from 3900
appropriations made by the general assembly, is governed by 3901
division (D) of section 152.24 of the Revised Code. Such rentals 3902
constitute available receipts as defined in section 152.09 of the 3903
Revised Code and may be pledged for the payment of bond service 3904

charges as provided in section 152.10 of the Revised Code. 3905

(D) The county voting machine revolving lease/loan fund is hereby created in the state treasury. The fund shall consist of the net proceeds of obligations issued under sections 152.09 to 152.33 of the Revised Code to finance a portion of those state capital facilities described in division (A) of this section, as needed to ensure sufficient moneys to support appropriations from the fund. Lease payments from counties made for those capital facilities financed in part from the fund and interest earnings on the balance in the fund shall be credited to the fund. The fund shall also receive any other authorized transfers of cash. Moneys in the fund shall be used for the purpose of acquiring a portion of additional capital facilities described in division (A) of this section at the request of the applicable board of elections. 3906
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Participation in the fund by a board of county commissioners shall be voluntary. 3919
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The secretary of state shall administer the county voting machine revolving lease/loan fund in accordance with this section and shall enter into any lease or other agreement with the department of administrative services, the Ohio building authority, or any board of elections necessary or appropriate to accomplish the purposes of this section. 3922
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(E) Acquisitions made under this section shall provide not more than fifty per cent of the estimated total cost of a board of county commissioners' purchase of voting machines, marking devices, and automatic tabulating equipment. 3928
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The secretary of state shall adopt rules for the implementation of the acquisition and revolving lease/loan program established under this section, which rules shall require that the secretary of state approve any acquisition of voting machines, 3932
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marking devices, and automatic tabulating equipment using money 3936
made available under this section. An acquisition for any one 3937
board of county commissioners shall not exceed five million 3938
dollars and shall be made only for equipment purchased on or after 3939
March 31, 2008. Any costs incurred on or after January 1, 2008, 3940
may be considered as the county cost percentage for the purpose of 3941
an acquisition made under this section. 3942

Counties shall lease from the secretary of state the capital 3943
facilities financed in part from the county voting machine 3944
revolving lease/loan fund and may enter into any agreements 3945
required under the applicable bond proceedings. All voting 3946
machines, marking devices, and automatic tabulating equipment 3947
purchased through this fund shall remain the property of the state 3948
until all payments under the applicable county lease have been 3949
made at which time ownership shall transfer to the county. Costs 3950
associated with the maintenance, repair, and operation of the 3951
voting machines, marking devices, and automatic tabulating 3952
equipment purchased under this section shall be the responsibility 3953
of the participating boards of elections and boards of county 3954
commissioners. 3955

Such lease may obligate the counties, as using state agencies 3956
under Chapter 152. of the Revised Code, to operate the capital 3957
facilities for such period of time as may be specified by law and 3958
to pay such rent as the secretary of state determines to be 3959
appropriate. Notwithstanding any other provision of the Revised 3960
Code to the contrary, any county may enter into such a lease, and 3961
any such lease is legally sufficient to obligate the county for 3962
the term stated in the lease. Any such lease constitutes an 3963
agreement described in division (E) of section 152.24 of the 3964
Revised Code. 3965

(F) As used in this section: 3966

(1) "Automatic tabulating equipment," "marking device," and 3967

"voting machine" have the same meanings as in section 3506.01 of 3968
the Revised Code. 3969

(2) "Equipment" has the same meaning as in section 3506.05 of 3970
the Revised Code. 3971

Sec. 111.27. There is hereby established in the state 3972
treasury the board of elections reimbursement and education fund. 3973
The fund shall be used by the secretary of state to reimburse 3974
boards of elections for various purposes, including reimbursements 3975
made under sections 3513.301, 3513.312, 3515.071, and 3521.03 of 3976
the Revised Code, and to provide training and educational programs 3977
for members and employees of boards of elections. The fund shall 3978
receive transfers of cash pursuant to controlling board action and 3979
also shall receive revenues from fees, gifts, grants, donations, 3980
and other similar receipts. 3981

Sec. 117.13. (A) The costs of audits of state agencies shall 3982
be recovered by the auditor of state in the following manner: 3983

(1) The costs of all audits of state agencies shall be paid 3984
to the auditor of state on statements rendered by the auditor of 3985
state. Money so received by the auditor of state shall be paid 3986
into the state treasury to the credit of the public audit expense 3987
fund--intrastate, which is hereby created, and shall be used to 3988
pay costs related to such audits. The costs of all annual and 3989
special audits of a state agency shall be charged to the state 3990
agency being audited. The costs of all biennial audits of a state 3991
agency shall be paid from money appropriated to the department of 3992
administrative services for that purpose. The costs of any 3993
assistant auditor, employee, or expert employed pursuant to 3994
section 117.09 of the Revised Code called upon to testify in any 3995
legal proceedings in regard to any audit, or called upon to review 3996
or discuss any matter related to any audit, may be charged to the 3997

state agency to which the audit relates. 3998

(2) The auditor of state shall establish by rule rates to be charged to state agencies or to the department of administrative services for recovering the costs of audits of state agencies. 3999
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(B) As used in this division, "government auditing standards" means the government auditing standards published by the comptroller general of the United States general accounting office. 4002
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(1) Except as provided in divisions (B)(2) and (3) of this section, any costs of an audit of a private institution, association, board, or corporation receiving public money for its use shall be charged to the public office providing the public money in the same manner as costs of an audit of the public office. 4006
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(2) If an audit of a private child placing agency or private noncustodial agency receiving public money from a public children services agency for providing child welfare or child protection services sets forth that money has been illegally expended, converted, misappropriated, or is unaccounted for, the costs of the audit shall be charged to the agency being audited in the same manner as costs of an audit of a public office, unless the findings are inconsequential, as defined by government auditing standards. 4012
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(3) If such an audit does not set forth that money has been illegally expended, converted, misappropriated, or is unaccounted for or sets forth findings that are inconsequential, as defined by government auditing standards, the costs of the audit shall be charged as follows: 4021
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(a) One-third of the costs to the agency being audited; 4026

(b) One-third of the costs to the public children services agency that provided the public money to the agency being audited; 4027
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(c) One-third of the costs to the department of job and family services. 4029
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(C) The costs of audits of local public offices shall be recovered by the auditor of state in the following manner: 4031
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(1) The total amount of compensation paid assistant auditors of state, their expenses, the cost of employees assigned to assist the assistant auditors of state, the cost of experts employed pursuant to section 117.09 of the Revised Code, and the cost of typing, reviewing, and copying reports shall be borne by the public office to which such assistant auditors of state are so assigned, except that annual vacation and sick leave of assistant auditors of state, employees, and typists shall be financed from the general revenue fund. The necessary traveling and hotel expenses of the deputy inspectors and supervisors of public offices shall be paid from the state treasury. Assistant auditors of state shall be compensated by the taxing district or other public office audited for activities undertaken pursuant to division (B) of section 117.18 and section 117.24 of the Revised Code. The costs of any assistant auditor, employee, or expert employed pursuant to section 117.09 of the Revised Code called upon to testify in any legal proceedings in regard to any audit, or called upon to review or discuss any matter related to any audit, may be charged to the public office to which the audit relates. 4033
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(2) The auditor of state shall certify the amount of such compensation, expenses, cost of experts, reviewing, copying, and typing to the fiscal officer of the local public office audited. The fiscal officer of the local public office shall forthwith draw a warrant upon the general fund or other appropriate funds of the local public office to the order of the auditor of state; provided, that the auditor of state is authorized to negotiate with any local public office and, upon agreement between the 4053
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auditor of state and the local public office, may adopt a schedule 4061
for payment of the amount due under this section. Money so 4062
received by the auditor of state shall be paid into the state 4063
treasury to the credit of the public audit expense fund--local 4064
government, which is hereby created, and shall be used to pay the 4065
compensation, expense, cost of experts and employees, reviewing, 4066
copying, and typing of reports. 4067

(3) At the conclusion of each audit, or analysis and report 4068
made pursuant to section 117.24 of the Revised Code, the auditor 4069
of state shall furnish the fiscal officer of the local public 4070
office audited a statement showing the total cost of the audit, or 4071
of the audit and the analysis and report, and the percentage of 4072
the total cost chargeable to each fund audited. The fiscal officer 4073
may distribute such total cost to each fund audited in accordance 4074
with its percentage of the total cost. 4075

(4) The auditor of state shall provide each local public 4076
office a statement or certification of the amount due from the 4077
public office for services performed by the auditor of state under 4078
this or any other section of the Revised Code, as well as the date 4079
upon which payment is due to the auditor of state. Any local 4080
public office that does not pay the amount due to the auditor of 4081
state by that date may be assessed by the auditor of state for 4082
interest from the date upon which the payment is due at the rate 4083
per annum prescribed by section 5703.47 of the Revised Code. All 4084
interest charges assessed by the auditor of state may be collected 4085
in the same manner as audit costs pursuant to division (D) of this 4086
section. 4087

(D) If the auditor of state fails to receive payment for any 4088
amount due, including, but not limited to, fines, fees, and costs, 4089
from a public office for services performed under this or any 4090
other section of the Revised Code, the auditor of state may seek 4091
payment through the office of budget and management. (Amounts due 4092

include any amount due to an independent public accountant with 4093
whom the auditor has contracted to perform services, all costs and 4094
fees associated with participation in the uniform accounting 4095
network, and all costs associated with the auditor's provision of 4096
local government services.) Upon certification by the auditor of 4097
state to the director of budget and management of any such amount 4098
due, the director shall withhold from the public office any amount 4099
available, up to and including the amount certified as due, from 4100
any funds under the director's control that belong to or are 4101
lawfully payable or due to the public office. The director shall 4102
promptly pay the amount withheld to the auditor of state. If the 4103
director determines that no funds due and payable to the public 4104
office are available or that insufficient amounts of such funds 4105
are available to cover the amount due, the director shall withhold 4106
and pay to the auditor of state the amounts available and, in the 4107
case of a local public office, certify the remaining amount to the 4108
county auditor of the county in which the local public office is 4109
located. The county auditor shall withhold from the local public 4110
office any amount available, up to and including the amount 4111
certified as due, from any funds under the county auditor's 4112
control and belonging to or lawfully payable or due to the local 4113
public office. The county auditor shall promptly pay any such 4114
amount withheld to the auditor of state. 4115

(E)(1) The auditor of state shall certify to the director of 4116
budget and management the amounts due or necessary for state 4117
agency audit costs and the director shall transfer the certified 4118
amounts from the general revenue fund to the public audit expense 4119
fund - intrastate if either of the following apply: 4120

(a) A state agency that has ceased operation has not paid 4121
audit costs pursuant to this section. 4122

(b) In the judgment of the auditor of state, the money 4123
appropriated for the cost of biennial audits of state agencies is 4124

not sufficient to conduct an appropriate audit program. 4125

(2) If a local public office ceases operation and has not 4126
paid audit costs pursuant to this section, one of the following 4127
shall occur: 4128

(a) In the case of costs due for an audit performed by the 4129
auditor or state, the auditor of state shall certify to the 4130
director the amounts due for these costs, and the director shall 4131
transfer the certified amounts from the general revenue fund to 4132
the public audit expense fund-local government. 4133

(b) In the case of costs due for an audit performed by an 4134
independent auditor, the independent auditor shall notify the 4135
auditor of state of the amounts due for these costs. The auditor 4136
of state shall certify the amounts to the director, and the 4137
director shall transfer the certified amounts from the general 4138
revenue fund to the credit of the public audit expense 4139
fund-independent auditors, which is hereby created in the state 4140
treasury for the purpose of reimbursing independent auditors for 4141
unpaid audit costs pursuant to this section. 4142

Sec. 117.16. (A) The auditor of state shall do all of the 4143
following: 4144

(1) Develop a force account project assessment form that each 4145
public office that undertakes force account projects shall use to 4146
estimate or report the cost of a force account project. The form 4147
shall include costs for employee salaries and benefits, any other 4148
labor costs, materials, freight, fuel, hauling, overhead expense, 4149
workers' compensation premiums, and all other items of cost and 4150
expense, including a reasonable allowance for the use of all tools 4151
and equipment used on or in connection with such work and for the 4152
depreciation on the tools and equipment. 4153

(2) Make the form available to public offices by any 4154

cost-effective, convenient method accessible to the auditor of 4155
state and the public offices; 4156

(3) When conducting an audit under this chapter of a public 4157
office that undertakes force account projects, examine the forms 4158
and records of a sampling of the force account projects the public 4159
office completed since an audit was last conducted, to determine 4160
compliance with its force account limits. 4161

(B) If the auditor of state receives a complaint from any 4162
person that a public office has violated the force account limits 4163
established for that office, the auditor of state may conduct an 4164
audit in addition to the audit provided in section 117.11 of the 4165
Revised Code if the auditor of state has reasonable cause to 4166
believe that an additional audit is in the public interest. 4167

(C)(1) If the auditor of state finds that a county, township, 4168
or municipal corporation violated the force account limits or 4169
scope of work limits as elected by the political subdivision and 4170
established for that political subdivision, the auditor of state, 4171
in addition to any other action authorized by this chapter, shall 4172
notify the political subdivision that, for a period of one year 4173
from the date of the notification, the force account limits or 4174
scope of work limits for the subdivision are reduced as follows: 4175

(a) For a county, the limits shall be ten thousand dollars 4176
per mile for construction or reconstruction of a road and forty 4177
thousand dollars for construction, reconstruction, maintenance, or 4178
repair of a bridge or culvert; or for scope of work, the scope of 4179
work limits shall be restricted to crack sealing operations for 4180
pavements and single cell culvert replacement with a waterway 4181
opening width not to exceed twelve feet measured at its widest 4182
point for structures. 4183

(b) For a township, the limit shall be fifteen thousand 4184
dollars for maintenance and repair of a road or five thousand per 4185

mile for construction or reconstruction of a township road 4186
regardless of scope of work; 4187

(c) For a municipal corporation, the limit shall be ten 4188
thousand dollars for the construction, reconstruction, widening, 4189
resurfacing, or repair of a street or other public way regardless 4190
of scope of work. 4191

(2) If the auditor of state finds that a county, township, or 4192
municipal corporation violated the force account limits or scope 4193
of work limits as elected by the political subdivision and 4194
established for that political subdivision a second or subsequent 4195
time, the auditor of state, in addition to any other action 4196
authorized by this chapter, shall notify the political subdivision 4197
that, for a period of two years from the date of the notification, 4198
the force account limits for the subdivision are reduced in 4199
accordance with division (C)(1)(a), (b), or (c) of this section. 4200
4201

(3) If the auditor of state finds that a county, township, or 4202
municipal corporation violated the force account limits or scope 4203
of work limits as elected by the political subdivision and 4204
established for that political subdivision a third or subsequent 4205
time, the auditor of state shall certify to the tax commissioner 4206
an amount the auditor of state determines to be twenty per cent of 4207
the total cost of the force account project that is the basis of 4208
the violation. Upon receipt of this certification, the tax 4209
commissioner shall withhold the certified amount from any funds 4210
under the tax commissioner's control that are due or payable to 4211
that political subdivision. The tax commissioner shall promptly 4212
deposit this withheld amount to the credit of the local 4213
transportation improvement program fund created by section 164.14 4214
of the Revised Code. 4215

If the tax commissioner determines that no funds are due and 4216
payable to the violating political subdivision or that 4217

insufficient amounts of such funds are available to cover the 4218
entire certified amount, the tax commissioner shall withhold and 4219
deposit to the credit of the local transportation improvement 4220
program fund any amount available and certify the remaining amount 4221
to be withheld to the county auditor of the county in which the 4222
political subdivision is located. The county auditor shall 4223
withhold from that political subdivision any amount, up to that 4224
certified by the tax commissioner, that is available from any 4225
funds under the county auditor's control, that is due or payable 4226
to that political subdivision, and that can be lawfully withheld. 4227
The county auditor shall promptly pay that withheld amount to the 4228
tax commissioner for deposit into the local transportation 4229
improvement program fund. 4230

The payments required under division (C)(3) of this section 4231
are in addition to the force account limit reductions described in 4232
division (C)(2) of this section and also are in addition to any 4233
other action authorized by this chapter. 4234

(D) If the auditor of state finds that a county, township, or 4235
municipal corporation violated its force account limits when 4236
participating in a joint force account project, the auditor of 4237
state shall impose the reduction in force account limits under 4238
division (C) of this section on all entities participating in the 4239
joint project. 4240

(E) As used in this section, ~~"force:~~ 4241

(1) "Force account limits" means any of the following, as 4242
applicable: 4243

~~(1)~~(a) For a county, the amounts established in section 4244
5543.19 of the Revised Code or the amounts established in that 4245
section as adjusted under section 117.162 of the Revised Code, as 4246
applicable; 4247

~~(2)~~(b) For a township, the amounts established in section 4248

5575.01 of the Revised Code or the amounts established in that 4249
section as adjusted under section 117.162 of the Revised Code, as 4250
applicable; 4251

~~(3)~~(c) For a municipal corporation, the amount established in 4252
section 723.52 of the Revised Code or the amount established in 4253
that section as adjusted under section 117.162 of the Revised 4254
Code, as applicable; 4255

~~(4)~~(d) For the department of transportation, the amount 4256
established in section 5517.02 of the Revised Code or the amounts 4257
established in that section as adjusted under section 117.162 of 4258
the Revised Code, as applicable. 4259

(2) "Scope of work limits" means the amounts established 4260
under section 5579.10 of the Revised Code. 4261

Sec. 117.162. (A) Upon the effective date of this section, 4262
the auditor of state shall adjust upward county, township, 4263
municipal, and department of transportation force account limits 4264
by twenty-five per cent. The auditor shall post these new force 4265
account limits on the auditor of state's internet site on the 4266
world wide web. Beginning in 2011, not later than the thirty-first 4267
day of January each year, the auditor of state shall adjust upward 4268
county, township, municipal, and department of transportation 4269
force account limits by the percentage increase, if any in the 4270
consumer price index over the twelve-month period that ended on 4271
the last day of December of the immediately preceding year, 4272
rounded to the nearest one-tenth of one per cent. The auditor 4273
shall post the new force account limits on the auditor of state's 4274
internet site on the world wide web. The limits increased annually 4275
by the consumer price index shall be effective for the following 4276
twelve-month period beginning on the first day of February. 4277

(B) As used in this section: 4278

(1) "Consumer price index" means the consumer price index prepared by the United States bureau of labor statistics (U.S. city average for urban wage earners and clerical workers: all items 1982-1984=100), or if that index is no longer published, a generally available comparable index.

(2) "Force account limits" has the same meaning as in section 117.16 of the Revised Code.

Sec. 117.20. (A) In adopting rules pursuant to Chapter 117. of the Revised Code, the auditor of state or the auditor of state's designee shall do both of the following:

(1) Before adopting any such rule, except a rule of an emergency nature, do each of the following:

(a) At least thirty-five days before any public hearing on the proposed rule-making action, mail notice of the hearing to each public office and to each statewide organization that the auditor of state or designee determines will be affected or represents persons who will be affected by the proposed rule-making action;

(b) Mail a copy of the proposed rule to any person or organization that requests a copy within five days after receipt of the request;

(c) Consult with appropriate state and local government agencies, or with persons representative of their interests, including statewide organizations of local government officials, and consult with accounting professionals and other interested persons;

(d) Conduct, on the date and at the time and place designated in the notice, a public hearing at which any person affected by the proposed rule, including statewide organizations of local government officials, may appear and be heard in person, by

attorney, or both, and may present the person's or organization's 4309
position or contentions orally or in writing. 4310

(2) Except as otherwise provided in division (A)(2) of this 4311
section, comply with divisions (B) to (E) of section 111.15 of the 4312
Revised Code. The auditor of state is not required to file a rule 4313
summary and fiscal analysis along with any copy of a proposed 4314
rule, or proposed rule in revised form, that is filed with the 4315
joint committee on agency rule review, the secretary of state, or 4316
the director of the legislative service commission under division 4317
(D) or (E) of section 111.15 of the Revised Code; ~~however, if the~~ 4318
~~auditor of state or the auditor of state's designee prepares a~~ 4319
~~rule summary and fiscal analysis of the original version of a~~ 4320
~~proposed rule for purposes of complying with section 121.24 of the~~ 4321
~~Revised Code, the auditor of state or designee shall file a copy~~ 4322
~~of the rule summary and fiscal analysis in electronic form along~~ 4323
~~with the original version of the proposed rule filed under~~ 4324
~~division (D) or (E) of section 111.15 of the Revised Code.~~ 4325

(B) The auditor of state shall diligently discharge the 4326
duties imposed by divisions (A)(1)(a), (b), and (c) of this 4327
section, but failure to mail any notice or copy of a proposed 4328
rule, or to consult with any person or organization, shall not 4329
invalidate any rule. 4330

(C) Notwithstanding any contrary provision of the Revised 4331
Code, the auditor of state may prepare and disseminate, to public 4332
offices and other interested persons and organizations, advisory 4333
bulletins, directives, and instructions relating to accounting and 4334
financial reporting systems, budgeting procedures, fiscal 4335
controls, and the constructions by the auditor of state of 4336
constitutional and statutory provisions, court decisions, and 4337
opinions of the attorney general. The bulletins, directives, and 4338
instructions shall be of an advisory nature only. 4339

(D) As used in this section, "rule" includes the adoption, 4340

amendment, or rescission of a rule. 4341

Sec. 118.05. (A) Pursuant to the powers of the general 4342
assembly and for the purposes of this chapter, upon the occurrence 4343
of a fiscal emergency in any municipal corporation, county, or 4344
township, as determined pursuant to section 118.04 of the Revised 4345
Code, there is established, with respect to that municipal 4346
corporation, county, or township, a body both corporate and 4347
politic constituting an agency and instrumentality of the state 4348
and performing essential governmental functions of the state to be 4349
known as the "financial planning and supervision commission for 4350
..... (name of municipal corporation, county, or 4351
township)," which, in that name, may exercise all authority vested 4352
in such a commission by this chapter. A separate commission is 4353
established with respect to each municipal corporation, county, or 4354
township as to which there is a fiscal emergency as determined 4355
under this chapter. 4356

(B) A commission shall consist of the following ~~seven~~ voting 4357
members: 4358

(1) Four ex officio members: the treasurer of state; the 4359
director of budget and management; in the case of a municipal 4360
corporation, the mayor of the municipal corporation and the 4361
presiding officer of the legislative authority of the municipal 4362
corporation; in the case of a county, the president of the board 4363
of county commissioners and the county auditor; and in the case of 4364
a township, a member of the board of township trustees and the 4365
county auditor. 4366

The treasurer of state may designate a deputy treasurer or 4367
director within the office of the treasurer of state or any other 4368
appropriate person who is not an employee of the treasurer of 4369
state's office; the director of budget and management may 4370
designate an individual within the office of budget and management 4371

or any other appropriate person who is not an employee of the 4372
office of budget and management; the mayor may designate a 4373
responsible official within the mayor's office or the fiscal 4374
officer of the municipal corporation; the presiding officer of the 4375
legislative authority of the municipal corporation may designate 4376
any other member of the legislative authority; the board of county 4377
commissioners may designate any other member of the board or the 4378
fiscal officer of the county; and the board of township trustees 4379
may designate any other member of the board or the fiscal officer 4380
of the township to attend the meetings of the commission when the 4381
ex officio member is absent or unable for any reason to attend. A 4382
designee, when present, shall be counted in determining whether a 4383
quorum is present at any meeting of the commission and may vote 4384
and participate in all proceedings and actions of the commission. 4385
The designations shall be in writing, executed by the ex officio 4386
member or entity making the designation, and filed with the 4387
secretary of the commission. The designations may be changed from 4388
time to time in like manner, but due regard shall be given to the 4389
need for continuity. 4390

(2) Three If a municipal corporation, county, or township has 4391
a population of at least one thousand, three members nominated and 4392
appointed as follows: 4393

The mayor and presiding officer of the legislative authority 4394
of the municipal corporation, the board of county commissioners, 4395
or the board of township trustees shall, within ten days after the 4396
determination of the fiscal emergency by the auditor of state 4397
under section 118.04 of the Revised Code, submit in writing to the 4398
governor the nomination of five persons agreed to by them and 4399
meeting the qualifications set forth in this division. If the 4400
governor is not satisfied that at least three of the nominees are 4401
well qualified, the governor shall notify the mayor and presiding 4402
officer, or the board of county commissioners, or the board of 4403

township trustees to submit in writing, within five days, 4404
additional nominees agreed upon by them, not exceeding three. The 4405
governor shall appoint three members from all the agreed-upon 4406
nominees so submitted or a lesser number that the governor 4407
considers well qualified within thirty days after receipt of the 4408
nominations, and shall fill any remaining positions on the 4409
commission by appointment of any other persons meeting the 4410
qualifications set forth in this division. All appointments by the 4411
governor shall be made with the advice and consent of the senate. 4412
Each of the three appointed members shall serve during the life of 4413
the commission, subject to removal by the governor for 4414
misfeasance, nonfeasance, or malfeasance in office. In the event 4415
of the death, resignation, incapacity, removal, or ineligibility 4416
to serve of an appointed member, the governor, pursuant to the 4417
process for original appointment, shall appoint a successor. 4418

(3) If a municipal corporation, county, or township has a 4419
population of less than one thousand, one member nominated and 4420
appointed as follows: 4421

The mayor and presiding officer of the legislative authority 4422
of the municipal corporation, the board of county commissioners, 4423
or the board of township trustees shall, within ten days after the 4424
determination of the fiscal emergency by the auditor of state 4425
under section 118.04 of the Revised Code, submit in writing to the 4426
governor the nomination of three persons agreed to by them and 4427
meeting the qualifications set forth in this division. If the 4428
governor is not satisfied that at least one of the nominees is 4429
well qualified, the governor shall notify the mayor and presiding 4430
officer, or the board of county commissioners, or the board of 4431
township trustees to submit in writing, within five days, 4432
additional nominees agreed upon by them, not exceeding three. The 4433
governor shall appoint one member from all the agreed-upon 4434
nominees so submitted or shall fill the position on the commission 4435

by appointment of any other person meeting the qualifications set forth in this division. All appointments by the governor shall be made with the advice and consent of the senate. The appointed member shall serve during the life of the commission, subject to removal by the governor for misfeasance, nonfeasance, or malfeasance in office. In the event of the death, resignation, incapacity, removal, or ineligibility to serve of the appointed member, the governor, pursuant to the process for original appointment, shall appoint a successor.

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

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

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

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

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

(D) The director of budget and management shall serve as 4467
chairperson of the commission. The commission shall elect one of 4468
its members to serve as vice-chairperson and may appoint a 4469
secretary and any other officers, who need not be members of the 4470
commission, it considers necessary. 4471

(E) The commission may adopt and alter bylaws and rules, 4472
which shall not be subject to section 111.15 or Chapter 119. of 4473
the Revised Code, for the conduct of its affairs and for the 4474
manner, subject to this chapter, in which its powers and functions 4475
shall be exercised and embodied. 4476

(F) ~~Five~~ Four members of ~~the~~ a commission established 4477
pursuant to divisions (B)(1) and (2) of this section constitute a 4478
quorum of the commission. The affirmative vote of ~~five~~ a majority 4479
of the members of ~~the~~ such a commission is necessary for any 4480
action taken by vote of the commission. Three members of a 4481
commission established pursuant to divisions (B)(1) and (3) of 4482
this section constitute a quorum of the commission. The 4483
affirmative vote of a majority of the members of such a commission 4484
is necessary for any action taken by vote of the commission. No 4485
vacancy in the membership of the commission shall impair the 4486
rights of a quorum by such vote to exercise all the rights and 4487
perform all the duties of the commission. Members of the 4488
commission, and their designees, are not disqualified from voting 4489
by reason of the functions of the other office they hold and are 4490
not disqualified from exercising the functions of the other office 4491
with respect to the municipal corporation, county, or township, 4492
its officers, or the commission. 4493

(G) The auditor of state shall serve as the "financial 4494
supervisor" to the commission unless the auditor of state elects 4495
to contract for that service. As used in this chapter, "financial 4496
supervisor" means the auditor of state. 4497

(H) At the request of the commission, the auditor of state 4498

shall designate employees of the auditor of state's office to 4499
assist the commission and the financial supervisor and to 4500
coordinate the work of the auditor of state's office and the 4501
financial supervisor. Upon the determination of a fiscal emergency 4502
in any municipal corporation, county, or township, the municipal 4503
corporation, county, or township shall provide the commission with 4504
such reasonable office space in the principal building housing 4505
city, county, or township government, where feasible, as it 4506
determines is necessary to carry out its duties under this 4507
chapter. 4508

(I) The financial supervisor, the members of the commission, 4509
the auditor of state, and any person authorized to act on behalf 4510
of or assist them shall not be personally liable or subject to any 4511
suit, judgment, or claim for damages resulting from the exercise 4512
of or failure to exercise the powers, duties, and functions 4513
granted to them in regard to their functioning under this chapter, 4514
but the commission, the financial supervisor, the auditor of 4515
state, and those other persons shall be subject to mandamus 4516
proceedings to compel performance of their duties under this 4517
chapter and with respect to any debt obligations issued pursuant 4518
or subject to this chapter. 4519

(J) At the request of the commission, the administrative head 4520
of any state agency shall temporarily assign personnel skilled in 4521
accounting and budgeting procedures to assist the commission or 4522
the financial supervisor in its duties as financial supervisor. 4523

(K) The appointed members of the commission are not subject 4524
to section 102.02 of the Revised Code. Each appointed member of 4525
the commission shall file with the commission a signed written 4526
statement setting forth the general nature of sales of goods, 4527
property, or services or of loans to the municipal corporation, 4528
county, or township with respect to which that commission is 4529
established, in which the appointed member has a pecuniary 4530

interest or in which any member of the appointed member's 4531
immediate family, as defined in section 102.01 of the Revised 4532
Code, or any corporation, partnership, or enterprise of which the 4533
appointed member is an officer, director, or partner, or of which 4534
the appointed member or a member of the appointed member's 4535
immediate family, as so defined, owns more than a five per cent 4536
interest, has a pecuniary interest, and of which sale, loan, or 4537
interest such member has knowledge. The statement shall be 4538
supplemented from time to time to reflect changes in the general 4539
nature of any such sales or loans. 4540

Sec. 119.03. In the adoption, amendment, or rescission of any 4541
rule, an agency shall comply with the following procedure: 4542

(A) Reasonable public notice shall be given in the register 4543
of Ohio at least thirty days prior to the date set for a hearing, 4544
in the form the agency determines. The agency shall file copies of 4545
the public notice under division (B) of this section. (The agency 4546
gives public notice in the register of Ohio when the public notice 4547
is published in the register under that division.) 4548

The public notice shall include: 4549

(1) A statement of the agency's intention to consider 4550
adopting, amending, or rescinding a rule; 4551

(2) A synopsis of the proposed rule, amendment, or rule to be 4552
rescinded or a general statement of the subject matter to which 4553
the proposed rule, amendment, or rescission relates; 4554

(3) A statement of the reason or purpose for adopting, 4555
amending, or rescinding the rule; 4556

(4) The date, time, and place of a hearing on the proposed 4557
action, which shall be not earlier than the thirty-first nor later 4558
than the fortieth day after the proposed rule, amendment, or 4559
rescission is filed under division (B) of this section. 4560

In addition to public notice given in the register of Ohio, 4561
the agency may give whatever other notice it reasonably considers 4562
necessary to ensure notice constructively is given to all persons 4563
who are subject to or affected by the proposed rule, amendment, or 4564
rescission. 4565

The agency shall provide a copy of the public notice required 4566
under division (A) of this section to any person who requests it 4567
and pays a reasonable fee, not to exceed the cost of copying and 4568
mailing. 4569

(B) The full text of the proposed rule, amendment, or rule to 4570
be rescinded, accompanied by the public notice required under 4571
division (A) of this section, shall be filed in electronic form 4572
with the secretary of state and with the director of the 4573
legislative service commission. (If in compliance with this 4574
division an agency files more than one proposed rule, amendment, 4575
or rescission at the same time, and has prepared a public notice 4576
under division (A) of this section that applies to more than one 4577
of the proposed rules, amendments, or rescissions, the agency 4578
shall file only one notice with the secretary of state and with 4579
the director for all of the proposed rules, amendments, or 4580
rescissions to which the notice applies.) The proposed rule, 4581
amendment, or rescission and public notice shall be filed as 4582
required by this division at least sixty-five days prior to the 4583
date on which the agency, in accordance with division (D) of this 4584
section, issues an order adopting the proposed rule, amendment, or 4585
rescission. 4586

If the proposed rule, amendment, or rescission incorporates a 4587
text or other material by reference, the agency shall comply with 4588
sections 121.71 to 121.76 of the Revised Code. 4589

The proposed rule, amendment, or rescission shall be 4590
available for at least thirty days prior to the date of the 4591
hearing at the office of the agency in printed or other legible 4592

form without charge to any person affected by the proposal. 4593

Failure to furnish such text to any person requesting it shall not 4594

invalidate any action of the agency in connection therewith. 4595

If the agency files a substantive revision in the text of the 4596

proposed rule, amendment, or rescission under division (H) of this 4597

section, it shall also promptly file the full text of the proposed 4598

rule, amendment, or rescission in its revised form in electronic 4599

form with the secretary of state and with the director of the 4600

legislative service commission. 4601

The agency shall file the rule summary and fiscal analysis 4602

prepared under section ~~121.24~~ or 127.18 of the Revised Code, ~~or~~ 4603

~~both~~, in electronic form along with a proposed rule, amendment, or 4604

rescission or proposed rule, amendment, or rescission in revised 4605

form that is filed with the secretary of state or the director of 4606

the legislative service commission. 4607

The director of the legislative service commission shall 4608

publish in the register of Ohio the full text of the original and 4609

each revised version of a proposed rule, amendment, or rescission; 4610

the full text of a public notice; and the full text of a rule 4611

summary and fiscal analysis that is filed with the director under 4612

this division. 4613

(C) On the date and at the time and place designated in the 4614

notice, the agency shall conduct a public hearing at which any 4615

person affected by the proposed action of the agency may appear 4616

and be heard in person, by the person's attorney, or both, may 4617

present the person's position, arguments, or contentions, orally 4618

or in writing, offer and examine witnesses, and present evidence 4619

tending to show that the proposed rule, amendment, or rescission, 4620

if adopted or effectuated, will be unreasonable or unlawful. An 4621

agency may permit persons affected by the proposed rule, 4622

amendment, or rescission to present their positions, arguments, or 4623

contentions in writing, not only at the hearing, but also for a 4624

reasonable period before, after, or both before and after the 4625
hearing. A person who presents a position or arguments or 4626
contentions in writing before or after the hearing is not required 4627
to appear at the hearing. 4628

At the hearing, the testimony shall be recorded. Such record 4629
shall be made at the expense of the agency. The agency is required 4630
to transcribe a record that is not sight readable only if a person 4631
requests transcription of all or part of the record and agrees to 4632
reimburse the agency for the costs of the transcription. An agency 4633
may require the person to pay in advance all or part of the cost 4634
of the transcription. 4635

In any hearing under this section the agency may administer 4636
oaths or affirmations. 4637

(D) After complying with divisions (A), (B), (C), and (H) of 4638
this section, and when the time for legislative review and 4639
invalidation under division (I) of this section has expired, the 4640
agency may issue an order adopting the proposed rule or the 4641
proposed amendment or rescission of the rule, consistent with the 4642
synopsis or general statement included in the public notice. At 4643
that time the agency shall designate the effective date of the 4644
rule, amendment, or rescission, which shall not be earlier than 4645
the tenth day after the rule, amendment, or rescission has been 4646
filed in its final form as provided in section 119.04 of the 4647
Revised Code. 4648

(E) Prior to the effective date of a rule, amendment, or 4649
rescission, the agency shall make a reasonable effort to inform 4650
those affected by the rule, amendment, or rescission and to have 4651
available for distribution to those requesting it the full text of 4652
the rule as adopted or as amended. 4653

(F) If the governor, upon the request of an agency, 4654
determines that an emergency requires the immediate adoption, 4655

amendment, or rescission of a rule, the governor shall issue an 4656
order, the text of which shall be filed in electronic form with 4657
the agency, the secretary of state, the director of the 4658
legislative service commission, and the joint committee on agency 4659
rule review, that the procedure prescribed by this section with 4660
respect to the adoption, amendment, or rescission of a specified 4661
rule is suspended. The agency may then adopt immediately the 4662
emergency rule, amendment, or rescission and it becomes effective 4663
on the date the rule, amendment, or rescission, in final form and 4664
in compliance with division (A)(2) of section 119.04 of the 4665
Revised Code, ~~are~~ is filed in electronic form with the secretary 4666
of state, the director of the legislative service commission, and 4667
the joint committee on agency rule review. If all filings are not 4668
completed on the same day, the emergency rule, amendment, or 4669
rescission shall be effective on the day on which the latest 4670
filing is completed. The director shall publish the full text of 4671
the emergency rule, amendment, or rescission in the register of 4672
Ohio. 4673

The emergency rule, amendment, or rescission shall become 4674
invalid at the end of the ninetieth day it is in effect. Prior to 4675
that date the agency may adopt the emergency rule, amendment, or 4676
rescission as a nonemergency rule, amendment, or rescission by 4677
complying with the procedure prescribed by this section for the 4678
adoption, amendment, and rescission of nonemergency rules. The 4679
agency shall not use the procedure of this division to readopt the 4680
emergency rule, amendment, or rescission so that, upon the 4681
emergency rule, amendment, or rescission becoming invalid under 4682
this division, the emergency rule, amendment, or rescission will 4683
continue in effect without interruption for another ninety-day 4684
period, except when division (I)(2)(a) of this section prevents 4685
the agency from adopting the emergency rule, amendment, or 4686
rescission as a nonemergency rule, amendment, or rescission within 4687
the ninety-day period. 4688

This division does not apply to the adoption of any emergency rule, amendment, or rescission by the tax commissioner under division (C)(2) of section 5117.02 of the Revised Code.

(G) Rules adopted by an authority within the department of job and family services for the administration or enforcement of Chapter 4141. of the Revised Code or of the department of taxation shall be effective without a hearing as provided by this section if the statutes pertaining to such agency specifically give a right of appeal to the board of tax appeals or to a higher authority within the agency or to a court, and also give the appellant a right to a hearing on such appeal. This division does not apply to the adoption of any rule, amendment, or rescission by the tax commissioner under division (C)(1) or (2) of section 5117.02 of the Revised Code, or deny the right to file an action for declaratory judgment as provided in Chapter 2721. of the Revised Code from the decision of the board of tax appeals or of the higher authority within such agency.

(H) When any agency files a proposed rule, amendment, or rescission under division (B) of this section, it shall also file in electronic form with the joint committee on agency rule review the full text of the proposed rule, amendment, or rule to be rescinded in the same form and the public notice required under division (A) of this section. (If in compliance with this division an agency files more than one proposed rule, amendment, or rescission at the same time, and has given a public notice under division (A) of this section that applies to more than one of the proposed rules, amendments, or rescissions, the agency shall file only one notice with the joint committee for all of the proposed rules, amendments, or rescissions to which the notice applies.) If the agency makes a substantive revision in a proposed rule, amendment, or rescission after it is filed with the joint committee, the agency shall promptly file the full text of the

proposed rule, amendment, or rescission in its revised form in 4721
electronic form with the joint committee. The latest version of a 4722
proposed rule, amendment, or rescission as filed with the joint 4723
committee supersedes each earlier version of the text of the same 4724
proposed rule, amendment, or rescission. An agency shall file the 4725
rule summary and fiscal analysis prepared under section ~~121.24~~ or 4726
127.18 of the Revised Code, ~~or both~~, in electronic form along with 4727
a proposed rule, amendment, or rescission, and along with a 4728
proposed rule, amendment, or rescission in revised form, that is 4729
filed under this division. 4730

The joint committee shall promptly file a notice in 4731
electronic form with the Ohio small business ombudsperson of the 4732
filing under this division of a proposed rule, amendment, or 4733
rescission, or of a proposed rule, amendment, or rescission in 4734
revised form, that previously was filed with the ombudsperson 4735
under section 121.254 of the Revised Code. 4736

This division does not apply to: 4737

(1) An emergency rule, amendment, or rescission; 4738

(2) Any proposed rule, amendment, or rescission that must be 4739
adopted verbatim by an agency pursuant to federal law or rule, to 4740
become effective within sixty days of adoption, in order to 4741
continue the operation of a federally reimbursed program in this 4742
state, so long as the proposed rule contains both of the 4743
following: 4744

(a) A statement that it is proposed for the purpose of 4745
complying with a federal law or rule; 4746

(b) A citation to the federal law or rule that requires 4747
verbatim compliance. 4748

If a rule or amendment is exempt from legislative review 4749
under division (H)(2) of this section, and if the federal law or 4750
rule pursuant to which the rule or amendment was adopted expires, 4751

is repealed or rescinded, or otherwise terminates, the rule or
amendment, or its rescission, is thereafter subject to legislative
review under division (H) of this section.

(I)(1) The joint committee on agency rule review may
recommend the adoption of a concurrent resolution invalidating a
proposed rule, amendment, rescission, or part thereof if it finds
any of the following:

(a) That the rule-making agency has exceeded the scope of its
statutory authority in proposing the rule, amendment, or
rescission;

(b) That the proposed rule, amendment, or rescission
conflicts with another rule, amendment, or rescission adopted by
the same or a different rule-making agency;

(c) That the proposed rule, amendment, or rescission
conflicts with the legislative intent in enacting the statute
under which the rule-making agency proposed the rule, amendment,
or rescission;

(d) That the rule-making agency has failed to prepare a
complete and accurate rule summary and fiscal analysis of the
proposed rule, amendment, or rescission as required by section
~~121.24 or~~ 127.18 of the Revised Code, ~~or both, or that;~~

(e) That the proposed rule, amendment, or rescission
incorporates a text or other material by reference and either the
rule-making agency has failed to file the text or other material
incorporated by reference as required by section 121.73 of the
Revised Code or, in the case of a proposed rule or amendment, the
incorporation by reference fails to meet the standards stated in
section 121.72, 121.75, or 121.76 of the Revised Code; or

(f) That the rule-making agency has failed to comply with
section 121.252, 121.253, or 121.254 of the Revised Code.

The joint committee shall not hold its public hearing on a 4782
proposed rule, amendment, or rescission earlier than the 4783
forty-first day after the original version of the proposed rule, 4784
amendment, or rescission was filed with the joint committee. 4785

The house of representatives and senate may adopt a 4786
concurrent resolution invalidating a proposed rule, amendment, 4787
rescission, or part thereof. The concurrent resolution shall state 4788
which of the specific rules, amendments, rescissions, or parts 4789
thereof are invalidated. A concurrent resolution invalidating a 4790
proposed rule, amendment, or rescission shall be adopted not later 4791
than the sixty-fifth day after the original version of the text of 4792
the proposed rule, amendment, or rescission is filed with the 4793
joint committee, except that if more than thirty-five days after 4794
the original version is filed the rule-making agency either files 4795
a revised version of the text of the proposed rule, amendment, or 4796
rescission, or revises the rule summary and fiscal analysis in 4797
accordance with division (I)(4) of this section, a concurrent 4798
resolution invalidating the proposed rule, amendment, or 4799
rescission shall be adopted not later than the thirtieth day after 4800
the revised version of the proposed rule or rule summary and 4801
fiscal analysis is filed. If, after the joint committee on agency 4802
rule review recommends the adoption of a concurrent resolution 4803
invalidating a proposed rule, amendment, rescission, or part 4804
thereof, the house of representatives or senate does not, within 4805
the time remaining for adoption of the concurrent resolution, hold 4806
five floor sessions at which its journal records a roll call vote 4807
disclosing a sufficient number of members in attendance to pass a 4808
bill, the time within which that house may adopt the concurrent 4809
resolution is extended until it has held five such floor sessions. 4810

Within five days after the adoption of a concurrent 4811
resolution invalidating a proposed rule, amendment, rescission, or 4812
part thereof, the clerk of the senate shall send the rule-making 4813

agency, the secretary of state, and the director of the 4814
legislative service commission in electronic form a certified text 4815
of the resolution together with a certification stating the date 4816
on which the resolution takes effect. The secretary of state and 4817
the director of the legislative service commission shall each note 4818
the invalidity of the proposed rule, amendment, rescission, or 4819
part thereof, and shall each remove the invalid proposed rule, 4820
amendment, rescission, or part thereof from the file of proposed 4821
rules. The rule-making agency shall not proceed to adopt in 4822
accordance with division (D) of this section, or to file in 4823
accordance with division (B)(1) of section 111.15 of the Revised 4824
Code, any version of a proposed rule, amendment, rescission, or 4825
part thereof that has been invalidated by concurrent resolution. 4826

Unless the house of representatives and senate adopt a 4827
concurrent resolution invalidating a proposed rule, amendment, 4828
rescission, or part thereof within the time specified by this 4829
division, the rule-making agency may proceed to adopt in 4830
accordance with division (D) of this section, or to file in 4831
accordance with division (B)(1) of section 111.15 of the Revised 4832
Code, the latest version of the proposed rule, amendment, or 4833
rescission as filed with the joint committee. If by concurrent 4834
resolution certain of the rules, amendments, rescissions, or parts 4835
thereof are specifically invalidated, the rule-making agency may 4836
proceed to adopt, in accordance with division (D) of this section, 4837
or to file in accordance with division (B)(1) of section 111.15 of 4838
the Revised Code, the latest version of the proposed rules, 4839
amendments, rescissions, or parts thereof as filed with the joint 4840
committee that are not specifically invalidated. The rule-making 4841
agency may not revise or amend any proposed rule, amendment, 4842
rescission, or part thereof that has not been invalidated except 4843
as provided in this chapter or in section 111.15 of the Revised 4844
Code. 4845

(2)(a) A proposed rule, amendment, or rescission that is 4846
filed with the joint committee under division (H) of this section 4847
or division (D) of section 111.15 of the Revised Code shall be 4848
carried over for legislative review to the next succeeding regular 4849
session of the general assembly if the original or any revised 4850
version of the proposed rule, amendment, or rescission is filed 4851
with the joint committee on or after the first day of December of 4852
any year. 4853

(b) The latest version of any proposed rule, amendment, or 4854
rescission that is subject to division (I)(2)(a) of this section, 4855
as filed with the joint committee, is subject to legislative 4856
review and invalidation in the next succeeding regular session of 4857
the general assembly in the same manner as if it were the original 4858
version of a proposed rule, amendment, or rescission that had been 4859
filed with the joint committee for the first time on the first day 4860
of the session. A rule-making agency shall not adopt in accordance 4861
with division (D) of this section, or file in accordance with 4862
division (B)(1) of section 111.15 of the Revised Code, any version 4863
of a proposed rule, amendment, or rescission that is subject to 4864
division (I)(2)(a) of this section until the time for legislative 4865
review and invalidation, as contemplated by division (I)(2)(b) of 4866
this section, has expired. 4867

(3) Invalidation of any version of a proposed rule, 4868
amendment, rescission, or part thereof by concurrent resolution 4869
shall prevent the rule-making agency from instituting or 4870
continuing proceedings to adopt any version of the same proposed 4871
rule, amendment, rescission, or part thereof for the duration of 4872
the general assembly that invalidated the proposed rule, 4873
amendment, rescission, or part thereof unless the same general 4874
assembly adopts a concurrent resolution permitting the rule-making 4875
agency to institute or continue such proceedings. 4876

The failure of the general assembly to invalidate a proposed 4877

rule, amendment, rescission, or part thereof under this section 4878
shall not be construed as a ratification of the lawfulness or 4879
reasonableness of the proposed rule, amendment, rescission, or any 4880
part thereof or of the validity of the procedure by which the 4881
proposed rule, amendment, rescission, or any part thereof was 4882
proposed or adopted. 4883

(4) In lieu of recommending a concurrent resolution to 4884
invalidate a proposed rule, amendment, rescission, or part thereof 4885
because the rule-making agency has failed to prepare a complete 4886
and accurate fiscal analysis, the joint committee on agency rule 4887
review may issue, on a one-time basis, for rules, amendments, 4888
rescissions, or parts thereof that have a fiscal effect on school 4889
districts, counties, townships, or municipal corporations, a 4890
finding that the rule summary and fiscal analysis is incomplete or 4891
inaccurate and order the rule-making agency to revise the rule 4892
summary and fiscal analysis and refile it with the proposed rule, 4893
amendment, rescission, or part thereof. If an emergency rule is 4894
filed as a nonemergency rule before the end of the ninetieth day 4895
of the emergency rule's effectiveness, and the joint committee 4896
issues a finding and orders the rule-making agency to refile under 4897
division (I)(4) of this section, the governor may also issue an 4898
order stating that the emergency rule shall remain in effect for 4899
an additional sixty days after the ninetieth day of the emergency 4900
rule's effectiveness. The governor's orders shall be filed in 4901
accordance with division (F) of this section. The joint committee 4902
shall send in electronic form to the rule-making agency, the 4903
secretary of state, and the director of the legislative service 4904
commission a certified text of the finding and order to revise the 4905
rule summary and fiscal analysis, which shall take immediate 4906
effect. 4907

An order issued under division (I)(4) of this section shall 4908
prevent the rule-making agency from instituting or continuing 4909

proceedings to adopt any version of the proposed rule, amendment, 4910
rescission, or part thereof until the rule-making agency revises 4911
the rule summary and fiscal analysis and refiles it in electronic 4912
form with the joint committee along with the proposed rule, 4913
amendment, rescission, or part thereof. If the joint committee 4914
finds the rule summary and fiscal analysis to be complete and 4915
accurate, the joint committee shall issue a new order noting that 4916
the rule-making agency has revised and refiled a complete and 4917
accurate rule summary and fiscal analysis. The joint committee 4918
shall send in electronic form to the rule-making agency, the 4919
secretary of state, and the director of the legislative service 4920
commission a certified text of this new order. The secretary of 4921
state and the director of the legislative service commission shall 4922
each link this order to the proposed rule, amendment, rescission, 4923
or part thereof. The rule-making agency may then proceed to adopt 4924
in accordance with division (D) of this section, or to file in 4925
accordance with division (B)(1) of section 111.15 of the Revised 4926
Code, the proposed rule, amendment, rescission, or part thereof 4927
that was subject to the finding and order under division (I)(4) of 4928
this section. If the joint committee determines that the revised 4929
rule summary and fiscal analysis is still inaccurate or 4930
incomplete, the joint committee shall recommend the adoption of a 4931
concurrent resolution in accordance with division (I)(1) of this 4932
section. 4933

Sec. 120.03. (A) The Ohio public defender commission shall 4934
appoint the state public defender, who shall serve at the pleasure 4935
of the commission. 4936

(B) The Ohio public defender commission shall establish rules 4937
for the conduct of the offices of the county and joint county 4938
public defenders and for the conduct of county appointed counsel 4939
systems in the state. These rules shall include, but are not 4940
limited to, the following: 4941

(1) Standards of indigency and minimum qualifications for 4942
legal representation by a public defender or appointed counsel. In 4943
establishing standards of indigency and determining who is 4944
eligible for legal representation by a public defender or 4945
appointed counsel, the commission shall consider an indigent 4946
person to be an individual who at the time ~~his~~ the person's need 4947
is determined is unable to provide for the payment of an attorney 4948
and all other necessary expenses of representation. Release on 4949
bail shall not prevent a person from being determined to be 4950
indigent. 4951

(2) Standards for the hiring of outside counsel; 4952

(3) Standards for contracts by a public defender with law 4953
schools, legal aid societies, and nonprofit organizations for 4954
providing counsel; 4955

(4) Standards for the qualifications, training, and size of 4956
the legal and supporting staff for a public defender, facilities, 4957
and other requirements needed to maintain and operate an office of 4958
a public defender; 4959

(5) Minimum caseload standards; 4960

(6) Procedures for the assessment and collection of the costs 4961
of legal representation that is provided by public defenders or 4962
appointed counsel; 4963

(7) Standards and guidelines for determining whether a client 4964
is able to make an up-front contribution toward the cost of ~~his~~ 4965
the client's legal representation; 4966

(8) Procedures for the collection of up-front contributions 4967
from clients who are able to contribute toward the cost of their 4968
legal representation, as determined pursuant to the standards and 4969
guidelines developed under division (B)(7) of this section. All of 4970
such up-front contributions shall be paid into the appropriate 4971
county fund. 4972

(9) Standards for contracts between a board of county commissioners, a county public defender commission, or a joint county public defender commission and a municipal corporation for the legal representation of indigent persons charged with violations of the ordinances of the municipal corporation.

(C) The Ohio public defender commission shall adopt rules prescribing minimum qualifications of counsel appointed pursuant to this chapter or appointed by the courts. Without limiting its general authority to prescribe different qualifications for different categories of appointed counsel, the commission shall prescribe, by rule, special qualifications for counsel and co-counsel appointed in capital cases.

(D) In administering the office of the Ohio public defender commission:

(1) The commission shall do the following:

(a) Approve an annual operating budget;

(b) Make an annual report to the governor, the general assembly, and the supreme court of Ohio on the operation of the state public defender's office, the county appointed counsel systems, and the county and joint county public defenders' offices.

(2) The commission may do the following:

(a) Accept the services of volunteer workers and consultants at no compensation other than reimbursement of actual and necessary expenses;

(b) Prepare and publish statistical and case studies and other data pertinent to the legal representation of indigent persons;

(c) Conduct programs having a general objective of training and educating attorneys and others in the legal representation of

indigent persons. 5003

(E) There is hereby established in the state treasury the 5004
public defender training fund for the deposit of fees received by 5005
the Ohio public defender commission from educational seminars, and 5006
the sale of publications, on topics concerning criminal law and 5007
procedure. Expenditures from this fund shall be made only for the 5008
operation of activities authorized by division (D)(2)(c) of this 5009
section. 5010

(F)(1) In accordance with sections 109.02, 109.07, and 5011
109.361 to 109.366 of the Revised Code, but subject to division 5012
(E) of section 120.06 of the Revised Code, the attorney general 5013
shall represent or provide for the representation of the Ohio 5014
public defender commission, the state public defender, assistant 5015
state public defenders, and other employees of the commission or 5016
the state public defender. 5017

(2) Subject to division (E) of section 120.06 of the Revised 5018
Code, the attorney general shall represent or provide for the 5019
representation of attorneys described in division (C) of section 5020
120.41 of the Revised Code in malpractice or other civil actions 5021
or proceedings that arise from alleged actions or omissions 5022
related to responsibilities derived pursuant to this chapter, or 5023
in civil actions that are based upon alleged violations of the 5024
constitution or statutes of the United States, including section 5025
1983 of Title 42 of the United States Code, 93 Stat. 1284 (1979), 5026
42 U.S.C.A. 1983, as amended, and that arise from alleged actions 5027
or omissions related to responsibilities derived pursuant to this 5028
chapter. For purposes of the representation, sections 109.361 to 5029
109.366 of the Revised Code shall apply to an attorney described 5030
in division (C) of section 120.41 of the Revised Code as if ~~he~~ the 5031
attorney were an officer or employee, as defined in section 109.36 5032
of the Revised Code, and the Ohio public defender commission or 5033
the state public defender, whichever contracted with the attorney, 5034

shall be considered ~~his~~ the attorney's employer. 5035

(G) The commission shall adopt rules governing the 5036
reimbursement of counties under division (B)(14) of section 120.04 5037
of the Revised Code, including rules governing costs that are 5038
appropriate for reimbursement and standards and guidelines for 5039
providing such reimbursement. 5040

Sec. 120.04. (A) The state public defender shall serve at the 5041
pleasure of the Ohio public defender commission and shall be an 5042
attorney with a minimum of four years of experience in the 5043
practice of law and be admitted to the practice of law in this 5044
state at least one year prior to appointment. 5045

(B) The state public defender shall do all of the following: 5046

(1) Maintain a central office in Columbus. The central office 5047
shall be provided with a library of adequate size, considering the 5048
needs of the office and the accessibility of other libraries, and 5049
other necessary facilities and equipment. 5050

(2) Appoint assistant state public defenders, all of whom 5051
shall be attorneys admitted to the practice of law in this state, 5052
and other personnel necessary for the operation of the state 5053
public defender office. Assistant state public defenders shall be 5054
appointed on a full-time basis. The state public defender, 5055
assistant state public defenders, and employees appointed by the 5056
state public defender shall not engage in the private practice of 5057
law. 5058

(3) Supervise the compliance of county public defender 5059
offices, joint county public defender offices, and county 5060
appointed counsel systems with standards established by rules of 5061
the Ohio public defender commission pursuant to division (B) of 5062
section 120.03 of the Revised Code; 5063

(4) Keep and maintain financial records of all cases handled 5064

and develop records for use in the calculation of direct and 5065
indirect costs, in the operation of the office, and report 5066
periodically, but not less than annually, to the commission on all 5067
relevant data on the operations of the office, costs, projected 5068
needs, and recommendations for legislation or amendments to court 5069
rules, as may be appropriate to improve the criminal justice 5070
system; 5071

(5) Collect all moneys due the state for reimbursement for 5072
legal services under this chapter and under section 2941.51 of the 5073
Revised Code and institute any actions in court on behalf of the 5074
state for the collection of such sums that the state public 5075
defender considers advisable. Except as provided otherwise in 5076
division (D) of section 120.06 of the Revised Code, all moneys 5077
collected by the state public defender under this chapter and 5078
section 2941.51 of the Revised Code shall be deposited in the 5079
state treasury to the credit of the client payment fund, which is 5080
hereby created. All moneys credited to the fund shall be used by 5081
the state public defender to appoint assistant state public 5082
defenders and to provide other personnel, equipment, and 5083
facilities necessary for the operation of the state public 5084
defender office, to reimburse counties for the operation of county 5085
public defender offices, joint county public defender offices, and 5086
county appointed counsel systems pursuant to sections 120.18, 5087
120.28, and 120.33 of the Revised Code, or to provide assistance 5088
to counties in the operation of county indigent defense systems. 5089

(6) With respect to funds appropriated to the commission to 5090
pay criminal costs, perform the duties imposed by sections 2949.19 5091
and 2949.201 of the Revised Code; 5092

(7) Establish standards and guidelines for the reimbursement, 5093
pursuant to sections 120.18, 120.28, 120.33, 2941.51, and 2949.19 5094
of the Revised Code, of counties for the operation of county 5095
public defender offices, joint county public defender offices, and 5096

county appointed counsel systems and for other costs related to	5097
felony prosecutions;	5098
(8) Establish maximum amounts that the state will reimburse	5099
the counties pursuant to sections 120.18, 120.28, 120.33, and	5100
2941.51 of the Revised Code;	5101
(9) Establish maximum amounts that the state will reimburse	5102
the counties pursuant to section 120.33 of the Revised Code for	5103
each specific type of legal service performed by a county	5104
appointed counsel system;	5105
(10) Administer sections 120.18, 120.28, 120.33, 2941.51, and	5106
2949.19 of the Revised Code and make reimbursements pursuant to	5107
those sections;	5108
(11) Administer the program established pursuant to sections	5109
120.51 to 120.55 of the Revised Code for the charitable public	5110
purpose of providing financial assistance to legal aid societies.	5111
Neither the state public defender nor any of the state public	5112
defender's employees who is responsible in any way for the	5113
administration of that program and who performs those	5114
administrative responsibilities in good faith is in any manner	5115
liable if a legal aid society that is provided financial	5116
assistance under the program uses the financial assistance other	5117
than in accordance with sections 120.51 to 120.55 of the Revised	5118
Code or fails to comply with the requirements of those sections.	5119
(12) Establish an office for the handling of appeal and	5120
postconviction matters;	5121
(13) Provide technical aid and assistance to county public	5122
defender offices, joint county public defender offices, and other	5123
local counsel providing legal representation to indigent persons,	5124
including representation and assistance on appeals;	5125
<u>(14) Provide reimbursement to counties for costs associated</u>	5126
<u>with programs governing persons serving as qualified volunteer</u>	5127

guardians ad litem and court appointed special advocates pursuant 5128
to section 2151.281 of the Revised Code. The reimbursement shall 5129
be provided from money deposited in the indigent defense support 5130
fund created in section 120.08 of the Revised Code and from other 5131
moneys appropriated to the office of the Ohio public defender 5132
commission. The reimbursement required under division (B)(14) of 5133
this section shall be provided in accordance with rules adopted by 5134
the Ohio public defender commission under section 120.03 of the 5135
Revised Code. 5136

(C) The state public defender may do any of the following: 5137

(1) In providing legal representation, conduct 5138
investigations, obtain expert testimony, take depositions, use 5139
other discovery methods, order transcripts, and make all other 5140
preparations which are appropriate and necessary to an adequate 5141
defense or the prosecution of appeals and other legal proceedings; 5142

(2) Seek, solicit, and apply for grants for the operation of 5143
programs for the defense of indigent persons from any public or 5144
private source, and may receive donations, grants, awards, and 5145
similar funds from any lawful source. Such funds shall be 5146
deposited in the state treasury to the credit of the public 5147
defender gifts and grants fund, which is hereby created. 5148

(3) Make all the necessary arrangements to coordinate the 5149
services of the office with any federal, county, or private 5150
programs established to provide legal representation to indigent 5151
persons and others, and to obtain and provide all funds allowable 5152
under any such programs; 5153

(4) Consult and cooperate with professional groups concerned 5154
with the causes of criminal conduct, the reduction of crime, the 5155
rehabilitation and correction of persons convicted of crime, the 5156
administration of criminal justice, and the administration and 5157
operation of the state public defender's office; 5158

(5) Accept the services of volunteer workers and consultants 5159
at no compensation other than reimbursement for actual and 5160
necessary expenses; 5161

(6) Prescribe any forms that are necessary for the uniform 5162
operation of this chapter; 5163

(7) Contract with a county public defender commission or a 5164
joint county public defender commission to provide all or any part 5165
of the services that a county public defender or joint county 5166
public defender is required or permitted to provide by this 5167
chapter, or contract with a board of county commissioners of a 5168
county that is not served by a county public defender commission 5169
or a joint county public defender commission for the provision of 5170
services in accordance with section 120.33 of the Revised Code. 5171
All money received by the state public defender pursuant to such a 5172
contract shall be credited to either the multi-county: county 5173
share fund or, if received as a result of a contract with Trumbull 5174
county, the Trumbull county: county share fund. 5175

(8) Authorize persons employed as criminal investigators to 5176
attend the Ohio peace officer training academy or any other peace 5177
officer training school for training; 5178

(9) Procure a policy or policies of malpractice insurance 5179
that provide coverage for the state public defender and assistant 5180
state public defenders in connection with malpractice claims that 5181
may arise from their actions or omissions related to 5182
responsibilities derived pursuant to this chapter. 5183

(D) No person employed by the state public defender as a 5184
criminal investigator shall attend the Ohio peace officer training 5185
academy or any other peace officer training school unless 5186
authorized to do so by the state public defender. 5187

Sec. 120.08. There is hereby created in the state treasury 5188

the indigent defense support fund, consisting of money paid into 5189
the fund pursuant to ~~section~~ sections 4507.45, 4509.101, 4510.22, 5190
and 4511.19 of the Revised Code and pursuant to ~~section~~ sections 5191
2937.22, 2949.091, and 2949.094 of the Revised Code out of the 5192
additional court costs imposed under ~~that section~~ those sections. 5193
The state public defender shall use at least ninety per cent of 5194
the money in the fund for the purpose of reimbursing county 5195
governments for expenses incurred pursuant to sections 120.18, 5196
120.28, and 120.33 of the Revised Code. Disbursements from the 5197
fund to county governments shall be made ~~in each state fiscal~~ at 5198
least once per year and shall be allocated proportionately so that 5199
each county receives an equal percentage of its total cost for 5200
operating its county public defender system, its joint county 5201
public defender system, ~~or~~ its county appointed counsel system, or 5202
its system operated under division (C)(7) of section 120.04 of the 5203
Revised Code and division (B) of section 120.33 of the Revised 5204
Code. The state public defender may use not more than ten per cent 5205
of the money in the fund for the purposes of appointing assistant 5206
state public defenders or for providing other personnel, 5207
equipment, and facilities necessary for the operation of the state 5208
public defender office. 5209

Sec. 120.52. (A) There is hereby established in the state 5210
treasury the legal aid fund, ~~which that~~ shall be for the 5211
charitable public purpose of providing financial assistance to 5212
legal aid societies that provide civil legal services to 5213
indigents. The fund shall contain all funds credited to it by the 5214
treasurer of state pursuant to sections 1901.26, 1907.24, 5215
2303.201, 2315.50, 3953.231, 4705.09, and 4705.10 of the Revised 5216
Code. 5217

(B) The treasurer of state may invest moneys contained in the 5218
legal aid fund in any manner authorized by the Revised Code for 5219

the investment of state moneys. However, no such investment shall 5220
interfere with any apportionment, allocation, or payment of moneys 5221
as required by section 120.53 of the Revised Code. 5222

(C) The state public defender, through the Ohio legal 5223
assistance foundation, shall administer the payment of moneys out 5224
of the fund. Four and one-half per cent of the moneys in the fund 5225
shall be reserved for the actual, reasonable costs of 5226
administering sections 120.51 to 120.55 and sections 1901.26, 5227
1907.24, 2303.201, 2315.50, 3953.231, 4705.09, and 4705.10 of the 5228
Revised Code. Moneys that are reserved for administrative costs 5229
but that are not used for actual, reasonable administrative costs 5230
shall be set aside for use in the manner described in division (A) 5231
of section 120.521 of the Revised Code. The remainder of the 5232
moneys in the legal aid fund shall be distributed in accordance 5233
with section 120.53 of the Revised Code. The Ohio legal assistance 5234
foundation shall establish, in accordance with Chapter 119. of the 5235
Revised Code, rules governing the administration of the legal aid 5236
fund, including the programs established under sections 1901.26, 5237
1907.24, 2303.201, 2315.50, 4705.09, and 4705.10 of the Revised 5238
Code ~~regarding interest on interest bearing trust accounts of an~~ 5239
~~attorney, law firm, or legal professional association.~~ 5240

5241

Sec. 120.53. (A) A legal aid society that operates within the 5242
state may apply to the Ohio legal assistance foundation for 5243
financial assistance from the legal aid fund established by 5244
section 120.52 of the Revised Code to be used for the funding of 5245
the society during the calendar year following the calendar year 5246
in which application is made. 5247

(B) An application for financial assistance made under 5248
division (A) of this section shall be submitted by the first day 5249
of November of the calendar year preceding the calendar year for 5250

which financial assistance is desired and shall include all of the 5251
following: 5252

(1) Evidence that the applicant is incorporated in this state 5253
as a nonprofit corporation; 5254

(2) A list of the trustees of the applicant; 5255

(3) The proposed budget of the applicant for these funds for 5256
the following calendar year; 5257

(4) A summary of the services to be offered by the applicant 5258
in the following calendar year; 5259

(5) A specific description of the territory or constituency 5260
served by the applicant; 5261

(6) An estimate of the number of persons to be served by the 5262
applicant during the following calendar year; 5263

(7) A general description of the additional sources of the 5264
applicant's funding; 5265

(8) The amount of the applicant's total budget for the 5266
calendar year in which the application is filed that it will 5267
expend in that calendar year for legal services in each of the 5268
counties it serves; 5269

(9) A specific description of any services, programs, 5270
training, and legal technical assistance to be delivered by the 5271
applicant or by another person pursuant to a contract with the 5272
applicant, including, but not limited to, by private attorneys or 5273
through reduced fee plans, judicare panels, organized pro bono 5274
programs, and mediation programs. 5275

(C) The Ohio legal assistance foundation shall determine 5276
whether each applicant that filed an application for financial 5277
assistance under division (A) of this section in a calendar year 5278
is eligible for financial assistance under this section. To be 5279
eligible for such financial assistance, an applicant shall satisfy 5280

the criteria for being a legal aid society and shall be in 5281
compliance with the provisions of sections 120.51 to 120.55 of the 5282
Revised Code and with the rules and requirements the foundation 5283
establishes pursuant to section 120.52 of the Revised Code. The 5284
Ohio legal assistance foundation then, on or before the fifteenth 5285
day of December of the calendar year in which the application is 5286
filed, shall notify each such applicant, in writing, whether it is 5287
eligible for financial assistance under this section, and if it is 5288
eligible, estimate the amount that will be available for that 5289
applicant for each six-month distribution period, as determined 5290
under division (D) of this section. 5291

(D) The Ohio legal assistance foundation shall allocate 5292
moneys contained in the legal aid fund monthly for distribution to 5293
applicants that filed their applications in the previous calendar 5294
year and are determined to be eligible applicants. 5295

All moneys contained in the fund on the first day of each 5296
month shall be allocated, after deduction of the costs of 5297
administering sections 120.51 to 120.55 and sections 1901.26, 5298
1907.24, 2303.201, 2315.50, 3953.231, 4705.09, and 4705.10 of the 5299
Revised Code that are authorized by section 120.52 of the Revised 5300
Code, according to this section and shall be distributed 5301
accordingly not later than the last day of the month following the 5302
month the moneys were received. In making the allocations under 5303
this section, the moneys in the fund that were generated pursuant 5304
to sections 1901.26, 1907.24, 2303.201, 2315.50, 3953.231, 5305
4705.09, and 4705.10 of the Revised Code shall be apportioned as 5306
follows: 5307

(1) After deduction of the amount authorized and used for 5308
actual, reasonable administrative costs under section 120.52 of 5309
the Revised Code: 5310

(a) Five per cent of the moneys remaining in the fund shall 5311
be reserved for use in the manner described in division (A) of 5312

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

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

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

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

aid society that serves the county and that has applied for 5345
financial assistance under this section. For purposes of this 5346
division, the source of data identifying the number of indigent 5347
persons who reside in a county shall be the most recent decennial 5348
census figures from the United States department of commerce, 5349
division of census. 5350

(E) If the Ohio legal assistance foundation, in attempting to 5351
make an allocation of moneys under division (D)(2) of this 5352
section, determines that a county that has been apportioned money 5353
under that division is served by more than one eligible legal aid 5354
society that has applied for financial assistance under this 5355
section, the Ohio legal assistance foundation shall allocate the 5356
moneys that have been apportioned to that county under division 5357
(D)(2) of this section among all eligible legal aid societies that 5358
serve that county and that have applied for financial assistance 5359
under this section on a pro rata basis, so that each such eligible 5360
society is allocated a portion based upon the amount of its total 5361
budget expended in the prior calendar year for legal services in 5362
that county as compared to the total amount expended in the prior 5363
calendar year for legal services in that county by all eligible 5364
legal aid societies that serve that county and that have applied 5365
for financial assistance under this section. 5366

(F) Moneys allocated to eligible applicants under this 5367
section shall be paid monthly beginning the calendar year 5368
following the calendar year in which the application is filed. 5369

(G)(1) A legal aid society that receives financial assistance 5370
in any calendar year under this section shall file an annual 5371
report with the Ohio legal assistance foundation detailing the 5372
number and types of cases handled, and the amount and types of 5373
legal training, legal technical assistance, and other service 5374
provided, by means of that financial assistance. No information 5375
contained in the report shall identify or enable the 5376

identification of any person served by the legal aid society or in 5377
any way breach client confidentiality. 5378

(2) The Ohio legal assistance foundation shall make an annual 5379
report to the governor, the general assembly, and the supreme 5380
court on the distribution and use of the legal aid fund. The 5381
foundation also shall include in the annual report an audited 5382
financial statement of all gifts, bequests, donations, 5383
contributions, and other moneys the foundation receives. No 5384
information contained in the report shall identify or enable the 5385
identification of any person served by a legal aid society, or in 5386
any way breach confidentiality. 5387

(H) A legal aid society may enter into agreements for the 5388
provision of services, programs, training, or legal technical 5389
assistance for the legal aid society or to indigent persons. 5390

Sec. 121.021. It is the policy of the state to improve 5391
customer service in state agencies. Each state agency shall 5392
emphasize improved customer service, efficiency, and productivity 5393
in employee orientation, personnel training, and employee 5394
performance reviews. 5395

Sec. 121.04. Offices are created within the several 5396
departments as follows: 5397

- In the department of commerce: 5398
- Commissioner of securities; 5399
 - Superintendent of real estate and professional 5400
licensing;
 - Superintendent of financial institutions; 5401
 - State fire marshal; 5402
 - Superintendent of labor and worker safety; 5403
 - Superintendent of liquor control; 5404
 - Superintendent of industrial compliance; 5405

Superintendent of unclaimed funds.	5406
In the department of administrative services:	5407
State architect and engineer;	5408
Equal employment opportunity coordinator.	5409
In the department of agriculture:	5410
Chiefs of divisions as follows:	5411
Administration;	5412
Animal industry;	5413
Dairy;	5414
Food safety;	5415
Plant industry;	5416
Markets;	5417
Meat inspection;	5418
Consumer analytical laboratory;	5419
Amusement ride safety;	5420
Enforcement;	5421
Weights and measures.	5422
In the department of natural resources:	5423
Chiefs of divisions as follows:	5424
Water;	5425
Mineral resources management;	5426
Forestry;	5427
Natural areas and preserves;	5428
Wildlife;	5429
Geological survey;	5430
Parks and recreation;	5431
Watercraft;	5432
Recycling and litter prevention;	5433
Soil and water conservation <u>resources</u> ;	5434
Real estate and land management;	5435
Engineering.	5436

In the department of insurance: 5437
Deputy superintendent of insurance; 5438
Assistant superintendent of insurance, technical; 5439
Assistant superintendent of insurance, administrative; 5440
Assistant superintendent of insurance, research. 5441

Sec. 121.07. (A) Except as otherwise provided in this 5442
division, the officers mentioned in sections 121.04 and 121.05 of 5443
the Revised Code and the offices and divisions they administer 5444
shall be under the direction, supervision, and control of the 5445
directors of their respective departments, and shall perform such 5446
duties as the directors prescribe. In performing or exercising any 5447
of the examination or regulatory functions, powers, or duties 5448
vested by Title XI, Chapters 1733. and 1761., and sections 1315.01 5449
to 1315.18 of the Revised Code in the superintendent of financial 5450
institutions, the superintendent of financial institutions and the 5451
division of financial institutions are independent of and are not 5452
subject to the control of the department or the director of 5453
commerce. In the absence of the superintendent of financial 5454
institutions, a deputy superintendent may, for a limited period of 5455
time, perform or exercise any of those functions, powers, or 5456
duties if written authorization is given by the superintendent of 5457
financial institutions. 5458

(B) With the approval of the governor, the director of each 5459
department shall establish divisions within the department, and 5460
distribute the work of the department among such divisions. Each 5461
officer created by section 121.04 of the Revised Code shall be the 5462
head of such a division. 5463

With the approval of the governor, the director of each 5464
department may consolidate any two or more of the offices created 5465
in the department by section 121.04 of the Revised Code, or reduce 5466
the number of or create new divisions therein. 5467

The director of each department may prescribe rules for the 5468
government of the department, the conduct of its employees, the 5469
performance of its business, and the custody, use, and 5470
preservation of the records, papers, books, documents, and 5471
property pertaining thereto. 5472

Sec. 121.25. As used in this section and in sections 121.251, 5473
121.252, 121.253, 121.254, 121.255, 121.256, and 121.257 of the 5474
Revised Code: 5475

(A) "Rule" means the intended enactment of a new rule or the 5476
intended amendment or rescission of an existing rule. 5477

(B) "Rule-making agency" has the same meaning as in division 5478
(I) of section 119.01 of the Revised Code. 5479

(C) "Small business" means an independently owned and 5480
operated for-profit or nonprofit business entity, including its 5481
affiliates, having fewer than five hundred employees. 5482

Sec. 121.251. If a rule-making agency intends to adopt a rule 5483
on or after January 1, 2010, that, if adopted, may have any 5484
adverse impact on small businesses, the rule-making agency shall 5485
comply with sections 121.252 to 121.256 of the Revised Code before 5486
filing the rule under division (D) of section 111.15 or divisions 5487
(B) and (H) of section 119.03 of the Revised Code. The duty 5488
defined in this paragraph first applies with regard to the 5489
original version of a rule and then with regard to each revised 5490
version of the rule. 5491

Sections 121.252 to 121.256 of the Revised Code do not apply 5492
to an emergency rule adopted under division (B)(2) of section 5493
111.15 or division (F) of section 119.03 of the Revised Code. But 5494
sections 121.252 to 121.256 of the Revised Code apply to a 5495
nonemergency rule that is intended to be filed under division 5496
(B)(1) of section 111.15 or divisions (B) and (H) of section 5497

119.03 of the Revised Code to replace an emergency rule that 5498
expires under division (B)(2) of section 111.15 or division (F) of 5499
section 119.03 of the Revised Code. 5500

Sec. 121.252. The rule-making agency shall prepare a full 5501
text of the rule and shall do both of the following: 5502

(A) Conduct a cost-benefit analysis, weighing the following 5503
factors, to determine whether the effect of the rule on small 5504
businesses outweighs the benefits of the rule: 5505

(1) An identification and estimate of the number of small 5506
businesses that may be subject to the rule; 5507

(2) The projected reporting, recordkeeping, and other 5508
administrative costs required for compliance with the rule, 5509
including the type of technical or professional skills necessary 5510
for preparation of any report or record required by the rule; 5511

(3) A statement of the probable effect of the rule on the 5512
impacted small businesses identified under division (A)(1) of this 5513
section; 5514

(4) A description of any less intrusive or less costly 5515
alternative methods of achieving the purpose of the rule; and 5516

(5) Any other information the rule-making agency considers 5517
necessary to fully explain its cost-benefit analysis regarding the 5518
rule. 5519

(B) Conduct a regulatory flexibility analysis of how each of 5520
the following methods might reduce any adverse impact the rule may 5521
have on small businesses: 5522

(1) The establishment of less stringent compliance or 5523
reporting requirements for small businesses; 5524

(2) The establishment of less stringent schedules or 5525
deadlines for compliance or reporting requirements for small 5526

businesses; 5527

(3) The consolidation or simplification of compliance or reporting requirements for small businesses; 5528
5529

(4) The establishment of performance standards for small businesses to replace design or operational standards required in the rule; and 5530
5531
5532

(5) The exemption of small businesses from any or all of the rule's requirements. 5533
5534

Sec. 121.253. (A) The rule-making agency shall incorporate into the rule features the cost-benefit analysis indicates will reduce the cost and increase the benefit of the rule to small businesses, and features the regulatory flexibility analysis indicates will reduce any adverse impact the rule may have on small businesses. In both cases, the rule-making agency shall incorporate features into the rule only if they are feasible and not if doing so would be contrary to the statutory objectives that are the basis for the rule. 5535
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(B) The rule-making agency shall prepare two reports as follows: 5544
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(1) A cost-benefit report that describes the results of the cost-benefit analysis, that describes any features incorporated into the rule as a result of the cost-benefit analysis, and that explains how those features reduce the cost and increase the benefit of the rule to small businesses. 5546
5547
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(2) A regulatory flexibility report that describes the results of the regulatory flexibility analysis, that describes any features incorporated into the rule as a result of the regulatory flexibility analysis, and that explains how those features reduce any adverse impact the rule may have on small businesses. 5551
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The rule-making agency shall include any supporting 5556

documentation for either analysis in an appendix to its report of 5557
the analysis unless the documentation is otherwise incorporated 5558
into the report. 5559

Sec. 121.254. The rule-making agency shall file all of the 5560
following in electronic form with the Ohio small business 5561
ombudsperson: 5562

(A) The full text of the rule; 5563

(B) The cost-benefit report; and 5564

(C) The regulatory flexibility report. 5565

Sec. 121.255. (A) Within seven days after receipt of a filing 5566
under section 121.254 of the Revised Code, the Ohio small business 5567
ombudsperson shall cause all of the following to be published in 5568
the register of Ohio for a period of thirty days: 5569

(1) The full text of the rule filed under that section; 5570

(2) The cost-benefit report; 5571

(3) The regulatory flexibility report; and 5572

(4) A notice informing persons that, during the thirty-day 5573
period, they may comment to the ombudsperson concerning any 5574
adverse impact the rule may have on small businesses. The notice 5575
shall explain how persons may communicate comments to the 5576
ombudsperson. 5577

(B) During the period beginning on the day notice of the 5578
right to comment is first published in the register of Ohio and 5579
ending thirty days thereafter, any person may comment to the 5580
ombudsperson concerning any adverse impact the rule may have on 5581
small businesses. The ombudsperson shall establish and maintain, 5582
or participate in, a web site having features that enable persons 5583
to comment electronically. And the ombudsperson shall establish a 5584
toll-free telephone number persons may call to make comments. The 5585

telephone answering point shall be equipped to record comments 5586
that are called in. 5587

(C)(1) Not later than three days after the day the comment 5588
period closes, the ombudsperson shall collate and review comments 5589
that are received with regard to a rule, and shall compile them in 5590
a report that describes in detail the substance of the comments 5591
and, in particular, any objections to the rule. 5592

(2) The ombudsperson shall forthwith cause the report to be 5593
published in the register of Ohio and shall file the report in 5594
electronic form with the rule-making agency that filed the rule 5595
and with the small business regulatory review board. At the same 5596
time, the ombudsperson shall file in electronic form with the 5597
board the full text of the rule, the cost-benefit report, and the 5598
regulatory flexibility report. 5599

(3) The ombudsperson may appear before the joint committee on 5600
agency rule review and testify concerning a rule-making agency's 5601
compliance with sections 121.252, 121.253, and 121.254 of the 5602
Revised Code. 5603

Sec. 121.256. (A)(1) Within thirty days after receiving a 5604
report from the Ohio small business ombudsperson, the small 5605
business regulatory review board may hold a meeting at which it 5606
shall review the report, the rule that is the subject of the 5607
report, the cost-benefit report, and the regulatory flexibility 5608
report, and shall determine whether the rule-making agency that 5609
filed the rule has complied with sections 121.252, 121.253, and 5610
121.254 of the Revised Code. 5611

(2) The board may conduct a public hearing on the rule, at 5612
which any person having an interest in the rule may appear and 5613
offer comments on, or objections to, the rule insofar as it may 5614
have any adverse impact on small businesses. The board shall cause 5615
notice of such a public hearing to be published in the register of 5616

Ohio at least seven days before the date set for the hearing. In 5617
the notice, the board shall state the date and time when, and the 5618
place where, the public hearing will be held. 5619

(B)(1) If the board finds that a rule-making agency, in 5621
regard to a rule, has failed to comply with section 121.252, 5622
121.253, or 121.254 of the Revised Code, the board shall issue in 5623
writing a determination of noncompliance that states the 5624
determination and explains why the rule fails to comply with those 5625
sections. The board may include in the determination of 5626
noncompliance suggested changes in the rule that will bring the 5627
rule into compliance with sections 121.252 and 121.253 of the 5628
Revised Code. 5629

(2) If the board finds that a rule-making agency, in regard 5630
to a rule, complied with sections 121.252, 121.253, and 121.254 of 5631
the Revised Code, the board shall issue in writing a determination 5632
of compliance that states such determination. 5633

(C)(1) The board shall file its determination in electronic 5634
form with the rule-making agency and shall cause its determination 5635
to be published in the register of Ohio. 5636

(2) If the rule-making agency proceeds to file the rule under 5637
division (B)(1) of section 111.15 or divisions (B) and (H) of 5638
section 119.03 of the Revised Code, the rule-making agency shall 5639
file with the joint committee on agency rule review the board's 5640
determination, the full text of the rule, the ombudsperson's 5641
report, the cost-benefit report, and the regulatory flexibility 5642
report. 5643

(D) If the board, within thirty days after receiving the 5644
ombudsperson's report, does not issue a determination to the 5645
rule-making agency, the board, in electronic form, shall return to 5646
the rule-making agency the full text of the rule, the cost-benefit 5647

report, and the regulatory flexibility report. The board shall 5648
note on the rule that it has not issued a determination with 5649
regard to the rule. The rule-making agency then may proceed to 5650
file the rule under division (B)(1) of section 111.15 or divisions 5651
(B) and (H) of section 119.03 of the Revised Code, but only if the 5652
rule that is so filed is substantially similar to the rule that 5653
was filed with the ombudsperson. 5654

Sec. 121.257. There is hereby created the small business 5655
regulatory review board, consisting of five members appointed by 5656
the governor, two members appointed by the president of the 5657
senate, and two members appointed by the speaker of the house of 5658
representatives. Each member shall represent small business. 5659

The terms of office of all members of the board shall be for 5660
three years, beginning on the first day of January and ending at 5661
the close of business on the thirty-first day of December. A 5662
vacancy on the board shall be filled in the same manner as the 5663
initial appointment. Any member appointed to fill a vacancy 5664
occurring prior to the expiration of the term for which the 5665
member's predecessor was appointed shall hold office for the 5666
remainder of the term. 5667

The governor shall designate the chairperson of the board 5668
from among the members appointed by the governor. The chairperson 5669
shall appoint a secretary from among the board's members. 5670

Five members of the board constitute a quorum, and the 5671
affirmative vote of five members is necessary for any action taken 5672
by the board. 5673

Members of the board shall serve without compensation, but 5674
shall be reimbursed for their necessary and actual expenses 5675
incurred in the performance of their board duties. 5676

Sec. 121.37. (A)(1) There is hereby created the Ohio family 5677

and children first cabinet council. The council shall be composed 5678
of the superintendent of public instruction and the directors of 5679
youth services, job and family services, mental health, health, 5680
alcohol and drug addiction services, mental retardation and 5681
developmental disabilities, aging, rehabilitation and correction, 5682
and budget and management. The chairperson of the council shall be 5683
the governor or the governor's designee and shall establish 5684
procedures for the council's internal control and management. 5685

The purpose of the cabinet council is to help families 5686
seeking government services. This section shall not be interpreted 5687
or applied to usurp the role of parents, but solely to streamline 5688
and coordinate existing government services for families seeking 5689
assistance for their children. 5690

(2) In seeking to fulfill its purpose, the council may do any 5691
of the following: 5692

(a) Advise and make recommendations to the governor and 5693
general assembly regarding the provision of services to children; 5694

(b) Advise and assess local governments on the coordination 5695
of service delivery to children; 5696

(c) Hold meetings at such times and places as may be 5697
prescribed by the council's procedures and maintain records of the 5698
meetings, except that records identifying individual children are 5699
confidential and shall be disclosed only as provided by law; 5700

(d) Develop programs and projects, including pilot projects, 5701
to encourage coordinated efforts at the state and local level to 5702
improve the state's social service delivery system; 5703

(e) Enter into contracts with and administer grants to county 5704
family and children first councils, as well as other county or 5705
multicounty organizations to plan and coordinate service delivery 5706
between state agencies and local service providers for families 5707
and children; 5708

(f) Enter into contracts with and apply for grants from federal agencies or private organizations;	5709 5710
(g) Enter into interagency agreements to encourage coordinated efforts at the state and local level to improve the state's social service delivery system. The agreements may include provisions regarding the receipt, transfer, and expenditure of funds;	5711 5712 5713 5714 5715
(h) Identify public and private funding sources for services provided to alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children, including regulations governing access to and use of the services;	5716 5717 5718 5719
(i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the programs;	5720 5721 5722 5723
(j) Identify and disseminate publications regarding alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children and regarding programs serving those types of children;	5724 5725 5726 5727
(k) Maintain an inventory of strategic planning facilitators for use by government or nonprofit entities that serve alleged or adjudicated unruly children or children who are at risk of being alleged or adjudicated unruly children.	5728 5729 5730 5731
(3) The cabinet council shall provide for the following:	5732
(a) Reviews of service and treatment plans for children for which such reviews are requested;	5733 5734
(b) Assistance as the council determines to be necessary to meet the needs of children referred by county family and children first councils;	5735 5736 5737
(c) Monitoring and supervision of a statewide, comprehensive,	5738

coordinated, multi-disciplinary, interagency system for infants 5739
and toddlers with developmental disabilities or delays and their 5740
families, as established pursuant to federal grants received and 5741
administered by the department of health for early intervention 5742
services under the "Individuals with Disabilities Education Act of 5743
2004," 20 U.S.C.A. 1400, as amended. 5744

(4) The cabinet council shall develop and implement the 5745
following: 5746

(a) An interagency process to select the indicators that will 5747
be used to measure progress toward increasing child well-being in 5748
the state and to update the indicators on an annual basis. The 5749
indicators shall focus on expectant parents and newborns thriving; 5750
infants and toddlers thriving; children being ready for school; 5751
children and youth succeeding in school; youth choosing healthy 5752
behaviors; and youth successfully transitioning into adulthood. 5753

(b) An interagency system to offer guidance and monitor 5754
progress toward increasing child well-being in the state and in 5755
each county; 5756

(c) An annual plan that identifies state-level agency efforts 5757
taken to ensure progress towards increasing child well-being in 5758
the state. 5759

On an annual basis, the cabinet council shall submit to the 5760
governor and the general assembly a report on the status of 5761
efforts to increase child well-being in the state. This report 5762
shall be made available to any other person on request. 5763

(B)(1) Each board of county commissioners shall establish a 5764
county family and children first council. The board may invite any 5765
local public or private agency or group that funds, advocates, or 5766
provides services to children and families to have a 5767
representative become a permanent or temporary member of its 5768
county council. Each county council must include the following 5769

individuals:	5770
(a) At least three individuals who are not employed by an agency represented on the council and whose families are or have received services from an agency represented on the council or another county's council. Where possible, the number of members representing families shall be equal to twenty per cent of the council's membership.	5771 5772 5773 5774 5775 5776
(b) The director of the board of alcohol, drug addiction, and mental health services that serves the county, or, in the case of a county that has a board of alcohol and drug addiction services and a community mental health board, the directors of both boards. If a board of alcohol, drug addiction, and mental health services covers more than one county, the director may designate a person to participate on the county's council.	5777 5778 5779 5780 5781 5782 5783
(c) The health commissioner, or the commissioner's designee, of the board of health of each city and general health district in the county. If the county has two or more health districts, the health commissioner membership may be limited to the commissioners of the two districts with the largest populations.	5784 5785 5786 5787 5788
(d) The director of the county department of job and family services;	5789 5790
(e) The executive director of the public children services agency;	5791 5792
(f) The superintendent of the county board of mental retardation and developmental disabilities;	5793 5794
(g) The superintendent of the city, exempted village, or local school district with the largest number of pupils residing in the county, as determined by the department of education, which shall notify each board of county commissioners of its determination at least biennially;	5795 5796 5797 5798 5799

(h) A school superintendent representing all other school districts with territory in the county, as designated at a biennial meeting of the superintendents of those districts;

(i) A representative of the municipal corporation with the largest population in the county;

(j) The president of the board of county commissioners or an individual designated by the board;

(k) A representative of the regional office of the department of youth services;

(l) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code;

(m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004";

(n) A representative of a local nonprofit entity that funds, advocates, or provides services to children and families.

Notwithstanding any other provision of law, the public members of a county council are not prohibited from serving on the council and making decisions regarding the duties of the council, including those involving the funding of joint projects and those outlined in the county's service coordination mechanism implemented pursuant to division (C) of this section.

The cabinet council shall establish a state appeals process to resolve disputes among the members of a county council concerning whether reasonable responsibilities as members are being shared. The appeals process may be accessed only by a majority vote of the council members who are required to serve on the council. Upon appeal, the cabinet council may order that state funds for services to children and families be redirected to a

county's board of county commissioners. 5830

The county's juvenile court judge senior in service or 5831
another judge of the juvenile court designated by the 5832
administrative judge or, where there is no administrative judge, 5833
by the judge senior in service shall serve as the judicial advisor 5834
to the county family and children first council. The judge may 5835
advise the county council on the court's utilization of resources, 5836
services, or programs provided by the entities represented by the 5837
members of the county council and how those resources, services, 5838
or programs assist the court in its administration of justice. 5839
Service of a judge as a judicial advisor pursuant to this section 5840
is a judicial function. 5841

(2) The purpose of the county council is to streamline and 5842
coordinate existing government services for families seeking 5843
services for their children. In seeking to fulfill its purpose, a 5844
county council shall provide for the following: 5845

(a) Referrals to the cabinet council of those children for 5846
whom the county council cannot provide adequate services; 5847

(b) Development and implementation of a process that annually 5848
evaluates and prioritizes services, fills service gaps where 5849
possible, and invents new approaches to achieve better results for 5850
families and children; 5851

(c) Participation in the development of a countywide, 5852
comprehensive, coordinated, multi-disciplinary, interagency system 5853
for infants and toddlers with developmental disabilities or delays 5854
and their families, as established pursuant to federal grants 5855
received and administered by the department of health for early 5856
intervention services under the "Individuals with Disabilities 5857
Education Act of 2004"; 5858

(d) Maintenance of an accountability system to monitor the 5859
county council's progress in achieving results for families and 5860

children; 5861

(e) Establishment of a mechanism to ensure ongoing input from 5862
a broad representation of families who are receiving services 5863
within the county system. 5864

(3) A county council shall develop and implement the 5865
following: 5866

(a) An interagency process to establish local indicators and 5867
monitor the county's progress toward increasing child well-being 5868
in the county; 5869

(b) An interagency process to identify local priorities to 5870
increase child well-being. The local priorities shall focus on 5871
expectant parents and newborns thriving; infants and toddlers 5872
thriving; children being ready for school; children and youth 5873
succeeding in school; youth choosing healthy behaviors; and youth 5874
successfully transitioning into adulthood and take into account 5875
the indicators established by the cabinet council under division 5876
(A)(4)(a) of this section. 5877

(c) An annual plan that identifies the county's interagency 5878
efforts to increase child well-being in the county. 5879

On an annual basis, the county council shall submit a report 5880
on the status of efforts by the county to increase child 5881
well-being in the county to the county's board of county 5882
commissioners and the cabinet council. This report shall be made 5883
available to any other person on request. 5884

(4)(a) Except as provided in division (B)(4)(b) of this 5885
section, a county council shall comply with the policies, 5886
procedures, and activities prescribed by the rules or interagency 5887
agreements of a state department participating on the cabinet 5888
council whenever the county council performs a function subject to 5889
those rules or agreements. 5890

(b) On application of a county council, the cabinet council 5891
may grant an exemption from any rules or interagency agreements of 5892
a state department participating on the council if an exemption is 5893
necessary for the council to implement an alternative program or 5894
approach for service delivery to families and children. The 5895
application shall describe the proposed program or approach and 5896
specify the rules or interagency agreements from which an 5897
exemption is necessary. The cabinet council shall approve or 5898
disapprove the application in accordance with standards and 5899
procedures it shall adopt. If an application is approved, the 5900
exemption is effective only while the program or approach is being 5901
implemented, including a reasonable period during which the 5902
program or approach is being evaluated for effectiveness. 5903

(5)(a) Each county council shall designate an administrative 5904
agent for the council from among the following public entities: 5905
the board of alcohol, drug addiction, and mental health services, 5906
including a board of alcohol and drug addiction or a community 5907
mental health board if the county is served by separate boards; 5908
the board of county commissioners; any board of health of the 5909
county's city and general health districts; the county department 5910
of job and family services; the county agency responsible for the 5911
administration of children services pursuant to section 5153.15 of 5912
the Revised Code; the county board of mental retardation and 5913
developmental disabilities; any of the county's boards of 5914
education or governing boards of educational service centers; or 5915
the county's juvenile court. Any of the foregoing public entities, 5916
other than the board of county commissioners, may decline to serve 5917
as the council's administrative agent. 5918

A county council's administrative agent shall serve as the 5919
council's appointing authority for any employees of the council. 5920
The council shall file an annual budget with its administrative 5921
agent, with copies filed with the county auditor and with the 5922

board of county commissioners, unless the board is serving as the 5923
council's administrative agent. The council's administrative agent 5924
shall ensure that all expenditures are handled in accordance with 5925
policies, procedures, and activities prescribed by state 5926
departments in rules or interagency agreements that are applicable 5927
to the council's functions. 5928

The administrative agent of a county council shall send 5929
notice of a member's absence if a member listed in division (B)(1) 5930
of this section has been absent from either three consecutive 5931
meetings of the county council or a county council subcommittee, 5932
or from one-quarter of such meetings in a calendar year, whichever 5933
is less. The notice shall be sent to the board of county 5934
commissioners that establishes the county council and, for the 5935
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 5936
section, to the governing board overseeing the respective entity; 5937
for the member listed in division (B)(1)(f) of this section, to 5938
the county board of mental retardation and developmental 5939
disabilities that employs the superintendent; for a member listed 5940
in division (B)(1)(g) or (h) of this section, to the school board 5941
that employs the superintendent; for the member listed in division 5942
(B)(1)(i) of this section, to the mayor of the municipal 5943
corporation; for the member listed in division (B)(1)(k) of this 5944
section, to the director of youth services; and for the member 5945
listed in division (B)(1)(n), to that member's board of trustees. 5946

The administrative agent for a county council may do any of 5947
the following on behalf of the council: 5948

(i) Enter into agreements or administer contracts with public 5949
or private entities to fulfill specific council business. Such 5950
agreements and contracts are exempt from the competitive bidding 5951
requirements of section 307.86 of the Revised Code if they have 5952
been approved by the county council and they are for the purchase 5953
of family and child welfare or child protection services or other 5954

social or job and family services for families and children. The 5955
approval of the county council is not required to exempt 5956
agreements or contracts entered into under section 5139.34, 5957
5139.41, or 5139.43 of the Revised Code from the competitive 5958
bidding requirements of section 307.86 of the Revised Code. 5959

(ii) As determined by the council, provide financial 5960
stipends, reimbursements, or both, to family representatives for 5961
expenses related to council activity; 5962

(iii) Receive by gift, grant, devise, or bequest any moneys, 5963
lands, or other property for the purposes for which the council is 5964
established. The agent shall hold, apply, and dispose of the 5965
moneys, lands, or other property according to the terms of the 5966
gift, grant, devise, or bequest. Any interest or earnings shall be 5967
treated in the same manner and are subject to the same terms as 5968
the gift, grant, devise, or bequest from which it accrues. 5969

(b)(i) If the county council designates the board of county 5970
commissioners as its administrative agent, the board may, by 5971
resolution, delegate any of its powers and duties as 5972
administrative agent to an executive committee the board 5973
establishes from the membership of the county council. The board 5974
shall name to the executive committee at least the individuals 5975
described in divisions (B)(1)(b) to (h) of this section and may 5976
appoint the president of the board or another individual as the 5977
chair of the executive committee. The executive committee must 5978
include at least one family county council representative who does 5979
not have a family member employed by an agency represented on the 5980
council. 5981

(ii) The executive committee may, with the approval of the 5982
board, hire an executive director to assist the county council in 5983
administering its powers and duties. The executive director shall 5984
serve in the unclassified civil service at the pleasure of the 5985
executive committee. The executive director may, with the approval 5986

of the executive committee, hire other employees as necessary to 5987
properly conduct the county council's business. 5988

(iii) The board may require the executive committee to submit 5989
an annual budget to the board for approval and may amend or repeal 5990
the resolution that delegated to the executive committee its 5991
authority as the county council's administrative agent. 5992

(6) Two or more county councils may enter into an agreement 5993
to administer their county councils jointly by creating a regional 5994
family and children first council. A regional council possesses 5995
the same duties and authority possessed by a county council, 5996
except that the duties and authority apply regionally rather than 5997
to individual counties. Prior to entering into an agreement to 5998
create a regional council, the members of each county council to 5999
be part of the regional council shall meet to determine whether 6000
all or part of the members of each county council will serve as 6001
members of the regional council. 6002

(7) A board of county commissioners may approve a resolution 6003
by a majority vote of the board's members that requires the county 6004
council to submit a statement to the board each time the council 6005
proposes to enter into an agreement, adopt a plan, or make a 6006
decision, other than a decision pursuant to section 121.38 of the 6007
Revised Code, that requires the expenditure of funds for two or 6008
more families. The statement shall describe the proposed 6009
agreement, plan, or decision. 6010

Not later than fifteen days after the board receives the 6011
statement, it shall, by resolution approved by a majority of its 6012
members, approve or disapprove the agreement, plan, or decision. 6013
Failure of the board to pass a resolution during that time period 6014
shall be considered approval of the agreement, plan, or decision. 6015

An agreement, plan, or decision for which a statement is 6016
required to be submitted to the board shall be implemented only if 6017

it is approved by the board. 6018

(C) Each county shall develop a county service coordination 6019
mechanism. The county service coordination mechanism shall serve 6020
as the guiding document for coordination of services in the 6021
county. For children who also receive services under the help me 6022
grow program, the service coordination mechanism shall be 6023
consistent with rules adopted by the department of health under 6024
section 3701.61 of the Revised Code. All family service 6025
coordination plans shall be developed in accordance with the 6026
county service coordination mechanism. The mechanism shall be 6027
developed and approved with the participation of the county 6028
entities representing child welfare; mental retardation and 6029
developmental disabilities; alcohol, drug addiction, and mental 6030
health services; health; juvenile judges; education; the county 6031
family and children first council; and the county early 6032
intervention collaborative established pursuant to the federal 6033
early intervention program operated under the "Individuals with 6034
Disabilities Education Act of 2004." The county shall establish an 6035
implementation schedule for the mechanism. The cabinet council may 6036
monitor the implementation and administration of each county's 6037
service coordination mechanism. 6038

Each mechanism shall include all of the following: 6039

(1) A procedure for an agency, including a juvenile court, or 6040
a family voluntarily seeking service coordination, to refer the 6041
child and family to the county council for service coordination in 6042
accordance with the mechanism; 6043

(2) A procedure ensuring that a family and all appropriate 6044
staff from involved agencies, including a representative from the 6045
appropriate school district, are notified of and invited to 6046
participate in all family service coordination plan meetings; 6047

(3) A procedure that permits a family to initiate a meeting 6048

to develop or review the family's service coordination plan and 6049
allows the family to invite a family advocate, mentor, or support 6050
person of the family's choice to participate in any such meeting; 6051

(4) A procedure for ensuring that a family service 6052
coordination plan meeting is conducted for each child who receives 6053
service coordination under the mechanism and for whom an emergency 6054
out-of-home placement has been made or for whom a nonemergency 6055
out-of-home placement is being considered. The meeting shall be 6056
conducted within ten days of an emergency out-of-home placement. 6057
The meeting shall be conducted before a nonemergency out-of-home 6058
placement. The family service coordination plan shall outline how 6059
the county council members will jointly pay for services, where 6060
applicable, and provide services in the least restrictive 6061
environment. 6062

(5) A procedure for monitoring the progress and tracking the 6063
outcomes of each service coordination plan requested in the county 6064
including monitoring and tracking children in out-of-home 6065
placements to assure continued progress, appropriateness of 6066
placement, and continuity of care after discharge from placement 6067
with appropriate arrangements for housing, treatment, and 6068
education. 6069

(6) A procedure for protecting the confidentiality of all 6070
personal family information disclosed during service coordination 6071
meetings or contained in the comprehensive family service 6072
coordination plan. 6073

(7) A procedure for assessing the needs and strengths of any 6074
child or family that has been referred to the council for service 6075
coordination, including a child whose parent or custodian is 6076
voluntarily seeking services, and for ensuring that parents and 6077
custodians are afforded the opportunity to participate; 6078

(8) A procedure for development of a family service 6079

coordination plan described in division (D) of this section; 6080

(9) A local dispute resolution process to serve as the 6081
process that must be used first to resolve disputes among the 6082
agencies represented on the county council concerning the 6083
provision of services to children, including children who are 6084
abused, neglected, dependent, unruly, alleged unruly, or 6085
delinquent children and under the jurisdiction of the juvenile 6086
court and children whose parents or custodians are voluntarily 6087
seeking services. The local dispute resolution process shall 6088
comply with sections 121.38, 121.381, and 121.382 of the Revised 6089
Code. The local dispute resolution process shall be used to 6090
resolve disputes between a child's parents or custodians and the 6091
county council regarding service coordination. The county council 6092
shall inform the parents or custodians of their right to use the 6093
dispute resolution process. Parents or custodians shall use 6094
existing local agency grievance procedures to address disputes not 6095
involving service coordination. The dispute resolution process is 6096
in addition to and does not replace other rights or procedures 6097
that parents or custodians may have under other sections of the 6098
Revised Code. 6099

The cabinet council shall adopt rules in accordance with 6100
Chapter 119. of the Revised Code establishing an administrative 6101
review process to address problems that arise concerning the 6102
operation of a local dispute resolution process. 6103

Nothing in division (C)(4) of this section shall be 6104
interpreted as overriding or affecting decisions of a juvenile 6105
court regarding an out-of-home placement, long-term placement, or 6106
emergency out-of-home placement. 6107

(D) Each county shall develop a family service coordination 6108
plan that does all of the following: 6109

(1) Designates service responsibilities among the various 6110

state and local agencies that provide services to children and 6111
their families, including children who are abused, neglected, 6112
dependent, unruly, or delinquent children and under the 6113
jurisdiction of the juvenile court and children whose parents or 6114
custodians are voluntarily seeking services; 6115

(2) Designates an individual, approved by the family, to 6116
track the progress of the family service coordination plan, 6117
schedule reviews as necessary, and facilitate the family service 6118
coordination plan meeting process; 6119

(3) Ensures that assistance and services to be provided are 6120
responsive to the strengths and needs of the family, as well as 6121
the family's culture, race, and ethnic group, by allowing the 6122
family to offer information and suggestions and participate in 6123
decisions. Identified assistance and services shall be provided in 6124
the least restrictive environment possible. 6125

(4) Includes a process for dealing with a child who is 6126
alleged to be an unruly child. The process shall include methods 6127
to divert the child from the juvenile court system; 6128

(5) Includes timelines for completion of goals specified in 6129
the plan with regular reviews scheduled to monitor progress toward 6130
those goals; 6131

(6) Includes a plan for dealing with short-term crisis 6132
situations and safety concerns. 6133

(E)(1) The process provided for under division (D)(4) of this 6134
section may include, but is not limited to, the following: 6135

(a) Designation of the person or agency to conduct the 6136
assessment of the child and the child's family as described in 6137
division (C)(7) of this section and designation of the instrument 6138
or instruments to be used to conduct the assessment; 6139

(b) An emphasis on the personal responsibilities of the child 6140

and the parental responsibilities of the parents, guardian, or
custodian of the child; 6141
6142

(c) Involvement of local law enforcement agencies and
officials. 6143
6144

(2) The method to divert a child from the juvenile court
system that must be included in the service coordination process 6145
6146
may include, but is not limited to, the following: 6147

(a) The preparation of a complaint under section 2151.27 of
the Revised Code alleging that the child is an unruly child and 6148
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notifying the child and the parents, guardian, or custodian that 6150
the complaint has been prepared to encourage the child and the 6151
parents, guardian, or custodian to comply with other methods to 6152
divert the child from the juvenile court system; 6153

(b) Conducting a meeting with the child, the parents,
guardian, or custodian, and other interested parties to determine 6154
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the appropriate methods to divert the child from the juvenile 6156
court system; 6157

(c) A method to provide to the child and the child's family a
short-term respite from a short-term crisis situation involving a 6158
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confrontation between the child and the parents, guardian, or 6160
custodian; 6161

(d) A program to provide a mentor to the child or the
parents, guardian, or custodian; 6162
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(e) A program to provide parenting education to the parents,
guardian, or custodian; 6164
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(f) An alternative school program for children who are truant
from school, repeatedly disruptive in school, or suspended or 6166
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expelled from school; 6168

(g) Other appropriate measures, including, but not limited
to, any alternative methods to divert a child from the juvenile 6169
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court system that are identified by the Ohio family and children 6171
first cabinet council. 6172

(F) Each county may review and revise the service 6173
coordination process described in division (D) of this section 6174
based on the availability of funds under Title IV-A of the "Social 6175
Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 6176
or to the extent resources are available from any other federal, 6177
state, or local funds. 6178

Sec. 121.375. (A) A care coordination agency may provide the 6179
following information to the Ohio family and children first 6180
cabinet council: 6181

(1) The types of individuals the agency identifies as being 6182
at-risk individuals; 6183

(2) The total per-individual cost to the agency for care 6184
coordination services provided to at-risk individuals; 6185

(3) The administrative cost per individual for care 6186
coordination services provided to at-risk individuals; 6187

(4) The specific work products the agency purchased to 6188
provide care coordination services to at-risk individuals; 6189

(5) The strategies the agency uses to help at-risk 6190
individuals access available health and social services; 6191

(6) The agency's success in helping at-risk individuals 6192
access available health and social services; 6193

(7) The mechanisms the agency uses to identify and eliminate 6194
duplicate care coordination services. 6195

(B) The Ohio family and children first cabinet council may do 6196
either or both of the following: 6197

(1) Give incentives to encourage care coordination agencies 6198
to provide information to the council under this section; 6199

(2) Use the information provided to it under this section to help improve care coordination for at-risk individuals throughout the state. 6200
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6202

(C) The Ohio family and children first cabinet council shall adopt rules in accordance with Chapter 119. of the Revised Code to define the terms "at-risk individual" and "care coordination agency" for the purpose of this section. 6203
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Sec. 121.376. (A) Not later than January 31 of each year, each public children services agency shall report to the Ohio family and children first cabinet council the number of times during the previous calendar year that a parent, guardian, or other person having custody of a child who has a mental illness as defined in section 5122.01 of the Revised Code voluntarily surrendered custody of the child to the agency pursuant to section 5103.15 of the Revised Code for the sole purpose of qualifying the child for government funded mental health services. 6207
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(B) Not later than March 1 of each year, the cabinet council shall submit to the president of the senate and the speaker of the house of representatives a report of the results obtained pursuant to division (A) of this section. 6216
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Sec. 121.39. (A) As used in this section, "environmental protection" means any of the following: 6220
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(1) Protection of human health or safety, biological resources, or natural resources by preventing, reducing, or remediating the pollution or degradation of air, land, or water resources or by preventing or limiting the exposure of humans, animals, or plants to pollution; 6222
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(2) Appropriation or regulation of privately owned property to preserve air, land, or water resources in a natural state or to wholly or partially restore them to a natural state; 6227
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(3) Regulation of the collection, management, treatment, 6230
reduction, storage, or disposal of solid, hazardous, radioactive, 6231
or other wastes; 6232

(4) Plans or programs to promote or regulate the 6233
conservation, recycling, or reuse of energy, materials, or wastes. 6234

(B) Except as otherwise provided in division (E) of this 6235
section, when proposed legislation dealing with environmental 6236
protection or containing a component dealing with environmental 6237
protection is referred to a committee of the general assembly, 6238
other than a committee on rules or reference, the sponsor of the 6239
legislation, at the time of the first hearing of the legislation 6240
before the committee, shall submit to the members of the committee 6241
a written statement identifying either the documentation that is 6242
the basis of the legislation or the federal requirement or 6243
requirements with which the legislation is intended to comply. If 6244
the legislation is not based on documentation or has not been 6245
introduced to comply with a federal requirement or requirements, 6246
the written statement from the sponsor shall so indicate. 6247

Also at the time of the first hearing of the legislation 6248
before the committee, a statewide organization that represents 6249
businesses in this state and that elects its board of directors 6250
may submit to the members of the committee a written estimate of 6251
the costs to the regulated community in this state of complying 6252
with the legislation if it is enacted. 6253

At any hearing of the legislation before the committee, a 6254
representative of any state agency, environmental advocacy 6255
organization, or consumer advocacy organization or any private 6256
citizen may present documentation containing an estimate of the 6257
monetary and other costs to public health and safety and the 6258
environment and to consumers and residential utility customers, 6259
and the effects on property values, if the legislation is not 6260
enacted. 6261

(C) Until such time as the statement required under division 6262
(B) of this section is submitted to the committee to which 6263
proposed legislation dealing with environmental protection or 6264
containing a component dealing with environmental protection was 6265
referred, the legislation shall not be reported by that committee. 6266
This requirement does not apply if the component dealing with 6267
environmental protection is removed from the legislation or if 6268
two-thirds of the members of the committee vote in favor of a 6269
motion to report the proposed legislation. 6270

(D) Except as otherwise provided in division (E) of this 6271
section, prior to adopting a rule or an amendment proposed to a 6272
rule dealing with environmental protection or containing a 6273
component dealing with environmental protection, a state agency 6274
shall do all of the following: 6275

(1) Consult with organizations that represent political 6276
subdivisions, environmental interests, business interests, and 6277
other persons affected by the proposed rule or amendment; 6278

(2) Consider documentation relevant to the need for, the 6279
environmental benefits or consequences of, other benefits of, and 6280
the technological feasibility of the proposed rule or amendment; 6281

(3) Specifically identify whether the proposed rule or 6282
amendment is being adopted or amended to enable the state to 6283
obtain or maintain approval to administer and enforce a federal 6284
environmental law or to participate in a federal environmental 6285
program, whether the proposed rule or amendment is more stringent 6286
than its federal counterpart, and, if the proposed rule or 6287
amendment is more stringent, the rationale for not incorporating 6288
its federal counterpart; 6289

(4) Include with the proposed rule or amendment and the rule 6290
summary and fiscal analysis required under ~~sections 121.24 and~~ 6291
section 127.18 of the Revised Code, when they are filed with the 6292

joint committee on agency rule review in accordance with division 6293
(D) of section 111.15 or division (H) of section 119.03 of the 6294
Revised Code, one of the following in electronic form, as 6295
applicable: 6296

(a) The information identified under division (D)(3) of this 6297
section and, if the proposed rule or amendment is more stringent 6298
than its federal counterpart, as identified in that division, the 6299
documentation considered under division (D)(2) of this section; 6300

(b) If an amendment proposed to a rule is being adopted or 6301
amended under a state statute that establishes standards with 6302
which the amendment shall comply, and the proposed amendment is 6303
more stringent than the rule that it is proposing to amend, the 6304
documentation considered under division (D)(2) of this section; 6305

(c) If division (D)(4)(a) or (b) of this section is not 6306
applicable, the documentation considered under division (D)(2) of 6307
this section. 6308

If the agency subsequently files a revision of such a 6309
proposed rule or amendment in accordance with division (D) of 6310
section 111.15 or division (H) of section 119.03 of the Revised 6311
Code, the revision shall be accompanied in electronic form by the 6312
applicable information or documentation. 6313

Division (D) of this section does not apply to any emergency 6314
rule adopted under division (B)(2) of section 111.15 or division 6315
(F) of section 119.03 of the Revised Code, but does apply to any 6316
such rule that subsequently is adopted as a nonemergency rule 6317
under either of those divisions. 6318

The information or documentation submitted under division 6319
(D)(4) of this section may be in the form of a summary or index of 6320
available knowledge or information and shall consist of or be 6321
based upon the best available generally accepted knowledge or 6322
information in the appropriate fields, as determined by the agency 6323

that prepared the documentation. 6324

(E) The statement required under division (B) and the 6325
information or documentation required under division (D) of this 6326
section need not be prepared or submitted with regard to a 6327
proposed statute or rule, or an amendment to a rule, if the 6328
statute, rule, or amendment is procedural or budgetary in nature, 6329
or governs the organization or operation of a state agency, and 6330
will not affect the substantive rights or obligations of any 6331
person other than a state agency or an employee or contractor of a 6332
state agency. 6333

(F) The insufficiency, incompleteness, or inadequacy of a 6334
statement, information, documentation, or a summary of information 6335
or documentation provided in accordance with division (B) or (D) 6336
of this section shall not be grounds for invalidation of any 6337
statute, rule, or amendment to a rule. 6338

(G) This section applies only to the following: 6339

(1) Legislation and components of legislation dealing with 6340
environmental protection that are introduced in the general 6341
assembly after March 5, 1996; 6342

(2) Rules and rule amendments dealing with environmental 6343
protection that are filed with the joint committee on agency rule 6344
review in accordance with division (D) of section 111.15 or 6345
division (H) of section 119.03 of the Revised Code after March 5, 6346
1996. 6347

Sec. 121.40. (A) There is hereby created the Ohio community 6348
service council consisting of twenty-one voting members including 6349
the superintendent of public instruction or the superintendent's 6350
designee, the chancellor of the Ohio board of regents or the 6351
chancellor's designee, the director of youth services or the 6352
director's designee, the director of aging or the director's 6353

designee, the chairperson of the committee of the house of 6354
representatives dealing with education or the chairperson's 6355
designee, the chairperson of the committee of the senate dealing 6356
with education or the chairperson's designee, and fifteen members 6357
who shall be appointed by the governor with the advice and consent 6358
of the senate and who shall serve terms of office of three years. 6359
The appointees shall include educators, including teachers and 6360
administrators; representatives of youth organizations; students 6361
and parents; representatives of organizations engaged in volunteer 6362
program development and management throughout the state, including 6363
youth and conservation programs; and representatives of business, 6364
government, nonprofit organizations, social service agencies, 6365
veterans organizations, religious organizations, or philanthropies 6366
that support or encourage volunteerism within the state. The 6367
director of the governor's office of faith-based and community 6368
initiatives shall serve as a nonvoting ex officio member of the 6369
council. Members of the council shall receive no compensation, but 6370
shall be reimbursed for actual and necessary expenses incurred in 6371
the performance of their official duties. 6372

(B) The council shall appoint an executive director for the 6373
council, who shall be in the unclassified civil service. The 6374
executive director shall supervise the council's activities and 6375
report to the council on the progress of those activities. The 6376
executive director shall do all things necessary for the efficient 6377
and effective implementation of the duties of the council. 6378

The responsibilities assigned to the executive director do 6380
not relieve the members of the council from final responsibility 6381
for the proper performance of the requirements of this section. 6382

(C) The council or its designee shall do all of the 6383
following: 6384

(1) Employ, promote, supervise, and remove all employees as 6385

needed in connection with the performance of its duties under this 6386
section and may assign duties to those employees as necessary to 6387
achieve the most efficient performance of its functions, and to 6388
that end may establish, change, or abolish positions, and assign 6389
and reassign duties and responsibilities of any employee of the 6390
council. Personnel employed by the council who are subject to 6391
Chapter 4117. of the Revised Code shall retain all of their rights 6392
and benefits conferred pursuant to that chapter. Nothing in this 6393
chapter shall be construed as eliminating or interfering with 6394
Chapter 4117. of the Revised Code or the rights and benefits 6395
conferred under that chapter to public employees or to any 6396
bargaining unit. 6397

(2) Maintain its office in Columbus, and may hold sessions at 6398
any place within the state; 6399

(3) Acquire facilities, equipment, and supplies necessary to 6400
house the council, its employees, and files and records under its 6401
control, and to discharge any duty imposed upon it by law. The 6402
expense of these acquisitions shall be audited and paid for in the 6403
same manner as other state expenses. For that purpose, the council 6404
shall prepare and submit to the office of budget and management a 6405
budget for each biennium according to sections 101.532 and 107.03 6406
of the Revised Code. The budget submitted shall cover the costs of 6407
the council and its staff in the discharge of any duty imposed 6408
upon the council by law. The council shall not delegate any 6409
authority to obligate funds. 6410

(4) Pay its own payroll and other operating expenses from 6411
line items designated by the general assembly; 6412

(5) Retain its fiduciary responsibility as appointing 6413
authority. Any transaction instructions shall be certified by the 6414
appointing authority or its designee. 6415

(6) Establish the overall policy and management of the 6416

council in accordance with this chapter; 6417

(7) Assist in coordinating and preparing the state 6418
application for funds under sections 101 to 184 of the "National 6419
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 6420
U.S.C.A. 12411 to 12544, as amended, assist in administering and 6421
overseeing the "National and Community Service Trust Act of 1993," 6422
P.L. 103-82, 107 Stat. 785, and the americorps program in this 6423
state, and assist in developing objectives for a comprehensive 6424
strategy to encourage and expand community service programs 6425
throughout the state; 6426

(8) Assist the state board of education, school districts, 6427
the chancellor of the board of regents, and institutions of higher 6428
education in coordinating community service education programs 6429
through cooperative efforts between institutions and organizations 6430
in the public and private sectors; 6431

(9) Assist the departments of natural resources, youth 6432
services, aging, and job and family services in coordinating 6433
community service programs through cooperative efforts between 6434
institutions and organizations in the public and private sectors; 6435

(10) Suggest individuals and organizations that are available 6436
to assist school districts, institutions of higher education, and 6437
the departments of natural resources, youth services, aging, and 6438
job and family services in the establishment of community service 6439
programs and assist in investigating sources of funding for 6440
implementing these programs; 6441

(11) Assist in evaluating the state's efforts in providing 6442
community service programs using standards and methods that are 6443
consistent with any statewide objectives for these programs and 6444
provide information to the state board of education, school 6445
districts, the chancellor of the board of regents, institutions of 6446
higher education, and the departments of natural resources, youth 6447

services, aging, and job and family services to guide them in 6448
making decisions about these programs; 6449

(12) Assist the state board of education in complying with 6450
section 3301.70 of the Revised Code and the chancellor of the 6451
board of regents in complying with division (B)(2) of section 6452
3333.043 of the Revised Code; 6453

(13) Advise, assist, consult with, and cooperate with, by 6454
contract or otherwise, agencies and political subdivisions of this 6455
state in establishing a statewide system for volunteers pursuant 6456
to section 121.404 of the Revised Code. 6457

(D) ~~The department of aging council shall in writing enter 6458
into an agreement with another state agency to serve as the 6459
council's fiscal agent. Beginning on July 1, 1997, whenever 6460
reference is made in any law, contract, or document to the 6461
functions of the department of youth services as fiscal agent to 6462
the council, the reference shall be deemed to refer to the 6463
department of aging. The department of aging shall have no 6464
responsibility for or obligation to the council prior to July 1, 6465
1997. Any validation, cure, right, privilege, remedy, obligation, 6466
or liability shall be retained by the council. 6467~~

~~As used in this section, "fiscal agent" means technical 6468
support and includes the following technical support services: The 6469
fiscal agent shall be responsible for all the council's fiscal 6470
matters and financial transactions, as specified in the agreement. 6471
Services to be provided by the fiscal agent include, but are not 6472
limited to, the following: 6473~~

(1) Preparing and processing payroll and other personnel 6474
documents that the council executes as the appointing authority; 6475
~~The department of aging shall not approve any payroll or other 6476
personnel-related documents. 6477~~

(2) Maintaining ledgers of accounts and reports of account 6478

balances, and monitoring budgets and allotment plans in 6479
consultation with the council.; ~~and The department shall not~~ 6480
~~approve any biennial budget, grant, expenditure, audit, or~~ 6481
~~fiscal related document.~~ 6482

(3) Performing other routine support services that the 6483
~~director of aging or the director's designee and the council or~~ 6484
~~its designee consider~~ fiscal agent considers appropriate to 6485
achieve efficiency. 6486

(E)(1) The council ~~or its designee, in conjunction and~~ 6487
consultation with the fiscal agent, has the following authority 6488
and responsibility relative to fiscal matters: 6489

(a) Sole authority to draw funds for any and all federal 6490
programs in which the council is authorized to participate; 6491

(b) Sole authority to expend funds from their accounts for 6492
programs and any other necessary expenses the council may incur 6493
and its subgrantees may incur; and 6494

(c) Responsibility to cooperate with and inform the 6495
~~department of aging as~~ fiscal agent ~~to ensure that the department~~ 6496
~~is fully apprised~~ of all financial transactions. 6497

(2) The council shall follow all state procurement, fiscal, 6498
human resources, statutory, and administrative rule requirements. 6499

(3) The ~~department of aging~~ fiscal agent shall determine fees 6500
to be charged to the council, which shall be in proportion to the 6501
services performed for the council. 6502

(4) The council shall pay fees owed to the ~~department of~~ 6503
~~aging~~ fiscal agent from a general revenue fund of the council or 6504
from any other fund from which the operating expenses of the 6505
council are paid. Any amounts set aside for a fiscal year for the 6506
payment of these fees shall be used only for the services 6507
performed for the council by the ~~department of aging~~ fiscal agent 6508

in that fiscal year. 6509

(F) The council may accept and administer grants from any 6510
source, public or private, to carry out any of the council's 6511
functions this section establishes. 6512

Sec. 121.401. (A) As used in this section and section 121.402 6513
of the Revised Code, "organization or entity" and "unsupervised 6514
access to a child" have the same meanings as in section 109.574 of 6515
the Revised Code. 6516

(B) The ~~governor's~~ Ohio community service council shall adopt 6517
a set of "recommended best practices" for organizations or 6518
entities to follow when one or more volunteers of the organization 6519
or entity have unsupervised access to one or more children or 6520
otherwise interact with one or more children. The "recommended 6521
best practices" shall focus on, but shall not be limited to, the 6522
issue of the safety of the children and, in addition, the 6523
screening and supervision of volunteers. The "recommended best 6524
practices" shall include as a recommended best practice that the 6525
organization or entity subject to a criminal records check 6526
performed by the bureau of criminal identification and 6527
investigation pursuant to section 109.57, section 109.572, or 6528
rules adopted under division (E) of section 109.57 of the Revised 6529
Code, all of the following: 6530

(1) All persons who apply to serve as a volunteer in a 6531
position in which the person will have unsupervised access to a 6532
child on a regular basis. 6533

(2) All volunteers who are in a position in which the person 6534
will have unsupervised access to a child on a regular basis and 6535
who the organization or entity has not previously subjected to a 6536
criminal records check performed by the bureau of criminal 6537
identification and investigation. 6538

(C) The set of "recommended best practices" required to be 6539
adopted by this section are in addition to the educational program 6540
required to be adopted under section 121.402 of the Revised Code. 6541

Sec. 121.402. (A) The ~~governor's~~ Ohio community service 6542
council shall establish and maintain an educational program that 6543
does all of the following: 6544

(1) Makes available to parents and guardians of children 6545
notice about the provisions of sections 109.574 to 109.577, 6546
section 121.401, and section 121.402 of the Revised Code and 6547
information about how to keep children safe when they are under 6548
the care, custody, or control of a person other than the parent or 6549
guardian; 6550

(2) Makes available to organizations and entities information 6551
regarding the best methods of screening and supervising 6552
volunteers, how to obtain a criminal records check of a volunteer, 6553
confidentiality issues relating to reports of criminal records 6554
checks, and record keeping regarding the reports; 6555

(3) Makes available to volunteers information regarding the 6556
possibility of being subjected to a criminal records check and 6557
displaying appropriate behavior to minors; 6558

(4) Makes available to children advice on personal safety and 6559
information on what action to take if someone takes inappropriate 6560
action towards a child. 6561

(B) The program shall begin making the materials described in 6562
this section available not later than ~~one year after the effective~~ 6563
~~date of this section~~ March 22, 2002. 6564

Sec. 122.05. (A) The director of development may, to carry 6565
out the purposes of division (E) of section 122.04 of the Revised 6566
Code: 6567

(1) Establish offices in foreign countries as the director 6568
considers appropriate and enter into leases of real property, 6569
buildings, and office space that are appropriate for these 6570
offices; 6571

(2) Appoint personnel, who shall be in the unclassified civil 6572
services, necessary to operate such offices and fix their 6573
compensation. The director may enter into contracts with foreign 6574
nationals to staff the foreign offices established under this 6575
section. 6576

(3) The director may establish United States dollar and 6577
foreign currency accounts for the payment of expenses related to 6578
the operation and maintenance of the offices established under 6579
this section. The director shall establish procedures acceptable 6580
to the director of budget and management for the conversion, 6581
transfer, and control of United States dollars and foreign 6582
currency. 6583

(4) Provide export promotion assistance to Ohio businesses 6584
and organize or support missions to foreign countries to promote 6585
export of Ohio products and services and to encourage foreign 6586
direct investment in Ohio. The director may charge fees to 6587
businesses receiving export assistance and to participants in 6588
foreign missions sufficient to recover the direct costs of those 6589
activities. The director shall adopt, as an internal management 6590
rule under section 111.15 of the Revised Code, a procedure for 6591
setting the fees and a schedule of fees for services commonly 6592
provided by the department. The procedure shall require the 6593
director to annually review the established fees. 6594

(5) Do all things necessary and appropriate for the operation 6595
of the state's foreign offices. 6596

(B) All contracts entered into under division (A)(2) of this 6597
section and any payments of expenses under division (A)(3) of this 6598

section related to the operation and maintenance of foreign 6599
offices established under this section may be paid in the 6600
appropriate foreign currency and are exempt from sections 127.16 6601
and 5147.07 and Chapters 124., 125., and 153. of the Revised Code. 6602

Sec. 122.051. There is hereby created in the state treasury 6603
the international trade cooperative projects fund. The fund shall 6604
consist of ~~moneys~~ all of the following: 6605

(A) Moneys received from private and nonprofit organizations 6606
involved in cooperative agreements related to import/export and 6607
direct foreign investment activities ~~and cash;~~ 6608

(B) Cash transfers from other state agencies or any state or 6609
local government to encourage, promote, and assist trade and 6610
commerce between this state and foreign nations, pursuant to 6611
section 122.05 and division (E) of section 122.04 of the Revised 6612
Code; and 6613

(C) Fees charged to businesses receiving export assistance 6614
and to participants in foreign missions to recover direct costs of 6615
those activities under division (A)(4) of section 122.05 of the 6616
Revised Code. 6617

Sec. 122.075. (A) As used in this section: 6618

(1) "Alternative fuel" means blended biodiesel ~~or,~~ blended 6619
gasoline, or compressed air used in air-compression driven 6620
engines. 6621

(2) "Biodiesel" means a mono-alkyl ester combustible liquid 6622
fuel that is derived from vegetable oils or animal fats, or any 6623
combination of those reagents, and that meets American society for 6624
testing and materials specification D6751-03a for biodiesel fuel 6625
(B100) blend stock distillate fuels. 6626

(3) "Diesel fuel" and "gasoline" have the same meanings as in 6627

section 5735.01 of the Revised Code. 6628

(4) "Ethanol" has the same meaning as in section 5733.46 of 6629
the Revised Code. 6630

(5) "Blended biodiesel" means diesel fuel containing at least 6631
twenty per cent biodiesel by volume. 6632

(6) "Blended gasoline" means gasoline containing at least 6633
eighty-five per cent ethanol by volume. 6634

(7) "Incremental cost" means either of the following: 6635

(a) The difference in cost between blended gasoline and 6636
gasoline containing ten per cent or less ethanol at the time that 6637
the blended gasoline is purchased; 6638

(b) The difference in cost between blended biodiesel and 6639
diesel fuel containing two per cent or less biodiesel at the time 6640
that the blended biodiesel is purchased. 6641

(B) For the purpose of improving the air quality in this 6642
state, the director of development shall establish an alternative 6643
fuel transportation grant program under which the director may 6644
make grants to businesses, nonprofit organizations, public school 6645
systems, or local governments for the purchase and installation of 6646
alternative fuel refueling or distribution facilities and 6647
terminals, for the purchase and use of alternative fuel, and to 6648
pay the costs of educational and promotional materials and 6649
activities intended for prospective alternative fuel consumers, 6650
fuel marketers, and others in order to increase the availability 6651
and use of alternative fuel. 6652

(C) The director, in consultation with the director of 6653
agriculture, shall adopt rules in accordance with Chapter 119. of 6654
the Revised Code that are necessary for the administration of the 6655
alternative fuel transportation grant program. The rules shall 6656
establish at least all of the following: 6657

- (1) An application form and procedures governing the application process for a grant under the program; 6658
6659
- (2) A procedure for prioritizing the award of grants under the program. The procedures shall give preference to all of the following: 6660
6661
6662
- (a) Publicly accessible refueling facilities; 6663
- (b) Entities seeking grants that have secured funding from other sources, including, but not limited to, private or federal grants; 6664
6665
6666
- (c) Entities that have presented compelling evidence of demand in the market in which the facilities or terminals will be located; 6667
6668
6669
- (d) Entities that have committed to utilizing purchased or installed facilities or terminals for the greatest number of years; 6670
6671
6672
- (e) Entities that will be purchasing or installing facilities or terminals for both blended biodiesel and blended gasoline. 6673
6674
- (3) A requirement that the maximum grant for the purchase and installation of an alternative fuel refueling or distribution facility or terminal be eighty per cent of the cost of the facility or terminal, except that at least twenty per cent of the total net cost of the facility or terminal shall be incurred by the grant recipient and not compensated for by any other source; 6675
6676
6677
6678
6679
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- (4) A requirement that the maximum grant for the purchase of alternative fuel be eighty per cent of the incremental cost of the fuel; 6681
6682
6683
- (5) Any other criteria, procedures, or guidelines that the director determines are necessary to administer the program. 6684
6685
- (D) An applicant for a grant under this section that sells motor vehicle fuel at retail shall agree that if the applicant 6686
6687

receives a grant, the applicant will report to the director the 6688
gallon amounts of blended gasoline and blended biodiesel the 6689
applicant sells at retail in this state for a period of three 6690
years after the grant is awarded. 6691

The director shall enter into a written confidentiality 6692
agreement with the applicant regarding the gallon amounts sold as 6693
described in this division, and upon execution of the agreement 6694
this information is not a public record. 6695

(E) There is hereby created in the state treasury the 6696
alternative fuel transportation grant fund. The fund shall consist 6697
of money transferred to the fund under division (C) of section 6698
125.836 of the Revised Code, money that is appropriated to it by 6699
the general assembly, and money as may be specified by the general 6700
assembly from the advanced energy fund created by section 4928.61 6701
of the Revised Code. Money in the fund shall be used to make 6702
grants under the alternative fuel transportation grant program and 6703
by the director in the administration of that program. 6704

Sec. 122.08. (A) There is hereby created within the 6705
department of development an office to be known as the office of 6706
small business. The office shall be under the supervision of a 6707
manager appointed by the director of development. The manager 6708
shall be known as the Ohio small business ombudsperson. 6709

(B) The office and ombudsperson shall do all of the 6710
following: 6711

(1) Act as liaison between the small business community and 6712
state governmental agencies; 6713

(2) Furnish information and technical assistance to persons 6714
and small businesses concerning the establishment and maintenance 6715
of a small business, and concerning state laws and rules relevant 6716
to the operation of a small business. In conjunction with these 6717

duties, the office shall keep a record of all state agency rules 6718
affecting ~~individuals~~, small businesses, ~~or small organizations~~, 6719
as defined in section ~~121.24~~ 121.25 of the Revised Code, and the 6720
ombudsperson may testify before the joint committee on agency rule 6721
review concerning any proposed rule affecting ~~individuals~~, small 6722
businesses, ~~or small organizations~~. 6723

(3) Prepare and publish the small business register under 6724
section 122.081 of the Revised Code; 6725

(4) Receive complaints from small businesses concerning 6726
governmental activity, compile and analyze those complaints, and 6727
periodically make recommendations to the governor and the general 6728
assembly on changes in state laws or agency rules needed to 6729
eliminate burdensome and unproductive governmental regulation to 6730
improve the economic climate within which small businesses 6731
operate; 6732

(5) Receive complaints or questions from small businesses and 6733
direct those businesses to the appropriate governmental agency. 6734
If, within a reasonable period of time, a complaint is not 6735
satisfactorily resolved or a question is not satisfactorily 6736
answered, the office shall, on behalf of the small business, make 6737
every effort to secure a satisfactory result. For this purpose, 6738
the office may consult with any state governmental agency and may 6739
make any suggestion or request that seems appropriate. 6740

(6) Utilize, to the maximum extent possible, the printed and 6741
electronic media to disseminate information of current concern and 6742
interest to the small business community and to make known to 6743
small businesses the services available through the office. The 6744
office shall publish such books, pamphlets, and other printed 6745
materials, and shall participate in such trade association 6746
meetings, conventions, fairs, and other meetings involving the 6747
small business community, as the ~~manager~~ ombudsperson considers 6748
appropriate. 6749

(7) Prepare for inclusion in the department of development's annual report to the governor and general assembly, a description of the activities of the office and a report of the number of rules affecting ~~individuals, small businesses, and small organizations~~ that were filed with the ~~office~~ ombudsperson under ~~division (B)(2) of section 121.24~~ 121.253 of the Revised Code, during the preceding calendar year;

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

(9) Comply with section 121.255 of the Revised Code;

(10) Maintain and publicize a toll-free telephone number Ohio small businesses may call to reach the ombudsperson, who shall assist those small businesses in complying with state regulatory requirements;

(11) Interface with other agencies to facilitate the resolution of small business regulatory issues;

(12) Provide all necessary staff and support for the small business regulatory review board;

(13) Interface with small businesses in an effort to create and retain jobs in this state;

(14) Conduct an annual regulatory compliance audit to determine which, if any, rules pertaining to small businesses require duplicative reporting or recordkeeping of the same or substantially similar information for multiple regulatory entities;

(15) Conduct an annual assessment that identifies which rules 6781
have any adverse impact on small businesses; and 6782

(16) Prepare an annual report and submit it to the governor 6783
and the general assembly on or before the first day of January 6784
each year. 6785

The report shall contain the results of the audit conducted 6786
under division (B)(14) of this section, and shall make 6787
recommendations on how to minimize any adverse impact of rules 6788
identified under division (B)(15) of this section. 6789

(C) The office ~~may~~ shall, upon the request of a state agency, 6790
assist the agency with the preparation of any rule that will 6791
affect ~~individuals, small businesses, or small organizations.~~ The 6792
office shall train rule-making agency personnel on methods to be 6793
used under sections 121.252 and 121.253 of the Revised Code to 6794
conduct a cost-benefit analysis and prepare a cost-benefit report, 6795
and to conduct a regulatory flexibility analysis and prepare a 6796
regulatory flexibility report. 6797

(D) The director of development shall assign employees and 6798
furnish equipment and supplies to the office as the director 6799
considers necessary for the proper performance of the duties 6800
assigned to the office. 6801

Sec. 122.081. (A) The office of small business in the 6802
department of development shall prepare and publish a "small 6803
business register" or contract with any person as provided in this 6804
section to prepare and publish the register. The small business 6805
register shall contain the following information regarding each 6806
~~proposed~~ rule filed with the ~~office of small business~~ Ohio small 6807
business ombudsperson under ~~division (B)(2) of section 121.24~~ 6808
121.253 of the Revised Code: 6809

(1) The proposed title and administrative code rule number of 6810

the ~~proposed~~ rule; 6811

(2) A brief summary of the ~~proposed~~ rule; 6812

(3) The date on which the ~~proposed~~ rule was filed with the 6813
~~office of small business under division (B)(2) of section 121.24~~ 6814
~~of the Revised Code~~ ombudsperson; and 6815

(4) The name, address, and telephone number of the individual 6816
or office within the agency that ~~proposed~~ filed the rule ~~who has~~ 6817
~~been designated as being responsible for complying with division~~ 6818
~~(E) of section 121.24 of the Revised Code with regard to the~~ 6819
~~proposed rule.~~ 6820

(B) The small business register shall be published on a 6821
weekly basis. The information required under division (A) of this 6822
section shall be published in the register no later than two weeks 6823
after the ~~proposed~~ rule to which the information relates is filed 6824
with the ~~office of small business~~ ombudsperson under ~~division~~ 6825
~~(B)(2) of section 121.24~~ 121.254 of the Revised Code. The office 6826
of small business shall furnish the small business register, on a 6827
single copy or subscription basis, to any person who requests it 6828
and pays a single copy price or subscription rate fixed by the 6829
office. ~~The office shall furnish the chairmen of the standing~~ 6830
~~committees of the senate and house of representatives having~~ 6831
~~jurisdiction over individuals, small businesses, and small~~ 6832
~~organizations with free subscriptions to the small business~~ 6833
~~register.~~ 6834

(C) Upon the request of the office of small business, the 6835
director of administrative services shall, in accordance with the 6836
competitive selection procedure of Chapter 125. of the Revised 6837
Code, let a contract for the compilation, printing, and 6838
distribution of the small business register. 6839

(D) The office of small business shall adopt, and may amend 6840
or rescind, in accordance with Chapter 119. of the Revised Code, 6841

such rules as are necessary to enable it to properly carry out 6842
this section. 6843

Sec. 122.151. (A) An investor who proposes to make an 6844
investment of money in an Ohio entity may apply to an Edison 6845
center for a tax credit under this section. The Edison center 6846
shall prescribe the form of the application and any information 6847
that the investor must submit with the application. The investor 6848
shall include with the application a fee of two hundred dollars. 6849
The center, within three weeks after receiving the application, 6850
shall review it, determine whether the investor should be 6851
recommended for the tax credit, and send written notice of its 6852
initial determination to the industrial technology and enterprise 6853
advisory council and to the investor. If the center determines the 6854
investor should not be recommended for the tax credit, it shall 6855
include in the notice the reasons for the determination. Subject 6856
to divisions (C) and (D) of this section, an investor is eligible 6857
for a tax credit if all of the following requirements are met: 6858

(1) The investor's investment of money is in an Ohio entity 6859
engaged in a qualified trade or business. 6860

(2) The Ohio entity had less than two million five hundred 6861
thousand dollars of gross revenue during its most recently 6862
completed fiscal year or had a net book value of less than two 6863
million five hundred thousand dollars at the end of that fiscal 6864
year. 6865

(3) The investment takes the form of the purchase of common 6866
or preferred stock, a membership interest, a partnership interest, 6867
or any other ownership interest. 6868

(4) The amount of the investment for which the credit is 6869
being claimed does not exceed three hundred thousand dollars in 6870
the case of an investment in an EDGE business enterprise or in an 6871
Ohio entity located in a distressed area, or two hundred fifty 6872

thousand dollars in the case of an investment in any other Ohio 6873
entity. 6874

(5) The money invested is entirely at risk of loss, where 6875
repayment depends upon the success of the business operations of 6876
the Ohio entity. 6877

(6) No repayment of principal invested will be made for at 6878
least three years from the date the investment is made. 6879

(7) The annual combined amount of any dividend and interest 6880
payments to be made to the investor will not exceed ten per cent 6881
of the amount of the investment for at least three years from the 6882
date the investment is made. 6883

(8) The investor is not an employee with proprietary 6884
decision-making authority of the Ohio entity in which the 6885
investment of money is proposed, or related to such an individual. 6886
The Ohio entity is not an individual related to the investor. For 6887
purposes of this division, the industrial technology and 6888
enterprise advisory council shall define "an employee with 6889
proprietary decision-making authority." 6890

(9) The investor is not an insider. 6891

For the purposes of determining the net book value of an Ohio 6892
entity under division (A)(1) or (2) of this section, if the entity 6893
is a member of an affiliated group, the combined net book values 6894
of all of the members of that affiliated group shall be used. 6895

Nothing in division (A)(6) or (7) of this section limits or 6896
disallows the distribution to an investor in a pass-through entity 6897
of a portion of the entity's profits equal to the investor's 6898
federal, state, and local income tax obligations attributable to 6899
the investor's allocable share of the entity's profits. Nothing in 6900
division (A)(6) or (7) of this section limits or disallows the 6901
sale by an investor of part or all of the investor's interests in 6902
an Ohio entity by way of a public offering of shares in the Ohio 6903

entity. 6904

(B) A group of two but not more than twenty investors, each 6905
of whom proposes to make an investment of money in the same Ohio 6906
entity, may submit an application for tax credits under division 6907
(A) of this section. The group shall include with the application 6908
a fee of eight hundred dollars. The application shall identify 6909
each investor in the group and the amount of money each investor 6910
proposes to invest in the Ohio entity, and shall name a contact 6911
person for the group. The Edison center, within three weeks after 6912
receiving the application, shall review it, determine whether each 6913
investor of the group should be recommended for a tax credit under 6914
the conditions set forth in division (A) of this section, and send 6915
written notice of its determination to the industrial technology 6916
and enterprise advisory council and to the contact person. The 6917
center shall not recommend that a group of investors receive a tax 6918
credit unless each investor is eligible under those conditions. 6919
The center may disqualify from a group any investor who is not 6920
eligible under the conditions and recommend that the remaining 6921
group of investors receive the tax credit. If the center 6922
determines the group should not be recommended for the tax credit, 6923
it shall include in the notice the reasons for the determination. 6924

(C) The industrial technology and enterprise advisory council 6925
shall establish from among its members a three-person committee. 6926
Within four weeks after the council receives a notice of 6927
recommendation from an Edison center, the committee shall review 6928
the recommendation and issue a final determination of whether the 6929
investor or group is eligible for a tax credit under the 6930
conditions set forth in division (A) of this section. The 6931
committee may require the investor or group to submit additional 6932
information to support the application. The vote of at least two 6933
members of the committee is necessary for the issuance of a final 6934
determination or any other action of the committee. Upon making 6935

the final determination, the committee shall send written notice 6936
of approval or disapproval of the tax credit to the investor or 6937
group contact person, the director of development, and the Edison 6938
center. If the committee disapproves the tax credit, it shall 6939
include in the notice the reasons for the disapproval. 6940

(D)(1) The industrial technology and enterprise advisory 6941
council committee shall not approve more than one million five 6942
hundred thousand dollars of investments in any one Ohio entity. 6943
However, if a proposed investment of money in an Ohio entity has 6944
been approved but the investor does not actually make the 6945
investment, the committee may reassign the amount of that 6946
investment to another investor, as long as the total amount 6947
invested in the entity under this section does not exceed one 6948
million five hundred thousand dollars. 6949

If the one-million-five-hundred-thousand-dollar limit for an 6950
Ohio entity has not yet been reached and an application proposes 6951
an investment of money that would exceed the limit for that 6952
entity, the committee shall send written notice to the investor, 6953
or for a group, the contact person, that the investment cannot be 6954
approved as requested. Upon receipt of the notice, the investor or 6955
group may amend the application to propose an investment of money 6956
that does not exceed the limit. 6957

(2) Not more than ~~thirty~~ forty-five million dollars of tax 6958
credits shall be issued under sections 122.15 to 122.154 of the 6959
Revised Code. 6960

(E) If an investor makes an approved investment of less than 6961
two hundred fifty thousand dollars in any Ohio entity other than 6962
an EDGE business enterprise or in an Ohio entity located in a 6963
distressed area, the investor may apply for approval of another 6964
investment of money in that entity, as long as the total amount 6965
invested in that entity by the investor under this section does 6966
not exceed two hundred fifty thousand dollars. If an investor 6967

makes an approved investment of less than three hundred thousand 6968
dollars in an EDGE business enterprise or in an Ohio entity 6969
located in a distressed area, the investor may apply for approval 6970
of another investment of money in that entity, as long as the 6971
total amount invested in that entity by the investor under this 6972
section does not exceed three hundred thousand dollars. An 6973
investor who receives approval of an investment of money as part 6974
of a group may subsequently apply on an individual basis for 6975
approval of an additional investment of money in the Ohio entity. 6976

(F) The industrial technology and enterprise advisory council 6977
committee shall approve or disapprove tax credit applications 6978
under this section in the order in which they are received by the 6979
council. 6980

(G) The director of development may disapprove any 6981
application recommended by an Edison center and approved by the 6982
industrial technology and enterprise advisory council committee, 6983
or may disapprove a credit for which a tax credit certificate has 6984
been issued under section 122.152 of the Revised Code, if the 6985
director determines that the entity in which the applicant 6986
proposes to invest or has invested is not an Ohio entity eligible 6987
to receive investments that qualify for the credit. If the 6988
director disapproves an application, the director shall certify 6989
the action to the investor, the Edison center that recommended the 6990
application, the industrial technology and enterprise advisory 6991
council, and the tax commissioner, together with a written 6992
explanation of the reasons for the disapproval. If the director 6993
disapproves a tax credit after a tax credit certificate is issued, 6994
the investor shall not claim the credit for the taxable year that 6995
includes the day the director disapproves the credit, or for any 6996
subsequent taxable year. 6997

The director of development, in accordance with section 6998
111.15 of the Revised Code and with the advice of the industrial 6999

technology and enterprise advisory council, may adopt, amend, and 7000
rescind rules necessary to implement sections 122.15 to 122.154 of 7001
the Revised Code. 7002

(H) An Edison center shall use application fees received 7003
under this section only for the costs of administering sections 7004
122.15 to 122.154 of the Revised Code. 7005

Sec. 122.17. (A) As used in this section: 7006

~~(1) "Full time employee" means an individual who is employed 7007
for consideration for at least an average of thirty five hours a 7008
week, who renders any other standard of service generally accepted 7009
by custom or specified by contract as full time employment, or who 7010
is employed for consideration for such time or renders such 7011
service but is on family or medical leave under the federal Family 7012
and Medical Leave Act of 1993, Pub. L. No. 103-3, 107 Stat. 6, as 7013
amended, or on active duty reserve or Ohio national guard service. 7014~~

~~(2) "New employee" means one of the following: 7016~~

~~(a) A full time employee first employed by a taxpayer in the 7017
project that is the subject of the agreement after the taxpayer 7018
enters into a tax credit agreement with the tax credit authority 7019
under this section; 7020~~

~~(b) A full time employee first employed by a taxpayer in the 7021
project that is the subject of the tax credit after the tax credit 7022
authority approves a project for a tax credit under this section 7023
in a public meeting, as long as the taxpayer enters into the tax 7024
credit agreement prepared by the department of development after 7025
such meeting within sixty days after receiving the agreement from 7026
the department. If the taxpayer fails to enter into the agreement 7027
within sixty days, "new employee" has the same meaning as under 7028
division (A)(2)(a) of this section. A full time employee may be 7029~~

~~considered a "new employee" of a taxpayer, despite previously 7030
having been employed by a related member of the taxpayer, if all 7031
of the following apply: 7032~~

~~(i) The related member is a party to the tax credit agreement 7033
at the time the employee is first employed with the taxpayer; 7034~~

~~(ii) The related member will remain subject to the tax 7035
imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 7036
under Chapter 5751. of the Revised Code for the remainder of the 7037
term of the tax credit, and the tax credit is taken against 7038
liability for that same tax through the remainder of the term of 7039
the tax credit; and 7040~~

~~(iii) The employee was considered a new employee of the 7041
related member prior to employment with the taxpayer. 7042~~

~~Under division (A)(2)(a) or (b) of this section, if the tax 7043
credit authority determines it appropriate, "new employee" also 7044
may include an employee re hired or called back from lay off to 7045
work in a new facility or on a new product or service established 7046
or produced by the taxpayer after entering into the agreement 7047
under this section or after the tax credit authority approves the 7048
tax credit in a public meeting. Except as otherwise provided in 7049
this paragraph, "new employee" does not include any employee of 7050
the taxpayer who was previously employed in this state by a 7051
related member of the taxpayer and whose employment was shifted to 7052
the taxpayer after the taxpayer entered into the tax credit 7053
agreement or after the tax credit authority approved the credit in 7054
a public meeting, or any employee of the taxpayer for which the 7055
taxpayer has been granted a certificate under division (B) of 7056
section 5709.66 of the Revised Code. However, if the taxpayer is 7057
engaged in the enrichment and commercialization of uranium or 7058
uranium products or is engaged in research and development 7059
activities related thereto and if the tax credit authority 7060
determines it appropriate, "new employee" may include an employee 7061~~

~~of the taxpayer who was previously employed in this state by a 7062
related member of the taxpayer and whose employment was shifted to 7063
the taxpayer after the taxpayer entered into the tax credit 7064
agreement or after the tax credit authority approved the credit in 7065
a public meeting. "New employee" does not include an employee of 7066
the taxpayer who is employed in an employment position that was 7067
relocated to a project from other operations of the taxpayer in 7068
this state or from operations of a related member of the taxpayer 7069
in this state. In addition, "new employee" does not include a 7070
child, grandchild, parent, or spouse, other than a spouse who is 7071
legally separated from the individual, of any individual who is an 7072
employee of the taxpayer and who has a direct or indirect 7073
ownership interest of at least five per cent in the profits, 7074
capital, or value of the taxpayer. Such ownership interest shall 7075
be determined in accordance with section 1563 of the Internal 7076
Revenue Code and regulations prescribed thereunder. 7077~~

~~(3) "New income "Income tax revenue" means the total amount 7078
withheld under section 5747.06 of the Revised Code by the taxpayer 7079
during the taxable year, or during the calendar year that includes 7080
the tax period, from the compensation of ~~new employees for the tax 7081
levied under Chapter 5747. of the Revised Code.~~ 7082~~

~~(4) "Related member" has the same meaning as under division 7084
(A)(6) of section 5733.042 of the Revised Code without regard to 7085
division (B) of that section each employee employed in the project 7086
to the extent the employee's withholdings are not used to 7087
determine the credit under section 122.171 of the Revised Code. 7088
"Income tax revenue" excludes amounts withheld before the day the 7089
taxpayer becomes eligible for the credit. 7090~~

~~(2) "Baseline income tax revenue" means income tax revenue 7091
except that the applicable withholding period is the twelve months 7092
immediately preceding the date the tax credit authority approves 7093~~

the taxpayer's application multiplied by the sum of one plus an 7094
annual pay increase factor to be determined by the tax credit 7095
authority. If the taxpayer becomes eligible for the credit after 7096
the first day of the taxpayer's taxable year or after the first 7097
day of the calendar year that includes the tax period, the 7098
taxpayer's baseline income tax revenue for the first such taxable 7099
or calendar year of credit eligibility shall be reduced in 7100
proportion to the number of days during the taxable or calendar 7101
year for which the taxpayer was not eligible for the credit. For 7102
subsequent taxable or calendar years, "baseline income tax 7103
revenue" equals the unreduced baseline income tax revenue for the 7104
preceding taxable or calendar year multiplied by the sum of one 7105
plus the pay increase factor. 7106

(3) "Excess income tax revenue" means income tax revenue 7107
minus baseline income tax revenue. 7108

(B) The tax credit authority may make grants under this 7109
section to foster job creation in this state. Such a grant shall 7110
take the form of a refundable credit allowed against the tax 7111
imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 7112
under Chapter 5751. of the Revised Code. The credit shall be 7113
claimed for the taxable years or tax periods specified in the 7114
taxpayer's agreement with the tax credit authority under division 7115
(D) of this section. With respect to taxes imposed under section 7116
5733.06 or 5747.02 or Chapter 5751. of the Revised Code, the 7117
credit shall be claimed in the order required under section 7118
5733.98, 5747.98, or 5751.98 of the Revised Code. The amount of 7119
the credit available for a taxable year or for a calendar year 7120
that includes a tax period equals the ~~new~~ excess income tax 7121
revenue for that year multiplied by the percentage specified in 7122
the agreement with the tax credit authority. Any credit granted 7123
under this section against the tax imposed by section 5733.06 or 7124
5747.02 of the Revised Code, to the extent not fully utilized 7125

against such tax for taxable years ending prior to 2008, shall 7126
automatically be converted without any action taken by the tax 7127
credit authority to a credit against the tax levied under Chapter 7128
5751. of the Revised Code for tax periods beginning on or after 7129
July 1, 2008, provided that the person to whom the credit was 7130
granted is subject to such tax. The converted credit shall apply 7131
to those calendar years in which the remaining taxable years 7132
specified in the agreement end. 7133

(C) A taxpayer or potential taxpayer who proposes a project 7134
to create new jobs in this state may apply to the tax credit 7135
authority to enter into an agreement for a tax credit under this 7136
section. The director of development shall prescribe the form of 7137
the application. After receipt of an application, the authority 7138
may enter into an agreement with the taxpayer for a credit under 7139
this section if it determines all of the following: 7140

(1) The taxpayer's project will ~~create new jobs in this state~~ 7141
increase payroll and income tax revenue; 7142

(2) The taxpayer's project is economically sound and will 7143
benefit the people of this state by increasing opportunities for 7144
employment and strengthening the economy of this state; 7145

(3) Receiving the tax credit is a major factor in the 7146
taxpayer's decision to go forward with the project. 7147

(D) An agreement under this section shall include all of the 7148
following: 7149

(1) A detailed description of the project that is the subject 7150
of the agreement; 7151

(2) The term of the tax credit, which shall not exceed 7152
fifteen years, and the first taxable year, or first calendar year 7153
that includes a tax period, for which the credit may be claimed; 7154

(3) A requirement that the taxpayer shall maintain operations 7155

at the project location for at least ~~twice the number of years as~~ 7156
~~the term of the tax credit~~ the greater of seven years or the term 7157
of the credit plus three years; 7158

(4) The percentage, as determined by the tax credit 7159
authority, of ~~new~~ excess income tax revenue that will be allowed 7160
as the amount of the credit for each taxable year or for each 7161
calendar year that includes a tax period; 7162

(5) ~~A specific method for determining how many new employees~~ 7163
~~are employed during a taxable year or during a calendar year that~~ 7164
~~includes a tax period~~ The pay increase factor to be applied to the 7165
taxpayer's baseline income tax revenue; 7166

(6) A requirement that the taxpayer annually shall report to 7167
the director of development ~~the number of new employees, the new~~ 7168
~~income tax revenue withheld in connection with the new employees,~~ 7169
~~and any employment, tax withholding, investment, and other~~ 7170
information the director needs to perform the director's duties 7171
under this section; 7172

(7) A requirement that the director of development annually 7173
~~shall verify the amounts~~ review the information reported under 7174
division (D)(6) of this section, ~~and after doing so shall issue a~~ 7175
~~certificate to the taxpayer stating that the amounts have been~~ 7176
~~verified~~ and verify compliance with the agreement; if the taxpayer 7177
is in compliance, a requirement that the director issue a 7178
certificate to the taxpayer stating that the information has been 7179
verified and identifying the amount of the credit that may be 7180
claimed for the taxable or calendar year; 7181

(8)(a) ~~A provision requiring that the taxpayer, except as~~ 7182
~~otherwise provided in division (D)(8)(b) of this section, shall~~ 7183
~~not relocate employment positions from elsewhere in this state to~~ 7184
~~the project site that is the subject of the agreement for the~~ 7185
~~lesser of five years from the date the agreement is entered into~~ 7186

~~or the number of years the taxpayer is entitled to claim the tax credit.~~ 7187
7188

~~(b) The taxpayer may relocate employment positions from elsewhere in this state to the project site that is the subject of the agreement if the director of development determines both of the following:~~ 7189
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~~(i) That the site from which the employment positions would be relocated is inadequate to meet market and industry conditions, expansion plans, consolidation plans, or other business considerations affecting the taxpayer;~~ 7193
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~~(ii) That A provision providing that the taxpayer may not relocate a substantial number of employment positions from elsewhere in this state to the project location unless the director of development determines that the legislative authority of the county, township, or municipal corporation from which the employment positions would be relocated has been notified by the taxpayer of the relocation.~~ 7197
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For purposes of this section, the movement of an employment position from one political subdivision to another political subdivision shall be considered a relocation of an employment position, ~~but the transfer of an individual employee from one political subdivision to another political subdivision shall not be considered a relocation of an employment position as long as the individual's employment position in the first political subdivision is refilled unless the employment position in the first political subdivision is replaced.~~ 7204
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(E) If a taxpayer fails to meet or comply with any condition or requirement set forth in a tax credit agreement, the tax credit authority may amend the agreement to reduce the percentage or term of the tax credit. The reduction of the percentage or term ~~shall take effect (1) in the taxable year immediately following the~~ 7213
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~~taxable year in which the authority amends the agreement or the 7218
director of development notifies the taxpayer in writing of such 7219
failure, or (2) in the first tax period beginning in the calendar 7220
year immediately following the calendar year in which the 7221
authority amends the agreement or the director notifies the 7222
taxpayer in writing of such failure. If the taxpayer fails to 7223
annually report any of the information required by division (D)(6) 7224
of this section within the time required by the director, the 7225
reduction of the percentage or term may take effect in the current 7226
taxable year. If the taxpayer relocates employment positions in 7227
violation of the provision required under division (D)(8)(a) of 7228
this section, the taxpayer shall not claim the tax credit under 7229
section 5733.0610 of the Revised Code for any tax years following 7230
the calendar year in which the relocation occurs, or shall not 7231
claim the tax credit under section 5725.32, 5729.032, or 5747.058 7232
of the Revised Code for the taxable year in which the relocation 7233
occurs and any subsequent taxable years, and shall not claim the 7234
tax credit under division (A) of section 5751.50 of the Revised 7235
Code for any tax period in the calendar year in which the 7236
relocation occurs and any subsequent tax periods may take effect 7237
in the current taxable or calendar year. 7238~~

(F) Projects that consist solely of point-of-final-purchase 7239
retail facilities are not eligible for a tax credit under this 7240
section. If a project consists of both point-of-final-purchase 7241
retail facilities and nonretail facilities, only the portion of 7242
the project consisting of the nonretail facilities is eligible for 7243
a tax credit and only the ~~new~~ excess income tax revenue from ~~new~~ 7244
~~employees~~ of the nonretail facilities shall be considered when 7245
computing the amount of the tax credit. If a warehouse facility is 7246
part of a point-of-final-purchase retail facility and supplies 7247
only that facility, the warehouse facility is not eligible for a 7248
tax credit. Catalog distribution centers are not considered 7249
point-of-final-purchase retail facilities for the purposes of this 7250

division, and are eligible for tax credits under this section. 7251

(G) Financial statements and other information submitted to 7252
the department of development or the tax credit authority by an 7253
applicant or recipient of a tax credit under this section, and any 7254
information taken for any purpose from such statements or 7255
information, are not public records subject to section 149.43 of 7256
the Revised Code. However, the chairperson of the authority may 7257
make use of the statements and other information for purposes of 7258
issuing public reports or in connection with court proceedings 7259
concerning tax credit agreements under this section. Upon the 7260
request of the tax commissioner or, if the applicant or recipient 7261
is an insurance company, upon the request of the superintendent of 7262
insurance, the chairperson of the authority shall provide to the 7263
commissioner or superintendent any statement or information 7264
submitted by an applicant or recipient of a tax credit in 7265
connection with the credit. The commissioner or superintendent 7266
shall preserve the confidentiality of the statement or 7267
information. 7268

(H) A taxpayer claiming a credit under this section shall 7269
submit to the tax commissioner or, if the taxpayer is an insurance 7270
company, to the superintendent of insurance, a copy of the 7271
director of development's certificate of verification under 7272
division (D)(7) of this section with the taxpayer's tax report or 7273
return for the taxable year or for the calendar year that includes 7274
the tax period. Failure to submit a copy of the certificate with 7275
the report or return does not invalidate a claim for a credit if 7276
the taxpayer submits a copy of the certificate to the commissioner 7277
or superintendent within sixty days after the commissioner or 7278
superintendent requests it. 7279

(I) The director of development, after consultation with the 7280
tax commissioner and the superintendent of insurance and in 7281
accordance with Chapter 119. of the Revised Code, shall adopt 7282

rules necessary to implement this section. The rules may provide 7283
for recipients of tax credits under this section to be charged 7284
fees to cover administrative costs of the tax credit program. The 7285
fees collected shall be credited to the tax incentive programs 7286
operating fund created in section 122.174 of the Revised Code. At 7287
the time the director gives public notice under division (A) of 7288
section 119.03 of the Revised Code of the adoption of the rules, 7289
the director shall submit copies of the proposed rules to the 7290
chairpersons of the standing committees on economic development in 7291
the senate and the house of representatives. 7292

(J) For the purposes of this section, a taxpayer may include 7293
a partnership, a corporation that has made an election under 7294
subchapter S of chapter one of subtitle A of the Internal Revenue 7295
Code, or any other business entity through which income flows as a 7296
distributive share to its owners. A partnership, S-corporation, or 7297
other such business entity may elect to pass the credit received 7298
under this section through to the persons to whom the income or 7299
profit of the partnership, S-corporation, or other entity is 7300
distributed. The election shall be made on the annual report 7301
required under division (D)(6) of this section. The election 7302
applies to and is irrevocable for the credit for which the report 7303
is submitted. If the election is made, the credit shall be 7304
apportioned among those persons in the same proportions as those 7305
in which the income or profit is distributed. 7306

(K) If the director of development determines that a taxpayer 7307
who has received a credit under this section is not complying with 7308
the requirement under division (D)(3) of this section, the 7309
director shall notify the tax credit authority of the 7310
noncompliance. After receiving such a notice, and after giving the 7311
taxpayer an opportunity to explain the noncompliance, the tax 7312
credit authority may require the taxpayer to refund to this state 7313
a portion of the credit in accordance with the following: 7314

(1) If the taxpayer maintained operations at the project 7315
location for ~~at least one and one half times the number of years~~ 7316
~~of the term of the tax credit, an amount not exceeding twenty five~~ 7317
~~per cent of the sum of any previously allowed credits under this~~ 7318
~~section;~~ 7319

~~(2) If the taxpayer maintained operations at the project 7320
location for at least the number of years of the term of the tax 7321
credit, an amount not exceeding fifty per cent of the sum of any 7322
previously allowed credits under this section;~~ 7323

~~(3) If the taxpayer maintained operations at the project 7324
location for less than the number of years of the term of the tax 7325
credit, an amount not exceeding one hundred per cent of the sum of 7326
any previously allowed credits under this section a period less 7327
than or equal to the term of the credit, an amount not exceeding 7328
one hundred per cent of the sum of any credits allowed and 7329
received under this section; 7330~~

(2) If the taxpayer maintained operations at the project 7331
location for a period longer than the term of the credit, but less 7332
than the greater of seven years or the term of the credit plus 7333
three years, an amount not exceeding seventy-five per cent of the 7334
sum of any credits allowed and received under this section. 7335

In determining the portion of the tax credit to be refunded 7336
to this state, the tax credit authority shall consider the effect 7337
of market conditions on the taxpayer's project and whether the 7338
taxpayer continues to maintain other operations in this state. 7339
After making the determination, the authority shall certify the 7340
amount to be refunded to the tax commissioner or superintendent of 7341
insurance, as appropriate. If the amount is certified to the 7342
commissioner, the commissioner shall make an assessment for that 7343
amount against the taxpayer under Chapter 5733., 5747., or 5751. 7344
of the Revised Code. If the amount is certified to the 7345
superintendent, the superintendent shall make an assessment for 7346

that amount against the taxpayer under Chapter 5725. or 5729. of 7347
the Revised Code. The time limitations on assessments under those 7348
chapters do not apply to an assessment under this division, but 7349
the commissioner or superintendent, as appropriate, shall make the 7350
assessment within one year after the date the authority certifies 7351
to the commissioner or superintendent the amount to be refunded. 7352

(L) On or before the ~~thirty-first~~ first day of ~~March~~ August 7353
each year, the director of development shall submit a report to 7354
the governor, the president of the senate, and the speaker of the 7355
house of representatives on the tax credit program under this 7356
section. The report shall include information on the number of 7357
agreements that were entered into under this section during the 7358
preceding calendar year, a description of the project that is the 7359
subject of each such agreement, and an update on the status of 7360
projects under agreements entered into before the preceding 7361
calendar year. 7362

(M) There is hereby created the tax credit authority, which 7363
consists of the director of development and four other members 7364
appointed as follows: the governor, the president of the senate, 7365
and the speaker of the house of representatives each shall appoint 7366
one member who shall be a specialist in economic development; the 7367
governor also shall appoint a member who is a specialist in 7368
taxation. Of the initial appointees, the members appointed by the 7369
governor shall serve a term of two years; the members appointed by 7370
the president of the senate and the speaker of the house of 7371
representatives shall serve a term of four years. Thereafter, 7372
terms of office shall be for four years. Initial appointments to 7373
the authority shall be made within thirty days after January 13, 7374
1993. Each member shall serve on the authority until the end of 7375
the term for which the member was appointed. Vacancies shall be 7376
filled in the same manner provided for original appointments. Any 7377
member appointed to fill a vacancy occurring prior to the 7378

expiration of the term for which the member's predecessor was 7379
appointed shall hold office for the remainder of that term. 7380
Members may be reappointed to the authority. Members of the 7381
authority shall receive their necessary and actual expenses while 7382
engaged in the business of the authority. The director of 7383
development shall serve as chairperson of the authority, and the 7384
members annually shall elect a vice-chairperson from among 7385
themselves. Three members of the authority constitute a quorum to 7386
transact and vote on the business of the authority. The majority 7387
vote of the membership of the authority is necessary to approve 7388
any such business, including the election of the vice-chairperson. 7389

The director of development may appoint a professional 7390
employee of the department of development to serve as the 7391
director's substitute at a meeting of the authority. The director 7392
shall make the appointment in writing. In the absence of the 7393
director from a meeting of the authority, the appointed substitute 7394
shall serve as chairperson. In the absence of both the director 7395
and the director's substitute from a meeting, the vice-chairperson 7396
shall serve as chairperson. 7397

(N) For purposes of the credits granted by this section 7398
against the taxes imposed under sections 5725.18 and 5729.03 of 7399
the Revised Code, "taxable year" means the period covered by the 7400
taxpayer's annual statement to the superintendent of insurance. 7401

Sec. 122.171. (A) As used in this section: 7402

(1) "Capital investment project" means a plan of investment 7403
at a project site for the acquisition, construction, renovation, 7404
or repair of buildings, machinery, or equipment, or for 7405
capitalized costs of basic research and new product development 7406
determined in accordance with generally accepted accounting 7407
principles, but does not include any of the following: 7408

(a) Payments made for the acquisition of personal property 7409

through operating leases; 7410

(b) Project costs paid before January 1, 2002; 7411

(c) Payments made to a related member as defined in section 7412
5733.042 of the Revised Code or to ~~an elected~~ a consolidated 7413
elected taxpayer or a combined taxpayer as defined in section 7414
5751.01 of the Revised Code. 7415

(2) "Eligible business" means a ~~business taxpayer and its~~ 7416
related members with Ohio operations satisfying all of the 7417
following: 7418

(a) ~~Employed an average of at least one thousand employees in~~ 7419
~~full-time employment positions at a project site during each of~~ 7420
~~the twelve months preceding the application for a tax credit under~~ 7421
~~this section; and~~ 7422

~~(b) On or after January 1, 2002, has made or has caused to be~~ 7423
~~made payments for the capital investment project, including~~ 7424
~~payments made by an unrelated third party entity as a result of a~~ 7425
~~lease of not less than twenty years in term, of either of the~~ 7426
~~following:~~ 7427

~~(i) At least two hundred~~ The taxpayer employs at least five 7428
hundred full-time equivalent employees at the time the tax credit 7429
authority grants the tax credit under this section; 7430

~~(b) The taxpayer makes or causes to be made payments for the~~ 7431
capital investment project of either of the following: 7432

~~(i) If the taxpayer is engaged at the project site primarily~~ 7433
as a manufacturer, at least fifty million dollars in the aggregate 7434
at the project site during a period of three consecutive calendar 7435
years, including the calendar year that includes a day of the 7436
taxpayer's taxable year or tax period with respect to which the 7437
credit is granted; 7438

~~(ii) If the average wage of all full-time employment~~ 7439

~~positions at the project site is greater than four hundred per 7440
cent of the federal minimum wage, at least one hundred taxpayer is 7441
engaged at the project site primarily in significant corporate 7442
administrative functions, as defined by the director of 7443
development by rule, at least twenty million dollars in the 7444
aggregate at the project site during a period of three consecutive 7445
calendar years including the calendar year that includes a day of 7446
the taxpayer's taxable year or tax period with respect to which 7447
the credit is granted. 7448~~

~~(c) Is engaged at the project site primarily as a 7449
manufacturer or is providing significant corporate administrative 7450
functions. If the investment under division (A)(2)(b) of this 7451
section was made by a third party entity as a result of a lease of 7452
not less than twenty years in term, the project must include 7453
headquarters operations that are part of a mixed use development 7454
that includes at least two of the following: office, hotel, 7455
research and development, or retail facilities. 7456~~

~~(d) Has The taxpayer had a capital investment project 7457
reviewed and approved by the tax credit authority as provided in 7458
divisions (C), (D), and (E) of this section. 7459~~

~~(3) "Full-time employment position" means a position of 7460
employment for consideration for at least an average of 7461
thirty five hours a week that has been filled for at least one 7462
hundred eighty days immediately preceding the filing of an 7463
application under this section and for at least one hundred eighty 7464
days during each taxable year or each calendar year that includes 7465
a tax period with respect to which the credit is granted, or is 7466
employed in such position for consideration for such time, but is 7467
on active duty reserve or Ohio national guard service equivalent 7468
employees" means the quotient obtained by dividing the total 7469
number of hours for which employees were compensated for 7470
employment in the project by two thousand eighty. "Full-time 7471~~

equivalent employees" shall exclude hours that are counted for a credit under section 122.17 of the Revised Code. 7472
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(4) "Income tax revenue" means the total amount withheld under section 5747.06 of the Revised Code by the taxpayer during the taxable year, or during the calendar year that includes the tax period, from the compensation of all employees employed in the project whose hours of compensation are included in calculating the number of full-time equivalent employees. 7474
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~~(4)(5)~~ "Manufacturer" has the same meaning as in section 5739.011 of the Revised Code. 7480
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~~(5)(6)~~ "Project site" means an integrated complex of facilities in this state, as specified by the tax credit authority under this section, within a fifteen-mile radius where a taxpayer is primarily operating as an eligible business. 7482
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~~(6) "Applicable corporation" means a corporation satisfying all of the following:~~ 7486
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~~(a)(i) For the entire taxable year immediately preceding the tax year, the corporation develops software applications primarily to provide telecommunication billing and information services through outsourcing or licensing to domestic or international customers.~~ 7488
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~~(ii) Sales and licensing of software generated at least six hundred million dollars in revenue during the taxable year immediately preceding the tax year the corporation is first entitled to claim the credit provided under division (B) of this section.~~ 7493
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~~(b) For the entire taxable year immediately preceding the tax year, the corporation or one or more of its related members provides customer or employee care and technical support for clients through one or more contact centers within this state, and the corporation and its related members together have a daily~~ 7498
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~~average, based on a three hundred sixty five day year, of at least 7503
five hundred thousand successful customer contacts through one or 7504
more of their contact centers, wherever located. 7505~~

~~(c) The corporation is eligible for the credit under division 7506
(B) of this section for the tax year. 7507~~

(7) "Related member" has the same meaning as in section 7508
5733.042 of the Revised Code as that section existed on the 7509
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 7510
general assembly, September 29, 1997. 7511

~~(8) "Successful customer contact" means a contact with an end 7512
user via telephone, including interactive voice recognition or 7513
similar means, where the contact culminates in a conversation or 7514
connection other than a busy signal or equipment busy. 7515~~

~~(9) "Telecommunications" means all forms of 7516
telecommunications service as defined in section 5739.01 of the 7517
Revised Code, and includes services in wireless, wireline, cable, 7518
broadband, internet protocol, and satellite. 7519~~

~~(10)(a) "Applicable difference" means the difference between 7520
the tax for the tax year under Chapter 5733. of the Revised Code 7521
applying the law in effect for that tax year, and the tax for that 7522
tax year if section 5733.042 of the Revised Code applied as that 7523
section existed on the effective date of its amendment by Am. Sub. 7524
H.B. 215 of the 122nd general assembly, September 29, 1997, 7525
subject to division (A)(10)(b) of this section. 7526~~

~~(b) If the tax rate set forth in division (B) of section 7527
5733.06 of the Revised Code for the tax year is less than eight 7528
and one half per cent, the tax calculated under division 7529
(A)(10)(a) of this section shall be computed by substituting a tax 7530
rate of eight and one half per cent for the rate set forth in 7531
division (B) of section 5733.06 of the Revised Code for the tax 7532
year. 7533~~

~~(c) If the resulting difference is negative, the applicable tax difference for the tax year shall be zero "Taxable year" includes, in the case of a domestic or foreign insurance company, the calendar year ending on the thirty-first day of December preceding the day the superintendent of insurance is required to certify to the treasurer of state under section 5725.20 or 5729.05 of the Revised Code the amount of taxes due from insurance companies.~~ 7534
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(B) The tax credit authority created under section 122.17 of the Revised Code may grant tax credits under this section for the purpose of fostering job retention in this state. Upon application by an eligible business and upon consideration of the recommendation of the director of budget and management, tax commissioner, the superintendent of insurance in the case of an insurance company, and director of development under division (C) of this section, the tax credit authority may grant to an eligible business a nonrefundable credit against the tax imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 of the Revised Code for a period up to fifteen taxable years and against the tax levied by Chapter 5751. of the Revised Code for a period of up to fifteen calendar years ~~provided, however, that if the project site is leased, the term of the tax credit cannot exceed the lesser of fifteen years or one half the term of the lease, including any permitted renewal periods. The credit shall be in an amount not exceeding seventy five per cent of the Ohio income tax withheld from the employees of the eligible business occupying full time employment positions at the project site during the calendar year that includes the last day of such business' taxable year or tax period with respect to which the credit is granted. The amount of the credit shall not be based on the Ohio income tax withheld from full time employees for a calendar year prior to the calendar year in which the minimum investment requirement referred to in division (A)(2)(b) of this section is completed. The credit amount~~ 7542
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for a taxable year or a calendar year that includes the tax period 7567
for which a credit may be claimed equals the income tax revenue 7568
for that year multiplied by the percentage specified in the 7569
agreement with the tax credit authority. The percentage may not 7570
exceed seventy-five per cent. The credit shall be claimed in the 7571
order required under section 5725.98, 5729.98, 5733.98, or 5747.98 7572
of the Revised Code. In determining the percentage and term of the 7573
credit, the tax credit authority shall consider both the number of 7574
full-time equivalent employees and the value of the capital 7575
investment project. The credit amount may not be based on the 7576
income tax revenue for a calendar year before the calendar year in 7577
which the tax credit authority specifies the tax credit is to 7578
begin, and the credit shall be claimed only for the taxable years 7579
or tax periods specified in the eligible business' agreement with 7580
the tax credit authority ~~under division (E) of this section, but~~ 7581
~~in.~~ In no event shall the credit be claimed for a taxable year or 7582
tax period terminating before the date specified in the agreement. 7583
Any credit granted under this section against the tax imposed by 7584
section 5733.06 or 5747.02 of the Revised Code, to the extent not 7585
fully utilized against such tax for taxable years ending prior to 7586
2008, shall automatically be converted without any action taken by 7587
the tax credit authority to a credit against the tax levied under 7588
Chapter 5751. of the Revised Code for tax periods beginning on or 7589
after July 1, 2008, provided that the person to whom the credit 7590
was granted is subject to such tax. The converted credit shall 7591
apply to those calendar years in which the remaining taxable years 7592
specified in the agreement end. 7593

~~The credit computed under this division is in addition to any~~ 7595
~~credit allowed under division (M) of this section, which the tax~~ 7596
~~credit authority may also include in the agreement.~~ 7597

Any unused portion of a tax credit may be carried forward for 7598

not more than three additional years after the year for which the credit is granted. 7599
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(C) A taxpayer that proposes a capital investment project to retain jobs in this state may apply to the tax credit authority to enter into an agreement for a tax credit under this section. The director of development shall prescribe the form of the application. After receipt of an application, the authority shall forward copies of the application to the director of budget and management, the tax commissioner, the superintendent of insurance in the case of an insurance company, and the director of development, each of whom shall review the application to determine the economic impact the proposed project would have on the state and the affected political subdivisions and shall submit a summary of their determinations and recommendations to the authority. 7601
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(D) Upon review of the determinations and recommendations described in division (C) of this section, the tax credit authority may enter into an agreement with the taxpayer for a credit under this section if the authority determines all of the following: 7614
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(1) The taxpayer's capital investment project will result in the retention of ~~full-time~~ employment ~~positions~~ in this state. 7619
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(2) The taxpayer is economically sound and has the ability to complete the proposed capital investment project. 7621
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(3) The taxpayer intends to and has the ability to maintain operations at the project site for at least the greater of (a) the term of the credit plus three years, or (b) seven years. 7623
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(4) Receiving the credit is a major factor in the taxpayer's decision to begin, continue with, or complete the project. 7626
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~~(5) The political subdivisions in which the project is located have agreed to provide substantial financial support to~~ 7628
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~~the project.~~ 7630

(E) An agreement under this section shall include all of the 7631
following: 7632

(1) A detailed description of the project that is the subject 7633
of the agreement, including the amount of the investment, the 7634
period over which the investment has been or is being made, ~~and~~ 7635
the number of full-time ~~employment positions~~ equivalent employees 7636
at the project site. 7637

~~(2) The method of calculating the number of full-time 7638
employment positions as specified in division (A)(3) of this 7639
section. 7640~~

~~(3) The term and percentage of the tax credit, and the first 7641
year for which the credit may be claimed. 7642~~

~~(4), and the anticipated income tax revenue to be generated. 7643~~

(2) The term of the credit, the percentage of the tax credit, 7644
the maximum annual value of tax credits that may be allowed each 7645
year, and the first year for which the credit may be claimed. 7646

(3) A requirement that the taxpayer maintain operations at 7647
the project site for at least the greater of (a) the term of the 7648
credit plus three years, or (b) seven years. 7649

~~(5)(4) A requirement that the taxpayer retain a specified 7650
number of ~~full-time employment positions~~ full-time equivalent 7651
employees at the project site and within this state for the term 7652
of the credit, including a requirement that the taxpayer continue 7653
to employ at least ~~one thousand employees in full-time employment~~ 7654
~~positions at the project site during the entire term of any~~ 7655
~~agreement, subject to division (E)(7) of this section. 7656~~~~

~~(6) five hundred full-time equivalent employees during the 7657
entire term of the agreement. 7658~~

(5) A requirement that the taxpayer annually report to the 7659

director of development ~~the number of full time employment~~ 7660
~~positions subject to the credit, the amount of tax withheld from~~ 7661
~~employees in those positions, the amount of the payments made for~~ 7662
~~the employment, tax withholding, capital investment project, and~~ 7663
~~any other information the director needs to perform the director's~~ 7664
~~duties under this section.~~ 7665

~~(7)(6)~~ A requirement that the director of development 7666
annually review the annual reports of the taxpayer to verify the 7667
information reported under division (E)~~(6)(5)~~ of this section and 7668
compliance with the agreement. Upon verification, the director 7669
shall issue a certificate to the taxpayer stating that the 7670
information has been verified and identifying the amount of the 7671
credit for the taxable year or calendar year that includes the tax 7672
period. ~~Unless otherwise specified by the tax credit authority in~~ 7673
~~a resolution and included as part of the agreement, the director~~ 7674
~~shall not issue a certificate for any year in which the total~~ 7675
~~number of filled full time employment positions for each day of~~ 7676
~~the calendar year divided by three hundred sixty five is less than~~ 7677
~~ninety per cent of the full time employment positions specified in~~ 7678
~~division (E)(5) of this section. In determining the number of~~ 7679
full-time ~~employment positions~~ equivalent employees, no position 7680
shall be counted that is filled by an employee who is included in 7681
the calculation of a tax credit under section 122.17 of the 7682
Revised Code. 7683

~~(8)(a)~~ A provision requiring that the taxpayer, except as 7684
~~otherwise provided in division (E)(8)(b) of this section, shall~~ 7685
~~not relocate employment positions from elsewhere in this state to~~ 7686
~~the project site that is the subject of the agreement for the~~ 7687
~~lesser of five years from the date the agreement is entered into~~ 7688
~~or the number of years the taxpayer is entitled to claim the~~ 7689
~~credit.~~ 7690

~~(b)~~ The taxpayer may relocate employment positions from 7691

~~elsewhere in this state to the project site that is the subject of 7692
the agreement if the director of development determines both of 7693
the following: 7694~~

~~(i) That the site from which the employment positions would 7695
be relocated is inadequate to meet market and industry conditions, 7696
expansion plans, consolidation plans, or other business 7697
considerations affecting the taxpayer; 7698~~

~~(ii) That (7) A provision providing that the taxpayer may not 7699
relocate a substantial number of employment positions from 7700
elsewhere in this state to the project site unless the director of 7701
development determines that the taxpayer notified the legislative 7702
authority of the county, township, or municipal corporation from 7703
which the employment positions would be relocated has been 7704
notified of the relocation. 7705~~

For purposes of this section, the movement of an employment 7706
position from one political subdivision to another political 7707
subdivision shall be considered a relocation of an employment 7708
position unless the movement is confined to the project site. The 7709
transfer of an ~~individual employee~~ employment position from one 7710
political subdivision to another political subdivision shall not 7711
be considered a relocation of an employment position ~~as long as 7712
the individual's employment position in the first political 7713
subdivision is refilled. 7714~~

~~(9) if the employment position in the first political 7715
subdivision is replaced by another employment position. 7716~~

(8) A waiver by the taxpayer of any limitations periods 7717
relating to assessments or adjustments resulting from the 7718
taxpayer's failure to comply with the agreement. 7719

(F) If a taxpayer fails to meet or comply with any condition 7720
or requirement set forth in a tax credit agreement, the tax credit 7721
authority may amend the agreement to reduce the percentage or term 7722

of the credit. The reduction of the percentage or term ~~shall take~~ 7723
~~effect (1) in the taxable year immediately following the taxable~~ 7724
~~year in which the authority amends the agreement or the director~~ 7725
~~of development notifies the taxpayer in writing of such failure,~~ 7726
~~or (2) in the first tax period beginning in the calendar year~~ 7727
~~immediately following the calendar year in which the authority~~ 7728
~~amends the agreement or the director notifies the taxpayer in~~ 7729
~~writing of such failure. If the taxpayer fails to annually report~~ 7730
~~any of the information required by division (E)(6) of this section~~ 7731
~~within the time required by the director, the reduction of the~~ 7732
~~percentage or term may take effect in the current taxable year. If~~ 7733
~~the taxpayer relocates employment positions in violation of the~~ 7734
~~provision required under division (E)(8)(a) of this section, the~~ 7735
~~taxpayer shall not claim the tax credit under section 5733.0610 of~~ 7736
~~the Revised Code for any tax years following the calendar year in~~ 7737
~~which the relocation occurs, shall not claim the tax credit under~~ 7738
~~section 5747.058 of the Revised Code for the taxable year in which~~ 7739
~~the relocation occurs and any subsequent taxable years, and shall~~ 7740
~~not claim the tax credit under division (A) of section 5751.50 of~~ 7741
~~the Revised Code for the tax period in which the relocation occurs~~ 7742
~~and any subsequent tax periods may take effect in the current~~ 7743
~~taxable or calendar year.~~ 7744

(G) Financial statements and other information submitted to 7745
the department of development or the tax credit authority by an 7746
applicant for or recipient of a tax credit under this section, and 7747
any information taken for any purpose from such statements or 7748
information, are not public records subject to section 149.43 of 7749
the Revised Code. However, the chairperson of the authority may 7750
make use of the statements and other information for purposes of 7751
issuing public reports or in connection with court proceedings 7752
concerning tax credit agreements under this section. Upon the 7753
request of the tax commissioner, or the superintendent of 7754
insurance in the case of an insurance company, the chairperson of 7755

the authority shall provide to the commissioner or superintendent 7756
any statement or other information submitted by an applicant for 7757
or recipient of a tax credit in connection with the credit. The 7758
commissioner or superintendent shall preserve the confidentiality 7759
of the statement or other information. 7760

(H) A taxpayer claiming a tax credit under this section shall 7761
submit to the tax commissioner or, in the case of an insurance 7762
company, to the superintendent of insurance, a copy of the 7763
director of development's certificate of verification under 7764
division (E)~~(7)~~(6) of this section with the taxpayer's tax report 7765
or return for the taxable year or for the calendar year that 7766
includes the tax period. Failure to submit a copy of the 7767
certificate with the report or return does not invalidate a claim 7768
for a credit if the taxpayer submits a copy of the certificate to 7769
the commissioner or superintendent within sixty days after the 7770
commissioner or superintendent requests it. 7771

(I) For the purposes of this section, a taxpayer may include 7772
a partnership, a corporation that has made an election under 7773
subchapter S of chapter one of subtitle A of the Internal Revenue 7774
Code, or any other business entity through which income flows as a 7775
distributive share to its owners. A partnership, S-corporation, or 7776
other such business entity may elect to pass the credit received 7777
under this section through to the persons to whom the income or 7778
profit of the partnership, S-corporation, or other entity is 7779
distributed. The election shall be made on the annual report 7780
required under division (E)~~(6)~~(5) of this section. The election 7781
applies to and is irrevocable for the credit for which the report 7782
is submitted. If the election is made, the credit shall be 7783
apportioned among those persons in the same proportions as those 7784
in which the income or profit is distributed. 7785

(J) If the director of development determines that a taxpayer 7786
that received a tax credit under this section is not complying 7787

with the requirement under division (E)~~(4)~~(3) of this section, the 7788
director shall notify the tax credit authority of the 7789
noncompliance. After receiving such a notice, and after giving the 7790
taxpayer an opportunity to explain the noncompliance, the 7791
authority may terminate the agreement and require the taxpayer to 7792
refund to the state all or a portion of the credit claimed in 7793
previous years, as follows: 7794

(1) If the taxpayer maintained operations at the project site 7795
for less than or equal to the term of the credit, ~~the amount~~ 7796
~~required to be refunded shall not exceed the amount~~ an amount not 7797
to exceed one hundred per cent of the sum of any tax credits 7798
~~previously~~ allowed and received under this section. 7799

(2) If the taxpayer maintained operations at the project site 7800
longer than the term of the credit, but less than the greater of 7801
(a) the term of the credit plus three years, or (b) seven years, 7802
the amount required to be refunded shall not exceed ~~fifty~~ 7803
seventy-five per cent of the sum of any tax credits ~~previously~~ 7804
allowed and received under this section. 7805

In determining the portion of the credit to be refunded to 7806
this state, the authority shall consider the effect of market 7807
conditions on the taxpayer's project and whether the taxpayer 7808
continues to maintain other operations in this state. After making 7809
the determination, the authority shall certify the amount to be 7810
refunded to the tax commissioner. ~~The~~ or the superintendent of 7811
insurance. If the taxpayer is not an insurance company, the 7812
commissioner shall make an assessment for that amount against the 7813
taxpayer under Chapter 5733., 5747., or 5751. of the Revised Code. 7814
If the taxpayer is an insurance company, the superintendent of 7815
insurance shall make an assessment under section 5725.222 or 7816
5729.102 of the Revised Code. The time limitations on assessments 7817
under those chapters and sections do not apply to an assessment 7818
under this division, but the commissioner or superintendent shall 7819

make the assessment within one year after the date the authority 7820
certifies to the commissioner or superintendent the amount to be 7821
refunded. 7822

~~If the director of development determines that a taxpayer 7823
that received a tax credit under this section has reduced the 7824
number of employees agreed to under division (E)(5) of this 7825
section by more than ten per cent, the director shall notify the 7826
tax credit authority of the noncompliance. After receiving such 7827
notice, and after providing the taxpayer an opportunity to explain 7828
the noncompliance, the authority may amend the agreement to reduce 7829
the percentage or term of the tax credit. The reduction in the 7830
percentage or term shall take effect in the taxable year, or in 7831
the calendar year that includes the tax period, in which the 7832
authority amends the agreement. 7833~~

(K) The director of development, after consultation with the 7834
tax commissioner and the superintendent of insurance and in 7835
accordance with Chapter 119. of the Revised Code, shall adopt 7836
rules necessary to implement this section. The rules may provide 7837
for recipients of tax credits under this section to be charged 7838
fees to cover administrative costs of the tax credit program. The 7839
fees collected shall be credited to the tax incentive programs 7840
operating fund created in section 122.174 of the Revised Code. At 7841
the time the director gives public notice under division (A) of 7842
section 119.03 of the Revised Code of the adoption of the rules, 7843
the director shall submit copies of the proposed rules to the 7844
chairpersons of the standing committees on economic development in 7845
the senate and the house of representatives. 7846

(L) On or before the ~~thirty-first~~ first day of ~~March~~ August 7847
of each year, the director of development shall submit a report to 7848
the governor, the president of the senate, and the speaker of the 7849
house of representatives on the tax credit program under this 7850
section. The report shall include information on the number of 7851

agreements that were entered into under this section during the 7852
preceding calendar year, a description of the project that is the 7853
subject of each such agreement, and an update on the status of 7854
projects under agreements entered into before the preceding 7855
calendar year. 7856

~~(M)(1) A nonrefundable credit shall be allowed to an 7857
applicable corporation and its related members in an amount equal 7858
to the applicable difference. The credit is in addition to the 7859
credit granted to the corporation or related members under 7860
division (B) of this section. The credit is subject to divisions 7861
(B) to (E) and division (J) of this section. 7862~~

~~(2) A person qualifying as an applicable corporation under 7863
this section for a tax year does not necessarily qualify as an 7864
applicable corporation for any other tax year. No person is 7865
entitled to the credit allowed under division (M) of this section 7866
for the tax year immediately following the taxable year during 7867
which the person fails to meet the requirements in divisions 7868
(A)(6)(a)(i) and (A)(6)(b) of this section. No person is entitled 7869
to the credit allowed under division (M) of this section for any 7870
tax year for which the person is not eligible for the credit 7871
provided under division (B) of this section. The aggregate amount 7872
of tax credits issued under this section during any calendar year 7873
for capital investment projects reviewed and approved by the tax 7874
credit authority may not exceed the following amounts: 7875~~

~~(1) For 2010, thirteen million dollars; 7876~~

~~(2) For 2011 through 2023, the amount of the limit for the 7877
preceding calendar year plus thirteen million dollars; 7878~~

~~(3) For 2024 and each year thereafter, one hundred 7879
ninety-five million dollars. 7880~~

~~The foregoing annual limitations do not apply to credits for 7881
capital investment projects approved by the tax credit authority 7882~~

before July 1, 2009. 7883

Sec. 122.40. (A) There is hereby created the development 7884
financing advisory council to assist in carrying out the programs 7885
created pursuant to sections 122.39 to 122.62 and Chapter 166. of 7886
the Revised Code. 7887

(B) The council shall consist of ~~seven~~ eight members 7888
appointed by the governor, with the advice and consent of the 7889
senate, who are selected for their knowledge of and experience in 7890
economic development financing, one member of the senate appointed 7891
by the president of the senate, one member of the house of 7892
representatives appointed by the speaker of the house of 7893
representatives, and the director of development or the director's 7894
designee. With respect to the council: 7895

(1) No more than four members of the council appointed by the 7896
governor shall be members of the same political party. 7897

(2) Each member shall hold office from the date of the 7898
member's appointment until the end of the term for which the 7899
member was appointed. 7900

(3) The terms of office for the ~~seven~~ eight members appointed 7901
by the governor shall be for five years commencing on the first 7902
day of January and ending on the thirty-first day of December. The 7903
~~seven~~ members appointed by the governor who are serving terms of 7904
office of seven years on December 30, 2004, shall continue to 7905
serve those terms, but their successors in office, including the 7906
filling of a vacancy occurring prior to the expiration of those 7907
terms, shall be appointed for terms of five years in accordance 7908
with this division. 7909

(4) Any member of the council is eligible for reappointment. 7910

(5) As a term of a member of the council appointed by the 7911
governor expires, the governor shall appoint a successor with the 7912

advice and consent of the senate. 7913

(6) Except as otherwise provided in division (B)(3) of this 7914
section, any member appointed to fill a vacancy occurring prior to 7915
the expiration of the term for which the member's predecessor was 7916
appointed shall hold office for the remainder of the predecessor's 7917
term. 7918

(7) Any member shall continue in office subsequent to the 7919
expiration date of the member's term until the member's successor 7920
takes office, or until a period of sixty days has elapsed, 7921
whichever occurs first. 7922

(8) Before entering upon duties as a member of the council, 7923
each member shall take an oath provided by Section 7 of Article 7924
XV, Ohio Constitution. 7925

(9) The governor may, at any time, remove any nonlegislative 7926
member pursuant to section 3.04 of the Revised Code. 7927

(10) Members of the council, notwithstanding section 101.26 7928
of the Revised Code with respect to members who are members of the 7929
general assembly, shall receive their necessary and actual 7930
expenses while engaged in the business of the council and shall be 7931
paid at the per diem rate of step 1, pay range 31, of section 7932
124.15 of the Revised Code. 7933

(11) Six members of the council constitute a quorum and the 7934
affirmative vote of six members is necessary for any action taken 7935
by the council. 7936

(12) In the event of the absence of a member appointed by the 7937
president of the senate or by the speaker of the house of 7938
representatives, the following persons may serve in the member's 7939
absence: the president of the senate or the speaker of the house, 7940
as the case may be, or a member of the senate or of the house of 7941
representatives, of the same political party as the development 7942
financing advisory council member, designated by the president of 7943

the senate or the speaker of the house. 7944

Sec. 122.603. (A)(1) Upon approval by the director of 7945
development and after entering into a participation agreement with 7946
the department of development, a participating financial 7947
institution making a capital access loan shall establish a program 7948
reserve account. The account shall be an interest-bearing account 7949
and shall contain only moneys deposited into it under the program 7950
and the interest payable on the moneys in the account. 7951

(2) All interest payable on the moneys in the program reserve 7952
account shall be added to the moneys and held as an additional 7953
loss reserve. The director may require that a portion or all of 7954
the accrued interest so held in the account be released to the 7955
department. If the director causes a release of accrued interest, 7956
the director shall deposit the released amount into the capital 7957
access loan program fund created in section 122.601 of the Revised 7958
Code. The director shall not require the release of that accrued 7959
interest more than twice in a fiscal year. 7960

(B) When a participating financial institution makes a 7961
capital access loan, it shall require the eligible business to pay 7962
to the participating financial institution a fee in an amount that 7963
is not less than one and one-half per cent, and not more than 7964
three per cent, of the principal amount of the loan. The 7965
participating financial institution shall deposit the fee into its 7966
program reserve account, and it also shall deposit into the 7967
account an amount of its own funds equal to the amount of the fee. 7968
The participating financial institution may recover from the 7969
eligible business all or part of the amount that the participating 7970
financial institution is required to deposit into the account 7971
under this division in any manner agreed to by the participating 7972
financial institution and the eligible business. 7973

(C) For each capital access loan made by a participating 7974

financial institution, the participating financial institution 7975
shall certify to the director, within a period specified by the 7976
director, that the participating financial institution has made 7977
the loan. The certification shall include the amount of the loan, 7978
the amount of the fee received from the eligible business, the 7979
amount of its own funds that the participating financial 7980
institution deposited into its program reserve account to reflect 7981
that fee, and any other information specified by the director. The 7982
certification also shall indicate if the eligible business 7983
receiving the capital access loan is a minority business 7984
enterprise as defined in section 122.71 of the Revised Code. 7985

(D)(1)(a) Upon receipt of each of the first three 7986
certifications from a participating financial institution made 7987
under division (C) of this section and subject to section 122.602 7988
of the Revised Code, the director shall disburse to the 7989
participating financial institution from the capital access loan 7990
program fund an amount equal to fifty per cent of the principal 7991
amount of the particular capital access loan for deposit into the 7992
participating financial institution's program reserve account. 7993
Thereafter, upon receipt of a certification from that 7994
participating financial institution made under division (C) of 7995
this section and subject to section 122.602 of the Revised Code, 7996
the director shall disburse to the participating financial 7997
institution from the capital access loan program fund an amount 7998
equal to ten per cent of the principal amount of the particular 7999
capital access loan for deposit into the participating financial 8000
institution's program reserve account. ~~The~~ 8001

(b) Notwithstanding division (D)(1)(a) of this section, and 8002
subject to section 122.602 of the Revised Code, upon receipt of 8003
any certification from a participating financial institution made 8004
under division (C) of this section with respect to a capital 8005
access loan made to an eligible business that is a minority 8006

business enterprise, the director shall disburse to the 8007
participating financial institution from the capital access loan 8008
program fund an amount equal to eighty per cent of the principal 8009
amount of the particular capital access loan for deposit into the 8010
participating financial institution's program reserve account. 8011

(2) The disbursement of moneys from the fund to a 8012
participating financial institution does not require approval from 8013
the controlling board. 8014

(E) If the amount in a program reserve account exceeds an 8015
amount equal to thirty-three per cent of a participating financial 8016
institution's outstanding capital access loans, the department may 8017
cause the withdrawal of the excess amount and the deposit of the 8018
withdrawn amount into the capital access loan program fund. 8019

(F)(1) The department may cause the withdrawal of the total 8020
amount in a participating financial institution's program reserve 8021
account if any of the following applies: 8022

(a) The financial institution is no longer eligible to 8023
participate in the program. 8024

(b) The participation agreement expires without renewal by 8025
the department or the financial institution. 8026

(c) The financial institution has no outstanding capital 8027
access loans. 8028

(d) The financial institution has not made a capital access 8029
loan within the preceding twenty-four months. 8030

(2) If the department causes a withdrawal under division 8031
(F)(1) of this section, the department shall deposit the withdrawn 8032
amount into the capital access loan program fund. 8033

Sec. 122.71. As used in sections 122.71 to 122.83 of the 8034
Revised Code: 8035

(A) "Financial institution" means any banking corporation, 8036
trust company, insurance company, savings and loan association, 8037
building and loan association, or corporation, partnership, 8038
federal lending agency, foundation, or other institution engaged 8039
in lending or investing funds for industrial or business purposes. 8040

(B) "Project" means any real or personal property connected 8041
with or being a part of an industrial, distribution, commercial, 8042
or research facility to be acquired, constructed, reconstructed, 8043
enlarged, improved, furnished, or equipped, or any combination 8044
thereof, with the aid provided under sections 122.71 to 122.83 of 8045
the Revised Code, for industrial, commercial, distribution, and 8046
research development of the state. 8047

(C) "Mortgage" means the lien imposed on a project by a 8048
mortgage on real property, or by financing statements on personal 8049
property, or a combination of a mortgage and financing statements 8050
when a project consists of both real and personal property. 8051

(D) "Mortgagor" means the principal user of a project or the 8052
person, corporation, partnership, or association unconditionally 8053
guaranteeing performance by the principal user of its obligations 8054
under the mortgage. 8055

(E)(1) "Minority business enterprise" means an individual who 8056
is a United States citizen and owns and controls a business, or a 8057
partnership, corporation, or joint venture of any kind that is 8058
owned and controlled by United States citizens, which citizen or 8059
citizens are residents of this state and are members of one of the 8060
following economically disadvantaged groups: Blacks or African 8061
Americans, American Indians, Hispanics or Latinos, and Asians. 8062

(2) "Owned and controlled" means that at least fifty-one per 8063
cent of the business, including corporate stock if a corporation, 8064
is owned by persons who belong to one or more of the groups set 8065
forth in division (E)(1) of this section, and that those owners 8066

have control over the management and day-to-day operations of the 8067
business and an interest in the capital, assets, and profits and 8068
losses of the business proportionate to their percentage of 8069
ownership. In order to qualify as a minority business enterprise, 8070
a business shall have been owned and controlled by those persons 8071
at least one year prior to being awarded a contract pursuant to 8072
this section. 8073

(F) "Community improvement corporation" means a corporation 8074
organized under Chapter 1724. of the Revised Code. 8075

(G) "Ohio development corporation" means a corporation 8076
organized under Chapter 1726. of the Revised Code. 8077

(H) "Minority contractors business assistance organization" 8078
means an entity engaged in the provision of management and 8079
technical business assistance to minority business enterprise 8080
entrepreneurs. 8081

(I) "Minority business supplier development council" means a 8082
nonprofit organization established as an affiliate of the national 8083
minority supplier development council. 8084

(J) "Regional economic development entity" means an entity 8085
that is under contract with the director of development to 8086
administer a loan program under this chapter in a particular area 8087
of the state. 8088

(K) "Community development corporation" means a corporation 8089
organized under Chapter 1702. of the Revised Code that consists of 8090
residents of the community and business and civic leaders and that 8091
has as a principal purpose one or more of the following: the 8092
revitalization and development of a low- to moderate-income 8093
neighborhood or community; the creation of jobs for low- to 8094
moderate-income residents; the development of commercial 8095
facilities and services; providing training, technical assistance, 8096
and financial assistance to small businesses; and planning, 8097

developing, or managing low-income housing or other community 8098
development activities. 8099

Sec. 122.751. The minority development financing advisory 8100
board or a regional economic development entity shall only 8101
consider an application for a loan from any applicant after a 8102
determination that the applicant is a community development 8103
corporation, or after a certification by the equal employment 8104
opportunity coordinator of the department of administrative 8105
services under division (B)(1) of section 123.151 of the Revised 8106
Code that the applicant is a minority business enterprise, or 8107
after a certification by the minority business supplier 8108
development council that the applicant is a minority business, and 8109
that the applicant satisfies all criteria regarding eligibility 8110
for assistance pursuant to section 122.76 of the Revised Code. 8111

Sec. 122.76. (A) The director of development, with 8112
controlling board approval, may lend funds to minority business 8113
enterprises and to community improvement corporations, Ohio 8114
development corporations, minority contractors business assistance 8115
organizations, and minority business supplier development councils 8116
for the purpose of loaning funds to minority business enterprises 8117
and for the purpose of procuring or improving real or personal 8118
property, or both, for the establishment, location, or expansion 8119
of industrial, distribution, commercial, or research facilities in 8120
the state, and to community development corporations that 8121
predominantly benefit minority business enterprises or are located 8122
in a census tract that has a population that is sixty per cent or 8123
more minority if the director determines, in the director's sole 8124
discretion, that all of the following apply: 8125

(1) The project is economically sound and will benefit the 8126
people of the state by increasing opportunities for employment, by 8127
strengthening the economy of the state, or expanding minority 8128

business enterprises. 8129

(2) The proposed minority business enterprise borrower is 8130
unable to finance the proposed project through ordinary financial 8131
channels at comparable terms. 8132

(3) The value of the project is or, upon completion, will be 8133
at least equal to the total amount of the money expended in the 8134
procurement or improvement of the project, and one or more 8135
financial institutions or other governmental entities have loaned 8136
not less than thirty per cent of that amount. 8137

(4) The amount to be loaned by the director will not exceed 8138
sixty per cent of the total amount expended in the procurement or 8139
improvement of the project. 8140

(5) The amount to be loaned by the director will be 8141
adequately secured by a first or second mortgage upon the project 8142
or by mortgages, leases, liens, assignments, or pledges on or of 8143
other property or contracts as the director requires, and such 8144
mortgage will not be subordinate to any other liens or mortgages 8145
except the liens securing loans or investments made by financial 8146
institutions referred to in division (A)(3) of this section, and 8147
the liens securing loans previously made by any financial 8148
institution in connection with the procurement or expansion of all 8149
or part of a project. 8150

(B) Any proposed minority business enterprise borrower 8151
submitting an application for assistance under this section shall 8152
not have defaulted on a previous loan from the director, and no 8153
full or limited partner, major shareholder, or holder of an equity 8154
interest of the proposed minority business enterprise borrower 8155
shall have defaulted on a loan from the director. 8156

(C) The proposed minority business enterprise borrower shall 8157
demonstrate to the satisfaction of the director that it is able to 8158
successfully compete in the private sector if it obtains the 8159

necessary financial, technical, or managerial support and that 8160
support is available through the director, the minority business 8161
development office of the department of development, or other 8162
identified and acceptable sources. In determining whether a 8163
minority business enterprise borrower will be able to successfully 8164
compete, the director may give consideration to such factors as 8165
the successful completion of or participation in courses of study, 8166
recognized by the board of regents as providing financial, 8167
technical, or managerial skills related to the operation of the 8168
business, by the economically disadvantaged individual, owner, or 8169
partner, and the prior success of the individual, owner, or 8170
partner in personal, career, or business activities, as well as to 8171
other factors identified by the director. 8172

(D) The director shall not lend funds for the purpose of 8173
procuring or improving motor vehicles or accounts receivable. 8174

Sec. 122.85. (A) As used in this section and in section 8175
5747.66 of the Revised Code: 8176

(1) "Allocated share" means the share of a qualifying 8177
investor's credit amount allocated as described in division (E) of 8178
this section. 8179

(2) "Base investment" means the amount of money invested by a 8180
qualifying investor in a tax credit-eligible production multiplied 8181
by the percentage that anticipated eligible production 8182
expenditures are of the total production budget that is expended, 8183
as determined under division (H) of this section. If the amount 8184
invested is three hundred thousand dollars or less, the base 8185
investment equals zero. 8186

(3) "Certificate owner" means a qualifying investor to which 8187
a tax credit certificate is issued or any other person to which a 8188
credit amount is allocated or transferred under this section. 8189

(4) "Company" means a corporation, partnership, limited liability company, or other form of business association. 8190
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(5) "Eligible production expenditures" means expenditures made in or after 2009 for goods or services consumed in this state, by a motion picture production company directly for the production of a tax credit-eligible production. "Eligible production expenditures" includes, but is not limited to, expenditures for resident and nonresident cast and crew wages and fringe benefits, accommodations, travel, costs of set construction and operations, editing and related services, photography, sound synchronization, lighting, wardrobe, makeup and accessories, film processing, transfer, sound mixing, special and visual effects, music, location fees, the purchase or rental of facilities and equipment, and out-of-state goods purchased or leased and ultimately consumed in full or on a pro rata basis in this state. 8192
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(6) "Qualifying investor" means an individual or a partnership or other pass-through entity, as defined in section 5733.04 of the Revised Code, that invests money in a tax credit-eligible production. 8206
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(7) "Motion picture" means entertainment content created in whole or in part within this state, including feature-length films; documentaries; long-form, specials, miniseries, series, and interstitial television programming; sound recordings, videos, and music videos; interactive television; interactive games; videogames; commercials; infomercials; any format of digital media, including an interactive web site, created for distribution or exhibition to the general public; and any trailer, pilot, video teaser, or demo created primarily to stimulate the sale, marketing, promotion, or exploitation of future investment in either a product or a motion picture by any means and media in any digital media format, film or videotape, provided the motion 8210
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picture qualifies as a motion picture. "Motion picture" does not 8222
include any television program created primarily as news, weather, 8223
or financial market reports, a production featuring current events 8224
or sporting events, an awards show or other gala event, a 8225
production whose sole purpose is fundraising, a long-form 8226
production that primarily markets a product or service, a 8227
production used for corporate training or in-house corporate 8228
advertising or other similar productions, any production for 8229
purposes of political advocacy, or any production for which 8230
records are required to be maintained under 18 U.S.C. 2257 with 8231
respect to sexually explicit content. 8232

(8) "Motion picture production company" means a company 8233
engaged in the business of producing motion pictures, but does not 8234
include any company that is in default on a loan made by the state 8235
or guaranteed by the state or that is owned, affiliated, or 8236
controlled, in whole or in part, by any company or person that is 8237
in default on a loan made by the state or a loan guaranteed by the 8238
state. 8239

(9) "Tax credit-eligible production" means a motion picture 8240
production, investment in which qualifies for tax credits under 8241
section 5747.66 of the Revised Code as certified by the director 8242
of development under division (B) of this section. 8243

(10) "Transfer agent" means a motion picture production 8244
company or another person designated by such a company under 8245
division (G) of this section. 8246

(B) For the purpose of encouraging the development of a 8247
strong capital base for motion picture productions in this state, 8248
the director of development, on or after January 1, 2009, but 8249
before January 1, 2014, may certify a motion picture produced by a 8250
motion picture production company as a tax credit-eligible 8251
production. In the case of a television series, the director may 8252
certify the production of each episode of the series as a separate 8253

tax credit-eligible production. If the director determines that 8254
the production of two or more commercials or videos are related 8255
parts of a distinct advertising, promotional, informational, or 8256
entertainment series or undertaking, the director may certify the 8257
productions as a single tax credit-eligible production for the 8258
purpose of computing the credit amounts under division (D) of this 8259
section. 8260

The director of development shall not certify a motion 8261
picture production as a tax credit-eligible production unless the 8262
motion picture production company and a financially responsible 8263
affiliate of the company formally agree to reimburse this state 8264
for the amount of tax credits allowed and claimed under section 8265
5747.66 of the Revised Code on the basis of expenditures that are 8266
certified under division (H) of this section but thereafter are 8267
determined not to qualify as eligible production expenditures. The 8268
reimbursement shall be in a form and amount acceptable to the 8269
director of development. For the purposes of this division, a 8270
financially responsible affiliate of a motion picture production 8271
company is a person related to the motion picture production 8272
company by direct or indirect ownership or control of a majority 8273
of the capital stock or other equity interests and that the 8274
director of development determines to be financially capable of 8275
reimbursing this state as required by this division. 8276

(C) A motion picture production company shall apply for 8277
certification of a motion picture as a tax credit-eligible 8278
production on a form and in the manner prescribed by the director. 8279
Every application shall include, at a minimum, all of the 8280
following information: 8281

(1) The name, address, and telephone number of the motion 8282
picture production company; 8283

(2) The name and telephone number of the company's contact 8284
person; 8285

<u>(3) A list of the scheduled first preproduction date through</u>	8286
<u>the scheduled last production date in Ohio;</u>	8287
<u>(4) The total production budget of the motion picture;</u>	8288
<u>(5) The amount expended in this state by the company directly</u>	8289
<u>for the production and the percentage that amount is of the total</u>	8290
<u>production budget of the motion picture;</u>	8291
<u>(6) The total percentage of principal photography of the</u>	8292
<u>motion picture being shot in Ohio;</u>	8293
<u>(7) The level of employment of cast and crew who reside in</u>	8294
<u>Ohio;</u>	8295
<u>(8) A synopsis of the script;</u>	8296
<u>(9) A creative elements list that includes the names of the</u>	8297
<u>principal cast and crew, and the producer and director.</u>	8298
<u>(D) Upon application by a qualifying investor, the director</u>	8299
<u>of development shall determine the qualifying investor's base</u>	8300
<u>investment, and shall issue a tax credit certificate to the</u>	8301
<u>qualifying investor. The director shall prescribe the form and</u>	8302
<u>manner of the application; the information or documentation</u>	8303
<u>required to be submitted with the application; and the form and</u>	8304
<u>manner of issuing the certificate. The director shall assign a</u>	8305
<u>unique identifying number to each tax credit certificate and shall</u>	8306
<u>record the certificate in a register devised and maintained by the</u>	8307
<u>director for that purpose. The certificate shall state the amount</u>	8308
<u>of the qualifying investor's base investment and the total amount</u>	8309
<u>of the credit allowed, which shall equal twenty-five per cent of</u>	8310
<u>the qualifying investor's base investment. Not more than one</u>	8311
<u>hundred million dollars in tax credit certificates may be issued</u>	8312
<u>per year, and not more than twenty-five million dollars in tax</u>	8313
<u>credit certificates may be issued per tax credit-eligible</u>	8314
<u>production.</u>	8315

The credit amount shall be determined under this division on 8316
the basis of the base investment and on the basis of the eligible 8317
production expenditures as finally determined under division (H) 8318
of this section. Once the eligible production expenditures are 8319
finally determined under that division, the credit amount is not 8320
subject to adjustment unless the base investment amount is 8321
adjusted or unless an error was committed in the computation of 8322
the credit amount. 8323

(E) If a qualifying investor is a pass-through entity as 8324
defined in section 5733.04 of the Revised Code, the pass-through 8325
entity may allocate the credit amount among persons with an equity 8326
interest in the entity in any proportion or manner provided in the 8327
partnership agreement or other governing instrument of the entity, 8328
notwithstanding any application of the principles of section 704 8329
of the Internal Revenue Code. Upon allocation, the persons to 8330
which the credit is allocated become the certificate owners of 8331
their respective allocated shares of the credit. The pass-through 8332
entity shall certify to the transfer agent the allocated share 8333
allocated to each such person and provide such information as is 8334
necessary to allow the transfer agent to provide the statements 8335
and certifications required under division (G) of this section. 8336

(F) Any certificate owner may transfer to any other person 8337
all or a portion of the credit amount owned by the certificate 8338
owner. Upon transfer, the transferee becomes the certificate owner 8339
of the credit amount transferred. The transferor shall notify the 8340
transfer agent of each transfer made by the transferor in 8341
accordance with rules prescribed by the director of development. 8342
The rules shall require the transferor to provide to the transfer 8343
agent the identity of the transferee and the unique identifying 8344
number assigned to the tax credit certificate that corresponds 8345
with the credit amount transferred. 8346

(G) Each motion picture production company that has a motion 8347

picture production certified as a tax credit-eligible production 8348
shall designate itself or another person as the transfer agent for 8349
the purpose of providing the statements and certifications 8350
required under this division. Upon making the designation, the 8351
motion picture production company shall provide notice of the 8352
designation to each certificate owner of a certificate issued with 8353
respect to investments made in the company's motion picture 8354
production. Before claiming a credit under section 5747.66 of the 8355
Revised Code, a certificate owner shall request from the transfer 8356
agent a statement certifying the certificate owner's share of the 8357
credit amount, and the transfer agent shall provide the statement 8358
to the certificate owner. The statement shall be in a form 8359
prescribed by the director of development. The transfer agent also 8360
shall provide a statement to the tax commissioner showing the 8361
identity of the certificate owner and the certificate owner's 8362
share of the credit amount. The statement shall be in a form 8363
prescribed by the tax commissioner. A tax credit may not be 8364
claimed by a certificate owner unless the transfer agent issues 8365
the statement to the certificate owner. 8366

(H) Each motion picture production company that has a motion 8367
picture production certified as a tax credit-eligible production 8368
shall engage, at the company's expense, an independent certified 8369
public accountant to examine the company's production expenditures 8370
to identify the expenditures that qualify as eligible production 8371
expenditures. The certified public accountant shall issue a report 8372
to the company and to the director of development certifying the 8373
company's eligible production expenditures and any other 8374
information required by the director. Upon receiving and examining 8375
the report, the director may disallow any expenditure the director 8376
determines is not an eligible production expense. If the director 8377
disallows an expenditure, the director, not later than thirty days 8378
after receiving the report, shall issue a written notice to the 8379
motion picture production company stating that the expenditure is 8380

disallowed, the reason for the disallowance, and the manner in 8381
which an appeal of the disallowance may be made. If the director 8382
does not issue the notice within the prescribed time, the eligible 8383
production expenditures certified by the certified public 8384
accountant's report are conclusively determined to be the eligible 8385
production expenditures on the basis of which base investments are 8386
determined and the credit is allowed under section 5747.66 of the 8387
Revised Code. 8388

The company, not later than thirty days after issuance of the 8389
notice, may appeal the disallowance by filing a notice of appeal 8390
with the director. If a notice of appeal is properly and timely 8391
filed, the director shall schedule a hearing on the appeal. The 8392
company shall be given the opportunity to present evidence and 8393
testimony at the hearing regarding the disallowed expenditures. 8394
The hearing may be continued from time to time as necessary. On 8395
the basis of evidence or testimony presented by the company, the 8396
director, within thirty days after the conclusion of the hearing, 8397
may revise or affirm the initial notice of disallowance of 8398
expenditures and issue a final notice to the company stating the 8399
revision or affirmation. The director's final notice is not 8400
appealable. 8401

(I)(1) No credit shall be allowed under section 5747.66 of 8402
the Revised Code on the basis of any expenditure unless the 8403
expenditure has been certified by a certified public accountant 8404
under division (H) of this section and has not been disallowed by 8405
the director of development under that division. 8406

(2) A credit shall not be disallowed under section 5747.66 of 8407
the Revised Code if, after the director of development issues the 8408
final notice under division (H) of this section, it is discovered 8409
that the credit is claimed on the basis of expenditures that do 8410
not qualify as eligible production expenditures but that were 8411
certified as eligible production expenditures by the certified 8412

public accountant and not disallowed by the director. 8413

(J) This state reserves the right to refuse the use of this 8414
state's name in the credits of any tax credit-eligible motion 8415
picture production. 8416

(K) The director of development shall adopt rules for the 8417
administration of this section, including rules governing the 8418
criteria for determining whether a motion picture production is a 8419
tax credit eligible production, which criteria shall be developed 8420
by the director in consultation with the tax commissioner; 8421
expenditures that qualify as eligible production expenditures; the 8422
form and manner of certifications by transfer agents; 8423
reimbursement requirements under division (B) of this section; and 8424
the appeal procedure under division (H) of this section. The rules 8425
shall be adopted under Chapter 119. of the Revised Code. 8426

Sec. 122.89. (A) The director of development may execute 8427
bonds as surety for minority businesses as principals, on 8428
contracts with the state, any political subdivision or 8429
instrumentality thereof, or any person as the obligee. The 8430
director as surety may exercise all the rights and powers of a 8431
company authorized by the department of insurance to execute bonds 8432
as surety but shall not be subject to any requirements of a surety 8433
company under Title XXXIX of the Revised Code nor to any rules of 8434
the department of insurance. 8435

(B) The director, with the advice of the minority development 8436
financing advisory board, shall adopt rules under Chapter 119. of 8437
the Revised Code establishing procedures for application for 8438
surety bonds by minority businesses and for review and approval of 8439
applications. The board shall review each application in 8440
accordance with the rules and, based on the bond worthiness of 8441
each applicant, shall refer all qualified applicants to the 8442
director. Based on the recommendation of the board, the director 8443

shall determine whether or not the applicant shall receive 8444
bonding. 8445

~~(C) The rules of the board shall provide that the minority 8446
business, in order to make an application for a bond to the 8447
director, shall submit documentation, as the director requires, to 8448
demonstrate either that a minority business shall have been denied 8449
a bond by two surety companies or that the minority business has 8450
applied to two surety companies for a bond and, at the expiration 8451
of sixty days after making the application, has neither received 8452
nor been denied a bond. 8453~~

~~(D)~~ The rules of the board shall require the minority 8454
business to pay a premium in advance for the bond to be 8455
established by the director, with the advice of the board after 8456
the director receives advice from the superintendent of insurance 8457
regarding the standard market rates for premiums for similar 8458
bonds. All premiums paid by minority businesses shall be paid into 8459
the minority business bonding program administrative and loss 8460
reserve fund. 8461

~~(E)(D) The rules of the board shall provide for a retainage 8462
of money paid to the minority business of fifteen per cent for a 8463
contract valued at more than fifty thousand dollars and for a 8464
retainage of twelve per cent for a contract valued at fifty 8465
thousand dollars or less. 8466~~

(E) The penal sum amounts of all outstanding bonds issued by 8467
the director shall not exceed the amount of moneys in the minority 8468
business bonding fund and available to the fund under division (B) 8469
of section 169.05 of the Revised Code. 8470

(F) The superintendent of insurance shall provide such 8471
technical and professional assistance as is considered necessary 8472
by the director, including providing advice regarding the standard 8473
market rates for bond premiums as described under division ~~(D)~~(C) 8474

of this section. 8475

(G) Notwithstanding any provision of the Revised Code to the 8476
contrary, a minority business may bid or enter into a contract 8477
with the state or with any instrumentality of the state without 8478
being required to provide a bond as follows: 8479

(1) For each first contract that a minority business enters 8480
into with the state or with any particular instrumentality of the 8481
state, the minority business may bid or enter into a contract 8482
valued at twenty-five thousand dollars or less without being 8483
required to provide a bond; 8484

(2) For each second contract that a minority business enters 8485
into with the state or with any particular instrumentality of the 8486
state, the minority business may bid or enter into a contract 8487
valued at fifty thousand dollars or less without being required to 8488
provide a bond; 8489

(3) For each third contract that a minority business enters 8490
into with the state or with any particular instrumentality of the 8491
state, the minority business may bid or enter into a contract 8492
valued at one hundred thousand dollars or less without being 8493
required to provide a bond; 8494

(4) For each fourth contract that a minority business enters 8495
into with the state or with any particular instrumentality of the 8496
state, the minority business may bid or enter into a contract 8497
valued at three hundred thousand dollars or less without being 8498
required to provide a bond; 8499

(5) For each fifth or subsequent contract that a minority 8500
business enters into with the state or with any particular 8501
instrumentality of the state, the minority business may bid or 8502
enter into a contract valued at six hundred thousand dollars or 8503
less without being required to provide a bond. 8504

(H) Notwithstanding any provision of the Revised Code to the 8505

contrary and except as provided in division (I) of this section, a 8506
minority business may bid or enter into a contract with any 8507
political subdivision of the state or with any instrumentality of 8508
a political subdivision without being required to provide a bond 8509
as follows: 8510

(1) For each first contract that a minority business enters 8511
into with any particular political subdivision of the state or 8512
with any particular instrumentality of a political subdivision, 8513
the minority business may bid or enter into a contract valued at 8514
twenty-five thousand dollars or less without being required to 8515
provide a bond; 8516

(2) For each second contract that a minority business enters 8517
into with any particular political subdivision of the state or 8518
with any particular instrumentality of a political subdivision, 8519
the minority business may bid or enter into a contract valued at 8520
fifty thousand dollars or less without being required to provide a 8521
bond; 8522

(3) For each third contract that a minority business enters 8523
into with any particular political subdivision of the state or 8524
with any particular instrumentality of a political subdivision, 8525
the minority business may bid or enter into a contract valued at 8526
one hundred thousand dollars or less without being required to 8527
provide a bond; 8528

(4) For each fourth contract that a minority business enters 8529
into with any particular political subdivision of the state or 8530
with any particular instrumentality of a political subdivision, 8531
the minority business may bid or enter into a contract valued at 8532
three hundred thousand dollars or less without being required to 8533
provide a bond; 8534

(5) For each fifth or subsequent contract that a minority 8535
business enters into with any particular political subdivision of 8536

the state or with any particular instrumentality of a political 8537
subdivision, the minority business may bid or enter into a 8538
contract valued at six hundred thousand dollars or less without 8539
being required to provide a bond. 8540

(I) Notwithstanding any provision of the Revised Code to the 8541
contrary, if a minority business has entered into two or more 8542
contracts with the state or with any instrumentality of the state, 8543
the minority business may bid or enter into a contract with a 8544
political subdivision of the state or with any instrumentality of 8545
a political subdivision valued at the level at which the minority 8546
business would qualify if entering into an additional contract 8547
with the state. 8548

Sec. 122.94. The director of the department of development 8549
shall: 8550

(A) Promulgate rules in accordance with Chapter 119. of the 8551
Revised Code for the conduct of the minority business development 8552
division's business and for carrying out the purposes of sections 8553
122.92 to 122.94 of the Revised Code; 8554

(B) Prepare an annual report to the governor and the general 8555
assembly on or before the first day of February of its activities 8556
for the preceding calendar year. ~~In addition to the submissions~~ 8557
~~required by section 101.68 of the Revised Code, the director shall~~ 8558
~~submit copies of the annual report to the chairmen of the standing~~ 8559
~~committees of the senate and house of representatives having~~ 8560
~~jurisdiction over individuals, small businesses, and small~~ 8561
~~organizations, as those terms are defined in section 121.24 of the~~ 8562
~~Revised Code.~~ 8563

Sec. 123.01. (A) The department of administrative services, 8564
in addition to those powers enumerated in Chapters 124. and 125. 8565
of the Revised Code and provided elsewhere by law, shall exercise 8566

the following powers: 8567

(1) To prepare, or contract to be prepared, by licensed 8568
engineers or architects, surveys, general and detailed plans, 8569
specifications, bills of materials, and estimates of cost for any 8570
projects, improvements, or public buildings to be constructed by 8571
state agencies that may be authorized by legislative 8572
appropriations or any other funds made available therefor, 8573
provided that the construction of the projects, improvements, or 8574
public buildings is a statutory duty of the department. This 8575
section does not require the independent employment of an 8576
architect or engineer as provided by section 153.01 of the Revised 8577
Code in the cases to which that section applies nor affect or 8578
alter the existing powers of the director of transportation. 8579

(2) To have general supervision over the construction of any 8580
projects, improvements, or public buildings constructed for a 8581
state agency and over the inspection of materials previous to 8582
their incorporation into those projects, improvements, or 8583
buildings; 8584

(3) To make contracts for and supervise the construction of 8585
any projects and improvements or the construction and repair of 8586
buildings under the control of a state agency, except contracts 8587
for the repair of buildings under the management and control of 8588
the departments of public safety, job and family services, mental 8589
health, mental retardation and developmental disabilities, 8590
rehabilitation and correction, and youth services, the bureau of 8591
workers' compensation, the rehabilitation services commission, and 8592
boards of trustees of educational and benevolent institutions and 8593
except contracts for the construction of projects that do not 8594
require the issuance of a building permit or the issuance of a 8595
certificate of occupancy and that are necessary to remediate 8596
conditions at a hazardous waste facility, solid waste facility, or 8597
other location at which the director of environmental protection 8598

has reason to believe there is a substantial threat to public 8599
health or safety or the environment. These contracts shall be made 8600
and entered into by the directors of public safety, job and family 8601
services, mental health, mental retardation and developmental 8602
disabilities, rehabilitation and correction, and youth services, 8603
the administrator of workers' compensation, the rehabilitation 8604
services commission, the boards of trustees of such institutions, 8605
and the director of environmental protection, respectively. All 8606
such contracts may be in whole or in part on unit price basis of 8607
maximum estimated cost, with payment computed and made upon actual 8608
quantities or units. 8609

(4) To prepare and suggest comprehensive plans for the 8610
development of grounds and buildings under the control of a state 8611
agency; 8612

(5) To acquire, by purchase, gift, devise, lease, or grant, 8613
all real estate required by a state agency, in the exercise of 8614
which power the department may exercise the power of eminent 8615
domain, in the manner provided by sections 163.01 to 163.22 of the 8616
Revised Code; 8617

(6) To make and provide all plans, specifications, and models 8618
for the construction and perfection of all systems of sewerage, 8619
drainage, and plumbing for the state in connection with buildings 8620
and grounds under the control of a state agency; 8621

(7) To erect, supervise, and maintain all public monuments 8622
and memorials erected by the state, except where the supervision 8623
and maintenance is otherwise provided by law; 8624

(8) To procure, by lease, storage accommodations for a state 8625
agency; 8626

(9) To lease or grant easements or licenses for unproductive 8627
and unused lands or other property under the control of a state 8628
agency. Such leases, easements, or licenses shall be granted for a 8629

period not to exceed fifteen years and shall be executed for the 8630
state by the director of administrative services and the governor 8631
and shall be approved as to form by the attorney general, provided 8632
that leases, easements, or licenses may be granted to any county, 8633
township, municipal corporation, port authority, water or sewer 8634
district, school district, library district, health district, park 8635
district, soil and water conservation district, conservancy 8636
district, or other political subdivision or taxing district, or 8637
any agency of the United States government, for the exclusive use 8638
of that agency, political subdivision, or taxing district, without 8639
any right of sublease or assignment, for a period not to exceed 8640
fifteen years, and provided that the director shall grant leases, 8641
easements, or licenses of university land for periods not to 8642
exceed twenty-five years for purposes approved by the respective 8643
university's board of trustees wherein the uses are compatible 8644
with the uses and needs of the university and may grant leases of 8645
university land for periods not to exceed forty years for purposes 8646
approved by the respective university's board of trustees pursuant 8647
to section 123.77 of the Revised Code. 8648

(10) To lease ~~office space in buildings~~ for the use of a 8649
state agency; 8650

(11) To have general supervision and care of the storerooms, 8651
offices, and buildings leased for the use of a state agency; 8652

(12) To exercise general custodial care of all real property 8653
of the state; 8654

(13) To assign and group together state offices in any city 8655
in the state and to establish, in cooperation with the state 8656
agencies involved, rules governing space requirements for office 8657
or storage use; 8658

(14) To lease for a period not to exceed forty years, 8659
pursuant to a contract providing for the construction thereof 8660

under a lease-purchase plan, buildings, structures, and other 8661
improvements for any public purpose, and, in conjunction 8662
therewith, to grant leases, easements, or licenses for lands under 8663
the control of a state agency for a period not to exceed forty 8664
years. The lease-purchase plan shall provide that at the end of 8665
the lease period, the buildings, structures, and related 8666
improvements, together with the land on which they are situated, 8667
shall become the property of the state without cost. 8668

(a) Whenever any building, structure, or other improvement is 8669
to be so leased by a state agency, the department shall retain 8670
either basic plans, specifications, bills of materials, and 8671
estimates of cost with sufficient detail to afford bidders all 8672
needed information or, alternatively, all of the following plans, 8673
details, bills of materials, and specifications: 8674

(i) Full and accurate plans suitable for the use of mechanics 8675
and other builders in the improvement; 8676

(ii) Details to scale and full sized, so drawn and 8677
represented as to be easily understood; 8678

(iii) Accurate bills showing the exact quantity of different 8679
kinds of material necessary to the construction; 8680

(iv) Definite and complete specifications of the work to be 8681
performed, together with such directions as will enable a 8682
competent mechanic or other builder to carry them out and afford 8683
bidders all needed information; 8684

(v) A full and accurate estimate of each item of expense and 8685
of the aggregate cost thereof. 8686

(b) The department shall give public notice, in such 8687
newspaper, in such form, and with such phraseology as the director 8688
of administrative services prescribes, published once each week 8689
for four consecutive weeks, of the time when and place where bids 8690
will be received for entering into an agreement to lease to a 8691

state agency a building, structure, or other improvement. The last 8692
publication shall be at least eight days preceding the day for 8693
opening the bids. The bids shall contain the terms upon which the 8694
builder would propose to lease the building, structure, or other 8695
improvement to the state agency. The form of the bid approved by 8696
the department shall be used, and a bid is invalid and shall not 8697
be considered unless that form is used without change, alteration, 8698
or addition. Before submitting bids pursuant to this section, any 8699
builder shall comply with Chapter 153. of the Revised Code. 8700

(c) On the day and at the place named for receiving bids for 8701
entering into lease agreements with a state agency, the director 8702
of administrative services shall open the bids and shall publicly 8703
proceed immediately to tabulate the bids upon duplicate sheets. No 8704
lease agreement shall be entered into until the bureau of workers' 8705
compensation has certified that the person to be awarded the lease 8706
agreement has complied with Chapter 4123. of the Revised Code, 8707
until, if the builder submitting the lowest and best bid is a 8708
foreign corporation, the secretary of state has certified that the 8709
corporation is authorized to do business in this state, until, if 8710
the builder submitting the lowest and best bid is a person 8711
nonresident of this state, the person has filed with the secretary 8712
of state a power of attorney designating the secretary of state as 8713
its agent for the purpose of accepting service of summons in any 8714
action brought under Chapter 4123. of the Revised Code, and until 8715
the agreement is submitted to the attorney general and the 8716
attorney general's approval is certified thereon. Within thirty 8717
days after the day on which the bids are received, the department 8718
shall investigate the bids received and shall determine that the 8719
bureau and the secretary of state have made the certifications 8720
required by this section of the builder who has submitted the 8721
lowest and best bid. Within ten days of the completion of the 8722
investigation of the bids, the department shall award the lease 8723
agreement to the builder who has submitted the lowest and best bid 8724

and who has been certified by the bureau and secretary of state as 8725
required by this section. If bidding for the lease agreement has 8726
been conducted upon the basis of basic plans, specifications, 8727
bills of materials, and estimates of costs, upon the award to the 8728
builder the department, or the builder with the approval of the 8729
department, shall appoint an architect or engineer licensed in 8730
this state to prepare such further detailed plans, specifications, 8731
and bills of materials as are required to construct the building, 8732
structure, or improvement. The department shall adopt such rules 8733
as are necessary to give effect to this section. The department 8734
may reject any bid. Where there is reason to believe there is 8735
collusion or combination among bidders, the bids of those 8736
concerned therein shall be rejected. 8737

(15) To acquire by purchase, gift, devise, or grant and to 8738
transfer, lease, or otherwise dispose of all real property 8739
required to assist in the development of a conversion facility as 8740
defined in section 5709.30 of the Revised Code as that section 8741
existed before its repeal by Amended Substitute House Bill 95 of 8742
the 125th general assembly; 8743

(16) To lease for a period not to exceed forty years, 8744
notwithstanding any other division of this section, the 8745
state-owned property located at 408-450 East Town Street, 8746
Columbus, Ohio, formerly the state school for the deaf, to a 8747
developer in accordance with this section. "Developer," as used in 8748
this section, has the same meaning as in section 123.77 of the 8749
Revised Code. 8750

Such a lease shall be for the purpose of development of the 8751
land for use by senior citizens by constructing, altering, 8752
renovating, repairing, expanding, and improving the site as it 8753
existed on June 25, 1982. A developer desiring to lease the land 8754
shall prepare for submission to the department a plan for 8755
development. Plans shall include provisions for roads, sewers, 8756

water lines, waste disposal, water supply, and similar matters to 8757
meet the requirements of state and local laws. The plans shall 8758
also include provision for protection of the property by insurance 8759
or otherwise, and plans for financing the development, and shall 8760
set forth details of the developer's financial responsibility. 8761

The department may employ, as employees or consultants, 8762
persons needed to assist in reviewing the development plans. Those 8763
persons may include attorneys, financial experts, engineers, and 8764
other necessary experts. The department shall review the 8765
development plans and may enter into a lease if it finds all of 8766
the following: 8767

(a) The best interests of the state will be promoted by 8768
entering into a lease with the developer; 8769

(b) The development plans are satisfactory; 8770

(c) The developer has established the developer's financial 8771
responsibility and satisfactory plans for financing the 8772
development. 8773

The lease shall contain a provision that construction or 8774
renovation of the buildings, roads, structures, and other 8775
necessary facilities shall begin within one year after the date of 8776
the lease and shall proceed according to a schedule agreed to 8777
between the department and the developer or the lease will be 8778
terminated. The lease shall contain such conditions and 8779
stipulations as the director considers necessary to preserve the 8780
best interest of the state. Moneys received by the state pursuant 8781
to this lease shall be paid into the general revenue fund. The 8782
lease shall provide that at the end of the lease period the 8783
buildings, structures, and related improvements shall become the 8784
property of the state without cost. 8785

~~(17) To lease to any person any tract of land owned by the 8786
state and under the control of the department, or any part of such 8787~~

~~a tract, for the purpose of drilling for or the pooling of oil or 8788
gas. Such a lease shall be granted for a period not exceeding 8789
forty years, with the full power to contract for, determine the 8790
conditions governing, and specify the amount the state shall 8791
receive for the purposes specified in the lease, and shall be 8792
prepared as in other cases. 8793~~

~~(18) To manage the use of space owned and controlled by the 8794
department, including space in property under the jurisdiction of 8795
the Ohio building authority, by doing all of the following: 8796~~

~~(a) Biennially implementing, by state agency location, a 8797
census of agency employees assigned space; 8798~~

~~(b) Periodically in the discretion of the director of 8799
administrative services: 8800~~

~~(i) Requiring each state agency to categorize the use of 8801
space allotted to the agency between office space, common areas, 8802
storage space, and other uses, and to report its findings to the 8803
department; 8804~~

~~(ii) Creating and updating a master space utilization plan 8805
for all space allotted to state agencies. The plan shall 8806
incorporate space utilization metrics. 8807~~

~~(iii) Conducting a cost-benefit analysis to determine the 8808
effectiveness of state-owned buildings; 8809~~

~~(iv) Assessing the alternatives associated with consolidating 8810
the commercial leases for buildings located in Columbus. 8811~~

~~(c) Commissioning a comprehensive space utilization and 8812
capacity study in order to determine the feasibility of 8813
consolidating existing commercially leased space used by state 8814
agencies into a new state-owned facility. 8815~~

~~(B) This section and section 125.02 of the Revised Code shall 8816
not interfere with any of the following: 8817~~

(1) The power of the adjutant general to purchase military 8818
supplies, or with the custody of the adjutant general of property 8819
leased, purchased, or constructed by the state and used for 8820
military purposes, or with the functions of the adjutant general 8821
as director of state armories; 8822

(2) The power of the director of transportation in acquiring 8823
rights-of-way for the state highway system, or the leasing of 8824
lands for division or resident district offices, or the leasing of 8825
lands or buildings required in the maintenance operations of the 8826
department of transportation, or the purchase of real property for 8827
garage sites or division or resident district offices, or in 8828
preparing plans and specifications for and constructing such 8829
buildings as the director may require in the administration of the 8830
department; 8831

(3) The power of the director of public safety and the 8832
registrar of motor vehicles to purchase or lease real property and 8833
buildings to be used solely as locations to which a deputy 8834
registrar is assigned pursuant to division (B) of section 4507.011 8835
of the Revised Code and from which the deputy registrar is to 8836
conduct the deputy registrar's business, the power of the director 8837
of public safety to purchase or lease real property and buildings 8838
to be used as locations for division or district offices as 8839
required in the maintenance of operations of the department of 8840
public safety, and the power of the superintendent of the state 8841
highway patrol in the purchase or leasing of real property and 8842
buildings needed by the patrol, to negotiate the sale of real 8843
property owned by the patrol, to rent or lease real property owned 8844
or leased by the patrol, and to make or cause to be made repairs 8845
to all property owned or under the control of the patrol; 8846

(4) The power of the division of liquor control in the 8847
leasing or purchasing of retail outlets and warehouse facilities 8848
for the use of the division; 8849

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

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

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

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

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

(1) Hear appeals, as provided by law, of employees in the classified state service from final decisions of appointing authorities or the director of administrative services relative to reduction in pay or position, job abolishments, layoff, suspension, discharge, assignment or reassignment to a new or different position classification, or refusal of the director, or anybody authorized to perform the director's functions, to

reassign an employee to another classification or to reclassify 8881
the employee's position with or without a job audit under division 8882
(D) of section 124.14 of the Revised Code. As used in this 8883
division, "discharge" includes disability separations. 8884

The state personnel board of review may affirm, disaffirm, or 8885
modify the decisions of the appointing authorities or the 8886
director, as the case may be, and its decision is final. The 8887
~~board's~~ decisions of the state personnel board of review shall be 8888
consistent with the applicable classification specifications. 8889

The state personnel board of review shall not be deprived of 8890
jurisdiction to hear any appeal due to the failure of an 8891
appointing authority to file its decision with the board. Any 8892
final decision of an appointing authority or of the director not 8893
filed in the manner provided in this chapter shall be disaffirmed. 8894

The state personnel board of review may place an exempt 8895
employee, as defined in section 124.152 of the Revised Code, into 8896
a bargaining unit classification, if the state personnel board of 8897
review determines that the bargaining unit classification is the 8898
proper classification for that employee. Notwithstanding Chapter 8899
4117. of the Revised Code or instruments and contracts negotiated 8900
under it, such placements are at the ~~board's~~ discretion of the 8901
state personnel board of review. 8902

The mere failure of an employee's appointing authority to 8903
file a statement with the department of administrative services 8904
indicating that the employee is in the unclassified civil service, 8905
or the mere late filing of such a statement, does not prevent the 8906
state personnel board of review from determining that the employee 8907
is in the unclassified civil service. In determining whether an 8908
employee is in the unclassified civil service, the state personnel 8909
board of review shall consider the inherent nature of the duties 8910
of the employee's classification during the two-year period 8911
immediately preceding the appointing authority's appealable action 8912

relating to the employee. 8913

In any hearing before the state personnel board of review, 8914
including any hearing at which a record is taken that may be the 8915
basis of an appeal to a court, an employee may be represented by a 8916
person permitted to practice before the state personnel board of 8917
review who is not an attorney at law as long as the person does 8918
not receive any compensation from the employee for the 8919
representation. 8920

(2) Hear appeals, as provided by law, of appointing 8921
authorities from final decisions of the director relative to the 8922
classification or reclassification of any position in the 8923
classified state service under the jurisdiction of that appointing 8924
authority. The state personnel board of review may affirm, 8925
disaffirm, or modify the decisions of the director, and its 8926
decision is final. The ~~board's~~ decisions of the state personnel 8927
board of review shall be consistent with the applicable 8928
classification specifications. 8929

(3) Exercise the authority provided by section 124.40 of the 8930
Revised Code, for appointment, removal, and supervision of 8931
municipal and civil service township civil service commissions; 8932

(4) ~~Appoint a secretary, referees, examiners, and whatever~~ 8933
~~other~~ Utilize employees are necessary provided by the state 8934
employment relations board in the exercise of ~~its~~ the powers and 8935
performance of ~~its~~ the duties and functions. ~~The~~ of the state 8936
personnel board shall determine appropriate education and 8937
~~experience requirements for its secretary, referees, examiners,~~ 8938
~~and other employees and shall prescribe their duties. A referee or~~ 8939
~~examiner does not need to have been admitted to the practice of~~ 8940
~~law.~~ of review under this chapter; 8941

(5) Maintain a journal that shall be open to public 8942
inspection, in which it shall keep a record of all of its 8943

proceedings and of the vote of each of its members upon every 8944
action taken by it; 8945

(6) Adopt rules in accordance with Chapter 119. of the 8946
Revised Code relating to the procedure of the state personnel 8947
board of review in administering the laws it has the authority or 8948
duty to administer and for the purpose of invoking the 8949
jurisdiction of the state personnel board of review in hearing 8950
appeals of appointing authorities and employees in matters set 8951
forth in divisions (A)(1) and (2) of this section; 8952

(7) Subpoena and require the attendance and testimony of 8953
witnesses and the production of books, papers, public records, and 8954
other documentary evidence pertinent to any matter it has 8955
authority to investigate, inquire into, or hear in the same manner 8956
and to the same extent as provided by division (G) of section 8957
124.09 of the Revised Code. All witness fees shall be paid in the 8958
manner set forth in that division. 8959

(B) The state personnel board of review shall exist as a 8960
separate entity within the administrative structure of the state 8961
employment relations board. 8962

(C) The state personnel board of review shall be funded by 8963
general revenue fund appropriations. All moneys received by the 8964
state personnel board of review for copies of documents, rule 8965
books, and transcriptions shall be paid into the state treasury to 8966
the credit of the ~~transcript and other documents training,~~ 8967
~~publications, and grants~~ fund, ~~which is hereby created to defray~~ 8968
~~the cost of producing an administrative record~~ in section 4117.24 8969
of the Revised Code. 8970

Sec. 124.04. In addition to those powers enumerated in 8971
Chapters 123. and 125. of the Revised Code and as provided 8972
elsewhere by law, the powers, duties, and functions of the 8973
department of administrative services not specifically vested in 8974

and assigned to, or to be performed by, the state personnel board 8975
of review are hereby vested in and assigned to, and shall be 8976
performed by, the director of administrative services. These 8977
powers, duties, and functions shall include, but shall not be 8978
limited to, the following powers, duties, and functions: 8979

(A) To prepare, conduct, and grade all competitive 8980
examinations for positions in the classified state service; 8981

(B) To prepare, conduct, and grade all noncompetitive 8982
examinations for positions in the classified state service; 8983

(C) To prepare eligible lists containing the names of persons 8984
qualified for appointment to positions in the classified state 8985
service; 8986

(D) To prepare or amend, in accordance with section 124.14 of 8987
the Revised Code, specifications descriptive of duties, 8988
responsibilities, requirements, and desirable qualifications of 8989
the various classifications of positions in the state service; 8990

(E) To allocate and reallocate, upon the motion of the 8991
director or upon request of an appointing authority and in 8992
accordance with section 124.14 of the Revised Code, any position, 8993
office, or employment in the state service to the appropriate 8994
classification on the basis of the duties, responsibilities, 8995
requirements, and qualifications of that position, office, or 8996
employment; 8997

(F) To develop and conduct personnel recruitment services for 8998
positions in the state service; 8999

(G) To conduct research on specifications, classifications, 9000
and salaries of positions in the state service; 9001

(H) To develop and conduct personnel training programs, 9002
including supervisory training programs and best practices plans, 9003
and to develop merit hiring processes, in cooperation with 9004

appointing authorities;	9005
(I) To include periodically in communications sent to state employees both of the following:	9006
(1) Information developed under section 2108.34 of the Revised Code promoting the donation of anatomical gifts under Chapter 2108. of the Revised Code;	9007
(1) Information developed under section 2108.34 of the Revised Code promoting the donation of anatomical gifts under Chapter 2108. of the Revised Code;	9008
(1) Information developed under section 2108.34 of the Revised Code promoting the donation of anatomical gifts under Chapter 2108. of the Revised Code;	9009
(1) Information developed under section 2108.34 of the Revised Code promoting the donation of anatomical gifts under Chapter 2108. of the Revised Code;	9010
(2) Information about the liver or kidney donor and bone marrow donor leave granted under section 124.139 of the Revised Code.	9011
(2) Information about the liver or kidney donor and bone marrow donor leave granted under section 124.139 of the Revised Code.	9012
(2) Information about the liver or kidney donor and bone marrow donor leave granted under section 124.139 of the Revised Code.	9013
(J) To enter into agreements with universities and colleges for in-service training of officers and employees in the civil service and to assist appointing authorities in recruiting qualified applicants;	9014
(J) To enter into agreements with universities and colleges for in-service training of officers and employees in the civil service and to assist appointing authorities in recruiting qualified applicants;	9015
(J) To enter into agreements with universities and colleges for in-service training of officers and employees in the civil service and to assist appointing authorities in recruiting qualified applicants;	9016
(J) To enter into agreements with universities and colleges for in-service training of officers and employees in the civil service and to assist appointing authorities in recruiting qualified applicants;	9017
(K) To appoint examiners, inspectors, clerks, and other assistants necessary in the exercise of the powers and performance of the duties and functions which the director is by law authorized and required to exercise and perform, and to prescribe the duties of all of those employees;	9018
(K) To appoint examiners, inspectors, clerks, and other assistants necessary in the exercise of the powers and performance of the duties and functions which the director is by law authorized and required to exercise and perform, and to prescribe the duties of all of those employees;	9019
(K) To appoint examiners, inspectors, clerks, and other assistants necessary in the exercise of the powers and performance of the duties and functions which the director is by law authorized and required to exercise and perform, and to prescribe the duties of all of those employees;	9020
(K) To appoint examiners, inspectors, clerks, and other assistants necessary in the exercise of the powers and performance of the duties and functions which the director is by law authorized and required to exercise and perform, and to prescribe the duties of all of those employees;	9021
(K) To appoint examiners, inspectors, clerks, and other assistants necessary in the exercise of the powers and performance of the duties and functions which the director is by law authorized and required to exercise and perform, and to prescribe the duties of all of those employees;	9022
(L) To maintain a journal, which shall be open to public inspection, in which the director shall keep a record of the director's final decision pertaining to the classification or reclassification of positions in the classified civil service of the state and assignment or reassignment of employees in the classified civil service of the state to specific position classifications;	9023
(L) To maintain a journal, which shall be open to public inspection, in which the director shall keep a record of the director's final decision pertaining to the classification or reclassification of positions in the classified civil service of the state and assignment or reassignment of employees in the classified civil service of the state to specific position classifications;	9024
(L) To maintain a journal, which shall be open to public inspection, in which the director shall keep a record of the director's final decision pertaining to the classification or reclassification of positions in the classified civil service of the state and assignment or reassignment of employees in the classified civil service of the state to specific position classifications;	9025
(L) To maintain a journal, which shall be open to public inspection, in which the director shall keep a record of the director's final decision pertaining to the classification or reclassification of positions in the classified civil service of the state and assignment or reassignment of employees in the classified civil service of the state to specific position classifications;	9026
(L) To maintain a journal, which shall be open to public inspection, in which the director shall keep a record of the director's final decision pertaining to the classification or reclassification of positions in the classified civil service of the state and assignment or reassignment of employees in the classified civil service of the state to specific position classifications;	9027
(L) To maintain a journal, which shall be open to public inspection, in which the director shall keep a record of the director's final decision pertaining to the classification or reclassification of positions in the classified civil service of the state and assignment or reassignment of employees in the classified civil service of the state to specific position classifications;	9028
(L) To maintain a journal, which shall be open to public inspection, in which the director shall keep a record of the director's final decision pertaining to the classification or reclassification of positions in the classified civil service of the state and assignment or reassignment of employees in the classified civil service of the state to specific position classifications;	9029
(M) To delegate any of the powers, functions, or duties granted or assigned to the director under this chapter to any other state agency of this state as the director considers necessary;	9030
(M) To delegate any of the powers, functions, or duties granted or assigned to the director under this chapter to any other state agency of this state as the director considers necessary;	9031
(M) To delegate any of the powers, functions, or duties granted or assigned to the director under this chapter to any other state agency of this state as the director considers necessary;	9032
(M) To delegate any of the powers, functions, or duties granted or assigned to the director under this chapter to any other state agency of this state as the director considers necessary;	9033
(N) To delegate any of the powers, functions, or duties	9034

granted or assigned to the director under this chapter to any 9035
political subdivision with the concurrence of the legislative 9036
authority of the political subdivision. 9037

(O) To administer a state equal employment opportunity 9038
program. 9039

(P) To develop customer service performance standards for 9040
officers and employees of state agencies under section 124.95 of 9041
the Revised Code. 9042

Sec. 124.07. (A) The director of administrative services 9043
shall appoint examiners, inspectors, clerks, and other assistants 9044
as necessary to carry out sections 124.01 to 124.64 of the Revised 9045
Code. The director may designate persons in or out of the service 9046
of the state to serve as examiners or assistants under the 9047
director's direction. An examiner or assistant shall receive the 9048
compensation for each day actually and necessarily spent in the 9049
discharge of duties as an examiner or assistant that the director 9050
determines; provided that, if the examiner or assistant is in the 9051
service of the state or any political subdivision of the state, it 9052
shall be a part of the examiner's or assistant's official duties 9053
to render those services in connection with an examination without 9054
extra compensation. 9055

(B) Each state agency shall pay the cost of the services and 9056
facilities furnished to it by the department of administrative 9057
services that are necessary to provide and maintain payroll 9058
services as prescribed in section 125.21 of the Revised Code and 9059
state merit standards as prescribed in sections 124.01 to 124.64 9060
of the Revised Code for the agency. If a state-supported college 9061
or university or a municipal corporation chooses to use the 9062
services and facilities furnished by the department that are 9063
necessary to provide and maintain the services and standards so 9064
prescribed, the state-supported college or university or municipal 9065

corporation shall pay the cost of the services and facilities that 9066
the department furnishes to it. The charges against a state 9067
agency, a state-supported college or university, or a municipal 9068
corporation shall be computed on a reasonable cost basis in 9069
accordance with procedures prescribed by the director of budget 9070
and management. Any moneys the department receives from a state 9071
agency, a state-supported college or university, or a municipal 9072
corporation under this division that are in excess of the amount 9073
necessary to pay the cost of furnishing the department's services 9074
and facilities during any fiscal year shall be either refunded to 9075
or credited for the ensuing fiscal year to the state agency, the 9076
state-supported college or university, or the municipal 9077
corporation. 9078

(C) The director of administrative services may enter into an 9079
agreement with any county, municipal corporation, or other 9080
political subdivision to furnish services and facilities of the 9081
department in the administration of a merit program or other 9082
functions related to human resources that include, but are not 9083
limited to, providing competitive examinations for positions in 9084
the classified service. The agreement shall provide that the 9085
department shall be reimbursed for the reasonable costs of those 9086
services and facilities as determined by the director. 9087

(D) All moneys received by the department as reimbursement 9088
for ~~payroll~~, a merit program, or other human resources services 9089
performed and facilities furnished under this section, such as 9090
competitive examinations administered, shall be paid into the 9091
state treasury to the credit of the human resources services fund, 9092
which is hereby created. 9093

(E) In counties of the state in which are located cities 9094
having municipal civil service commissions, the director of 9095
administrative services may designate the municipal civil service 9096
commission of the largest city within the county as the director's 9097

agent for the purpose of carrying out the provisions of sections 9098
124.01 to 124.64 of the Revised Code, within the county, that the 9099
director designates. Each municipal civil service commission 9100
designated as an agent of the director shall render to the 9101
director, at the end of each month, an itemized statement of the 9102
cost incurred by the commission for work done as the agent of the 9103
director, and the director, after approving that statement, shall 9104
pay the total amount of it to the treasurer of the municipal 9105
corporation in the same manner as other expenses of the department 9106
of administrative services. 9107

(F) The director of administrative services and the 9108
examiners, inspectors, clerks, and assistants referred to in this 9109
section shall receive, in addition to their salaries, 9110
reimbursement for necessary traveling and other expenses incurred 9111
in the actual discharge of their official duties. The director may 9112
also incur the necessary expenses for stationery, printing, and 9113
other supplies incident to the business of the department. 9114

Sec. 124.11. The civil service of the state and the several 9115
counties, cities, civil service townships, city health districts, 9116
general health districts, and city school districts of the state 9117
shall be divided into the unclassified service and the classified 9118
service. 9119

(A) The unclassified service shall comprise the following 9120
positions, which shall not be included in the classified service, 9121
and which shall be exempt from all examinations required by this 9122
chapter: 9123

(1) All officers elected by popular vote or persons appointed 9124
to fill vacancies in those offices; 9125

(2) All election officers as defined in section 3501.01 of 9126
the Revised Code; 9127

(3)(a) The members of all boards and commissions, and heads of principal departments, boards, and commissions appointed by the governor or by and with the governor's consent;	9128 9129 9130
(b) The heads of all departments appointed by a board of county commissioners;	9131 9132
(c) The members of all boards and commissions and all heads of departments appointed by the mayor, or, if there is no mayor, such other similar chief appointing authority of any city or city school district;	9133 9134 9135 9136
Except as otherwise provided in division (A)(17) or (C) of this section, this chapter does not exempt the chiefs of police departments and chiefs of fire departments of cities or civil service townships from the competitive classified service.	9137 9138 9139 9140
(4) The members of county or district licensing boards or commissions and boards of revision, and not more than five deputy county auditors;	9141 9142 9143
(5) All officers and employees elected or appointed by either or both branches of the general assembly, and employees of the city legislative authority engaged in legislative duties;	9144 9145 9146
(6) All commissioned, warrant, and noncommissioned officers and enlisted persons in the Ohio organized militia, including military appointees in the adjutant general's department;	9147 9148 9149
(7)(a) All presidents, business managers, administrative officers, superintendents, assistant superintendents, principals, deans, assistant deans, instructors, teachers, and such employees as are engaged in educational or research duties connected with the public school system, colleges, and universities, as determined by the governing body of the public school system, colleges, and universities;	9150 9151 9152 9153 9154 9155 9156
(b) The library staff of any library in the state supported	9157

wholly or in part at public expense. 9158

(8) Four clerical and administrative support employees for 9159
each of the elective state officers, four clerical and 9160
administrative support employees for each board of county 9161
commissioners and one such employee for each county commissioner, 9162
and four clerical and administrative support employees for other 9163
elective officers and each of the principal appointive executive 9164
officers, boards, or commissions, except for civil service 9165
commissions, that are authorized to appoint such clerical and 9166
administrative support employees; 9167

(9) The deputies and assistants of state agencies authorized 9168
to act for and on behalf of the agency, or holding a fiduciary or 9169
administrative relation to that agency and those persons employed 9170
by and directly responsible to elected county officials or a 9171
county administrator and holding a fiduciary or administrative 9172
relationship to such elected county officials or county 9173
administrator, and the employees of such county officials whose 9174
fitness would be impracticable to determine by competitive 9175
examination, provided that division (A)(9) of this section shall 9176
not affect those persons in county employment in the classified 9177
service as of September 19, 1961. Nothing in division (A)(9) of 9178
this section applies to any position in a county department of job 9179
and family services created pursuant to Chapter 329. of the 9180
Revised Code. 9181

(10) Bailiffs, constables, official stenographers, and 9182
commissioners of courts of record, deputies of clerks of the 9183
courts of common pleas who supervise or who handle public moneys 9184
or secured documents, and such officers and employees of courts of 9185
record and such deputies of clerks of the courts of common pleas 9186
as the director of administrative services finds it impracticable 9187
to determine their fitness by competitive examination; 9188

(11) Assistants to the attorney general, special counsel 9189

appointed or employed by the attorney general, assistants to 9190
county prosecuting attorneys, and assistants to city directors of 9191
law; 9192

(12) Such teachers and employees in the agricultural 9193
experiment stations; such students in normal schools, colleges, 9194
and universities of the state who are employed by the state or a 9195
political subdivision of the state in student or intern 9196
classifications; and such unskilled labor positions as the 9197
director of administrative services or any municipal civil service 9198
commission may find it impracticable to include in the competitive 9199
classified service; provided such exemptions shall be by order of 9200
the commission or the director, duly entered on the record of the 9201
commission or the director with the reasons for each such 9202
exemption; 9203

(13) Any physician or dentist who is a full-time employee of 9204
the department of mental health, the department of mental 9205
retardation and developmental disabilities, or an institution 9206
under the jurisdiction of either department; and physicians who 9207
are in residency programs at the institutions; 9208

(14) Up to twenty positions at each institution under the 9209
jurisdiction of the department of mental health or the department 9210
of mental retardation and developmental disabilities that the 9211
department director determines to be primarily administrative or 9212
managerial; and up to fifteen positions in any division of either 9213
department, excluding administrative assistants to the director 9214
and division chiefs, which are within the immediate staff of a 9215
division chief and which the director determines to be primarily 9216
and distinctively administrative and managerial; 9217

(15) Noncitizens of the United States employed by the state, 9218
or its counties or cities, as physicians or nurses who are duly 9219
licensed to practice their respective professions under the laws 9220
of this state, or medical assistants, in mental or chronic disease 9221

hospitals, or institutions;	9222
(16) Employees of the governor's office;	9223
(17) Fire chiefs and chiefs of police in civil service	9224
townships appointed by boards of township trustees under section	9225
505.38 or 505.49 of the Revised Code;	9226
(18) Executive directors, deputy directors, and program	9227
directors employed by boards of alcohol, drug addiction, and	9228
mental health services under Chapter 340. of the Revised Code, and	9229
secretaries of the executive directors, deputy directors, and	9230
program directors;	9231
(19) Superintendents, and management employees as defined in	9232
section 5126.20 of the Revised Code, of county boards of mental	9233
retardation and developmental disabilities;	9234
(20) Physicians, nurses, and other employees of a county	9235
hospital who are appointed pursuant to sections 339.03 and 339.06	9236
of the Revised Code;	9237
(21) The executive director of the state medical board, who	9238
is appointed pursuant to division (B) of section 4731.05 of the	9239
Revised Code;	9240
(22) County directors of job and family services as provided	9241
in section 329.02 of the Revised Code and administrators appointed	9242
under section 329.021 of the Revised Code;	9243
(23) A director of economic development who is hired pursuant	9244
to division (A) of section 307.07 of the Revised Code;	9245
(24) Chiefs of construction and compliance, of operations and	9246
maintenance, and of licensing and certification in the division of	9247
industrial compliance in the department of commerce;	9248
(25) The executive director of a county transit system	9249
appointed under division (A) of section 306.04 of the Revised	9250
Code;	9251

(26) Up to five positions at each of the administrative 9252
departments listed in section 121.02 of the Revised Code and at 9253
the department of taxation, department of the adjutant general, 9254
department of education, Ohio board of regents, bureau of workers' 9255
compensation, industrial commission, state lottery commission, and 9256
public utilities commission of Ohio that the head of that 9257
administrative department or of that other state agency determines 9258
to be involved in policy development and implementation. The head 9259
of the administrative department or other state agency shall set 9260
the compensation for employees in these positions at a rate that 9261
is not less than the minimum compensation specified in pay range 9262
41 but not more than the maximum compensation specified in pay 9263
range 44 of salary schedule E-2 in section 124.152 of the Revised 9264
Code. The authority to establish positions in the unclassified 9265
service under division (A)(26) of this section is in addition to 9266
and does not limit any other authority that an administrative 9267
department or state agency has under the Revised Code to establish 9268
positions, appoint employees, or set compensation. 9269

(27) Employees of the department of agriculture employed 9270
under section 901.09 of the Revised Code; 9271

(28) For cities, counties, civil service townships, city 9272
health districts, general health districts, and city school 9273
districts, the deputies and assistants of elective or principal 9274
executive officers authorized to act for and in the place of their 9275
principals or holding a fiduciary relation to their principals; 9276

(29) Employees who receive intermittent or temporary 9277
appointments under division (B) of section 124.30 of the Revised 9278
Code; 9279

(30) Employees appointed to administrative staff positions 9280
for which an appointing authority is given specific statutory 9281
authority to set compensation; 9282

(31) Employees appointed to highway patrol cadet or highway patrol cadet candidate classifications; 9283
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(32) Employees placed in the unclassified service by another section of the Revised Code. 9285
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(B) The classified service shall comprise all persons in the employ of the state and the several counties, cities, city health districts, general health districts, and city school districts of the state, not specifically included in the unclassified service. Upon the creation by the board of trustees of a civil service township civil service commission, the classified service shall also comprise, except as otherwise provided in division (A)(17) or (C) of this section, all persons in the employ of a civil service township police or fire department having ten or more full-time paid employees. The classified service consists of two classes, which shall be designated as the competitive class and the unskilled labor class. 9287
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(1) The competitive class shall include all positions and employments in the state and the counties, cities, city health districts, general health districts, and city school districts of the state, and, upon the creation by the board of trustees of a civil service township of a township civil service commission, all positions in a civil service township police or fire department having ten or more full-time paid employees, for which it is practicable to determine the merit and fitness of applicants by competitive examinations. Appointments shall be made to, or employment shall be given in, all positions in the competitive class that are not filled by promotion, reinstatement, transfer, or reduction, as provided in this chapter, and the rules of the director of administrative services, by appointment from those certified to the appointing officer in accordance with this chapter. 9299
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(2) The unskilled labor class shall include ordinary 9314

unskilled laborers. Vacancies in the labor class for positions in 9315
service of the state shall be filled by appointment from lists of 9316
applicants registered by the director. Vacancies in the labor 9317
class for all other positions shall be filled by appointment from 9318
lists of applicants registered by a commission. The director or 9319
the commission, as applicable, by rule, shall require an applicant 9320
for registration in the labor class to furnish evidence or take 9321
tests as the director or commission considers proper with respect 9322
to age, residence, physical condition, ability to labor, honesty, 9323
sobriety, industry, capacity, and experience in the work or 9324
employment for which application is made. Laborers who fulfill the 9325
requirements shall be placed on the eligible list for the kind of 9326
labor or employment sought, and preference shall be given in 9327
employment in accordance with the rating received from that 9328
evidence or in those tests. Upon the request of an appointing 9329
officer, stating the kind of labor needed, the pay and probable 9330
length of employment, and the number to be employed, the director 9331
or commission, as applicable, shall certify from the highest on 9332
the list double the number to be employed; from this number, the 9333
appointing officer shall appoint the number actually needed for 9334
the particular work. If more than one applicant receives the same 9335
rating, priority in time of application shall determine the order 9336
in which their names shall be certified for appointment. 9337

(C) A municipal or civil service township civil service 9338
commission may place volunteer firefighters who are paid on a 9339
fee-for-service basis in either the classified or the unclassified 9340
civil service. 9341

(D) This division does not apply to persons in the 9342
unclassified service who have the right to resume positions in the 9343
classified service under sections 4121.121, 5119.071, 5120.38, 9344
5120.381, 5120.382, 5123.08, 5139.02, and 5501.19 of the Revised 9345
Code. 9346

An appointing authority whose employees are paid directly by 9347
warrant of the director of budget and management may appoint a 9348
person who holds a certified position in the classified service 9349
within the appointing authority's agency to a position in the 9350
unclassified service within that agency. A person appointed 9351
pursuant to this division to a position in the unclassified 9352
service shall retain the right to resume the position and status 9353
held by the person in the classified service immediately prior to 9354
the person's appointment to the position in the unclassified 9355
service, regardless of the number of positions the person held in 9356
the unclassified service. An employee's right to resume a position 9357
in the classified service may only be exercised when an appointing 9358
authority demotes the employee to a pay range lower than the 9359
employee's current pay range or revokes the employee's appointment 9360
to the unclassified service. An employee forfeits the right to 9361
resume a position in the classified service when the employee is 9362
removed from the position in the unclassified service due to 9363
incompetence, inefficiency, dishonesty, drunkenness, immoral 9364
conduct, insubordination, discourteous treatment of the public, 9365
neglect of duty, violation of this chapter or the rules of the 9366
director of administrative services, any other failure of good 9367
behavior, any other acts of misfeasance, malfeasance, or 9368
nonfeasance in office, or conviction of a felony. An employee also 9369
forfeits the right to resume a position in the classified service 9370
upon transfer to a different agency. 9371

Reinstatement to a position in the classified service shall 9372
be to a position substantially equal to that position in the 9373
classified service held previously, as certified by the director 9374
of administrative services. If the position the person previously 9375
held in the classified service has been placed in the unclassified 9376
service or is otherwise unavailable, the person shall be appointed 9377
to a position in the classified service within the appointing 9378
authority's agency that the director of administrative services 9379

certifies is comparable in compensation to the position the person 9380
previously held in the classified service. Service in the position 9381
in the unclassified service shall be counted as service in the 9382
position in the classified service held by the person immediately 9383
prior to the person's appointment to the position in the 9384
unclassified service. When a person is reinstated to a position in 9385
the classified service as provided in this division, the person is 9386
entitled to all rights, status, and benefits accruing to the 9387
position in the classified service during the person's time of 9388
service in the position in the unclassified service. 9389

Sec. 124.134. (A) Each full-time permanent state employee 9390
paid in accordance with section 124.152 of the Revised Code and 9391
those employees listed in divisions (B)(2) and (4) of section 9392
124.14 of the Revised Code, ~~after service of one year, shall have~~ 9393
~~earned and will be due upon the attainment of the first year of~~ 9394
~~employment, and annually thereafter, eighty hours of vacation~~ 9395
~~leave with full pay. One year of service shall be computed on the~~ 9396
~~basis of twenty six biweekly pay periods. A full time permanent~~ 9397
~~state employee with five or more years of service shall have~~ 9398
~~earned and is entitled to one hundred twenty hours of vacation~~ 9399
~~leave with full pay. A full time permanent state employee with ten~~ 9400
~~or more years of service shall have earned and is entitled to one~~ 9401
~~hundred sixty hours of vacation leave with full pay. A full time~~ 9402
~~permanent state employee with fifteen or more years of service~~ 9403
~~shall have earned and is entitled to one hundred eighty hours of~~ 9404
~~vacation leave with full pay. A full time permanent state employee~~ 9405
~~with twenty or more years of service shall have earned and is~~ 9406
~~entitled to two hundred hours of vacation leave with full pay. A~~ 9407
~~full time permanent state employee with twenty five or more years~~ 9408
~~of service shall have earned and is entitled to two hundred forty~~ 9409
~~hours of vacation leave with full pay. Such vacation leave shall~~ 9410
~~accrue to the employee at the rate of three and one tenth hours~~ 9411

~~each biweekly period for those entitled to eighty hours per year;~~ 9412
~~four and six tenths hours each biweekly period for those entitled~~ 9413
~~to one hundred twenty hours per year; six and two tenths hours~~ 9414
~~each biweekly period for those entitled to one hundred sixty hours~~ 9415
~~per year; six and nine tenths hours each biweekly period for those~~ 9416
~~entitled to one hundred eighty hours per year; seven and~~ 9417
~~seven tenths hours each biweekly period for those entitled to two~~ 9418
~~hundred hours per year; and nine and two tenths hours each~~ 9419
~~biweekly period for those entitled to two hundred forty hours per~~ 9420
~~year shall be credited with vacation leave with full pay according~~ 9421
~~to length of service and accruing at a corresponding rate per~~ 9422
~~biweekly pay period, as follows:~~ 9423

<u>Length of Service</u>	<u>Accrual Rate Per Pay Period</u>	9424
<u>Less than 4 years</u>	<u>3.1 hours</u>	9425
<u>4 but less than 9 years</u>	<u>4.6 hours</u>	9426
<u>9 but less than 14 years</u>	<u>6.2 hours</u>	9427
<u>14 but less than 19 years</u>	<u>6.9 hours</u>	9428
<u>19 but less than 24 years</u>	<u>7.7 hours</u>	9429
<u>24 years or more</u>	<u>9.2 hours</u>	9430

Fifty-two weeks equal one year of service. 9431

The amount of an employee's service shall be determined in 9432
accordance with the standard specified in section 9.44 of the 9433
Revised Code. Credit for prior service, including an increased 9434
vacation accrual rate and longevity supplement, shall take effect 9435
during the first pay period that begins immediately following the 9436
date the director of administrative services approves granting 9437
credit for that prior service. No employee, other than an employee 9438
who submits proof of prior service within ninety days after the 9439
date of the employee's hiring, shall receive any amount of 9440
vacation leave for the period prior to the date of the director's 9441
approval of the grant of credit for prior service. 9442

Part-time permanent employees who are paid in accordance with 9443

section 124.152 of the Revised Code and full-time permanent 9444
employees subject to this section who are in active pay status for 9445
less than eighty hours in a pay period shall earn vacation leave 9446
on a prorated basis. The ratio between the hours worked and the 9447
vacation hours earned by these classes of employees shall be the 9448
same as the ratio between the hours worked and the vacation hours 9449
earned by a full-time permanent employee with the same amount of 9450
service as provided for in this section. 9451

Vacation leave is not available for use until it appears on 9452
the employee's earning statement and the compensation described in 9453
the earning statement is available to the employee. An employee 9454
may begin using accrued vacation leave upon completion of the 9455
employee's initial probation period. 9456

(B) Employees granted leave under this section shall forfeit 9457
their right to take or to be paid for any vacation leave to their 9458
credit which is in excess of the accrual for three years. Any 9459
excess leave shall be eliminated from the employees' leave 9460
balance. If an employee's vacation leave credit is at, or will 9461
reach in the immediately following pay period, the maximum of the 9462
accrual for three years and the employee has been denied the use 9463
of vacation leave during the immediately preceding twelve months, 9464
the employee, at the employee's request, shall be paid in a pay 9465
period for the vacation leave the employee was denied, up to the 9466
maximum amount the employee would be entitled to be paid for in 9467
any pay period. An employee is not entitled to receive payment for 9468
vacation leave denied in any pay period in which the employee's 9469
vacation leave credit is not at, or will not reach in the 9470
immediately following pay period, the maximum of accrual for three 9471
years. Any vacation leave for which an employee receives payment 9472
shall be deducted from the employee's vacation leave balance. 9473
Payment shall not be made for any leave accrued in the same 9474
calendar year in which the payment is made. 9475

(C) Upon separation from state service, an employee granted 9476
leave under this section is entitled to compensation at the 9477
employee's current rate of pay for all unused vacation leave 9478
accrued under this section or section 124.13 of the Revised Code 9479
to the employee's credit. In case of transfer of an employee from 9480
one state agency to another, the employee shall retain the accrued 9481
and unused vacation leave. In case of the death of an employee, 9482
the unused vacation leave shall be paid in accordance with section 9483
2113.04 of the Revised Code, or to the employee's estate. An 9484
employee serving in a temporary work level who is eligible to 9485
receive compensation under this division shall be compensated at 9486
the base rate of pay of the employee's normal classification. 9487

Sec. 124.14. (A)(1) The director of administrative services 9488
shall establish, and may modify or rescind, by rule, a job 9489
classification plan for all positions, offices, and employments 9490
the salaries of which are paid in whole or in part by the state. 9491
The director shall group jobs within a classification so that the 9492
positions are similar enough in duties and responsibilities to be 9493
described by the same title, to have the same pay assigned with 9494
equity, and to have the same qualifications for selection applied. 9495
The director shall, by rule, assign a classification title to each 9496
classification within the classification plan. However, the 9497
director shall consider in establishing classifications, including 9498
classifications with parenthetical titles, and assigning pay 9499
ranges such factors as duties performed only on one shift, special 9500
skills in short supply in the labor market, recruitment problems, 9501
separation rates, comparative salary rates, the amount of training 9502
required, and other conditions affecting employment. The director 9503
shall describe the duties and responsibilities of the class, 9504
establish the qualifications for being employed in each position 9505
in the class, and file with the secretary of state a copy of 9506
specifications for all of the classifications. The director shall 9507

file new, additional, or revised specifications with the secretary 9508
of state before they are used. 9509

The director shall, by rule, assign each classification, 9510
either on a statewide basis or in particular counties or state 9511
institutions, to a pay range established under section 124.15 or 9512
section 124.152 of the Revised Code. The director may assign a 9513
classification to a pay range on a temporary basis for a period of 9514
six months. The director may establish, by rule adopted under 9515
Chapter 119. of the Revised Code, experimental classification 9516
plans for some or all employees paid directly by warrant of the 9517
director of budget and management. The rule shall include 9518
specifications for each classification within the plan and shall 9519
specifically address compensation ranges, and methods for 9520
advancing within the ranges, for the classifications, which may be 9521
assigned to pay ranges other than the pay ranges established under 9522
section 124.15 or 124.152 of the Revised Code. 9523

(2) The director of administrative services may reassign to a 9524
proper classification those positions that have been assigned to 9525
an improper classification. If the compensation of an employee in 9526
such a reassigned position exceeds the maximum rate of pay for the 9527
employee's new classification, the employee shall be placed in pay 9528
step X and shall not receive an increase in compensation until the 9529
maximum rate of pay for that classification exceeds the employee's 9530
compensation. 9531

(3) The director may reassign an exempt employee, as defined 9532
in section 124.152 of the Revised Code, to a bargaining unit 9533
classification if the director determines that the bargaining unit 9534
classification is the proper classification for that employee. 9535
Notwithstanding Chapter 4117. of the Revised Code or instruments 9536
and contracts negotiated under it, these placements are at the 9537
director's discretion. 9538

(4) The director shall, by rule, assign related 9539

classifications, which form a career progression, to a 9540
classification series. The director shall, by rule, assign each 9541
classification in the classification plan a five-digit number, the 9542
first four digits of which shall denote the classification series 9543
to which the classification is assigned. When a career progression 9544
encompasses more than ten classifications, the director shall, by 9545
rule, identify the additional classifications belonging to a 9546
classification series. The additional classifications shall be 9547
part of the classification series, notwithstanding the fact that 9548
the first four digits of the number assigned to the additional 9549
classifications do not correspond to the first four digits of the 9550
numbers assigned to other classifications in the classification 9551
series. 9552

(5) The director, ~~in accordance with rules adopted under~~ 9553
~~Chapter 119. of the Revised Code, shall establish, and may~~ 9554
establish, modify, or rescind, a classification plan for county 9555
agencies that elect not to use the services and facilities of a 9556
county personnel department. The director shall establish any such 9557
classification plan by means of rules adopted under Chapter 119. 9558
of the Revised Code. The rules shall include a methodology for the 9559
establishment of titles unique to county agencies, the use of 9560
state classification titles and classification specifications for 9561
common positions, the criteria for a county to meet in 9562
establishing its own classification plan, and the establishment of 9563
what constitutes a classification series for county agencies. The 9564
director may assess a county agency that chooses to use the 9565
classification plan a usage fee the director determines. All usage 9566
fees the department of administrative services receives shall be 9567
paid into the state treasury to the credit of the human resources 9568
fund created in section 124.07 of the Revised Code. 9569

(B) Division (A) of this section and sections 124.15 and 9570
124.152 of the Revised Code do not apply to the following persons, 9571

positions, offices, and employments:	9572
(1) Elected officials;	9573
(2) Legislative employees, employees of the legislative service commission, employees in the office of the governor, employees who are in the unclassified civil service and exempt from collective bargaining coverage in the office of the secretary of state, auditor of state, treasurer of state, and attorney general, and employees of the supreme court;	9574 9575 9576 9577 9578 9579
(3) Employees of a county children services board that establishes compensation rates under section 5153.12 of the Revised Code;	9580 9581 9582
(4) Any position for which the authority to determine compensation is given by law to another individual or entity;	9583 9584
(5) Employees of the bureau of workers' compensation whose compensation the administrator of workers' compensation establishes under division (B) of section 4121.121 of the Revised Code.	9585 9586 9587 9588
(C) The director may employ a consulting agency to aid and assist the director in carrying out this section.	9589 9590
(D)(1) When the director proposes to modify a classification or the assignment of classes to appropriate pay ranges, the director shall send written notice of the proposed rule to the appointing authorities of the affected employees thirty days before a hearing on the proposed rule. The appointing authorities shall notify the affected employees regarding the proposed rule. The director also shall send those appointing authorities notice of any final rule that is adopted within ten days after adoption.	9591 9592 9593 9594 9595 9596 9597 9598
(2) When the director proposes to reclassify any employee so that the employee is adversely affected, the director shall give to the employee affected and to the employee's appointing	9599 9600 9601

authority a written notice setting forth the proposed new 9602
classification, pay range, and salary. Upon the request of any 9603
classified employee who is not serving in a probationary period, 9604
the director shall perform a job audit to review the 9605
classification of the employee's position to determine whether the 9606
position is properly classified. The director shall give to the 9607
employee affected and to the employee's appointing authority a 9608
written notice of the director's determination whether or not to 9609
reclassify the position or to reassign the employee to another 9610
classification. An employee or appointing authority desiring a 9611
hearing shall file a written request for the hearing with the 9612
state personnel board of review within thirty days after receiving 9613
the notice. The board shall set the matter for a hearing and 9614
notify the employee and appointing authority of the time and place 9615
of the hearing. The employee, the appointing authority, or any 9616
authorized representative of the employee who wishes to submit 9617
facts for the consideration of the board shall be afforded 9618
reasonable opportunity to do so. After the hearing, the board 9619
shall consider anew the reclassification and may order the 9620
reclassification of the employee and require the director to 9621
assign the employee to such appropriate classification as the 9622
facts and evidence warrant. As provided in division (A)(1) of 9623
section 124.03 of the Revised Code, the board may determine the 9624
most appropriate classification for the position of any employee 9625
coming before the board, with or without a job audit. The board 9626
shall disallow any reclassification or reassignment classification 9627
of any employee when it finds that changes have been made in the 9628
duties and responsibilities of any particular employee for 9629
political, religious, or other unjust reasons. 9630

(E)(1) Employees of each county department of job and family 9631
services shall be paid a salary or wage established by the board 9632
of county commissioners. The provisions of section 124.18 of the 9633
Revised Code concerning the standard work week apply to employees 9634

of county departments of job and family services. A board of 9635
county commissioners may do either of the following: 9636

(a) Notwithstanding any other section of the Revised Code, 9637
supplement the sick leave, vacation leave, personal leave, and 9638
other benefits of any employee of the county department of job and 9639
family services of that county, if the employee is eligible for 9640
the supplement under a written policy providing for the 9641
supplement; 9642

(b) Notwithstanding any other section of the Revised Code, 9643
establish alternative schedules of sick leave, vacation leave, 9644
personal leave, or other benefits for employees not inconsistent 9645
with the provisions of a collective bargaining agreement covering 9646
the affected employees. 9647

(2) Division (E)(1) of this section does not apply to 9648
employees for whom the state employment relations board 9649
establishes appropriate bargaining units pursuant to section 9650
4117.06 of the Revised Code, except in either of the following 9651
situations: 9652

(a) The employees for whom the state employment relations 9653
board establishes appropriate bargaining units elect no 9654
representative in a board-conducted representation election. 9655

(b) After the state employment relations board establishes 9656
appropriate bargaining units for such employees, all employee 9657
organizations withdraw from a representation election. 9658

(F)(1) Notwithstanding any contrary provision of sections 9659
124.01 to 124.64 of the Revised Code, the board of trustees of 9660
each state university or college, as defined in section 3345.12 of 9661
the Revised Code, shall carry out all matters of governance 9662
involving the officers and employees of the university or college, 9663
including, but not limited to, the powers, duties, and functions 9664
of the department of administrative services and the director of 9665

administrative services specified in this chapter. Officers and 9666
employees of a state university or college shall have the right of 9667
appeal to the state personnel board of review as provided in this 9668
chapter. 9669

(2) Each board of trustees shall adopt rules under section 9670
111.15 of the Revised Code to carry out the matters of governance 9671
described in division (F)(1) of this section. Until the board of 9672
trustees adopts those rules, a state university or college shall 9673
continue to operate pursuant to the applicable rules adopted by 9674
the director of administrative services under this chapter. 9675

(G)(1) Each board of county commissioners may, by a 9676
resolution adopted by a majority of its members, establish a 9677
county personnel department to exercise the powers, duties, and 9678
functions specified in division (G) of this section. As used in 9679
division (G) of this section, "county personnel department" means 9680
a county personnel department established by a board of county 9681
commissioners under division (G)(1) of this section. 9682

(2)(a) Each board of county commissioners, by a resolution 9683
adopted by a majority of its members, may designate the county 9684
personnel department of the county to exercise the powers, duties, 9685
and functions ~~of the department of administrative services and the~~ 9686
~~director of administrative services~~ specified in sections 124.01 9687
to 124.64 and Chapter 325. of the Revised Code with regard to 9688
employees in the service of the county, except for the powers and 9689
duties of the state personnel board of review, which powers and 9690
duties shall not be construed as having been modified or 9691
diminished in any manner by division (G)(2) of this section, with 9692
respect to the employees for whom the board of county 9693
commissioners is the appointing authority or co-appointing 9694
authority. ~~The board of county commissioners shall deliver a~~ 9695
~~certified copy of the resolution to the director of administrative~~ 9696
~~services not later than ten working days after the resolution is~~ 9697

~~adopted, and the director shall inform the board in a writing sent
by certified mail of the date of receipt of the copy of the
resolution.~~

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

~~(e) Nothing in division (G)(2) of this section shall be
construed to limit the right of any employee who possesses the
right of appeal to the state personnel board of review to continue
to possess that right of appeal.~~

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

(3) After the county personnel department of a county has
~~assumed the powers, duties, and functions of the department of
administrative services and the director of administrative
services~~ been established as described in division (G)(2) of this
section, any elected official, board, agency, or other appointing
authority of that county, upon written notification to the
~~director~~ county personnel department, may elect to use the
services and facilities of the county personnel department. Upon
~~the acceptance by the director of that written notification~~
receipt of the notification by the county personnel department,
the county personnel department shall exercise the powers, duties,
and functions ~~of the department of administrative services and the
director~~ as described in division (G)(2) of this section with

respect to the employees of that elected official, board, agency, 9730
or other appointing authority. ~~The director shall inform the~~ 9731
~~elected official, board, agency, or other appointing authority in~~ 9732
~~a writing sent by certified mail of the date of acceptance of that~~ 9733
~~written notification. Except for those employees under the~~ 9734
~~jurisdiction of the county personnel department, the director~~ 9735
~~shall continue to exercise these powers, duties, and functions~~ 9736
~~with respect to employees of the county.~~ 9737

(4) ~~When at least two years have passed since the creation of~~ 9738
~~a county personnel department, a Each board of county~~ 9739
commissioners, by a resolution adopted by a majority of its 9740
members, may disband the county personnel department ~~and return to~~ 9741
~~the department of administrative services for the administration~~ 9742
~~of sections 124.01 to 124.64 and Chapter 325. of the Revised Code.~~ 9743
~~The board shall deliver a certified copy of the resolution to the~~ 9744
~~director of administrative services not later than ten working~~ 9745
~~days after the resolution is adopted, and the director shall~~ 9746
~~inform the board in a writing sent by certified mail of the date~~ 9747
~~of receipt of the copy of the resolution. Upon the director's~~ 9748
~~receipt of the copy of the resolution, all powers, duties, and~~ 9749
~~functions previously vested in and assigned to the county~~ 9750
~~personnel department shall return to the director.~~ 9751

(5) ~~When at least two years have passed since electing to use~~ 9752
~~the services and facilities of a county personnel department, an~~ 9753
Any elected official, board, agency, or appointing authority of a 9754
county may ~~return to the department of administrative services for~~ 9755
~~the administration of sections 124.01 to 124.64 and Chapter 325.~~ 9756
~~of the Revised Code. The elected official, board, agency, or~~ 9757
~~appointing authority shall send the director of administrative~~ 9758
~~services a certified copy of the resolution that states its~~ 9759
~~decision to return to the department of administrative services'~~ 9760
~~jurisdiction, and the director shall inform the elected official,~~ 9761

~~board, agency, or appointing authority in a writing sent by~~ 9762
~~certified mail of the date of receipt of the copy of the~~ 9763
~~resolution. Upon the director's receipt of the copy of the~~ 9764
~~resolution, all powers, duties, and functions previously vested in~~ 9765
~~and assigned to the county personnel department with respect to~~ 9766
~~the employees of that elected official, board, agency, or~~ 9767
~~appointing authority shall return to the director end its~~ 9768
~~involvement with a county personnel department upon actual receipt~~ 9769
~~by the department of a certified copy of the notification that~~ 9770
~~contains the decision to no longer participate.~~ 9771

(6) The director of administrative services may, by rule 9772
adopted in accordance with Chapter 119. of the Revised Code, ~~shall~~ 9773
prescribe criteria and procedures for ~~granting to each county~~ 9774
~~personnel department the powers, duties, and functions of the~~ 9775
~~department of administrative services and the director as~~ 9776
~~described in division (G)(2) of this section with respect to the~~ 9777
~~employees of an elected official, board, agency, or other~~ 9778
~~appointing authority or co appointing authority. The rules shall~~ 9779
~~cover the following criteria and procedures:~~ 9780

~~(a) The notification to the department of administrative~~ 9781
~~services that an elected official, board, agency, or other~~ 9782
~~appointing authority of a county has elected to use the services~~ 9783
~~and facilities of the county personnel department; the following:~~ 9784

~~(b)~~(a) A requirement that each county personnel department, 9785
in carrying out its duties, adhere to merit system principles with 9786
regard to employees of county departments of job and family 9787
services, child support enforcement agencies, and public child 9788
welfare agencies so that there is no threatened loss of federal 9789
funding for these agencies, and a requirement that the county be 9790
financially liable to the state for any loss of federal funds due 9791
to the action or inaction of the county personnel department. The 9792
costs associated with audits conducted to monitor compliance with 9793

division (G)(6)(b)(a) of this section shall be ~~borne equally by~~ 9794
~~reimbursed to~~ the department of administrative services ~~and the~~ 9795
~~county as determined by the director. All money the department~~ 9796
~~receives for these audits shall be paid into the state treasury to~~ 9797
~~the credit of the human resources fund created in section 124.07~~ 9798
~~of the Revised Code.~~ 9799

~~(c) The termination of services and facilities rendered by~~ 9800
~~the department of administrative services, to include rate~~ 9801
~~adjustments, time periods for termination, and other related~~ 9802
~~matters;~~ 9803

~~(d)(b)~~ Authorization for the director of administrative 9804
services to conduct periodic audits and reviews of county 9805
personnel departments to guarantee the uniform application of ~~this~~ 9806
~~granting of the director's powers, duties, and functions exercised~~ 9807
~~pursuant to division (G)(2)(a) of this section.~~ The costs of the 9808
audits and reviews shall be ~~borne equally by~~ reimbursed to the 9809
department of administrative services ~~and~~ as determined by the 9810
director by the county for which the services are performed. All 9811
money the department receives shall be paid into the state 9812
treasury to the credit of the human resources fund created in 9813
section 124.07 of the Revised Code. 9814

~~(e) The dissemination of audit findings under division~~ 9815
~~(G)(6)(d) of this section, any appeals process relating to adverse~~ 9816
~~findings by the department, and the methods whereby the county~~ 9817
~~personnel program will revert to the authority of the director of~~ 9818
~~administrative services due to misuse or nonuniform application of~~ 9819
~~the authority granted to the county under division (G)(2) or (3)~~ 9820
~~of this section.~~ 9821

(H) The director of administrative services shall establish 9822
the rate and method of compensation for all employees who are paid 9823
directly by warrant of the director of budget and management and 9824
who are serving in positions that the director of administrative 9825

services has determined impracticable to include in the state job 9826
classification plan. This division does not apply to elected 9827
officials, legislative employees, employees of the legislative 9828
service commission, employees who are in the unclassified civil 9829
service and exempt from collective bargaining coverage in the 9830
office of the secretary of state, auditor of state, treasurer of 9831
state, and attorney general, employees of the courts, employees of 9832
the bureau of workers' compensation whose compensation the 9833
administrator of workers' compensation establishes under division 9834
(B) of section 4121.121 of the Revised Code, or employees of an 9835
appointing authority authorized by law to fix the compensation of 9836
those employees. 9837

(I) The director shall set the rate of compensation for all 9838
intermittent, seasonal, temporary, emergency, and casual employees 9839
in the service of the state who are not considered public 9840
employees under section 4117.01 of the Revised Code. Those 9841
employees are not entitled to receive employee benefits. This rate 9842
of compensation shall be equitable in terms of the rate of 9843
employees serving in the same or similar classifications. This 9844
division does not apply to elected officials, legislative 9845
employees, employees of the legislative service commission, 9846
employees who are in the unclassified civil service and exempt 9847
from collective bargaining coverage in the office of the secretary 9848
of state, auditor of state, treasurer of state, and attorney 9849
general, employees of the courts, employees of the bureau of 9850
workers' compensation whose compensation the administrator 9851
establishes under division (B) of section 4121.121 of the Revised 9852
Code, or employees of an appointing authority authorized by law to 9853
fix the compensation of those employees. 9854

Sec. 124.15. (A) Board and commission members appointed prior 9855
to July 1, 1991, shall be paid a salary or wage in accordance with 9856
the following schedules of rates: 9857

Schedule B		Pay Ranges and Step Values				9858
Range		Step 1	Step 2	Step 3	Step 4	9860
23	Hourly	5.72	5.91	6.10	6.31	9861
	Annually	11897.60	12292.80	12688.00	13124.80	9862
		Step 5	Step 6			9863
	Hourly	6.52	6.75			9864
	Annually	13561.60	14040.00			9865
		Step 1	Step 2	Step 3	Step 4	9866
24	Hourly	6.00	6.20	6.41	6.63	9867
	Annually	12480.00	12896.00	13332.80	13790.40	9868
		Step 5	Step 6			9869
	Hourly	6.87	7.10			9870
	Annually	14289.60	14768.00			9871
		Step 1	Step 2	Step 3	Step 4	9872
25	Hourly	6.31	6.52	6.75	6.99	9873
	Annually	13124.80	13561.60	14040.00	14539.20	9874
		Step 5	Step 6			9875
	Hourly	7.23	7.41			9876
	Annually	15038.40	15412.80			9877
		Step 1	Step 2	Step 3	Step 4	9878
26	Hourly	6.63	6.87	7.10	7.32	9879
	Annually	13790.40	14289.60	14768.00	15225.60	9880
		Step 5	Step 6			9881
	Hourly	7.53	7.77			9882
	Annually	15662.40	16161.60			9883
		Step 1	Step 2	Step 3	Step 4	9884
27	Hourly	6.99	7.23	7.41	7.64	9885
	Annually	14534.20	15038.40	15412.80	15891.20	9886
		Step 5	Step 6	Step 7		9887
	Hourly	7.88	8.15	8.46		9888
	Annually	16390.40	16952.00	17596.80		9889
		Step 1	Step 2	Step 3	Step 4	9890

28	Hourly	7.41	7.64	7.88	8.15	9891
	Annually	15412.80	15891.20	16390.40	16952.00	9892
		Step 5	Step 6	Step 7		9893
	Hourly	8.46	8.79	9.15		9894
	Annually	17596.80	18283.20	19032.00		9895
		Step 1	Step 2	Step 3	Step 4	9896
29	Hourly	7.88	8.15	8.46	8.79	9897
	Annually	16390.40	16952.00	17596.80	18283.20	9898
		Step 5	Step 6	Step 7		9899
	Hourly	9.15	9.58	10.01		9900
	Annually	19032.00	19926.40	20820.80		9901
		Step 1	Step 2	Step 3	Step 4	9902
30	Hourly	8.46	8.79	9.15	9.58	9903
	Annually	17596.80	18283.20	19032.00	19926.40	9904
		Step 5	Step 6	Step 7		9905
	Hourly	10.01	10.46	10.99		9906
	Annually	20820.80	21756.80	22859.20		9907
		Step 1	Step 2	Step 3	Step 4	9908
31	Hourly	9.15	9.58	10.01	10.46	9909
	Annually	19032.00	19962.40	20820.80	21756.80	9910
		Step 5	Step 6	Step 7		9911
	Hourly	10.99	11.52	12.09		9912
	Annually	22859.20	23961.60	25147.20		9913
		Step 1	Step 2	Step 3	Step 4	9914
32	Hourly	10.01	10.46	10.99	11.52	9915
	Annually	20820.80	21756.80	22859.20	23961.60	9916
		Step 5	Step 6	Step 7	Step 8	9917
	Hourly	12.09	12.68	13.29	13.94	9918
	Annually	25147.20	26374.40	27643.20	28995.20	9919
		Step 1	Step 2	Step 3	Step 4	9920
33	Hourly	10.99	11.52	12.09	12.68	9921
	Annually	22859.20	23961.60	25147.20	26374.40	9922
		Step 5	Step 6	Step 7	Step 8	9923

	Hourly	13.29	13.94	14.63	15.35	9924
	Annually	27643.20	28995.20	30430.40	31928.00	9925
		Step 1	Step 2	Step 3	Step 4	9926
34	Hourly	12.09	12.68	13.29	13.94	9927
	Annually	25147.20	26374.40	27643.20	28995.20	9928
		Step 5	Step 6	Step 7	Step 8	9929
	Hourly	14.63	15.35	16.11	16.91	9930
	Annually	30430.40	31928.00	33508.80	35172.80	9931
		Step 1	Step 2	Step 3	Step 4	9932
35	Hourly	13.29	13.94	14.63	15.35	9933
	Annually	27643.20	28995.20	30430.40	31928.00	9934
		Step 5	Step 6	Step 7	Step 8	9935
	Hourly	16.11	16.91	17.73	18.62	9936
	Annually	33508.80	35172.80	36878.40	38729.60	9937
		Step 1	Step 2	Step 3	Step 4	9938
36	Hourly	14.63	15.35	16.11	16.91	9939
	Annually	30430.40	31928.00	33508.80	35172.80	9940
		Step 5	Step 6	Step 7	Step 8	9941
	Hourly	17.73	18.62	19.54	20.51	9942
	Annually	36878.40	38729.60	40643.20	42660.80	9943
	Schedule C					9944
		Pay Range and Values				9945
	Range	Minimum		Maximum		9946
41	Hourly	10.44		15.72		9947
	Annually	21715.20		32697.60		9948
42	Hourly	11.51		17.35		9949
	Annually	23940.80		36088.00		9950
43	Hourly	12.68		19.12		9951
	Annually	26374.40		39769.60		9952
44	Hourly	13.99		20.87		9953
	Annually	29099.20		43409.60		9954
45	Hourly	15.44		22.80		9955
	Annually	32115.20		47424.00		9956

46 Hourly	17.01	24.90	9957
Annually	35380.80	51792.00	9958
47 Hourly	18.75	27.18	9959
Annually	39000.00	56534.40	9960
48 Hourly	20.67	29.69	9961
Annually	42993.60	61755.20	9962
49 Hourly	22.80	32.06	9963
Annually	47424.00	66684.80	9964

(B) The pay schedule of all employees shall be on a biweekly basis, with amounts computed on an hourly basis. 9965
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(C) Part-time employees shall be compensated on an hourly basis for time worked, at the rates shown in division (A) of this section or in section 124.152 of the Revised Code. 9967
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(D) The salary and wage rates in division (A) of this section or in section 124.152 of the Revised Code represent base rates of compensation and may be augmented by the provisions of section 124.181 of the Revised Code. In those cases where lodging, meals, laundry, or other personal services are furnished an employee in the service of the state, the actual costs or fair market value of the personal services shall be paid by the employee in such amounts and manner as determined by the director of administrative services and approved by the director of budget and management, and those personal services shall not be considered as a part of the employee's compensation. An appointing authority that appoints employees in the service of the state, with the approval of the director of administrative services and the director of budget and management, may establish payments to employees for uniforms, tools, equipment, and other requirements of the department and payments for the maintenance of them. 9970
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The director of administrative services may review collective bargaining agreements entered into under Chapter 4117. of the Revised Code that cover employees in the service of the state and 9986
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determine whether certain benefits or payments provided to the 9989
employees covered by those agreements should also be provided to 9990
employees in the service of the state who are exempt from 9991
collective bargaining coverage and are paid in accordance with 9992
section 124.152 of the Revised Code or are listed in division 9993
(B)(2) or (4) of section 124.14 of the Revised Code. On completing 9994
the review, the director of administrative services, with the 9995
approval of the director of budget and management, may provide to 9996
some or all of these employees any payment or benefit, except for 9997
salary, contained in such a collective bargaining agreement even 9998
if it is similar to a payment or benefit already provided by law 9999
to some or all of these employees. Any payment or benefit so 10000
provided shall not exceed the highest level for that payment or 10001
benefit specified in such a collective bargaining agreement. The 10002
director of administrative services shall not provide, and the 10003
director of budget and management shall not approve, any payment 10004
or benefit to such an employee under this division unless the 10005
payment or benefit is provided pursuant to a collective bargaining 10006
agreement to a state employee who is in a position with similar 10007
duties as, is supervised by, or is employed by the same appointing 10008
authority as, the employee to whom the benefit or payment is to be 10009
provided. 10010

As used in this division, "payment or benefit already 10011
provided by law" includes, but is not limited to, bereavement, 10012
personal, vacation, administrative, and sick leave, disability 10013
benefits, holiday pay, and pay supplements provided under the 10014
Revised Code, but does not include wages or salary. 10015

(E) New employees paid in accordance with schedule B of 10016
division (A) of this section or schedule E-1 of section 124.152 of 10017
the Revised Code shall be employed at the minimum rate established 10018
for the range unless otherwise provided. Employees with 10019
qualifications that are beyond the minimum normally required for 10020

the position and that are determined by the director to be 10021
exceptional may be employed in, or may be transferred or promoted 10022
to, a position at an advanced step of the range. Further, in time 10023
of a serious labor market condition when it is relatively 10024
impossible to recruit employees at the minimum rate for a 10025
particular classification, the entrance rate may be set at an 10026
advanced step in the range by the director of administrative 10027
services. This rate may be limited to geographical regions of the 10028
state. Appointments made to an advanced step under the provision 10029
regarding exceptional qualifications shall not affect the step 10030
assignment of employees already serving. However, anytime the 10031
hiring rate of an entire classification is advanced to a higher 10032
step, all incumbents of that classification being paid at a step 10033
lower than that being used for hiring, shall be advanced beginning 10034
at the start of the first pay period thereafter to the new hiring 10035
rate, and any time accrued at the lower step will be used to 10036
calculate advancement to a succeeding step. If the hiring rate of 10037
a classification is increased for only a geographical region of 10038
the state, only incumbents who work in that geographical region 10039
shall be advanced to a higher step. When an employee in the 10040
unclassified service changes from one state position to another or 10041
is appointed to a position in the classified service, or if an 10042
employee in the classified service is appointed to a position in 10043
the unclassified service, the employee's salary or wage in the new 10044
position shall be determined in the same manner as if the employee 10045
were an employee in the classified service. When an employee in 10046
the unclassified service who is not eligible for step increases is 10047
appointed to a classification in the classified service under 10048
which step increases are provided, future step increases shall be 10049
based on the date on which the employee last received a pay 10050
increase. If the employee has not received an increase during the 10051
previous year, the date of the appointment to the classified 10052
service shall be used to determine the employee's annual step 10053

advancement eligibility date. In reassigning any employee to a 10054
classification resulting in a pay range increase or to a new pay 10055
range as a result of a promotion, an increase pay range 10056
adjustment, or other classification change resulting in a pay 10057
range increase, the director shall assign such employee to the 10058
step in the new pay range that will provide an increase of 10059
approximately four per cent if the new pay range can accommodate 10060
the increase. When an employee is being assigned to a 10061
classification or new pay range as the result of a class plan 10062
change, if the employee has completed a probationary period, the 10063
employee shall be placed in a step no lower than step two of the 10064
new pay range. If the employee has not completed a probationary 10065
period, the employee may be placed in step one of the new pay 10066
range. Such new salary or wage shall become effective on such date 10067
as the director determines. 10068

(F) If employment conditions and the urgency of the work 10069
require such action, the director of administrative services may, 10070
upon the application of a department head, authorize payment at 10071
any rate established within the range for the class of work, for 10072
work of a casual or intermittent nature or on a project basis. 10073
Payment at such rates shall not be made to the same individual for 10074
more than three calendar months in any one calendar year. Any such 10075
action shall be subject to the approval of the director of budget 10076
and management as to the availability of funds. This section and 10077
sections 124.14 and 124.152 of the Revised Code do not repeal any 10078
authority of any department or public official to contract with or 10079
fix the compensation of professional persons who may be employed 10080
temporarily for work of a casual nature or for work on a project 10081
basis. 10082

(G)(1) Except as provided in ~~division~~ divisions (G)(2) and 10083
(3) of this section, each state employee paid in accordance with 10084
schedule B of this section or schedule E-1 of section 124.152 of 10085

the Revised Code shall be eligible for advancement to succeeding 10086
steps in the range for the employee's class or grade according to 10087
the schedule established in this division. Beginning on the first 10088
day of the pay period within which the employee completes the 10089
prescribed probationary period in the employee's classification 10090
with the state, each employee shall receive an automatic salary 10091
adjustment equivalent to the next higher step within the pay range 10092
for the employee's class or grade. 10093

~~Each~~ Except as provided in divisions (G)(2) and (3) of this 10094
section, each employee paid in accordance with schedule E-1 of 10095
section 124.152 of the Revised Code shall be eligible to advance 10096
to the next higher step until the employee reaches the top step in 10097
the range for the employee's class or grade, if the employee has 10098
maintained satisfactory performance in accordance with criteria 10099
established by the employee's appointing authority. Those step 10100
advancements shall not occur more frequently than once in any 10101
twelve-month period. 10102

~~When an employee is promoted or reassigned to a higher pay~~ 10103
~~range, the employee's step indicator shall return to "0" or be~~ 10104
~~adjusted to account for a probationary period, as appropriate.~~ 10105
When an employee is promoted, the step entry date shall be set to 10106
account for a probationary period. When an employee is reassigned 10107
to a higher pay range, the step entry date shall be set to allow 10108
an employee who is not at the highest step of the range to receive 10109
a step advancement one year from the reassignment date. Step 10110
advancement shall not be affected by demotion. A promoted employee 10111
shall advance to the next higher step of the pay range on the 10112
first day of the pay period in which the required probationary 10113
period is completed. Step advancement shall become effective at 10114
the beginning of the pay period within which the employee attains 10115
the necessary length of service. Time spent on authorized leave of 10116
absence shall be counted for this purpose. 10117

If determined to be in the best interest of the state 10118
service, the director of administrative services may, either 10119
statewide or in selected agencies, adjust the dates on which 10120
annual step advancements are received by employees paid in 10121
accordance with schedule E-1 of section 124.152 of the Revised 10122
Code. 10123

~~(2)(a)(i) Except as provided in division (G)(2)(a)(ii) of~~ 10124
~~this section, there~~ There shall be a moratorium on annual step 10125
advancements under division (G)(1) of this section ~~from the pay~~ 10126
~~period beginning June 29, 2003~~ June 21, 2009, through ~~the pay~~ 10127
~~period ending June 25, 2005~~ June 20, 2011. Step advancements shall 10128
resume with the pay period beginning ~~June 26, 2005~~ June 21, 2011. 10129
Upon the resumption of step advancements, there shall be no 10130
retroactive step advancements for the period the moratorium was in 10131
effect. The moratorium shall not affect an employee's performance 10132
evaluation schedule. 10133

~~(ii) During the moratorium under division (G)(2)(a)(i) of~~ 10134
~~this section, an employee who is hired or promoted and serves a~~ 10135
~~probationary period in the employee's new position shall advance~~ 10136
~~to the next step in the employee's pay range upon successful~~ 10137
~~completion of the employee's probationary period. Thereafter, the~~ 10138
~~employee is subject to the moratorium. An employee who begins a~~ 10139
probationary period before June 21, 2009, shall advance to the 10140
next step in the employee's pay range at the end of probation, and 10141
then become subject to the moratorium. An employee who is hired, 10142
promoted, or reassigned to a higher pay range between June 21, 10143
2009, through June 20, 2011, shall not advance to the next step in 10144
the employee's pay range until the next anniversary of the 10145
employee's date of hire, promotion, or reassignment that occurs on 10146
or after June 21, 2011. 10147

(b) The moratorium under division (G)(2)(a)(~~i~~) of this 10148
section shall apply to the employees of the secretary of state, 10149

the auditor of state, the treasurer of state, and the attorney 10150
general, who are subject to this section unless the secretary of 10151
state, the auditor of state, the treasurer of state, or the 10152
attorney general decides to exempt the office's employees from the 10153
moratorium and so notifies the director of administrative services 10154
in writing on or before ~~July 1, 2003~~ July 1, 2009. 10155

(3) Employees in intermittent positions shall be employed at 10156
the minimum rate established for the pay range for their 10157
classification and are not eligible for step advancements. 10158

(H) Employees in appointive managerial or professional 10159
positions paid in accordance with schedule C of this section or 10160
schedule E-2 of section 124.152 of the Revised Code may be 10161
appointed at any rate within the appropriate pay range. This rate 10162
of pay may be adjusted higher or lower within the respective pay 10163
range at any time the appointing authority so desires as long as 10164
the adjustment is based on the employee's ability to successfully 10165
administer those duties assigned to the employee. Salary 10166
adjustments shall not be made more frequently than once in any 10167
six-month period under this provision to incumbents holding the 10168
same position and classification. 10169

(I) When an employee is assigned to duty outside this state, 10170
the employee may be compensated, upon request of the department 10171
head and with the approval of the director of administrative 10172
services, at a rate not to exceed fifty per cent in excess of the 10173
employee's current base rate for the period of time spent on that 10174
duty. 10175

(J) Unless compensation for members of a board or commission 10176
is otherwise specifically provided by law, the director of 10177
administrative services shall establish the rate and method of 10178
payment for members of boards and commissions pursuant to the pay 10179
schedules listed in section 124.152 of the Revised Code. 10180

(K) Regular full-time employees in positions assigned to 10181
classes within the instruction and education administration series 10182
under the rules of the director of administrative services, except 10183
certificated employees on the instructional staff of the state 10184
school for the blind or the state school for the deaf, whose 10185
positions are scheduled to work on the basis of an academic year 10186
rather than a full calendar year, shall be paid according to the 10187
pay range assigned by such rules but only during those pay periods 10188
included in the academic year of the school where the employee is 10189
located. 10190

(1) Part-time or substitute teachers or those whose period of 10191
employment is other than the full academic year shall be 10192
compensated for the actual time worked at the rate established by 10193
this section. 10194

(2) Employees governed by this division are exempt from 10195
sections 124.13 and 124.19 of the Revised Code. 10196

(3) Length of service for the purpose of determining 10197
eligibility for step advancements as provided by division (G) of 10198
this section and for the purpose of determining eligibility for 10199
longevity pay supplements as provided by division (E) of section 10200
124.181 of the Revised Code shall be computed on the basis of one 10201
full year of service for the completion of each academic year. 10202

(L) The superintendent of the state school for the deaf and 10203
the superintendent of the state school for the blind shall, 10204
subject to the approval of the superintendent of public 10205
instruction, carry out both of the following: 10206

(1) Annually, between the first day of April and the last day 10207
of June, establish for the ensuing fiscal year a schedule of 10208
hourly rates for the compensation of each certificated employee on 10209
the instructional staff of that superintendent's respective school 10210
constructed as follows: 10211

(a) Determine for each level of training, experience, and other professional qualification for which an hourly rate is set forth in the current schedule, the per cent that rate is of the rate set forth in such schedule for a teacher with a bachelor's degree and no experience. If there is more than one such rate for such a teacher, the lowest rate shall be used to make the computation.

(b) Determine which six city, local, and exempted village school districts with territory in Franklin county have in effect on, or have adopted by, the first day of April for the school year that begins on the ensuing first day of July, teacher salary schedules with the highest minimum salaries for a teacher with a bachelor's degree and no experience;

(c) Divide the sum of such six highest minimum salaries by ten thousand five hundred sixty;

(d) Multiply each per cent determined in division (L)(1)(a) of this section by the quotient obtained in division (L)(1)(c) of this section;

(e) One hundred five per cent of each product thus obtained shall be the hourly rate for the corresponding level of training, experience, or other professional qualification in the schedule for the ensuing fiscal year.

(2) Annually, assign each certificated employee on the instructional staff of the superintendent's respective school to an hourly rate on the schedule that is commensurate with the employee's training, experience, and other professional qualifications.

If an employee is employed on the basis of an academic year, the employee's annual salary shall be calculated by multiplying the employee's assigned hourly rate times one thousand seven hundred sixty. If an employee is not employed on the basis of an

academic year, the employee's annual salary shall be calculated in 10243
accordance with the following formula: 10244

(a) Multiply the number of days the employee is required to 10245
work pursuant to the employee's contract by eight; 10246

(b) Multiply the product of division (L)(2)(a) of this 10247
section by the employee's assigned hourly rate. 10248

Each employee shall be paid an annual salary in biweekly 10249
installments. The amount of each installment shall be calculated 10250
by dividing the employee's annual salary by the number of biweekly 10251
installments to be paid during the year. 10252

Sections 124.13 and 124.19 of the Revised Code do not apply 10253
to an employee who is paid under this division. 10254

As used in this division, "academic year" means the number of 10255
days in each school year that the schools are required to be open 10256
for instruction with pupils in attendance. Upon completing an 10257
academic year, an employee paid under this division shall be 10258
deemed to have completed one year of service. An employee paid 10259
under this division is eligible to receive a pay supplement under 10260
division (L)(1), (2), or (3) of section 124.181 of the Revised 10261
Code for which the employee qualifies, but is not eligible to 10262
receive a pay supplement under division (L)(4) or (5) of that 10263
section. An employee paid under this division is eligible to 10264
receive a pay supplement under division (L)(6) of section 124.181 10265
of the Revised Code for which the employee qualifies, except that 10266
the supplement is not limited to a maximum of five per cent of the 10267
employee's regular base salary in a calendar year. 10268

(M) Division (A) of this section does not apply to "exempt 10269
employees," as defined in section 124.152 of the Revised Code, who 10270
are paid under that section. 10271

Notwithstanding any other provisions of this chapter, when an 10272
employee transfers between bargaining units or transfers out of or 10273

into a bargaining unit, the director of administrative services 10274
shall establish the employee's compensation and adjust the maximum 10275
leave accrual schedule as the director deems equitable. 10276

Sec. 124.152. (A)(1) Except as provided in divisions (A)(2) 10277
and (3) of this section, each exempt employee shall be paid a 10278
salary or wage in accordance with schedule E-1 or schedule E-2 of 10279
division (B), ~~(C), or (D)~~ of this section, ~~as applicable.~~ 10280

(2) Each exempt employee who holds a position in the 10281
unclassified civil service pursuant to division (A)(26) or (30) of 10282
section 124.11 of the Revised Code may be paid a salary or wage in 10283
accordance with schedule E-1, schedule E-1 for step seven only, or 10284
schedule E-2 of division (B), or (C), ~~(D), (E), (F), or (G)~~ of 10285
this section, as applicable. 10286

(3)(a) Except as provided in division (A)(3)(b) of this 10287
section, each exempt employee who was paid a salary or wage at 10288
step 7 in the employee's pay range on June 28, 2003, in accordance 10289
with the applicable schedule E-1 of former section 124.152 of the 10290
Revised Code and who continued to be so paid on June 29, 2003, 10291
shall be paid a salary or wage in the corresponding pay range in 10292
schedule E-1 for step seven only of division ~~(E), (F), or (G)~~ (C) 10293
of this section, ~~as applicable,~~ for as long as the employee 10294
remains in the position the employee held as of July 1, 2003. 10295

(b) Except as provided in division (A)(3)(c) of this section, 10296
if an exempt employee who is being paid a salary or wage in 10297
accordance with schedule E-1 for step seven only of division ~~(E),~~ 10298
~~(F), or (G)~~ (C) of this section, ~~as applicable,~~ moves to another 10299
position, the employee shall not receive a salary or wage for that 10300
position or any other position in the future in accordance with 10301
that schedule. 10302

(c) If an exempt employee who is being paid a salary or wage 10303
in accordance with schedule E-1 for step seven only of division 10304

~~(E), (F), or (G)~~ (C) of this section, ~~as applicable,~~ moves to 10305
 another position assigned to pay range 12 or above, the appointing 10306
 authority may assign the employee to be paid a salary or wage in 10307
 the appropriate pay range for that position in accordance with the 10308
~~applicable~~ schedule E-1 for step seven only of division (C) of 10309
this section, provided that the appointing authority so notifies 10310
 the director of administrative services in writing at the time the 10311
 employee is appointed to that position. 10312

~~(B) Beginning on the first day of the pay period that~~ 10313
~~includes July 1, 2006, each exempt employee who must be paid in~~ 10314
~~accordance with schedule E-1 or schedule E-2 of this section shall~~ 10315
~~be paid a salary or wage in accordance with the following schedule~~ 10316
~~of rates:~~ 10317

~~Schedule E-1~~ 10318

~~Pay Ranges and Step Values~~ 10319

		Step	Step	Step	Step	Step	Step	
	Range	1	2	3	4	5	6	
1	Hourly	9.40	9.82	10.24	10.68			10322
	Annually	19552	20426	21299	22214			10323
2	Hourly	11.40	11.88	12.40	12.94			10324
	Annually	23712	24710	25792	26915			10325
3	Hourly	11.94	12.48	13.03	13.60			10326
	Annually	24835	25958	27102	28288			10327
4	Hourly	12.54	13.10	13.72	14.34			10328
	Annually	26083	27248	28538	29827			10329
5	Hourly	13.15	13.75	14.34	14.97			10330
	Annually	27352	28600	29827	31138			10331
6	Hourly	13.86	14.43	15.07	15.69			10332
	Annually	28829	30014	31346	32635			10333
7	Hourly	14.72	15.27	15.88	16.44	17.08		10334
	Annually	30618	31762	33030	34195	35526		10335
8	Hourly	15.56	16.24	16.95	17.71	18.46		10336

	Annually	32365	33779	35256	36837	38397		10337
9	Hourly	16.60	17.46	18.32	19.23	20.21		10338
	Annually	34528	36317	38106	39998	42037		10339
10	Hourly	17.91	18.89	19.90	21.05	22.18		10340
	Annually	37253	39291	41392	43784	46134		10341
11	Hourly	19.50	20.64	21.84	23.06	24.38		10342
	Annually	40560	42931	45427	47965	50710		10343
12	Hourly	21.51	22.72	23.94	25.27	26.68	28.13	10344
	Annually	44741	47258	49795	52562	55494	58510	10345
13	Hourly	23.71	25.01	26.39	27.80	29.36	30.96	10346
	Annually	49317	52021	54891	57824	61069	64397	10347
14	Hourly	26.08	27.55	29.03	30.62	32.35	34.15	10348
	Annually	54246	57304	60382	63690	67288	71032	10349
15	Hourly	28.64	30.25	31.96	33.72	35.59	37.55	10350
	Annually	59571	62920	66477	70138	74027	78104	10351
16	Hourly	31.58	33.33	35.17	37.14	39.19	41.43	10352
	Annually	65686	69326	73154	77251	81515	86174	10353
17	Hourly	34.80	36.72	38.78	40.92	43.20	45.61	10354
	Annually	72384	76378	80662	85114	89856	94869	10355
18	Hourly	38.35	40.47	42.75	45.10	47.60	50.26	10356
	Annually	79768	84178	88920	93808	99008	104541	10357
	Schedule E-2							10358
	Range			Minimum		Maximum		10359
41	Hourly			16.23		34.77		10360
	Annually			33758		72322		10361
42	Hourly			17.89		38.41		10362
	Annually			37211		79893		10363
43	Hourly			19.70		42.30		10364
	Annually			40976		87984		10365
44	Hourly			21.73		46.21		10366
	Annually			45198		96117		10367
45	Hourly			24.01		50.44		10368
	Annually			49941		104915		10369

46	Hourly	26.43	55.13	10370
	Annually	54974	114670	10371
47	Hourly	29.14	60.16	10372
	Annually	60611	125133	10373
48	Hourly	32.14	65.65	10374
	Annually	66851	136552	10375
49	Hourly	35.44	70.89	10376
	Annually	73715	147451	10377

~~(C) Beginning on the first day of the pay period that includes July 1, 2007, each exempt employee who must be paid in accordance with schedule E 1 or schedule E 2 of this section shall be paid a salary or wage in accordance with the following schedule of rates:~~

~~Schedule E 1~~ 10383

~~Pay Ranges and Step Values~~ 10384

		Step	Step	Step	Step	Step	Step	
	Range	1	2	3	4	5	6	
1	Hourly	9.73	10.16	10.60	11.05			10387
	Annually	20238	21133	22048	22984			10388
2	Hourly	11.80	12.30	12.83	13.39			10389
	Annually	24544	25584	26686	27851			10390
3	Hourly	12.36	12.92	13.49	14.08			10391
	Annually	25709	26874	28059	29286			10392
4	Hourly	12.98	13.56	14.20	14.84			10393
	Annually	26998	28205	29536	30867			10394
5	Hourly	13.61	14.23	14.84	15.49			10395
	Annually	28309	29598	30867	32219			10396
6	Hourly	14.35	14.94	15.60	16.24			10397
	Annually	29848	31075	32448	33779			10398
7	Hourly	15.24	15.80	16.44	17.02	17.68		10399
	Annually	31699	32864	34195	35402	36774		10400
8	Hourly	16.10	16.81	17.54	18.33	19.11		10401

	Annually	33488	34965	36483	38126	39749		10402
9	Hourly	17.18	18.07	18.96	19.90	20.92		10403
	Annually	35734	37586	39437	41392	43514		10404
10	Hourly	18.54	19.55	20.60	21.79	22.96		10405
	Annually	38563	40664	42848	45323	47757		10406
11	Hourly	20.18	21.36	22.60	23.87	25.23		10407
	Annually	41974	44429	47008	49650	52478		10408
12	Hourly	22.26	23.52	24.78	26.15	27.61	29.11	10409
	Annually	46301	48922	51542	54392	57429	60549	10410
13	Hourly	24.54	25.89	27.31	28.77	30.39	32.04	10411
	Annually	51043	53851	56805	59842	63211	66643	10412
14	Hourly	26.99	28.51	30.05	31.69	33.48	35.35	10413
	Annually	56139	59301	62504	65915	69638	73528	10414
15	Hourly	29.64	31.31	33.08	34.90	36.84	38.86	10415
	Annually	61651	65125	68806	72592	76627	80829	10416
16	Hourly	32.69	34.50	36.40	38.44	40.56	42.88	10417
	Annually	67995	71760	75712	79955	84365	89190	10418
17	Hourly	36.02	38.01	40.14	42.35	44.71	47.21	10419
	Annually	74922	79061	83491	88088	92997	98197	10420
18	Hourly	39.69	41.89	44.25	46.68	49.27	52.02	10421
	Annually	82555	87131	92040	97094	102482	108202	10422
	Schedule E-2							10423
	Range			Minimum			Maximum	10424
41	Hourly			16.23			35.99	10425
	Annually			33758			74859	10426
42	Hourly			17.89			39.75	10427
	Annually			37211			82680	10428
43	Hourly			19.70			43.78	10429
	Annually			40976			91062	10430
44	Hourly			21.73			47.83	10431
	Annually			45198			99486	10432
45	Hourly			24.01			52.21	10433
	Annually			49941			108597	10434

46	Hourly	26.43	57.06	10435
	Annually	54974	118685	10436
47	Hourly	29.14	62.27	10437
	Annually	60611	129522	10438
48	Hourly	32.14	67.95	10439
	Annually	66851	141336	10440
49	Hourly	35.44	73.37	10441
	Annually	73715	152610	10442

(D) Beginning on the first day of the pay period that 10443
includes July 1, 2008, each exempt employee who must be paid in 10444
accordance with schedule E-1 or schedule E-2 of this section shall 10445
be paid a salary or wage in accordance with the following schedule 10446
of rates: 10447

Schedule E-1 10448

Pay Ranges and Step Values 10449

		Step	Step	Step	Step	Step	Step	
	Range	1	2	3	4	5	6	
1	Hourly	10.07	10.52	10.97	11.44			10452
	Annually	20946	21882	22818	23795			10453
2	Hourly	12.21	12.73	13.28	13.86			10454
	Annually	25397	26478	27622	28829			10455
3	Hourly	12.79	13.37	13.96	14.57			10456
	Annually	26603	27810	29037	30306			10457
4	Hourly	13.43	14.03	14.70	15.36			10458
	Annually	27934	29182	30576	31949			10459
5	Hourly	14.09	14.73	15.36	16.03			10460
	Annually	29307	30638	31949	33342			10461
6	Hourly	14.85	15.46	16.15	16.81			10462
	Annually	30888	32157	33592	34965			10463
7	Hourly	15.77	16.35	17.02	17.62	18.30		10464
	Annually	32802	34008	35402	36650	38064		10465
8	Hourly	16.66	17.40	18.15	18.97	19.78		10466

	Annually	34653	36192	37752	39458	41142		10467
9	Hourly	17.78	18.70	19.62	20.60	21.65		10468
	Annually	36982	38896	40810	42848	45032		10469
10	Hourly	19.19	20.23	21.32	22.55	23.76		10470
	Annually	39915	42078	44346	46904	49421		10471
11	Hourly	20.89	22.11	23.39	24.71	26.11		10472
	Annually	43451	45989	48651	51397	54309		10473
12	Hourly	23.04	24.34	25.65	27.07	28.58	30.13	10474
	Annually	47923	50627	53352	56306	59446	62670	10475
13	Hourly	25.40	26.80	28.27	29.78	31.45	33.16	10476
	Annually	52832	55744	58802	61942	65416	68973	10477
14	Hourly	27.93	29.51	31.10	32.80	34.65	36.59	10478
	Annually	58094	61381	64688	68224	72072	76107	10479
15	Hourly	30.68	32.41	34.24	36.12	38.13	40.22	10480
	Annually	63814	67413	71219	75130	79310	83658	10481
16	Hourly	33.83	35.71	37.67	39.79	41.98	44.38	10482
	Annually	70366	74277	78354	82763	87318	92310	10483
17	Hourly	37.28	39.34	41.54	43.83	46.27	48.86	10484
	Annually	77542	81827	86403	91166	96242	101629	10485
18	Hourly	41.08	43.36	45.80	48.31	50.99	53.84	10486
	Annually	85446	90189	95264	100485	106059	111987	10487
	Schedule E-2							10488
	Range			Minimum			Maximum	10489
41	Hourly			16.23			37.25	10490
	Annually			33758			77480	10491
42	Hourly			17.89			41.14	10492
	Annually			37211			85571	10493
43	Hourly			19.70			45.31	10494
	Annually			40976			94245	10495
44	Hourly			21.73			49.50	10496
	Annually			45198			102960	10497
45	Hourly			24.01			54.04	10498
	Annually			49941			112403	10499

46	Hourly	26.43	59.06	10500
	Annually	54974	122845	10501
47	Hourly	29.14	64.45	10502
	Annually	60611	134056	10503
48	Hourly	32.14	70.33	10504
	Annually	66851	146286	10505
49	Hourly	35.44	75.94	10506
	Annually	73715	157955	10507

~~(E) Beginning on the first day of the pay period that~~ 10508
~~includes July 1, 2006, each exempt employee who must be paid in~~ 10509
~~accordance with schedule E-1 for step seven only shall be paid a~~ 10510
~~salary or wage in accordance with the following schedule of rates:~~ 10511

~~Schedule E-1 for Step Seven Only~~ 10512

~~Pay Ranges and Step Seven Values~~ 10513

	Range			10514
12	Hourly	29.68		10515
	Annually	61734		10516
13	Hourly	32.66		10517
	Annually	67933		10518
14	Hourly	36.01		10519
	Annually	74901		10520
15	Hourly	39.61		10521
	Annually	82389		10522
16	Hourly	43.70		10523
	Annually	90896		10524
17	Hourly	48.13		10525
	Annually	100110		10526
18	Hourly	53.02		10527
	Annually	110282		10528

~~(F) Beginning on the first day of the pay period that~~ 10529
~~includes July 1, 2007, each exempt employee who must be paid in~~ 10530
~~accordance with schedule E-1 for step seven only shall be paid a~~ 10531

~~salary or wage in accordance with the following schedule of rates:~~ 10532

~~Schedule E-1 for Step Seven Only~~ 10533

~~Pay Ranges and Step Values~~ 10534

~~Range~~ 10535

~~12 Hourly 30.72~~ 10536

~~Annually 63898~~ 10537

~~13 Hourly 33.80~~ 10538

~~Annually 70304~~ 10539

~~14 Hourly 37.27~~ 10540

~~Annually 77522~~ 10541

~~15 Hourly 41.00~~ 10542

~~Annually 85280~~ 10543

~~16 Hourly 45.23~~ 10544

~~Annually 94078~~ 10545

~~17 Hourly 49.81~~ 10546

~~Annually 103605~~ 10547

~~18 Hourly 54.88~~ 10548

~~Annually 114150~~ 10549

~~(G)(C) Beginning on the first day of the pay period that~~ 10550

~~includes July 1, 2008, each exempt employee who must be paid in~~ 10551

~~accordance with salary schedule E-1 for step seven only shall be~~ 10552

~~paid a salary or wage in accordance with the following schedule of~~ 10553

~~rates:~~ 10554

~~Schedule E-1 for Step Seven Only~~ 10555

~~Pay Ranges and Step Values~~ 10556

~~Range~~ 10557

~~12 Hourly 31.80~~ 10558

~~Annually 66144~~ 10559

~~13 Hourly 34.98~~ 10560

~~Annually 72758~~ 10561

~~14 Hourly 38.57~~ 10562

~~Annually 80226~~ 10563

15	Hourly	42.44	10564
	Annually	88275	10565
16	Hourly	46.81	10566
	Annually	97365	10567
17	Hourly	51.55	10568
	Annually	107224	10569
18	Hourly	56.80	10570
	Annually	118144	10571

~~(H)~~(D) As used in this section, "exempt employee" means a permanent full-time or permanent part-time employee paid directly by warrant of the director of budget and management whose position is included in the job classification plan established under division (A) of section 124.14 of the Revised Code but who is not considered a public employee for the purposes of Chapter 4117. of the Revised Code. As used in this section, "exempt employee" also includes a permanent full-time or permanent part-time employee of the secretary of state, auditor of state, treasurer of state, or attorney general who has not been placed in an appropriate bargaining unit by the state employment relations board.

Sec. 124.18. (A) Forty hours shall be the standard work week for all employees whose salary or wage is paid in whole or in part by the state or by any state-supported college or university. When any employee whose salary or wage is paid in whole or in part by the state or by any state-supported college or university is required by an authorized administrative authority to be in an active pay status more than forty hours in any calendar week, the employee shall be compensated for such time over forty hours, except as otherwise provided in this section, at one and one-half times the employee's regular rate of pay. The use of sick leave or any leave used in lieu of sick leave shall not be considered to be active pay status for the purposes of earning overtime or compensatory time by employees whose wages are paid directly by

warrant of the director of budget and management. A flexible-hours 10596
employee is not entitled to compensation for overtime work unless 10597
the employee's authorized administrative authority required the 10598
employee to be in active pay status for more than forty hours in a 10599
calendar week, regardless of the number of hours the employee 10600
works on any day in the same calendar week. 10601

Such compensation for overtime work shall be paid no later 10602
than at the conclusion of the next succeeding pay period. 10603

If the employee elects to take compensatory time off in lieu 10604
of overtime pay for any overtime worked, such compensatory time 10605
shall be granted by the employee's administrative superior, on a 10606
time and one-half basis, at a time mutually convenient to the 10607
employee and the administrative superior. Compensatory time is not 10608
available for use until it appears on the employee's earning 10609
statement and the compensation described in the earning statement 10610
is available to the employee. 10611

An employee may accrue compensatory time to a maximum of two 10612
hundred forty hours, except that public safety employees and other 10613
employees who meet the criteria established in the "Federal Fair 10614
Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, 10615
as amended, may accrue a maximum of four hundred eighty hours of 10616
compensatory time. An employee shall be paid at the employee's 10617
regular rate of pay for any hours of compensatory time accrued in 10618
excess of these maximum amounts if the employee has not used the 10619
compensatory time within ~~one~~ three hundred ~~eighty~~ sixty-five days 10620
after it is granted, if the employee transfers to another agency 10621
of the state, or if a change in the employee's status exempts the 10622
employee from the payment of overtime compensation. Upon the 10623
termination of employment, any employee with accrued but unused 10624
compensatory time shall be paid for that time at a rate that is 10625
the greater of the employee's final regular rate of pay or the 10626
employee's average regular rate of pay during the employee's last 10627

three years of employment with the state. 10628

No overtime, as described in this section, can be paid unless 10629
it has been authorized by the authorized administrative authority. 10630
Employees may be exempted from the payment of compensation as 10631
required by this section only under the criteria for exemption 10632
from the payment of overtime compensation established in the 10633
"Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 10634
U.S.C.A. 207, 213, as amended. With the approval of the director 10635
of administrative services, the appointing authority may establish 10636
a policy to grant compensatory time or to pay compensation to 10637
state employees who are exempt from overtime compensation. With 10638
the approval of the board of county commissioners, a county human 10639
services department may establish a policy to grant compensatory 10640
time or to pay compensation to employees of the department who are 10641
exempt from overtime compensation. 10642

(B)(1) An employee, whose salary or wage is paid in whole or 10643
in part by the state, shall be paid for the holidays declared in 10644
section 124.19 of the Revised Code and shall not be required to 10645
work on those holidays, unless, in the opinion of the employee's 10646
responsible administrative authority, failure to work on those 10647
holidays would impair the public service. ~~An~~ 10648

(2) An employee paid directly by warrant of the director of 10649
budget and management who is scheduled to work on a holiday the 10650
first day of January, the commemoration of memorial day, the 10651
fourth day of July, the fourth Thursday in November, or the 10652
twenty-fifth day of December and who does not report to work the 10653
day before, the day of, or the day after the holiday due to an 10654
illness of the employee or of a member of the employee's immediate 10655
family shall not receive holiday pay as provided by this division, 10656
unless the employee can provide documentation of extenuating 10657
circumstances that prohibited the employee from so reporting to 10658
work. ~~An~~ If the employee works a shift between the employee's 10659

scheduled shift and the holiday, the employee shall be paid for 10660
the holiday. 10661

(3) An employee also shall not be paid for a holiday unless 10662
the employee was in active pay status on the scheduled work day 10663
immediately preceding the holiday, except that an employee need 10664
not be in active pay status on that work day in order to be paid 10665
for the holiday if the employee is participating in a mandatory or 10666
voluntary cost savings day under section 124.392 of the Revised 10667
Code. 10668

~~(2)~~(4) If any of the holidays declared in section 124.19 of 10669
the Revised Code falls on Saturday, the Friday immediately 10670
preceding shall be observed as the holiday. If any of the holidays 10671
declared in section 124.19 of the Revised Code falls on Sunday, 10672
the Monday immediately succeeding shall be observed as the 10673
holiday. Employees whose work schedules are based on the 10674
requirements of a seven-days-a-week work operation shall observe 10675
holidays on the actual days specified in section 124.19 of the 10676
Revised Code. 10677

~~(3)~~(5) If an employee's work schedule is other than Monday 10678
through Friday, the employee shall be entitled to eight hours of 10679
holiday pay for holidays observed on the employee's day off 10680
regardless of the day of the week on which they are observed. 10681

~~(4)~~(6) A full-time permanent employee is entitled to a 10682
minimum of eight hours of pay for each holiday regardless of the 10683
employee's work shift and work schedule. A flexible-hours 10684
employee, who is normally scheduled to work in excess of eight 10685
hours on a day on which a holiday falls, either shall be required 10686
to work an alternate schedule for that week or shall receive 10687
additional holiday pay for the hours the employee is normally 10688
scheduled to work. Such an alternate schedule may require a 10689
flexible-hours employee to work five shifts consisting of eight 10690
hours each during the week including the holiday, and, in that 10691

case, the employee shall receive eight hours of holiday pay for 10692
the day the holiday is observed. 10693

~~(5) Part-time (7) Except as provided under section 124.392 of 10694
the Revised Code, part-time permanent employees shall receive four 10695
hours of holiday pay on a pro-rated basis, based upon the daily 10696
average of actual hours worked, excluding overtime hours worked, 10697
in the previous calendar quarter. The figure shall be calculated 10698
for the preceding calendar quarter on the first day of January, 10699
April, July, and October of each year regardless of the employee's 10700
work shift and work schedule. 10701~~

~~(6)(8) When an employee who is eligible for overtime pay 10702
under this section is required by the employee's responsible 10703
administrative authority to work on the day observed as a holiday, 10704
the employee shall be entitled to pay for such time worked at one 10705
and one-half times the employee's regular rate of pay in addition 10706
to the employee's regular pay, or to be granted compensatory time 10707
off at time and one-half thereafter, at the employee's option. 10708
Payment at such rate shall be excluded in the calculation of hours 10709
in active pay status. 10710~~

(C) Each appointing authority may designate the number of 10711
employees in an agency who are flexible-hours employees. The 10712
appointing authority may establish for each flexible-hours 10713
employee a specified minimum number of hours to be worked each day 10714
that is consistent with the "Federal Fair Labor Standards Act of 10715
1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended. 10716

(D) This section shall be uniformly administered for 10717
employees as defined in section 124.01 of the Revised Code and by 10718
the personnel departments of state-supported colleges and 10719
universities for employees of state-supported colleges and 10720
universities. If employees are not paid directly by warrant of the 10721
director of budget and management, the political subdivision shall 10722
determine whether the use of sick leave shall be considered to be 10723

active pay status for purposes of those employees earning overtime 10724
or compensatory time. 10725

(E) Policies relating to the payment of overtime pay or the 10726
granting of compensatory time off shall be adopted by the chief 10727
administrative officer of the house of representatives for 10728
employees of the house of representatives, by the clerk of the 10729
senate for employees of the senate, and by the director of the 10730
legislative service commission for all other legislative 10731
employees. 10732

(F) As used in this section, "regular rate of pay" means the 10733
base rate of pay an employee receives plus any pay supplements 10734
received pursuant to section 124.181 of the Revised Code. 10735

Sec. 124.181. (A) Except as provided in ~~division~~ divisions 10736
(M) and (P) of this section, any employee paid in accordance with 10737
schedule B of section 124.15 or schedule E-1 or schedule E-1 for 10738
step seven only of section 124.152 of the Revised Code is eligible 10739
for the pay supplements provided in this section upon application 10740
by the appointing authority substantiating the employee's 10741
qualifications for the supplement and with the approval of the 10742
director of administrative services except as provided in division 10743
(E) of this section. 10744

(B)(1) Except as provided in section 124.183 of the Revised 10745
Code, in computing any of the pay supplements provided in this 10746
section for an employee paid in accordance with schedule B of 10747
section 124.15 of the Revised Code, the classification salary base 10748
shall be the minimum hourly rate of the pay range, provided in 10749
that section, in which the employee is assigned at the time of 10750
computation. 10751

(2) Except as provided in section 124.183 of the Revised 10752
Code, in computing any of the pay supplements provided in this 10753
section for an employee paid in accordance with schedule E-1 of 10754

section 124.152 of the Revised Code, the classification salary 10755
base shall be the minimum hourly rate of the pay range, provided 10756
in that section, in which the employee is assigned at the time of 10757
computation. 10758

(3) Except as provided in section 124.183 of the Revised 10759
Code, in computing any of the pay supplements provided in this 10760
section for an employee paid in accordance with schedule E-1 for 10761
step seven only of section 124.152 of the Revised Code, the 10762
classification salary base shall be the minimum hourly rate in the 10763
corresponding pay range, provided in schedule E-1 of that section, 10764
to which the employee is assigned at the time of the computation. 10765

(C) The effective date of any pay supplement, except as 10766
provided in section 124.183 of the Revised Code or unless 10767
otherwise provided in this section, shall be determined by the 10768
director. 10769

(D) The director shall, by rule, establish standards 10770
regarding the administration of this section. 10771

(E)(1) Except as otherwise provided in this division, 10772
beginning on the first day of the pay period within which the 10773
employee completes five years of total service with the state 10774
government or any of its political subdivisions, each employee in 10775
positions paid in accordance with schedule B of section 124.15 of 10776
the Revised Code or in accordance with schedule E-1 or schedule 10777
E-1 for step seven only of section 124.152 of the Revised Code 10778
shall receive an automatic salary adjustment equivalent to two and 10779
one-half per cent of the classification salary base, to the 10780
nearest whole cent. Each employee shall receive thereafter an 10781
annual adjustment equivalent to one-half of one per cent of the 10782
employee's classification salary base, to the nearest whole cent, 10783
for each additional year of qualified employment until a maximum 10784
of ten per cent of the employee's classification salary base is 10785
reached. The granting of longevity adjustments shall not be 10786

affected by promotion, demotion, or other changes in 10787
classification held by the employee, nor by any change in pay 10788
range for the employee's class or grade. Longevity pay adjustments 10789
shall become effective at the beginning of the pay period within 10790
which the employee completes the necessary length of service, 10791
except that when an employee requests credit for prior service, 10792
the effective date of the prior service credit and of any 10793
longevity adjustment shall be the first day of the pay period 10794
following approval of the credit by the director of administrative 10795
services. No employee, other than an employee who submits proof of 10796
prior service within ninety days after the date of the employee's 10797
hiring, shall receive any longevity adjustment for the period 10798
prior to the director's approval of a prior service credit. Time 10799
spent on authorized leave of absence shall be counted for this 10800
purpose. 10801

(2) An employee who has retired in accordance with the 10802
provisions of any retirement system offered by the state and who 10803
is employed by the state or any political subdivision of the state 10804
on or after June 24, 1987, shall not have prior service with the 10805
state or any political subdivision of the state counted for the 10806
purpose of determining the amount of the salary adjustment 10807
provided under this division. 10808

(3) There shall be a moratorium on employees' receipt under 10809
this division of credit for service with the state government or 10810
any of its political subdivisions during the period from July 1, 10811
2003, through June 30, 2005. In calculating the number of years of 10812
total service under this division, no credit shall be included for 10813
service during the moratorium. The moratorium shall apply to the 10814
employees of the secretary of state, the auditor of state, the 10815
treasurer of state, and the attorney general, who are subject to 10816
this section unless the secretary of state, the auditor of state, 10817
the treasurer of state, or the attorney general decides to exempt 10818

the office's employees from the moratorium and so notifies the 10819
director of administrative services in writing on or before July 10820
1, 2003. 10821

If an employee is exempt from the moratorium, receives credit 10822
for a period of service during the moratorium, and takes a 10823
position with another entity in the state government or any of its 10824
political subdivisions, either during or after the moratorium, and 10825
if that entity's employees are or were subject to the moratorium, 10826
the employee shall continue to retain the credit. However, if the 10827
moratorium is in effect upon the taking of the new position, the 10828
employee shall cease receiving additional credit as long as the 10829
employee is in the position, until the moratorium expires. 10830

(F) When an exceptional condition exists that creates a 10831
temporary or a permanent hazard for one or more positions in a 10832
class paid in accordance with schedule B of section 124.15 of the 10833
Revised Code or in accordance with schedule E-1 or schedule E-1 10834
for step seven only of section 124.152 of the Revised Code, a 10835
special hazard salary adjustment may be granted for the time the 10836
employee is subjected to the hazardous condition. All special 10837
hazard conditions shall be identified for each position and 10838
incidence from information submitted to the director on an 10839
appropriate form provided by the director and categorized into 10840
standard conditions of: some unusual hazard not common to the 10841
class; considerable unusual hazard not common to the class; and 10842
exceptional hazard not common to the class. 10843

(1) A hazardous salary adjustment of five per cent of the 10844
employee's classification salary base may be applied in the case 10845
of some unusual hazardous condition not common to the class for 10846
those hours worked, or a fraction of those hours worked, while the 10847
employee was subject to the unusual hazard condition. 10848

(2) A hazardous salary adjustment of seven and one-half per 10849
cent of the employee's classification salary base may be applied 10850

in the case of some considerable hazardous condition not common to 10851
the class for those hours worked, or a fraction of those hours 10852
worked, while the employee was subject to the considerable hazard 10853
condition. 10854

(3) A hazardous salary adjustment of ten per cent of the 10855
employee's classification salary base may be applied in the case 10856
of some exceptional hazardous condition not common to the class 10857
for those hours worked, or a fraction of those hours worked, when 10858
the employee was subject to the exceptional hazard condition. 10859

(4) Each claim for temporary hazard pay shall be submitted as 10860
a separate payment and shall be subject to an administrative audit 10861
by the director as to the extent and duration of the employee's 10862
exposure to the hazardous condition. 10863

(G) When a full-time employee whose salary or wage is paid 10864
directly by warrant of the director of budget and management and 10865
who also is eligible for overtime under the "Fair Labor Standards 10866
Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is 10867
ordered by the appointing authority to report back to work after 10868
termination of the employee's regular work schedule and the 10869
employee reports, the employee shall be paid for such time. The 10870
employee shall be entitled to four hours at the employee's total 10871
rate of pay or overtime compensation for the actual hours worked, 10872
whichever is greater. This division does not apply to work that is 10873
a continuation of or immediately preceding an employee's regular 10874
work schedule. 10875

(H) When a certain position or positions paid in accordance 10876
with schedule B of section 124.15 of the Revised Code or in 10877
accordance with schedule E-1 or schedule E-1 for step seven only 10878
of section 124.152 of the Revised Code require the ability to 10879
speak or write a language other than English, a special pay 10880
supplement may be granted to attract bilingual individuals, to 10881
encourage present employees to become proficient in other 10882

languages, or to retain qualified bilingual employees. The 10883
bilingual pay supplement provided in this division may be granted 10884
in the amount of five per cent of the employee's classification 10885
salary base for each required foreign language and shall remain in 10886
effect as long as the bilingual requirement exists. 10887

(I) The director of administrative services may establish a 10888
shift differential for employees. The differential shall be paid 10889
to employees in positions working in other than the regular or 10890
first shift. In those divisions or agencies where only one shift 10891
prevails, no shift differential shall be paid regardless of the 10892
hours of the day that are worked. The director and the appointing 10893
authority shall designate which positions shall be covered by this 10894
division. 10895

(J) Whenever an employee is assigned to work in a higher 10896
level position for a continuous period of more than two weeks but 10897
no more than two years because of a vacancy, the employee's pay 10898
may be established at a rate that is approximately four per cent 10899
above the employee's current base rate for the period the employee 10900
occupies the position, provided that this temporary occupancy is 10901
approved by the director. Employees paid under this division shall 10902
continue to receive any of the pay supplements due them under 10903
other divisions of this section based on the step one base rate 10904
for their normal classification. 10905

(K) If a certain position, or positions, within a class paid 10906
in accordance with schedule B of section 124.15 of the Revised 10907
Code or in accordance with schedule E-1 or schedule E-1 for step 10908
seven only of section 124.152 of the Revised Code are mandated by 10909
state or federal law or regulation or other regulatory agency or 10910
other certification authority to have special technical 10911
certification, registration, or licensing to perform the functions 10912
which are under the mandate, a special professional achievement 10913
pay supplement may be granted. This special professional 10914

achievement pay supplement shall not be granted when all 10915
incumbents in all positions in a class require a license as 10916
provided in the classification description published by the 10917
department of administrative services; to licensees where no 10918
special or extensive training is required; when certification is 10919
granted upon completion of a stipulated term of in-service 10920
training; when an appointing authority has required certification; 10921
or any other condition prescribed by the director. 10922

(1) Before this supplement may be applied, evidence as to the 10923
requirement must be provided by the agency for each position 10924
involved, and certification must be received from the director as 10925
to the director's concurrence for each of the positions so 10926
affected. 10927

(2) The professional achievement pay supplement provided in 10928
this division shall be granted in an amount up to ten per cent of 10929
the employee's classification salary base and shall remain in 10930
effect as long as the mandate exists. 10931

(L) Those employees assigned to teaching supervisory, 10932
principal, assistant principal, or superintendent positions who 10933
have attained a higher educational level than a basic bachelor's 10934
degree may receive an educational pay supplement to remain in 10935
effect as long as the employee's assignment and classification 10936
remain the same. 10937

(1) An educational pay supplement of two and one-half per 10938
cent of the employee's classification salary base may be applied 10939
upon the achievement of a bachelor's degree plus twenty quarter 10940
hours of postgraduate work. 10941

(2) An educational pay supplement of an additional five per 10942
cent of the employee's classification salary base may be applied 10943
upon achievement of a master's degree. 10944

(3) An educational pay supplement of an additional two and 10945

one-half per cent of the employee's classification salary base may 10946
be applied upon achievement of a master's degree plus thirty 10947
quarter hours of postgraduate work. 10948

(4) An educational pay supplement of five per cent of the 10949
employee's classification salary base may be applied when the 10950
employee is performing as a master teacher. 10951

(5) An educational pay supplement of five per cent of the 10952
employee's classification salary base may be applied when the 10953
employee is performing as a special education teacher. 10954

(6) Those employees in teaching supervisory, principal, 10955
assistant principal, or superintendent positions who are 10956
responsible for specific extracurricular activity programs shall 10957
receive overtime pay for those hours worked in excess of their 10958
normal schedule, at their straight time hourly rate up to a 10959
maximum of five per cent of their regular base salary in any 10960
calendar year. 10961

(M)(1) A state agency, board, or commission may establish a 10962
supplementary compensation schedule for those licensed physicians 10963
employed by the agency, board, or commission in positions 10964
requiring a licensed physician. The supplementary compensation 10965
schedule, together with the compensation otherwise authorized by 10966
this chapter, shall provide for the total compensation for these 10967
employees to range appropriately, but not necessarily uniformly, 10968
for each classification title requiring a licensed physician, in 10969
accordance with a schedule approved by the state controlling 10970
board. The individual salary levels recommended for each such 10971
physician employed shall be approved by the director. 10972
Notwithstanding section 124.11 of the Revised Code, such personnel 10973
are in the unclassified civil service. 10974

(2) The director of administrative services may approve 10975
supplementary compensation for the director of health, if the 10976

director is a licensed physician, in accordance with a 10977
supplementary compensation schedule approved under division (M)(1) 10978
of this section or in accordance with another supplementary 10979
compensation schedule the director of administrative services 10980
considers appropriate. The supplementary compensation shall not 10981
exceed twenty per cent of the director of health's base rate of 10982
pay. 10983

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 10984
117.42, and 131.02 of the Revised Code, the state shall not 10985
institute any civil action to recover and shall not seek 10986
reimbursement for overpayments made in violation of division (E) 10987
of this section or division (C) of section 9.44 of the Revised 10988
Code for the period starting after June 24, 1987, and ending on 10989
October 31, 1993. 10990

(O) Employees of the office of the treasurer of state who are 10991
exempt from collective bargaining coverage may be granted a merit 10992
pay supplement of up to one and one-half per cent of their step 10993
rate. The rate at which this supplement is granted shall be based 10994
on performance standards established by the treasurer of state. 10995
Any supplements granted under this division shall be administered 10996
on an annual basis. 10997

(P) Intermittent employees appointed under section 124.30 of 10998
the Revised Code are not eligible for the pay supplements provided 10999
by this section. 11000

Sec. 124.183. (A) As used in this section, "active payroll" 11001
means ~~when an employee is actively working; on military, workers'~~ 11002
~~compensation, occupational injury, or disability leave; or on an~~ 11003
~~approved leave of absence~~ conditions under which an employee is in 11004
active pay status or eligible to receive pay for an approved leave 11005
of absence including, but not limited to, occupational injury 11006
leave, disability leave, or workers' compensation. 11007

~~(B)(1) Each permanent employee paid in accordance with schedule E 1 of section 124.152 of the Revised Code who was appointed on or before March 6, 2003, and remains continuously on the active payroll through November 14, 2004, shall receive a one time pay supplement. The supplement shall be a two per cent lump sum payment that is based on the annualization of the top step of the pay range in schedule E 1 that the employee is in on November 14, 2004.~~

~~(2) Each permanent employee paid in accordance with schedule E 1 for step seven only of section 124.152 of the Revised Code who was appointed on or before March 6, 2003, and remains continuously on the active payroll through November 14, 2004, shall receive a one time pay supplement. The supplement shall be a two per cent lump sum payment that is based on the annualization of step 6 of the pay range in schedule E 1 of section 124.152 of the Revised Code that corresponds with the pay range in schedule E 1 for step seven only that the employee is in on November 14, 2004.~~

~~(3) Each permanent employee paid under schedule E 2 of section 124.152 of the Revised Code who was appointed on or before March 6, 2003, and remains continuously on the active payroll through November 14, 2004, shall receive a one time pay supplement. The supplement shall be a two per cent lump sum payment that is based upon the annualization of the maximum hourly rate of the pay range in schedule E 2 that the employee is in on November 14, 2004.~~

~~(C) Each permanent employee who is exempt from collective bargaining, is not covered by division (B) of this section, was appointed on or before March 6, 2003, and remains continuously on the active payroll through November 14, 2004, shall receive a one time pay supplement. The supplement shall be a two per cent lump sum payment that is based upon the annualization of the base rate of the employee's pay on November 14, 2004.~~

~~(D) A part time employee who is eligible to receive a one time pay supplement under division (B) or (C) of this section shall have the employee's one time pay supplement pro-rated based on the number of hours worked in the twenty six pay periods prior to November 14, 2004.~~

~~An employee who is eligible to receive a one time pay supplement under division (B) or (C) of this section and was on a voluntary leave of absence shall have the employee's one time pay supplement pro-rated based on the number of hours worked in the twenty six pay periods prior to November 14, 2004.~~

~~(E) A one time pay supplement under this section shall be paid in the employee's first paycheck in December of 2004.~~

~~(F) This section applies only to employees who are eligible to receive personal leave under section 124.386 of the Revised Code, except as otherwise provided in division (E) of this section.~~

~~(C)(1) Employees who are in active payroll status on July 30, 2011, shall receive a one-time pay supplement in the earnings statements they receive on August 26, 2011. Full-time employees shall receive a one-time pay supplement equivalent to thirty-two hours of personal leave or a one-time pay supplement equivalent to half the hours of personal leave the employee lost during the moratorium under division (A) of section 124.386 of the Revised Code, whichever is less. Part-time employees shall receive a one-time pay supplement equivalent to sixteen hours of personal leave.~~

~~(2) Employees who are not in active payroll status on July 30, 2011, due to military leave or an absence taken under the federal Family and Medical Leave Act are eligible to receive the one-time pay supplement.~~

~~(D) Notwithstanding any provision of law to the contrary, a~~

one-time pay supplement under this section shall not be subject to 11071
withholding for deposit into any state retirement system. 11072
Notwithstanding any provision of law to the contrary, a one-time 11073
pay supplement under this section shall not be used for 11074
calculation purposes in determining an employee's retirement 11075
benefits in any state retirement system. 11076

~~(G)(1) This section does not apply to employees of the 11077
general assembly, legislative agencies, or the supreme court. 11078~~

~~(2)(E) This section does not apply to employees of the 11079
supreme court, the general assembly, the legislative service 11080
commission, the secretary of state, the auditor of state, the 11081
treasurer of state, or the attorney general unless the supreme 11082
court, the general assembly, the legislative service commission, 11083
the secretary of state, the auditor of state, the treasurer of 11084
state, or the attorney general ~~decides that the office's employees 11085
should be eligible for the one time pay supplement and so notifies 11086
participated in the moratorium under division (H) or (I) of 11087
section 124.386 of the Revised Code and notifies the director of 11088
administrative services in writing on or before July 1, 2004 June 11089
1, 2011, of the decision to participate in the one-time pay 11090
supplement. Written notice under this division shall be signed by 11091
the appointing authority for employees of the supreme court, 11092
general assembly, or legislative service commission, as the case 11093
may be. 11094~~~~

Sec. 124.23. (A) All applicants for positions and places in 11095
the classified service shall be subject to examination, except for 11096
applicants for positions as professional or certified service and 11097
paraprofessional employees of county boards of mental retardation 11098
and developmental disabilities, who shall be hired in the manner 11099
provided in section 124.241 of the Revised Code. 11100

(B) Any examination administered under this section shall be 11101

public and be open to all citizens of the United States and those 11102
persons who have legally declared their intentions of becoming 11103
United States citizens, ~~within certain limitations to be~~ 11104
~~determined by.~~ For examinations administered for positions in the 11105
service of the state, the director of administrative services may 11106
determine certain limitations as to citizenship, age, experience, 11107
education, health, habit, and moral character. ~~Any~~ 11108

(C) Any person who has completed service in the uniformed 11109
services, who has been honorably discharged from the uniformed 11110
services or transferred to the reserve with evidence of 11111
satisfactory service, and who is a resident of this state and any 11112
member of the national guard or a reserve component of the armed 11113
forces of the United States who has completed more than one 11114
hundred eighty days of active duty service pursuant to an 11115
executive order of the president of the United States or an act of 11116
the congress of the United States may file with the director a 11117
certificate of service or honorable discharge, and, upon this 11118
filing, the person shall receive additional credit of twenty per 11119
cent of the person's total grade given in the regular examination 11120
in which the person receives a passing grade. 11121

As used in this division, "service in the uniformed services" 11122
and "uniformed services" have the same meanings as in the 11123
"Uniformed Services Employment and Reemployment Rights Act of 11124
1994," 108 Stat. 3149, 38 U.S.C.A. 4303. 11125

~~(C)~~(D) An examination may include an evaluation of such 11126
factors as education, training, capacity, knowledge, manual 11127
dexterity, and physical or psychological fitness. An examination 11128
shall consist of one or more tests in any combination. Tests may 11129
be written, oral, physical, demonstration of skill, or an 11130
evaluation of training and experiences and shall be designed to 11131
fairly test the relative capacity of the persons examined to 11132
discharge the particular duties of the position for which 11133

appointment is sought. Tests may include structured interviews, 11134
assessment centers, work simulations, examinations of knowledge, 11135
skills, and abilities, and any other acceptable testing methods. 11136
If minimum or maximum requirements are established for any 11137
examination, they shall be specified in the examination 11138
announcement. 11139

~~(D)~~(E) The director of administrative services shall have 11140
control of all examinations administered for positions in the 11141
service of the state and all other examinations the director 11142
administers as provided in section 124.07 of the Revised Code, 11143
except as otherwise provided in sections 124.01 to 124.64 of the 11144
Revised Code. ~~No~~ 11145

(F) No questions in any examination shall relate to political 11146
or religious opinions or affiliations. No credit for seniority, 11147
efficiency, or any other reason shall be added to an applicant's 11148
examination grade unless the applicant achieves at least the 11149
minimum passing grade on the examination without counting that 11150
extra credit. 11151

~~(E)~~(G) Except as otherwise provided in sections 124.01 to 11152
124.64 of the Revised Code, the director of administrative 11153
services shall give reasonable notice of the time, place, and 11154
general scope of every competitive examination for appointment ~~to~~ 11155
a position in the civil service that the director administers for 11156
positions in the service of the state. The director shall send 11157
written, printed, or electronic notices of every examination to be 11158
conducted for positions in the ~~state~~ classified civil service of 11159
the state to each agency of the type the director of job and 11160
family services specifies and, in the case of a county in which no 11161
such agency is located, to the clerk of the court of common pleas 11162
of that county and to the clerk of each city located within that 11163
county. Those notices shall be posted in conspicuous public places 11164
in the designated agencies or the courthouse, and city hall of the 11165

cities, of the counties in which no designated agency is located 11166
for at least two weeks preceding any examination involved, and in 11167
a conspicuous place in the office of the director of 11168
administrative services for at least two weeks preceding any 11169
examination involved. In case of examinations limited by the 11170
director to a district, county, city, or department, the director 11171
shall provide by rule for adequate publicity of an examination in 11172
the district, county, city, or department within which competition 11173
is permitted. 11174

Sec. 124.27. (A) The head of a department, office, or 11175
institution, in which a position in the classified service is to 11176
be filled, shall notify the director of administrative services of 11177
the fact, and the director shall, except as otherwise provided in 11178
this section and sections 124.30 and 124.31 of the Revised Code, 11179
certify to the appointing authority the names and addresses of the 11180
ten candidates standing highest on the eligible list for the class 11181
or grade to which the position belongs, except that the director 11182
may certify less than ten names if ten names are not available. 11183
When less than ten names are certified to an appointing authority, 11184
appointment from that list shall not be mandatory. When a position 11185
in the classified service in the department of mental health or 11186
the department of mental retardation and developmental 11187
disabilities is to be filled, the director of administrative 11188
services shall make such certification to the appointing authority 11189
within seven working days of the date the eligible list is 11190
requested. 11191

(B) The appointing authority shall notify the director of a 11192
position in the classified service to be filled, and the 11193
appointing authority shall fill the vacant position by appointment 11194
of one of the ten persons certified by the director. If more than 11195
one position is to be filled, the director may certify a group of 11196
names from the eligible list, and the appointing authority shall 11197

appoint in the following manner: beginning at the top of the list, 11198
each time a selection is made, it must be from one of the first 11199
ten candidates remaining on the list who is willing to accept 11200
consideration for the position. If an eligible list becomes 11201
exhausted, and until a new list can be created, or when no 11202
eligible list for a position exists, names may be certified from 11203
eligible lists most appropriate for the group or class in which 11204
the position to be filled is classified. A person who is certified 11205
from an eligible list more than three times to the same appointing 11206
authority for the same or similar positions may be omitted from 11207
future certification to that appointing authority, provided that 11208
certification for a temporary appointment shall not be counted as 11209
one of those certifications. Every person who qualifies for 11210
veteran's preference under section 124.23 of the Revised Code, who 11211
is a resident of this state, and whose name is on the eligible 11212
list for a position shall be entitled to preference in original 11213
appointments to any such competitive position in the civil service 11214
of the state and its civil divisions over all other persons 11215
eligible for those appointments and standing on the relevant 11216
eligible list with a rating equal to that of the person qualifying 11217
for veteran's preference. Appointments to all positions in the 11218
classified service, that are not filled by promotion, transfer, or 11219
reduction, as provided in sections 124.01 to 124.64 of the Revised 11220
Code and the rules of the director prescribed under those 11221
sections, shall be made only from those persons whose names are 11222
certified to the appointing authority, and no employment, except 11223
as provided in those sections, shall be otherwise given in the 11224
classified service of this state or any political subdivision of 11225
the state. 11226

(C) All original and promotional appointments, including 11227
appointments made pursuant to section 124.30 of the Revised Code, 11228
but not intermittent appointments, shall be for a probationary 11229
period, not less than sixty days nor more than one year, to be 11230

fixed by the rules of the director, except as provided in section 11231
124.231 of the Revised Code, and except for original appointments 11232
to a police department as a police officer or to a fire department 11233
as a firefighter which shall be for a probationary period of one 11234
year. No appointment or promotion is final until the appointee has 11235
satisfactorily served the probationary period. If the service of 11236
the probationary employee is unsatisfactory, the employee may be 11237
removed or reduced at any time during the probationary period. If 11238
the appointing authority decides to remove a probationary employee 11239
in the service of the state, the appointing authority shall 11240
communicate to the director the reason for that decision. A 11241
probationary employee duly removed or reduced in position for 11242
unsatisfactory service does not have the right to appeal the 11243
removal or reduction under section 124.34 of the Revised Code. 11244

Sec. 124.321. (A) Whenever it becomes necessary for an 11245
appointing authority to reduce its work force, the appointing 11246
authority shall lay off employees or abolish their positions in 11247
accordance with sections 124.321 to 124.327 of the Revised Code 11248
~~and. If the affected work force is in the service of the state,~~ 11249
~~the reduction shall also be in compliance with~~ the rules of the 11250
director of administrative services. 11251

(B)(1) Employees may be laid off as a result of a lack of 11252
funds within an appointing authority. For appointing authorities 11253
that employ persons whose salary or wage is paid by warrant of the 11254
director of budget and management, the director of budget and 11255
management shall be responsible for determining, consistent with 11256
the rules adopted under division (B)(3) of this section, whether a 11257
lack of funds exists. For appointing authorities that employ 11258
persons whose salary or wage is paid other than by warrant of the 11259
director of budget and management, the appointing authority itself 11260
shall determine whether a lack of funds exists ~~and shall file a~~ 11261
~~statement of rationale and supporting documentation with the~~ 11262

~~director of administrative services prior to sending the layoff
notice.~~ 11263
11264

(2) As used in this division, a "lack of funds" means an 11265
appointing authority has a current or projected deficiency of 11266
funding to maintain current, or to sustain projected, levels of 11267
staffing and operations. This section does not require any 11268
transfer of money between funds in order to offset a deficiency or 11269
projected deficiency of funding for programs funded by the federal 11270
government, special revenue accounts, or proprietary accounts. 11271
Whenever a program receives funding through a grant or similar 11272
mechanism, a lack of funds shall be presumed for the positions 11273
assigned to and the employees who work under the grant or similar 11274
mechanism if, for any reason, the funding is reduced or withdrawn. 11275
11276

(3) The director of budget and management shall adopt rules, 11277
under Chapter 119. of the Revised Code, for agencies whose 11278
employees are paid by warrant of the director of budget and 11279
management, for determining whether a lack of funds exists. 11280

(C)(1) Employees may be laid off as a result of lack of work 11281
within an appointing authority. For appointing authorities whose 11282
employees are paid by warrant of the director of budget and 11283
management, the director of administrative services shall 11284
determine, consistent with the rules adopted under division (F) of 11285
this section, whether a lack of work exists. All other appointing 11286
authorities shall themselves determine whether a lack of work 11287
exists ~~and shall file a statement of rationale and supporting~~ 11288
~~documentation with the director of administrative services prior~~ 11289
~~to sending the layoff notice.~~ 11290

(2) As used in this division, a "lack of work" means an 11291
appointing authority has a current or projected decrease in 11292
workload that requires a reduction of current or projected 11293
staffing levels in its organization or structure. The 11294

determination of a lack of work shall indicate the current or 11295
projected decrease in workload and whether the current or 11296
projected staffing levels of the appointing authority will be 11297
excessive. 11298

(D)(1) Employees may be laid off as a result of abolishment 11299
of positions. As used in this division, "abolishment" means the 11300
deletion of a position or positions from the organization or 11301
structure of an appointing authority. 11302

For purposes of this division, an appointing authority may 11303
abolish positions for any one or any combination of the following 11304
reasons: as a result of a reorganization for the efficient 11305
operation of the appointing authority, for reasons of economy, or 11306
for lack of work. 11307

(2)(a) Reasons of economy permitting an appointing authority 11308
to abolish a position and to lay off the holder of that position 11309
under this division shall be determined at the time the appointing 11310
authority proposes to abolish the position. The reasons of economy 11311
shall be based on the appointing authority's estimated amount of 11312
savings with respect to salary, benefits, and other matters 11313
associated with the abolishment of the position, except that the 11314
reasons of economy associated with the position's abolishment 11315
instead may be based on the appointing authority's estimated 11316
amount of savings with respect to salary and benefits only, if: 11317

(i) Either the appointing authority's operating appropriation 11318
has been reduced by an executive or legislative action, or the 11319
appointing authority has a current or projected deficiency in 11320
funding to maintain current or projected levels of staffing and 11321
operations; and 11322

(ii) In the case of a position in the service of the state, 11323
it files a notice of the position's abolishment with the director 11324
of administrative services within one year of the occurrence of 11325

the applicable circumstance described in division (D)(2)(a)(i) of 11326
this section. 11327

(b) The following principles apply when a circumstance 11328
described in division (D)(2)(a)(i) of this section would serve to 11329
authorize an appointing authority to abolish a position and to lay 11330
off the holder of the position under this division based on the 11331
appointing authority's estimated amount of savings with respect to 11332
salary and benefits only: 11333

(i) The position's abolishment shall be done in good faith 11334
and not as a subterfuge for discipline. 11335

(ii) If a circumstance affects a specific program only, the 11336
appointing authority only may abolish a position within that 11337
program. 11338

(iii) If a circumstance does not affect a specific program 11339
only, the appointing authority may identify a position that it 11340
considers appropriate for abolishment based on the reasons of 11341
economy. 11342

(3) Each appointing authority shall determine itself whether 11343
any position should be abolished. An appointing authority 11344
abolishing any position in the service of the state shall file a 11345
statement of rationale and supporting documentation with the 11346
director of administrative services prior to sending the notice of 11347
abolishment. 11348

If an abolishment results in a reduction of the work force, 11349
the appointing authority shall follow the procedures for laying 11350
off employees, subject to the following modifications: 11351

(a) The employee whose position has been abolished shall have 11352
the right to fill an available vacancy within the employee's 11353
classification. 11354

(b) If the employee whose position has been abolished has 11355

more retention points than any other employee serving in the same 11356
classification, the employee with the fewest retention points 11357
shall be displaced. 11358

(c) If the employee whose position has been abolished has the 11359
fewest retention points in the classification, the employee shall 11360
have the right to fill an available vacancy in a lower 11361
classification in the classification series. 11362

(d) If the employee whose position has been abolished has the 11363
fewest retention points in the classification, the employee shall 11364
displace the employee with the fewest retention points in the next 11365
or successively lower classification in the classification series. 11366

(E) Notwithstanding any contrary provision of the 11367
displacement procedure described in section 124.324 of the Revised 11368
Code for employees to displace other employees during a layoff, 11369
the director of administrative services or a county appointing 11370
authority may establish a paper lay-off process under which 11371
employees who are to be laid off or displaced may be required, 11372
before the date of their paper layoff, to preselect their options 11373
for displacing other employees. 11374

(F) The director of administrative services shall adopt rules 11375
under Chapter 119. of the Revised Code for the determination of 11376
lack of work within an appointing authority, for the abolishment 11377
of positions by an appointing authority, and for the 11378
implementation of this section as it relates to positions in the 11379
service of the state. 11380

Sec. 124.324. (A) A laid-off employee has the right to 11381
displace the employee with the fewest retention points in the 11382
following order: 11383

(1) Within the classification from which the employee was 11384
laid off; 11385

(2) Within the classification series from which the employee was laid off; 11386
11387

(3) Within the classification the employee held immediately prior to holding the classification from which the employee was laid off, except that the employee may not displace employees in a classification if the employee does not meet the minimum qualifications of the classification or if the employee last held the classification more than three years prior to the date on which the employee was laid off. 11388
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If, after exercising displacement rights, an employee is subject to further layoff action, the employee's displacement rights shall be in accordance with the classification from which the employee was first laid off. 11395
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The director of administrative services shall verify the calculation of the retention points of all employees in the service of the state in an affected classification in accordance with section 124.325 of the Revised Code. 11399
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(B) Following the order of layoff, an employee laid off in the classified civil service shall displace another employee within the same appointing authority or independent institution and layoff jurisdiction in the following manner: 11403
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(1) Each laid-off employee possessing more retention points shall displace the employee with the fewest retention points in the next lower classification or successively lower classification in the same classification series. 11407
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(2) Any employee displaced by an employee possessing more retention points shall displace the employee with the fewest retention points in the next lower classification or successively lower classification in the same classification series. This process shall continue, if necessary, until the employee with the fewest retention points in the lowest classification of the 11411
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classification series of the same appointing authority or 11417
independent institution has been reached and, if necessary, laid 11418
off. 11419

(C) Employees shall notify the appointing authority of their 11420
intention to exercise their displacement rights, within five days 11421
after receiving notice of layoff. This division does not apply if 11422
the director of administrative services has established a paper 11423
lay-off process pursuant to division (E) of section 124.321 of the 11424
Revised Code that includes a different notification requirement 11425
for employees exercising their displacement rights under that 11426
process. 11427

(D) No employee shall displace an employee for whose position 11428
or classification there are certain position-specific minimum 11429
qualifications, as established by the appointing authority and 11430
reviewed for validity by the department of administrative 11431
services, or as established by bona fide occupational 11432
qualification, unless the employee desiring to displace another 11433
employee possesses the requisite position-specific minimum 11434
qualifications for the position or classification. 11435

(E) If an employee exercising displacement rights must 11436
displace an employee in another county within the same layoff 11437
district, the displacement shall not be construed to be a 11438
transfer. 11439

(F) The director of administrative services shall adopt rules 11440
under Chapter 119. of the Revised Code for the implementation of 11441
this section as it relates to positions in the service of the 11442
state. 11443

Sec. 124.325. (A) Retention points to reflect the length of 11444
continuous service and efficiency in service for all employees 11445
affected by a layoff shall be verified by the director of 11446
administrative services for positions in the service of the state. 11447

(B) An employee's length of continuous service will be 11448
carried from one layoff jurisdiction to another so long as no 11449
break in service occurs between transfers or appointments. 11450

(C) If two or more employees have an identical number of 11451
retention points, employees having the shortest period of 11452
continuous service shall be laid off first. 11453

(D)(1) As used in this division, "affected employee" means a 11454
city employee who becomes a county employee, or a county employee 11455
who becomes a city employee, as the result of any of the 11456
following: 11457

(a) The merger of a city and a county office; 11458

(b) The merger of city and county functions or duties; 11459

(c) The transfer of functions or duties between a city and 11460
county. 11461

(2) For purposes of this section, the new employer of any 11462
affected employee shall treat the employee's prior service with a 11463
former employer as if it had been served with the new employer. 11464

(E) The director of administrative services shall adopt rules 11465
in accordance with Chapter 119. of the Revised Code to establish a 11466
system for the assignment of retention points for each employee in 11467
the service of the state in a classification affected by a layoff 11468
and for determining, in those instances where employees in the 11469
service of the state have identical retention points, which 11470
employee shall be laid off first. 11471

Sec. 124.34. (A) The tenure of every officer or employee in 11472
the classified service of the state and the counties, civil 11473
service townships, cities, city health districts, general health 11474
districts, and city school districts of the state, holding a 11475
position under this chapter, shall be during good behavior and 11476
efficient service. No officer or employee shall be reduced in pay 11477

or position, fined, suspended, or removed, or have the officer's 11478
or employee's longevity reduced or eliminated, except as provided 11479
in section 124.32 of the Revised Code, and for incompetency, 11480
inefficiency, dishonesty, drunkenness, immoral conduct, 11481
insubordination, discourteous treatment of the public, neglect of 11482
duty, violation of any policy or work rule of the officer's or 11483
employee's appointing authority, violation of this chapter or the 11484
rules of the director of administrative services or the 11485
commission, any other failure of good behavior, any other acts of 11486
misfeasance, malfeasance, or nonfeasance in office, or conviction 11487
of a felony. The denial of a one-time pay supplement or a bonus to 11488
an officer or employee is not a reduction in pay for purposes of 11489
this section. 11490

This section does not apply to any modifications or 11491
reductions in pay authorized by section 124.392 of the Revised 11492
Code. 11493

An appointing authority may require an employee who is 11494
suspended to report to work to serve the suspension. An employee 11495
serving a suspension in this manner shall continue to be 11496
compensated at the employee's regular rate of pay for hours 11497
worked. The disciplinary action shall be recorded in the 11498
employee's personnel file in the same manner as other disciplinary 11499
actions and has the same effect as a suspension without pay for 11500
the purpose of recording disciplinary actions. 11501

A finding by the appropriate ethics commission, based upon a 11502
preponderance of the evidence, that the facts alleged in a 11503
complaint under section 102.06 of the Revised Code constitute a 11504
violation of Chapter 102., section 2921.42, or section 2921.43 of 11505
the Revised Code may constitute grounds for dismissal. Failure to 11506
file a statement or falsely filing a statement required by section 11507
102.02 of the Revised Code may also constitute grounds for 11508
dismissal. The tenure of an employee in the career professional 11509

service of the department of transportation is subject to section 11510
5501.20 of the Revised Code. 11511

Conviction of a felony is a separate basis for reducing in 11512
pay or position, suspending, or removing an officer or employee, 11513
even if the officer or employee has already been reduced in pay or 11514
position, suspended, or removed for the same conduct that is the 11515
basis of the felony. An officer or employee may not appeal to the 11516
state personnel board of review or the commission any disciplinary 11517
action taken by an appointing authority as a result of the 11518
officer's or employee's conviction of a felony. If an officer or 11519
employee removed under this section is reinstated as a result of 11520
an appeal of the removal, any conviction of a felony that occurs 11521
during the pendency of the appeal is a basis for further 11522
disciplinary action under this section upon the officer's or 11523
employee's reinstatement. 11524

A person convicted of a felony immediately forfeits the 11525
person's status as a classified employee in any public employment 11526
on and after the date of the conviction for the felony. If an 11527
officer or employee is removed under this section as a result of 11528
being convicted of a felony or is subsequently convicted of a 11529
felony that involves the same conduct that was the basis for the 11530
removal, the officer or employee is barred from receiving any 11531
compensation after the removal notwithstanding any modification or 11532
disaffirmance of the removal, unless the conviction for the felony 11533
is subsequently reversed or annulled. 11534

Any person removed for conviction of a felony is entitled to 11535
a cash payment for any accrued but unused sick, personal, and 11536
vacation leave as authorized by law. If subsequently reemployed in 11537
the public sector, the person shall qualify for and accrue these 11538
forms of leave in the manner specified by law for a newly 11539
appointed employee and shall not be credited with prior public 11540
service for the purpose of receiving these forms of leave. 11541

As used in this division, "felony" means any of the 11542
following: 11543

(1) A felony that is an offense of violence as defined in 11544
section 2901.01 of the Revised Code; 11545

(2) A felony that is a felony drug abuse offense as defined 11546
in section 2925.01 of the Revised Code; 11547

(3) A felony under the laws of this or any other state or the 11548
United States that is a crime of moral turpitude; 11549

(4) A felony involving dishonesty, fraud, or theft; 11550

(5) A felony that is a violation of section 2921.05, 2921.32, 11551
or 2921.42 of the Revised Code. 11552

(B) In case of a reduction, a suspension of forty or more 11553
work hours in the case of an employee exempt from the payment of 11554
overtime compensation, a suspension of twenty-four or more work 11555
hours in the case of an employee required to be paid overtime 11556
compensation, a fine of forty or more hours' pay in the case of an 11557
employee exempt from the payment of overtime compensation, a fine 11558
of twenty-four or more hours' pay in the case of an employee 11559
required to be paid overtime compensation, or removal, except for 11560
the reduction or removal of a probationary employee, the 11561
appointing authority shall serve the employee with a copy of the 11562
order of reduction, fine, suspension, or removal, which order 11563
shall state the reasons for the action. 11564

Within ten days following the date on which the order is 11565
served or, in the case of an employee in the career professional 11566
service of the department of transportation, within ten days 11567
following the filing of a removal order, the employee, except as 11568
otherwise provided in this section, may file an appeal of the 11569
order in writing with the state personnel board of review or the 11570
commission. For purposes of this section, the date on which an 11571
order is served is the date of hand delivery of the order or the 11572

date of delivery of the order by certified United States mail, 11573
whichever occurs first. If an appeal is filed, the board or 11574
commission shall forthwith notify the appointing authority and 11575
shall hear, or appoint a trial board to hear, the appeal within 11576
thirty days from and after its filing with the board or 11577
commission. The board, commission, or trial board may affirm, 11578
disaffirm, or modify the judgment of the appointing authority. 11579
However, in an appeal of a removal order based upon a violation of 11580
a last chance agreement, the board, commission, or trial board may 11581
only determine if the employee violated the agreement and thus 11582
affirm or disaffirm the judgment of the appointing authority. 11583

In cases of removal or reduction in pay for disciplinary 11584
reasons, either the appointing authority or the officer or 11585
employee may appeal from the decision of the state personnel board 11586
of review or the commission, and any such appeal shall be to the 11587
court of common pleas of the county in which the appointing 11588
authority is located, or to the court of common pleas of Franklin 11589
county, as provided by section 119.12 of the Revised Code. 11590

(C) In the case of the suspension for any period of time, or 11591
a fine, demotion, or removal, of a chief of police, a chief of a 11592
fire department, or any member of the police or fire department of 11593
a city or civil service township, who is in the classified civil 11594
service, the appointing authority shall furnish the chief or 11595
member with a copy of the order of suspension, fine, demotion, or 11596
removal, which order shall state the reasons for the action. The 11597
order shall be filed with the municipal or civil service township 11598
civil service commission. Within ten days following the filing of 11599
the order, the chief or member may file an appeal, in writing, 11600
with the commission. If an appeal is filed, the commission shall 11601
forthwith notify the appointing authority and shall hear, or 11602
appoint a trial board to hear, the appeal within thirty days from 11603
and after its filing with the commission, and it may affirm, 11604

disaffirm, or modify the judgment of the appointing authority. An 11605
appeal on questions of law and fact may be had from the decision 11606
of the commission to the court of common pleas in the county in 11607
which the city or civil service township is situated. The appeal 11608
shall be taken within thirty days from the finding of the 11609
commission. 11610

(D) A violation of division (A)(7) of section 2907.03 of the 11611
Revised Code is grounds for termination of employment of a 11612
nonteaching employee under this section. 11613

(E) As used in this section, "last chance agreement" means an 11614
agreement signed by both an appointing authority and an officer or 11615
employee of the appointing authority that describes the type of 11616
behavior or circumstances that, if it occurs, will automatically 11617
lead to removal of the officer or employee without the right of 11618
appeal to the state personnel board of review or the appropriate 11619
commission. 11620

Sec. 124.381. Each (A)(1)(a) An employee in the service of 11621
the state may be eligible to receive salary continuation not to 11622
exceed four hundred eighty hours at the employee's total rate of 11623
pay for absence as a result of injury incurred during the 11624
performance of, or arising out of, state employment. When an 11625
eligible employee's absence as a result of such an injury extends 11626
beyond four hundred eighty hours, the employee immediately becomes 11627
subject to sections 124.382 and 124.385 of the Revised Code 11628
regarding sick leave and disability leave benefits. 11629

An employee is ineligible to receive salary continuation 11630
until the date of implementation is established in the rules 11631
adopted under division (C)(1) of this section. 11632

(b) Employees of the secretary of state, auditor of state, 11633
treasurer of state, attorney general, supreme court, general 11634
assembly, or legislative service commission are not subject to 11635

division (A)(1)(a) of this section unless the relevant appointing authority notifies the director of administrative services in writing of the intent to have all of the appointing authority's employees participate in salary continuation. The relevant appointing authority also may discontinue salary continuation for all of its employees by providing written notice of the discontinuation to the director.

Participation in salary continuation is subject to rules adopted under division (C)(1) of this section.

(2) Each employee of the department of rehabilitation and correction, the department of mental health, the department of mental retardation and developmental disabilities, ~~or the Ohio veteran's home agency~~ department of veterans services, ~~or each employee of the department of education who works at the Ohio schools for the deaf and blind, and each employee of the department of youth services as established in division (A) of section 124.14 of the Revised Code who suffers bodily injury inflicted by an inmate, patient, client, youth, or student in the facilities~~ sustains a qualifying physical condition inflicted by a ward of these agencies during the time the employee is lawfully carrying out the assigned duties of the employee's position shall be paid occupational injury leave at the employee's total rate of pay during the period the employee is disabled as a result of that ~~injury~~ qualifying physical condition, but in no case to exceed ~~one hundred twenty work days~~ nine hundred sixty hours, in lieu of workers' compensation. Pay made according to this ~~section~~ division shall not be charged to the employee's accumulation of sick leave credit. In any case when an employee's disability as a result of such a qualifying physical condition extends beyond nine hundred sixty hours, the employee immediately becomes subject to sections 124.382 and 124.385 of the Revised Code regarding sick leave and disability leave benefits.

(B) An employee who is receiving salary continuation or occupational injury leave under division (A)(1) or (2) of this section is not eligible for other paid leave, including holiday pay, while receiving benefits under either division. While an employee is receiving salary continuation or occupational injury leave under division (A)(1) or (2) of this section, vacation leave credit ceases to accrue to the employee under section 124.134 of the Revised Code, but sick leave credit and personal leave credit continue to accrue to the employee under sections 124.382 and 124.386 of the Revised Code.

(C)(1) The director of administrative services shall adopt rules for the administration of both the salary continuation program and the occupational injury leave program. The rules shall include, but not be limited to, provisions for determining a disability, for filing a claim for leave under this section, and for allowing or denying claims for the leave.

~~During the time an employee is receiving injury compensation as provided in this section, the employee shall be exempt from the accumulation of vacation leave credit under section 124.134 of the Revised Code but shall continue to receive sick leave credit and personal leave credit under sections 124.382 and 124.386 of the Revised Code.~~

~~In any case when an employee's disability, as covered by this section, extends beyond one hundred twenty work days, the employee shall immediately become subject to sections 124.382 and 124.385 of the Revised Code regarding sick leave and disability leave benefits.~~

(2) The director also may adopt rules for the payment of health benefits while an employee is on workers' compensation leave.

(D) An appointing authority may apply to the director of

administrative services to grant salary continuation under 11699
division (A)(1) of this section or occupational injury leave in 11700
~~accordance with~~ under division (A)(2) of this section to law 11701
enforcement personnel employed by the agency. 11702

Sec. 124.382. (A) As used in this section and sections 11703
124.383, 124.386, 124.387, and 124.388 of the Revised Code: 11704

(1) "Pay period" means the fourteen-day period of time during 11705
which the payroll is accumulated, as determined by the director of 11706
administrative services. 11707

(2) "Active pay status" means the conditions under which an 11708
employee is eligible to receive pay, and includes, but is not 11709
limited to, vacation leave, sick leave, personal leave, 11710
bereavement leave, and administrative leave. 11711

(3) "No pay status" means the conditions under which an 11712
employee is ineligible to receive pay and includes, but is not 11713
limited to, leave without pay, leave of absence, and disability 11714
leave. 11715

(4) "Disability leave" means the leave granted pursuant to 11716
section 124.385 of the Revised Code. 11717

(5) "Full-time permanent employee" means an employee whose 11718
regular hours of duty total eighty hours in a pay period in a 11719
state agency and whose appointment is not for a limited period of 11720
time. 11721

(6) "Base rate of pay" means the rate of pay established 11722
under schedule B or C of section 124.15 of the Revised Code or 11723
under schedule E-1, schedule E-1 for step seven only, or schedule 11724
E-2 of section 124.152 of the Revised Code, plus any supplement 11725
provided under section 124.181 of the Revised Code, plus any 11726
supplements enacted into law which are added to schedule B or C of 11727
section 124.15 of the Revised Code or to schedule E-1, schedule 11728

E-1 for step seven only, or schedule E-2 of section 124.152 of the Revised Code. 11729
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(7) "Part-time permanent employee" means an employee whose regular hours of duty total less than eighty hours in a pay period in a state agency and whose appointment is not for a limited period of time. 11731
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(B) Each full-time permanent and part-time permanent employee whose salary or wage is paid directly by warrant of the director of budget and management shall be credited with sick leave of three and one-tenth hours for each completed eighty hours of service, excluding overtime hours worked. Sick leave is not available for use until it appears on the employee's earning statement and the compensation described in the earning statement is available to the employee. 11735
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(C) Any sick leave credit provided pursuant to division (B) of this section, remaining as of the last day of the pay period preceding the first paycheck the employee receives in December, shall be converted pursuant to section 124.383 of the Revised Code. 11743
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(D) Employees may use sick leave, provided a credit balance is available, upon approval of the responsible administrative officer of the employing unit, for absence due to personal illness, pregnancy, injury, exposure to contagious disease that could be communicated to other employees, and illness, injury, or death in the employee's immediate family. When sick leave is used, it shall be deducted from the employee's credit on the basis of absence from previously scheduled work in such increments of an hour and at such a compensation rate as the director of administrative services determines. The appointing authority of each employing unit may require an employee to furnish a satisfactory, signed statement to justify the use of sick leave. 11748
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If, after having utilized the credit provided by this 11760
section, an employee utilizes sick leave that was accumulated 11761
prior to November 15, 1981, compensation for such sick leave used 11762
shall be at a rate as the director determines. 11763

(E)(1) The previously accumulated sick leave balance of an 11764
employee who has been separated from the public service, for which 11765
separation payments pursuant to section 124.384 of the Revised 11766
Code have not been made, shall be placed to the employee's credit 11767
upon the employee's reemployment in the public service, if the 11768
reemployment takes place within ten years of the date on which the 11769
employee was last terminated from public service. 11770

(2) The previously accumulated sick leave balance of an 11771
employee who has separated from a school district shall be placed 11772
to the employee's credit upon the employee's appointment as an 11773
unclassified employee of the state department of education, if all 11774
of the following apply: 11775

(a) The employee accumulated the sick leave balance while 11776
employed by the school district. 11777

(b) The employee did not receive any separation payments for 11778
the sick leave balance. 11779

(c) The employee's employment with the department takes place 11780
within ten years after the date on which the employee separated 11781
from the school district. 11782

(F) An employee who transfers from one public agency to 11783
another shall be credited with the unused balance of the 11784
employee's accumulated sick leave. 11785

(G) The director of administrative services shall establish 11786
procedures to uniformly administer this section. No sick leave may 11787
be granted to a state employee upon or after the employee's 11788
retirement or termination of employment. 11789

(H) As used in this division, "active payroll" means 11790
conditions under which an employee is in active pay status or 11791
eligible to receive pay for an approved leave of absence, 11792
including, but not limited to, occupational injury leave, 11793
disability leave, or workers' compensation. 11794

(1) Employees who are in active payroll status on June 18, 11795
2011, shall receive a one-time credit of additional sick leave in 11796
the pay period that begins on July 1, 2011. Full-time employees 11797
shall receive a one-time credit of thirty-two hours of additional 11798
sick leave or a credit of additional sick leave equivalent to half 11799
the hours of personal leave the employee lost during the 11800
moratorium under division (A) of section 124.386 of the Revised 11801
Code, whichever is less. Part-time employees shall receive a 11802
one-time credit of sixteen hours of additional sick leave. 11803

(2) Employees who are not in active payroll status due to 11804
military leave or an absence taken in accordance with the federal 11805
"Family and Medical Leave Act" are eligible to receive the 11806
one-time additional sick leave credit. 11807

(3) The one-time additional sick leave credit does not apply 11808
to employees of the supreme court, general assembly, legislative 11809
service commission, secretary of state, auditor of state, 11810
treasurer of state, or attorney general unless the supreme court, 11811
general assembly, legislative service commission, secretary of 11812
state, auditor of state, treasurer of state, or attorney general 11813
participated in the moratorium under division (H) or (I) of 11814
section 124.386 of the Revised Code and notifies in writing the 11815
director of administrative services on or before June 1, 2011, of 11816
the decision to participate in the one-time additional sick leave 11817
credit. Written notice under this division shall be signed by the 11818
appointing authority for employees of the supreme court, general 11819
assembly, or legislative service commission, as the case may be. 11820

Sec. 124.385. (A) An employee is eligible for disability 11821
leave benefits under this section if the employee has completed 11822
one year of continuous state service immediately prior to the date 11823
of the disability and if any of the following applies: 11824

(1) The employee is a full-time permanent employee and is 11825
eligible for sick leave credit pursuant to division (B) of section 11826
124.382 of the Revised Code. 11827

(2) The employee is a part-time permanent employee who has 11828
worked at least fifteen hundred hours within the twelve-month 11829
period immediately preceding the date of disability and is 11830
eligible for sick leave credit under division (B) of section 11831
124.382 of the Revised Code. 11832

(3) The employee is a full-time permanent or part-time 11833
permanent employee, is on disability leave or leave of absence for 11834
medical reasons, and would be eligible for sick leave credit 11835
pursuant to division (B) of section 124.382 of the Revised Code 11836
except that the employee is in no pay status due to the employee's 11837
medical condition. 11838

(B) The director of administrative services, by rule adopted 11839
in accordance with Chapter 119. of the Revised Code, shall 11840
establish a disability leave program. The rule shall include, but 11841
shall not be limited to, the following: 11842

(1) Procedures to be followed for determining disability; 11843

(2) Provisions for the allowance of disability leave due to 11844
illness or injury; 11845

(3) Provisions for the continuation of service credit for 11846
employees granted disability leave, including service credit 11847
towards retirement, as provided by the applicable statute; 11848

(4) The establishment of a minimum level of benefit and of a 11849
waiting period before benefits begin; 11850

(5) Provisions setting a maximum length of benefit and 11851
requiring that employees eligible to apply for disability 11852
retirement shall do so prior to completing the first six months of 11853
their period of disability. The director's rules shall indicate 11854
those employees required to apply for disability retirement. If an 11855
employee is approved to receive disability retirement, the 11856
employee shall receive the retirement benefit and a supplement 11857
payment that equals a percentage of the employee's base rate of 11858
pay and that, when added to the retirement benefit, equals no more 11859
than the percentage of pay received by employees after the first 11860
six months of disability. This supplemental payment shall not be 11861
considered earnable salary, compensation, or salary, and is not 11862
subject to contributions, under Chapter 145., 742., 3307., 3309., 11863
or 5505. of the Revised Code. 11864

(6) Provisions that allow employees to utilize available sick 11865
leave, personal leave, compensatory time, or vacation leave 11866
balances to supplement the benefits payable under this section. 11867
The balances used to supplement the benefits, plus any amount 11868
contributed by the state as provided in division (D) of this 11869
section, shall be paid at the employee's base rate of pay in an 11870
amount sufficient to give employees up to one hundred per cent of 11871
pay for time on disability. 11872

(7) Procedures for appealing denial of payment of a claim, 11873
including the following: 11874

(a) A maximum of thirty days to file an appeal by the 11875
employee; 11876

(b) A maximum of fifteen days for the parties to select a 11877
third-party opinion pursuant to division (F) of this section, 11878
unless an extension is agreed to by the parties; 11879

(c) A maximum of thirty days for the third party to render an 11880
opinion. 11881

(8) Provisions for approving leave of absence for medical reasons where an employee is in no pay status because the employee has used all the employee's sick leave, personal leave, vacation leave, and compensatory time;	11882 11883 11884 11885
(9) Provisions for precluding the payment of benefits if the injury for which the benefits are sought is covered by a workers' compensation plan;	11886 11887 11888
(10) Provisions for precluding the payment of benefits in order to ensure that benefits are provided in a consistent manner.	11889 11890
(C) Except as provided in division (B)(6) of this section, time off for an employee granted disability leave is not chargeable to any other leave granted by other sections of the Revised Code.	11891 11892 11893 11894
(D) While an employee is on an approved disability leave, the employer's and employee's share of health, life, and other insurance benefits shall be paid by the state, and the retirement contribution shall be paid as follows:	11895 11896 11897 11898
(1) The employer's share shall be paid by the state.	11899
(2) For the first three months, the employee's share shall be paid by the employee.	11900 11901
(3) After the first three months, the employee's share shall be paid by the state.	11902 11903
(E) The approval for disability leave shall be made by the director, upon recommendation by the appointing authority. The director may delegate to any appointing authority the authority to approve disability benefits for a standard recovery period.	11904 11905 11906 11907
(F) If a request for disability leave is denied based on a medical determination, the director shall obtain a medical opinion from a third party. The decision of the third party is binding.	11908 11909 11910
(G) The rule adopted by the director under division (B) of	11911

this section shall not deny disability leave benefits for an 11912
illness or injury to an employee who is a veteran of the United 11913
States armed forces because the employee contracted the illness or 11914
received the injury in the course of or as a result of military 11915
service and the illness or injury is or may be covered by a 11916
compensation plan administered by the United States department of 11917
veterans affairs. 11918

Sec. 124.386. (A) Each full-time permanent employee paid in 11919
accordance with section 124.152 of the Revised Code and those 11920
full-time permanent employees listed in divisions (B)(2) and (4) 11921
of section 124.14 of the Revised Code shall be credited with 11922
thirty-two hours of personal leave each year. Each part-time 11923
permanent employee paid in accordance with section 124.152 of the 11924
Revised Code and those part-time permanent employees listed in 11925
divisions (B)(2) and (4) of section 124.14 of the Revised Code 11926
shall receive a pro-rated personal leave credit as determined by 11927
rule of the director of administrative services. The credit shall 11928
be made to each eligible employee in the first pay the employee 11929
receives in December. Employees, upon giving reasonable notice to 11930
the responsible administrative officer of the appointing 11931
authority, may use personal leave for absence due to mandatory 11932
court appearances, legal or business matters, family emergencies, 11933
unusual family obligations, medical appointments, weddings, 11934
religious holidays not listed in section 124.19 of the Revised 11935
Code, or any other matter of a personal nature. Personal leave may 11936
not be used on a holiday when an employee is scheduled to work. 11937

Personal leave is not available for use until it appears on 11938
the employee's earning statement and the compensation described in 11939
the earning statement is available to the employee. 11940

There shall be a moratorium on personal leave accrual 11941
beginning with the credit employees would have received in 11942

December 2009, except as otherwise provided in divisions (H)(1) 11943
and (2) of this section. Personal leave accrual shall resume with 11944
employees receiving credit in December 2011 and there shall be no 11945
retroactive grant of credit for the period the moratorium was in 11946
effect. 11947

(B) When personal leave is used, it shall be deducted from 11948
the unused balance of the employee's personal leave on the basis 11949
of absence in such increments of an hour as the director of 11950
administrative services determines. Compensation for personal 11951
leave shall be equal to the employee's base rate of pay. 11952

(C) A newly appointed full-time permanent employee or a 11953
~~nonfull-time~~ non-full-time employee who receives a full-time 11954
permanent appointment shall be credited with personal leave of 11955
thirty-two hours, less one and two-tenths hours for each pay 11956
period that has elapsed following the first paycheck the employee 11957
receives in December, until the first day of the pay period during 11958
which the appointment was effective. 11959

(D) The director of administrative services shall allow 11960
employees to elect one of the following options with respect to 11961
the unused balance of personal leave: 11962

(1) Carry forward the balance. The maximum credit that shall 11963
be available to an employee at any one time is forty hours. 11964

(2) Convert the balance to accumulated sick leave, to be used 11965
in the manner provided by section 124.382 of the Revised Code; 11966

(3) Receive a cash benefit. The cash benefit shall equal one 11967
hour of the employee's base rate of pay for every hour of unused 11968
credit that is converted. An employee serving in a temporary work 11969
level who elects to convert unused personal leave to cash shall do 11970
so at the base rate of pay of the employee's normal 11971
classification. Such cash benefit shall not be subject to 11972
contributions to any of the retirement systems, either by the 11973

employee or the employer. 11974

There shall be a moratorium on the payment for conversion of 11975
unused personal leave until December 2011, except as otherwise 11976
provided in divisions (H)(1) and (2) of this section. 11977

(E) A full-time permanent employee who separates from state 11978
service or becomes ineligible to be credited with leave under this 11979
section shall receive a reduction of personal leave credit of one 11980
and two-tenths hours for each pay period that remains beginning 11981
with the first pay period following the date of separation or the 11982
effective date of the employee's ineligibility until the pay 11983
period preceding the next base pay period. After calculation of 11984
the reduction of an employee's personal leave credit, the employee 11985
is entitled to compensation for any remaining personal leave 11986
credit at the employee's current base rate of pay. If the 11987
reduction results in a number of hours less than zero, the cash 11988
equivalent value of such number of hours shall be deducted from 11989
any compensation that remains payable to the employee, or from the 11990
cash conversion value of any vacation or sick leave that remains 11991
credited to the employee. An employee serving in a temporary work 11992
level who is eligible to receive compensation under this section 11993
shall be compensated at the base rate of pay of the employee's 11994
normal classification. 11995

(F) An employee who transfers from one public agency to 11996
another public agency in which the employee is eligible for the 11997
credit provided under this section shall be credited with the 11998
unused balance of personal leave. 11999

(G) The director of administrative services shall establish 12000
procedures to uniformly administer this section. No personal leave 12001
may be granted to a state employee upon or after retirement or 12002
termination of employment. 12003

(H)(1) The moratoria imposed under divisions (A) and (D)(3) 12004

of this section shall apply to employees of the secretary of 12005
state, auditor of state, treasurer of state, and attorney general 12006
who are subject to this section unless the secretary of state, 12007
auditor of state, treasurer of state, or attorney general decides 12008
to exempt the office's employees from the moratoria and so 12009
notifies the director of administrative services in writing on or 12010
before July 1, 2009. 12011

(2) The moratoria imposed under divisions (A) and (D)(3) of 12012
this section do not apply to employees of the supreme court, the 12013
general assembly, and the legislative service commission who are 12014
subject to this section, unless the supreme court, general 12015
assembly, or legislative service commission decides to include 12016
those employees in the moratoria and so notifies the director of 12017
administrative services in writing on or before July 1, 2009. 12018
Written notice shall be signed by the appointing authority for 12019
employees of the supreme court, general assembly, or legislative 12020
service commission as the case may be. 12021

Sec. 124.392. (A) As used in this section, ~~"exempt:~~ 12022

(1) "Exempt employee" has the same meaning as in section 12023
124.152 of the Revised Code. 12024

(2) "Fiscal emergency" means a fiscal emergency declared by 12025
the governor under section 126.05 of the Revised Code. 12026

(B) The director of administrative services may establish a 12027
voluntary cost savings program for exempt employees. ~~The~~ 12028

(C) The director of administrative services shall establish a 12029
mandatory cost savings program applicable to exempt employees. 12030
Subject to division (C)(1) of this section, the program may 12031
include, but is not limited to, a loss of pay or loss of holiday 12032
pay as determined by the director. The program may be administered 12033
differently among exempt employees based on their classifications, 12034

appointment categories, appointing authorities, or other relevant 12035
distinctions. 12036

(1) Each full-time exempt employee shall participate in the 12037
program for a total of eighty hours of mandatory cost savings in 12038
both fiscal year 2010 and fiscal year 2011. Each part-time exempt 12039
employee shall participate in the program by not receiving holiday 12040
pay during both fiscal year 2010 and fiscal year 2011. Each 12041
employee of the secretary of state, auditor of state, treasurer of 12042
state, and attorney general shall participate in the program 12043
unless the secretary of state, auditor of state, treasurer of 12044
state, or attorney general decides to exempt the officer's 12045
employees from the program and so notifies the director of 12046
administrative services in writing on or before July 1, 2009. 12047

(2) After June 30, 2011, the director of administrative 12048
services, in consultation with the director of budget and 12049
management, may implement mandatory cost savings days applicable 12050
to exempt employees in the event of a fiscal emergency. Each 12051
employee of the secretary of state, auditor of state, treasurer of 12052
state, and attorney general shall participate in the mandatory 12053
cost savings days unless the secretary of state, auditor of state, 12054
treasurer of state, or attorney general decides to exempt the 12055
officer's employees from the mandatory cost savings days and so 12056
notifies the director of administrative services in the manner the 12057
director of administrative services prescribes by rule adopted 12058
under this section. 12059

(D) The director shall adopt rules in accordance with Chapter 12060
119. of the Revised Code to provide for the administration of the 12061
program mandatory cost savings program and days. 12062

(E) The cost savings fund is hereby created in the state 12063
treasury. Savings accrued through employee participation in the 12064
mandatory cost savings program and in mandatory cost savings days 12065
shall be allocated to the fund. The fund may be used to pay 12066

employees who participated in the mandatory cost savings program 12067
or in mandatory cost savings days. Any investment earnings of the 12068
fund shall be credited to the fund. 12069

Sec. 124.393. (A) As used in this section: 12070

(1) "County exempt employee" means a permanent full-time or 12071
permanent part-time county employee who is not subject to a 12072
collective bargaining agreement between a public employer and an 12073
exclusive representative. 12074

(2) "Fiscal emergency" means any of the following: 12075

(a) A fiscal emergency declared by the governor under section 12076
126.05 of the Revised Code. 12077

(b) Lack of funds as defined in section 124.321 of the 12078
Revised Code. 12079

(c) Reasons of economy as described in section 124.321 of the 12080
Revised Code. 12081

(B)(1) A county appointing authority may establish a 12082
mandatory cost savings program applicable to its county exempt 12083
employees. Each county exempt employee shall participate in the 12084
program of mandatory cost savings for not more than eighty hours, 12085
as determined by the appointing authority, in each of state fiscal 12086
years 2010 and 2011. The program may include, but is not limited 12087
to, a loss of pay or loss of holiday pay. The program may be 12088
administered differently among employees based on their 12089
classifications, appointment categories, or other relevant 12090
distinctions. 12091

(2) After June 30, 2011, a county appointing authority may 12092
implement mandatory cost savings days as described in division 12093
(B)(1) of this section that apply to its county exempt employees 12094
in the event of a fiscal emergency. 12095

(C) A county appointing authority shall issue guidelines 12096

concerning how the appointing authority will implement the cost 12097
savings program. 12098

Sec. 124.81. (A) Except as provided in division ~~(E)~~(F) of 12099
this section, the department of administrative services in 12100
consultation with the superintendent of insurance shall negotiate 12101
with and, in accordance with the competitive selection procedures 12102
of Chapter 125. of the Revised Code, contract with one or more 12103
insurance companies authorized to do business in this state, for 12104
the issuance of one of the following: 12105

(1) A policy of group life insurance covering all state 12106
employees who are paid directly by warrant of the state auditor, 12107
including elected state officials; 12108

(2) A combined policy, or coordinated policies of one or more 12109
insurance companies or health insuring corporations in combination 12110
with one or more insurance companies providing group life and 12111
health, medical, hospital, dental, or surgical insurance, or any 12112
combination thereof, covering all such employees; 12113

(3) A policy that may include, but is not limited to, 12114
hospitalization, surgical, major medical, dental, vision, and 12115
medical care, disability, hearing aids, prescription drugs, group 12116
life, life, sickness, and accident insurance, group legal 12117
services, or a combination of the above benefits for some or all 12118
of the employees paid in accordance with section 124.152 of the 12119
Revised Code and for some or all of the employees listed in 12120
divisions (B)(2) and (4) of section 124.14 of the Revised Code, 12121
and their immediate dependents. 12122

(B) The department of administrative services in consultation 12123
with the superintendent of insurance shall negotiate with and, in 12124
accordance with the competitive selection procedures of Chapter 12125
125. of the Revised Code, contract with one or more insurance 12126
companies authorized to do business in this state, for the 12127

issuance of a policy of group life insurance covering all 12128
municipal and county court judges. The amount of such coverage 12129
shall be an amount equal to the aggregate salary set forth for 12130
each municipal court judge in sections 141.04 and 1901.11 of the 12131
Revised Code, and set forth for each county court judge in 12132
sections 141.04 and 1907.16 of the Revised Code. On and after the 12133
effective date of the policy of group life insurance coverage, a 12134
municipal or county court judge is ineligible for life insurance 12135
coverage from a county or other political subdivision. 12136

(C) If a state employee uses all accumulated sick leave and 12137
then goes on an extended medical disability, the policyholder 12138
shall continue at no cost to the employee the coverage of the 12139
group life insurance for such employee for the period of such 12140
extended leave, but not beyond three years. 12141

~~(C)~~(D) If a state employee insured under a group life 12142
insurance policy as provided in division (A) of this section is 12143
laid off pursuant to section 124.32 of the Revised Code, such 12144
employee by request to the policyholder, made no later than the 12145
effective date of the layoff, may elect to continue the employee's 12146
group life insurance for the one-year period through which the 12147
employee may be considered to be on laid-off status by paying the 12148
policyholder through payroll deduction or otherwise twelve times 12149
the monthly premium computed at the existing average rate for the 12150
group life case for the amount of the employee's insurance 12151
thereunder at the time of the employee's layoff. The policyholder 12152
shall pay the premiums to the insurance company at the time of the 12153
next regular monthly premium payment for the actively insured 12154
employees and furnish the company appropriate data as to such 12155
laid-off employees. At the time an employee receives written 12156
notice of a layoff, the policyholder shall also give such employee 12157
written notice of the opportunity to continue group life insurance 12158
in accordance with this division. When such laid-off employee is 12159

reinstated for active work before the end of the one-year period, 12160
the employee shall be reclassified as insured again as an active 12161
employee under the group and appropriate refunds for the number of 12162
full months of unearned premium payment shall be made by the 12163
policyholder. 12164

~~(D)~~(E) This section does not affect the conversion rights of 12165
an insured employee when the employee's group insurance terminates 12166
under the policy. 12167

~~(E)~~(F) Notwithstanding division (A) of this section, the 12168
department may provide benefits equivalent to those that may be 12169
paid under a policy issued by an insurance company, or the 12170
department may, to comply with a collectively bargained contract, 12171
enter into an agreement with a jointly administered trust fund 12172
which receives contributions pursuant to a collective bargaining 12173
agreement entered into between this state, or any of its political 12174
subdivisions, and any collective bargaining representative of the 12175
employees of this state or any political subdivision for the 12176
purpose of providing for self-insurance of all risk in the 12177
provision of fringe benefits similar to those that may be paid 12178
pursuant to division (A) of this section, and the jointly 12179
administered trust fund may provide through the self-insurance 12180
method specific fringe benefits as authorized by the rules of the 12181
board of trustees of the jointly administered trust fund. Amounts 12182
from the fund may be used to pay direct and indirect costs that 12183
are attributable to consultants or a third-party administrator and 12184
that are necessary to administer this section. Benefits provided 12185
under this section include, but are not limited to, 12186
hospitalization, surgical care, major medical care, disability, 12187
dental care, vision care, medical care, hearing aids, prescription 12188
drugs, group life insurance, sickness and accident insurance, 12189
group legal services, or a combination of the above benefits, for 12190
the employees and their immediate dependents. 12191

~~(F)~~(G) Notwithstanding any other provision of the Revised Code, any public employer, including the state, and any of its political subdivisions, including, but not limited to, any county, county hospital, municipal corporation, township, park district, school district, state institution of higher education, public or special district, state agency, authority, commission, or board, or any other branch of public employment, and any collective bargaining representative of employees of the state or any political subdivision may agree in a collective bargaining agreement that any mutually agreed fringe benefit including, but not limited to, hospitalization, surgical care, major medical care, disability, dental care, vision care, medical care, hearing aids, prescription drugs, group life insurance, sickness and accident insurance, group legal services, or a combination thereof, for employees and their dependents be provided through a mutually agreed upon contribution to a jointly administered trust fund. Amounts from the fund may be used to pay direct and indirect costs that are attributable to consultants or a third-party administrator and that are necessary to administer this section. The amount, type, and structure of fringe benefits provided under this division is subject to the determination of the board of trustees of the jointly administered trust fund. Notwithstanding any other provision of the Revised Code, competitive bidding does not apply to the purchase of fringe benefits for employees under this division through a jointly administered trust fund.

Sec. 124.821. The health care spending account fund is hereby created in the state treasury. The director of administrative services shall use money in the fund to make payments with regard to the participation of state employees in flexible spending accounts for certain nonreimbursed medical and dental expenses under section 125 of the Internal Revenue Code. All investment earnings on money in the fund shall be credited to the fund.

Sec. 124.822. The dependent care spending account fund is 12224
hereby created in the state treasury. The director of 12225
administrative services shall use money in the fund to make 12226
payments with regard to the participation of state employees in 12227
flexible spending accounts for work-related dependent care 12228
expenses under section 125 of the Internal Revenue Code. All 12229
investment earnings on money in the fund shall be credited to the 12230
fund. 12231

Sec. 124.86. There is hereby created in the state treasury 12232
the employee educational development fund, to be used to pay the 12233
state administrative costs of any education program undertaken 12234
pursuant to specific collective bargaining agreements identified 12235
in uncodified law governing expenditure of the fund. The director 12236
of administrative services shall establish, and shall obtain the 12237
approval of the director of budget and management for, a charge 12238
for each such program that is sufficient only to recover those 12239
costs. All money collected from such a charge shall be deposited 12240
to the credit of the fund, and all interest earned on the fund 12241
shall accrue to the fund. The director of administrative services 12242
shall administer the fund in accordance with the respective 12243
collective bargaining agreements and may adopt rules for the 12244
purpose of this administration. 12245

Sec. 124.95. (A) As used in this section, "state agency" has 12246
the meaning defined in section 1.60 of the Revised Code, but does 12247
not include any court or judicial agency, the general assembly or 12248
any legislative agency, or the controlling board. 12249

(B) On or before January 1, 2010, the director of 12250
administrative services, under division (A) of section 124.09 of 12251
the Revised Code, shall develop and adopt rules, and thereafter 12252
may amend or rescind rules, that establish customer service 12253

performance standards for officers and employees of state agencies, but not for officers who are elected. The performance standards shall be specific to the various positions in each state agency and shall be based on the duties, responsibilities, requirements, and qualifications of the positions. The performance standards shall be applied to and used in conducting each employee's annual performance review.

The director shall solicit recommendations concerning improving customer service from human resource professionals, and, before adopting rules under this section, shall consider the recommendations that are submitted.

Sec. 125.11. (A) Subject to division (B) of this section, contracts awarded pursuant to a reverse auction under section 125.072 of the Revised Code or pursuant to competitive sealed bidding, including contracts awarded under section 125.081 of the Revised Code, shall be awarded to the lowest responsive and responsible bidder on each item in accordance with section 9.312 of the Revised Code. When the contract is for meat products as defined in section 918.01 of the Revised Code or poultry products as defined in section 918.21 of the Revised Code, only those bids received from vendors offering products from establishments on the current list of meat and poultry vendors established and maintained by the director of administrative services under section 125.17 of the Revised Code shall be eligible for acceptance. The department of administrative services may accept or reject any or all bids in whole or by items, except that when the contract is for services or products available from a qualified nonprofit agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code, the contract shall be awarded to that agency.

(B) Prior to awarding a contract under division (A) of this

section, the department of administrative services or the state 12285
agency responsible for evaluating a contract for the purchase of 12286
products shall evaluate the bids received according to the 12287
criteria and procedures established pursuant to divisions (C)(1) 12288
and (2) of section 125.09 of the Revised Code for determining if a 12289
product is produced or mined in the United States and if a product 12290
is produced or mined in this state. The department or other state 12291
agency shall first remove bids that offer products that have not 12292
been or that will not be produced or mined in the United States. 12293
From among the remaining bids, the department or other state 12294
agency shall select the lowest responsive and responsible bid, in 12295
accordance with section 9.312 of the Revised Code, from among the 12296
bids that offer products that have been produced or mined in this 12297
state where sufficient competition can be generated within this 12298
state to ensure that compliance with these requirements will not 12299
result in an excessive price for the product or acquiring a 12300
disproportionately inferior product. If there are ~~two~~ four or more 12301
qualified bids that offer products that have been produced or 12302
mined in this state, it shall be deemed that there is sufficient 12303
competition to prevent an excessive price for the product or the 12304
acquiring of a disproportionately inferior product. 12305

(C) Division (B) of this section applies to contracts for 12306
which competitive bidding is waived by the controlling board. 12307

(D) Division (B) of this section does not apply to the 12308
purchase by the division of liquor control of spirituous liquor. 12309

(E) The director of administrative services shall publish in 12310
the form of a model act for use by counties, townships, municipal 12311
corporations, or any other political subdivision described in 12312
division (B) of section 125.04 of the Revised Code, a system of 12313
preferences for products mined and produced in this state and in 12314
the United States and for Ohio-based contractors. The model act 12315
shall reflect substantial equivalence to the system of preferences 12316

in purchasing and public improvement contracting procedures under 12317
which the state operates pursuant to this chapter and section 12318
153.012 of the Revised Code. To the maximum extent possible, 12319
consistent with the Ohio system of preferences in purchasing and 12320
public improvement contracting procedures, the model act shall 12321
incorporate all of the requirements of the federal "Buy America 12322
Act," 47 Stat. 1520 (1933), 41 U.S.C. 10a to 10d, as amended, and 12323
the rules adopted under that act. 12324

Before and during the development and promulgation of the 12325
model act, the director shall consult with appropriate statewide 12326
organizations representing counties, townships, and municipal 12327
corporations so as to identify the special requirements and 12328
concerns these political subdivisions have in their purchasing and 12329
public improvement contracting procedures. The director shall 12330
promulgate the model act by rule adopted pursuant to Chapter 119. 12331
of the Revised Code and shall revise the act as necessary to 12332
reflect changes in this chapter or section 153.012 of the Revised 12333
Code. 12334

The director shall make available copies of the model act, 12335
supporting information, and technical assistance to any township, 12336
county, or municipal corporation wishing to incorporate the 12337
provisions of the act into its purchasing or public improvement 12338
contracting procedure. 12339

Sec. 125.18. (A) There is hereby established the office of 12340
information technology within the department of administrative 12341
services. The office shall be under the supervision of a state 12342
chief information officer to be appointed by the director of 12343
administrative services and subject to removal at the pleasure of 12344
the director. The chief information officer is an assistant 12345
director of administrative services. 12346

(B) Under the direction of the director of administrative 12347

services, the state chief information officer shall lead, oversee, 12348
and direct state agency activities related to information 12349
technology development and use. In that regard, the state chief 12350
information officer shall do all of the following: 12351

(1) Coordinate and superintend statewide efforts to promote 12352
common use and development of technology by state agencies. The 12353
office of information technology shall establish policies and 12354
standards that govern and direct state agency participation in 12355
statewide programs and initiatives. 12356

(2) Establish policies and standards for the acquisition and 12357
use of common information technology by state agencies, including, 12358
but not limited to, hardware, software, technology services, and 12359
security, and the extension of the service life of information 12360
technology systems, with which state agencies shall comply; 12361

(3) Establish criteria and review processes to identify state 12362
agency information technology projects or purchases that require 12363
alignment or oversight. As appropriate, the department of 12364
administrative services shall provide the governor and the 12365
director of budget and management with notice and advice regarding 12366
the appropriate allocation of resources for those projects. The 12367
state chief information officer may require state agencies to 12368
provide, and may prescribe the form and manner by which they must 12369
provide, information to fulfill the state chief information 12370
officer's alignment and oversight role; 12371

(4) Establish policies and procedures for the security of 12372
personal information that is maintained and destroyed by state 12373
agencies; 12374

(5) Employ a chief information security officer who is 12375
responsible for the implementation of the policies and procedures 12376
described in division (B)(4) of this section and for coordinating 12377
the implementation of those policies and procedures in all of the 12378

state agencies;	12379
(6) Employ a chief privacy officer who is responsible for	12380
advising state agencies when establishing policies and procedures	12381
for the security of personal information and developing education	12382
and training programs regarding the state's security procedures;	12383
<u>(7) Establish policies on the purchasing, use, and</u>	12384
<u>reimbursement for use of handheld computing and telecommunications</u>	12385
<u>devices by state agency employees;</u>	12386
<u>(8) Establish policies for the reduction of printing and the</u>	12387
<u>use of electronic records by state agencies;</u>	12388
<u>(9) Establish policies for the reduction of energy</u>	12389
<u>consumption by state agencies.</u>	12390
(C)(1) The chief information security officer shall assist	12391
each state agency with the development of an information	12392
technology security strategic plan and review that plan, and each	12393
state agency shall submit that plan to the state chief information	12394
officer. The chief information security officer may require that	12395
each state agency update its information technology security	12396
strategic plan annually as determined by the state chief	12397
information officer.	12398
(2) Prior to the implementation of any information technology	12399
data system, a state agency shall prepare or have prepared a	12400
privacy impact statement for that system.	12401
(D) When a state agency requests a purchase of information	12402
technology supplies or services under Chapter 125. of the Revised	12403
Code, the state chief information officer may review and reject	12404
the requested purchase for noncompliance with information	12405
technology direction, plans, policies, standards, or	12406
project-alignment criteria.	12407
(E) The office of information technology may operate	12408

technology services for state agencies in accordance with this 12409
chapter. 12410

(F) With the approval of the director of administrative 12411
services, the office of information technology may establish 12412
cooperative agreements with federal and local government agencies 12413
and state agencies that are not under the authority of the 12414
governor for the provision of technology services and the 12415
development of technology projects. 12416

(G) As used in this section: 12417

(1) "Personal information" has the same meaning as in section 12418
149.45 of the Revised Code. 12419

(2) "State agency" means every organized body, office, or 12420
agency established by the laws of the state for the exercise of 12421
any function of state government, other than any state-supported 12422
institution of higher education, the office of the auditor of 12423
state, treasurer of state, secretary of state, or attorney 12424
general, the adjutant general's department, the bureau of workers' 12425
compensation, the industrial commission, the public employees 12426
retirement system, the Ohio police and fire pension fund, the 12427
state teachers retirement system, the school employees retirement 12428
system, the state highway patrol retirement system, the general 12429
assembly or any legislative agency, or the courts or any judicial 12430
agency. 12431

Sec. 125.181. The director of administrative services shall 12432
establish the state information technology investment board within 12433
the department of administrative services. The board shall consist 12434
of representatives from various state elective offices and state 12435
agencies, including the office of budget and management. The board 12436
shall identify and recommend to the state chief information 12437
officer opportunities for consolidation and cost-savings measures 12438
relating to information technology. Members of the board are not 12439

entitled to compensation for their services. 12440

Sec. 125.182. The state-sanctioned public notice web site 12441
service provider shall publish on the state-sanctioned public 12442
notice web site a notice that is submitted to the service provider 12443
and that is required to be published by a provision of a statute 12444
or rule. The service provider shall collect from the responsible 12445
party submitting the notice a fee for posting the notice on the 12446
state-sanctioned public notice web site. 12447

The service provider shall set the fee, not to exceed ten 12448
dollars. The fee initially set may not thereafter be increased 12449
until two years have elapsed. The service provider shall publish 12450
the amount of the fee on the web site. 12451

Sec. 125.183. The office of information technology shall 12452
select a web site service provider to establish, operate, and 12453
maintain, and to fund the operation, establishment, and 12454
maintenance of, the state-sanctioned public notice web site. The 12455
provider shall have all the following qualifications: 12456

(A) Possesses appropriate hardware infrastructure and 12457
intellectual property for feasible processes deploying a 12458
state-sanctioned and national web site with appropriate methods 12459
for communicating with the courts of this state; 12460

(B) Possesses sufficient minimal capital resources to 12461
establish and ensure smooth and uninterrupted ongoing operation of 12462
the state-sanctioned public notice web site; 12463

(C) Provides a reasonable plan for implementing the 12464
state-sanctioned public notice web site so that notices required 12465
to be published by a statute or rule may be posted and published 12466
on the state-sanctioned public notice web site with reasonable 12467
ease; 12468

(D) Demonstrates, and is capable of implementing, the technology necessary for the state-sanctioned public notice web site at no cost to the state; 12469
12470
12471

(E) Employs personnel, in number and by qualification, who are necessary to ensure smooth transmission of data to and the posting and publication of notices on the state-sanctioned public notice web site; 12472
12473
12474
12475

(F) Posts a bond in an amount to be determined by the office of information technology that is sufficient to guarantee operation of the state-sanctioned public notice web site as the public interest requires. 12476
12477
12478
12479

The service provider shall bear the costs of establishing, operating, and maintaining the state-sanctioned public notice web site. The state neither has nor may assume liability for those costs. 12480
12481
12482
12483

Sec. 125.184. In establishing, maintaining, and operating the state-sanctioned public notice web site, the web site service provider shall do all of the following: 12484
12485
12486

(A) Use a domain name for the web site that will be easily recognizable and remembered by and understandable to users of the web site; 12487
12488
12489

(B) Maintain the web site so that it is fully accessible to and searchable by members of the public at all times; 12490
12491

(C) Not charge a fee to a person who accesses, searches, or otherwise uses the web site; 12492
12493

(D) Ensure that notices displayed on the web site conform to the requirements that would apply to the notices as if they were being published in a newspaper or other publication, as directed in the relevant provision of the statute or rule; 12494
12495
12496
12497

(E) Ensure that notices continue to be displayed on the web 12498

<u>site for not less than the length of time required by the relevant</u>	12499
<u>provision of the statute or rule;</u>	12500
<u>(F) Devise and display on the web site a form that may be</u>	12501
<u>downloaded and used to request publication of a notice on the web</u>	12502
<u>site;</u>	12503
<u>(G) Charge responsible parties submitting notices for</u>	12504
<u>publication on the web site only the fee fixed by the service</u>	12505
<u>provider;</u>	12506
<u>(H) Enable responsible parties to submit notices and requests</u>	12507
<u>for their publication and to pay the fee charged therefor on-line;</u>	12508
<u>(I) Maintain an archive of notices that no longer are</u>	12509
<u>displayed on the web site;</u>	12510
<u>(J) Enable notices, both those currently displayed and those</u>	12511
<u>archived, to be accessed by key word, by party name, by case</u>	12512
<u>number, by county, and by other useful identifiers;</u>	12513
<u>(K) Maintain adequate systemic security and backup features,</u>	12514
<u>and develop and maintain a contingency plan for coping with and</u>	12515
<u>recovering from power outages, systemic failures, and other</u>	12516
<u>unforeseeable difficulties;</u>	12517
<u>(L) Maintain the web site in such a manner that it will not</u>	12518
<u>infringe legally protected interests, so that vulnerability of the</u>	12519
<u>web site to interruption because of litigation or the threat of</u>	12520
<u>litigation is reduced;</u>	12521
<u>(M) Submit a status report to the secretary of state twice</u>	12522
<u>annually that demonstrates compliance with the statutory</u>	12523
<u>requirements governing publication of notices;</u>	12524
<u>(N) Submit to a quality review, if the director of the office</u>	12525
<u>of information technology requests.</u>	12526
<u>The service provider shall bear the expense of maintaining</u>	12527
<u>the state-sanctioned public notice web site domain name.</u>	12528

In the course of a quality review, the director of the office 12529
of information technology is entitled to, and the service provider 12530
shall provide, full access to the hardware and software used by, 12531
and the technical and informational operations of, the service 12532
provider that relate to operation and maintenance of the 12533
state-sanctioned public notice web site. 12534

Sec. 125.20. (A) Within one hundred eighty days after the 12535
effective date of this section, the director of administrative 12536
services shall establish an electronic site accessible through the 12537
internet to publish the following: 12538

(1) A database containing each state employee's year-to-date 12539
gross pay and pay from the most recent pay period. The database 12540
shall contain searchable fields including the name of the agency, 12541
position title, and employee name. 12542

(2) A database containing agency expenditures for goods and 12543
services that shall contain searchable fields including the name 12544
of the agency, expenditure amount, category of good or service for 12545
which an expenditure is made, and contractor or vendor name; 12546

(3) A database containing tax credits issued by the director 12547
of development to business entities that shall contain searchable 12548
fields, including the name under which the tax credit is known, 12549
the name of the entity receiving the credit, and the county in 12550
which the credit recipient's principal place of business in this 12551
state is located. 12552

(B) Daily, each executive agency shall provide to the 12553
department of administrative services information to be published 12554
in the databases under division (A) of this section. The director 12555
of administrative services may adopt rules governing the means by 12556
which information is submitted and databases are updated. 12557

Sec. 125.831. As used in sections 125.831 to 125.834 of the 12558

Revised Code:	12559
(A) "Alternative fuel" means any of the following fuels used in a motor vehicle:	12560 12561
(1) E85 blend fuel;	12562
(2) Blended biodiesel;	12563
(3) Natural gas;	12564
(4) Liquefied petroleum gas;	12565
(5) Hydrogen;	12566
(6) <u>Compressed air</u> ;	12567
<u>(7)</u> Any power source, including electricity;	12568
(7) <u>(8)</u> Any fuel not described in divisions (A)(1) to (6) <u>(7)</u> of this section that the United States department of energy determines, by final rule, to be substantially not petroleum, and that would yield substantial energy security and environmental benefits.	12569 12570 12571 12572 12573
(B) "Biodiesel" means a mono-alkyl ester combustible liquid fuel that is derived from vegetable oils or animal fats, or any combination of those reagents that meets the American society for testing and materials specification for biodiesel fuel (B100) blend stock distillate fuels and any other standards that the director of administrative services adopts by rule.	12574 12575 12576 12577 12578 12579
(C) "Blended biodiesel" means a blend of biodiesel with petroleum based diesel fuel in which the resultant product contains not less than twenty per cent biodiesel that meets the American society for testing and materials specification for blended diesel fuel and any other standards that the director of administrative services adopts by rule.	12580 12581 12582 12583 12584 12585
(D) "Diesel fuel" means any liquid fuel that is capable of use in discrete form or as a blend component in the operation of	12586 12587

engines of the diesel type. 12588

(E) "E85 blend fuel" means fuel containing eighty-five per 12589
cent or more ethanol as defined in section 5733.46 of the Revised 12590
Code or containing any other percentage of not less than seventy 12591
per cent ethanol if the United States department of energy 12592
determines, by rule, that the lower percentage is necessary to 12593
provide for the requirements of cold start, safety, or vehicle 12594
functions, and that meets the American society for testing and 12595
materials specification for E85 blend fuel and any other standards 12596
that the director of administrative services adopts by rule. 12597

(F) "Law enforcement officer" means an officer, agent, or 12598
employee of a state agency upon whom, by statute, a duty to 12599
conserve the peace or to enforce all or certain laws is imposed 12600
and the authority to arrest violators is conferred, within the 12601
limits of that statutory duty and authority, but does not include 12602
such an officer, agent, or employee if that duty and authority is 12603
location specific. 12604

(G)(1) "Motor vehicle" means any automobile, car minivan, 12605
cargo van, passenger van, sport utility vehicle, or pickup truck 12606
with a gross vehicle weight of under twelve thousand pounds. 12607

(2) "Motor vehicle" does not include, except for the purposes 12608
of division (C) of section 125.832 of the Revised Code, any 12609
vehicle described in division (G)(1) of this section that is used 12610
by a law enforcement officer and law enforcement agency or any 12611
vehicle that is so described and that is equipped with specialized 12612
equipment that is not normally found in such a vehicle and that is 12613
used to carry out a state agency's specific and specialized duties 12614
and responsibilities. 12615

(H) "Specialized equipment" does not include standard mobile 12616
radios with no capabilities other than voice communication, 12617
exterior and interior lights, or roof-mounted caution lights. 12618

(I) "State agency" means every organized body, office, board, authority, commission, or agency established by the laws of the state for the exercise of any governmental or quasi-governmental function of state government regardless of the funding source for that entity, other than any state institution of higher education, the office of the governor, lieutenant governor, auditor of state, treasurer of state, secretary of state, or attorney general, the general assembly or any legislative agency, the courts or any judicial agency, or any state retirement system or retirement program established by or referenced in the Revised Code.

(J) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

Sec. 126.05. On or before the tenth day of each month, the director of budget and management shall furnish to the governor statements in such form as the governor requires showing the condition of the general revenue fund. The statements shall provide a summary of the status of appropriations to enable the governor to exercise and maintain effective supervision and control over the expenditures of the state. The director shall also furnish statements the governor requests showing the condition of any other fund.

If the governor ascertains that the available revenue receipts and balances for the general revenue fund for the current fiscal year will in all probability be less than the appropriations for the year, ~~he~~ the governor shall issue such orders to the state agencies as will prevent their expenditures and incurred obligations from exceeding such revenue receipts and balances.

If the governor ascertains that the available revenue receipts and balances for any fund other than the general revenue fund for the current fiscal year will in all probability be less

than the appropriations for the year, ~~he~~ the governor may issue 12650
such orders to the state agencies as will prevent their 12651
expenditures and incurred obligations from exceeding such revenue 12652
receipts and balances. 12653

If the governor determines that the available revenue 12654
receipts and balances in any fund or across funds will likely be 12655
less than the appropriations for the year, the governor may 12656
declare a fiscal emergency and may issue such orders as necessary 12657
to the director of budget and management to reduce expenditures, 12658
or to the director of administrative services to implement 12659
personnel actions consistent therewith, including, but not limited 12660
to, mandatory cost savings days under section 124.392 of the 12661
Revised Code. 12662

As used in this section, "expenditures and incurred 12663
obligations" includes all moneys expended or obligated pursuant to 12664
appropriations by the general assembly that are calculated and 12665
distributed pursuant to a distribution formula in law. 12666

Sec. 126.10. No certificate of participation or any similar 12667
debt instrument may be obtained or entered into by the state 12668
without the prior approval of the general assembly. 12669

Sec. 126.35. (A) The director of budget and management shall 12670
draw warrants against the treasurer of state pursuant to all 12671
requests for payment that the director has approved under section 12672
126.07 of the Revised Code. 12673

(B) ~~Unless the director of job and family services has 12674~~
~~provided for the making of payments~~ a cash assistance payment is 12675
to be made by electronic benefit transfer, ~~if a financial 12676~~
~~institution and account have been designated by the participant or 12677~~
~~recipient,~~ payment by the director of budget and management to a 12678
participant in the Ohio works first program pursuant to Chapter 12679

5107. of the Revised Code ~~or~~, a recipient of disability financial 12680
assistance pursuant to Chapter 5115. of the Revised Code, or a 12681
recipient of cash assistance provided under the refugee assistance 12682
program established under section 5101.49 of the Revised Code 12683
shall be made by direct deposit to the account of the participant 12684
or recipient in the financial institution designated under section 12685
329.03 of the Revised Code. Payment by the director of budget and 12686
management to a recipient of benefits distributed through the 12687
medium of electronic benefit transfer pursuant to section 5101.33 12688
of the Revised Code shall be by electronic benefit transfer. 12689
Payment by the director of budget and management as compensation 12690
to an employee of the state who has, pursuant to section 124.151 12691
of the Revised Code, designated a financial institution and 12692
account for the direct deposit of such payments shall be made by 12693
direct deposit to the account of the employee. Payment to any 12694
other payee who has designated a financial institution and account 12695
for the direct deposit of such payment may be made by direct 12696
deposit to the account of the payee in the financial institution 12697
as provided in section 9.37 of the Revised Code. Accounts 12698
maintained by the director of budget and management or the 12699
director's agent in a financial institution for the purpose of 12700
effectuating payment by direct deposit or electronic benefit 12701
transfer shall be maintained in accordance with section 135.18 of 12702
the Revised Code. 12703

(C) All other payments from the state treasury shall be made 12704
by paper warrants or by direct deposit payable to the respective 12705
payees. The director of budget and management may mail the paper 12706
warrants to the respective payees or distribute them through other 12707
state agencies, whichever the director determines to be the better 12708
procedure. 12709

(D) If the average per transaction cost the director of 12710
budget and management incurs in making direct deposits for a state 12711

agency exceeds the average per transaction cost the director 12712
incurs in drawing paper warrants for all public offices during the 12713
same period of time, the director may certify the difference in 12714
cost and the number of direct deposits for the agency to the 12715
director of administrative services. The director of 12716
administrative services shall reimburse the director of budget and 12717
management for such additional costs and add the amount to the 12718
processing charge assessed upon the state agency. 12719

Sec. 126.50. As used in sections 126.50, 126.501, 126.502, 12720
126.503, 126.504, 126.505, 126.506, and 126.507 of the Revised 12721
Code: 12722

(A) "Critical services" means a service provided by the state 12723
the deferral or cancellation of which would cause at least one of 12724
the following: 12725

(1) An immediate risk to the health, safety, or welfare of 12726
the citizens of the state; 12727

(2) A undermining of activity aimed at creating or retaining 12728
jobs in the state; 12729

(3) An interference with the receipt of revenue to the state 12730
or the realization of savings to the state. 12731

"Critical services" does not mean a deferral or cancellation 12732
of a service provided by the state that would result in 12733
inconvenience, sustainable delay, or other similar compromise to 12734
the normal provision of state-provided services. 12735

(B) "State agency" has the same meaning as in section 1.60 of 12736
the Revised Code, but does not include the elected state officers, 12737
the general assembly or any legislative agency, a court or any 12738
judicial agency, or a state institution of higher education. 12739

12740

Sec. 126.501. By November 1, 2009, each state agency shall 12741
submit to the general assembly and the director of budget and 12742
management a spending plan that outlines a thirty per cent overall 12743
reduction in spending on supplies and services for fiscal years 12744
2010 and 2011. Each spending plan shall address any potential 12745
savings, lack of savings, or costs that may be realized by each of 12746
the following strategies: 12747

(A) Gaining approval from the state agency's director or the 12748
director's designee for any purchase of supplies or services 12749
costing one thousand dollars or more. 12750

(B) Renegotiating, if not otherwise prohibited, contracts 12751
entered into before July 1, 2009, and especially those contracts 12752
in which a vendor is willing to reduce costs by fifteen per cent 12753
or more while maintaining substantial equivalency on other terms. 12754

(C) With the approval of the director of administrative 12755
services, allowing contracts for critical services that are up for 12756
renewal to expire and be rebid. 12757

(D) With the approval of the director of budget and 12758
management, cancelling all contracts entered into before July 1, 12759
2009, that are supported by noncapital funds. 12760

(E) Cooperatively purchasing supplies and services with other 12761
state agencies. 12762

(F) Using other state agencies to provide needed services. 12763

(G) Purchasing equipment and furniture in compliance with any 12764
control-on-equipment directive issued by the office of budget and 12765
management. 12766

(H) Reducing parking expenses, including expenses for 12767
purchased and leased spaces for state agency employees, spaces for 12768
fleet vehicles, and spaces and parking reimbursement for state 12769
agency employees on agency business. The spending plan shall 12770

include a review of a loss of efficiency or other benefits related 12771
to the reduction in parking expenses. 12772

By December 1, 2009, the director of budget and management 12773
shall issue guidance to each state agency on which spending plan 12774
strategies the agency is expected to implement for fiscal years 12775
2010 and 2011. 12776

Sec. 126.502. By the first day of February of each 12777
odd-numbered year, beginning in 2011, the director of each state 12778
agency shall submit to the general assembly and the director of 12779
budget and management a spending plan for purchasing supplies and 12780
services for the following two fiscal years. Each spending plan 12781
shall address any potential savings, lack of savings, or costs 12782
that may be realized by each of the strategies enumerated in 12783
section 126.501 of the Revised Code. 12784

By the first day of March of each odd-numbered year, 12785
beginning in 2011, the director of budget and management shall 12786
issue guidance to each state agency on which spending plan 12787
strategies the agency is expected to implement for the following 12788
two fiscal years. 12789

Sec. 126.503. All state agencies shall control nonessential 12790
travel expenses by doing all of the following: 12791

(A) Complying with any travel directives issued by the 12792
director of budget and management; 12793

(B) Reducing the mileage reimbursement rate for collective 12794
bargaining unit employees to ten cents below the rate set for 12795
state agency employees by rule of the director of budget and 12796
management under division (B) of section 126.31 of the Revised 12797
Code; 12798

(C) Using, when possible, the online travel authorization and 12799
expense reimbursement process; 12800

(D) Conducting meetings, whenever possible and in compliance with section 121.22 of the Revised Code, using conference calls, teleconferences, webinars, or other technology tools; 12801
12802
12803

(E) Using fleet vehicles for official state travel whenever possible; and 12804
12805

(F) Limiting mileage reimbursement to four thousand miles per year for each state agency employee. 12806
12807

The director of budget and management shall not reimburse any state agency employee for unauthorized travel expenses. 12808
12809

Sec. 126.504. (A) Each state agency shall use the interoffice mailing service provided by the department of administrative services for all mail deliveries to other state agencies located within a reasonable distance. 12810
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(B) By October 1, 2009, each state agency shall direct all major printing, copying, mail preparation, and related services through the department of administrative services and shall eliminate any internal operations providing those services. 12814
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12816
12817

Sec. 126.505. (A) Each state agency shall comply with any purchasing standardization and strategic sourcing policy directives issued by the director of administrative services. 12818
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12820

(B) Each state agency shall comply with any control-on-equipment directives issued by the director of budget and management. The director shall issue and revise as necessary control-on-equipment directives that apply to all furniture and equipment purchases. 12821
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Sec. 126.506. (A) Each state agency shall participate in information technology consolidation projects implemented by the state chief information officer under section 125.18 of the Revised Code. 12826
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(B) At the direction of and in the format specified by the 12830
director of administrative services, each state agency shall 12831
maintain a list of information technology assets possessed by the 12832
agency and associated costs related to those assets. 12833

Sec. 126.507. In consultation with the director of budget and 12834
management, the director of administrative services shall monitor 12835
the implementation of spending plan strategies by state agencies 12836
and shall report to the governor and the general assembly 12837
semiannually regarding the effectiveness of the implemented 12838
strategies and any unintended consequences of implemented 12839
strategies. The report to the general assembly shall be made under 12840
section 101.68 of the Revised Code. 12841

Sec. 127.16. (A) Upon the request of either a state agency or 12842
the director of budget and management and after the controlling 12843
board determines that an emergency or a sufficient economic reason 12844
exists, the controlling board may approve the making of a purchase 12845
without competitive selection as provided in division (B) of this 12846
section. 12847

(B) Except as otherwise provided in this section, no state 12848
agency, using money that has been appropriated to it directly, 12849
shall: 12850

(1) Make any purchase from a particular supplier, that would 12851
amount to fifty thousand dollars or more when combined with both 12852
the amount of all disbursements to the supplier during the fiscal 12853
year for purchases made by the agency and the amount of all 12854
outstanding encumbrances for purchases made by the agency from the 12855
supplier, unless the purchase is made by competitive selection or 12856
with the approval of the controlling board; 12857

(2) Lease real estate from a particular supplier, if the 12858
lease would amount to seventy-five thousand dollars or more when 12859

combined with both the amount of all disbursements to the supplier 12860
during the fiscal year for real estate leases made by the agency 12861
and the amount of all outstanding encumbrances for real estate 12862
leases made by the agency from the supplier, unless the lease is 12863
made by competitive selection or with the approval of the 12864
controlling board. 12865

(C) Any person who authorizes a purchase in violation of 12866
division (B) of this section shall be liable to the state for any 12867
state funds spent on the purchase, and the attorney general shall 12868
collect the amount from the person. 12869

(D) Nothing in division (B) of this section shall be 12870
construed as: 12871

(1) A limitation upon the authority of the director of 12872
transportation as granted in sections 5501.17, 5517.02, and 12873
5525.14 of the Revised Code; 12874

(2) Applying to medicaid provider agreements under Chapter 12875
5111. of the Revised Code or payments or provider agreements under 12876
the disability medical assistance program established under 12877
Chapter 5115. of the Revised Code; 12878

(3) Applying to the purchase of examinations from a sole 12879
supplier by a state licensing board under Title XLVII of the 12880
Revised Code; 12881

(4) Applying to entertainment contracts for the Ohio state 12882
fair entered into by the Ohio expositions commission, provided 12883
that the controlling board has given its approval to the 12884
commission to enter into such contracts and has approved a total 12885
budget amount for such contracts as agreed upon by commission 12886
action, and that the commission causes to be kept itemized records 12887
of the amounts of money spent under each contract and annually 12888
files those records with the clerk of the house of representatives 12889
and the clerk of the senate following the close of the fair; 12890

(5) Limiting the authority of the chief of the division of mineral resources management to contract for reclamation work with an operator mining adjacent land as provided in section 1513.27 of the Revised Code;	12891 12892 12893 12894
(6) Applying to investment transactions and procedures of any state agency, except that the agency shall file with the board the name of any person with whom the agency contracts to make, broker, service, or otherwise manage its investments, as well as the commission, rate, or schedule of charges of such person with respect to any investment transactions to be undertaken on behalf of the agency. The filing shall be in a form and at such times as the board considers appropriate.	12895 12896 12897 12898 12899 12900 12901 12902
(7) Applying to purchases made with money for the per cent for arts program established by section 3379.10 of the Revised Code;	12903 12904 12905
(8) Applying to purchases made by the rehabilitation services commission of services, or supplies, that are provided to persons with disabilities, or to purchases made by the commission in connection with the eligibility determinations it makes for applicants of programs administered by the social security administration;	12906 12907 12908 12909 12910 12911
(9) Applying to payments by the department of job and family services under section 5111.13 of the Revised Code for group health plan premiums, deductibles, coinsurance, and other cost-sharing expenses;	12912 12913 12914 12915
(10) Applying to any agency of the legislative branch of the state government;	12916 12917
(11) Applying to agreements or contracts entered into under section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the Revised Code;	12918 12919 12920
(12) Applying to purchases of services by the adult parole	12921

authority under section 2967.14 of the Revised Code or by the	12922
department of youth services under section 5139.08 of the Revised	12923
Code;	12924
(13) Applying to dues or fees paid for membership in an	12925
organization or association;	12926
(14) Applying to purchases of utility services pursuant to	12927
section 9.30 of the Revised Code;	12928
(15) Applying to purchases made in accordance with rules	12929
adopted by the department of administrative services of motor	12930
vehicle, aviation, or watercraft fuel, or emergency repairs of	12931
such vehicles;	12932
(16) Applying to purchases of tickets for passenger air	12933
transportation;	12934
(17) Applying to purchases necessary to provide public	12935
notifications required by law or to provide notifications of job	12936
openings;	12937
(18) Applying to the judicial branch of state government;	12938
(19) Applying to purchases of liquor for resale by the	12939
division of liquor control;	12940
(20) Applying to purchases of motor courier and freight	12941
services made in accordance with department of administrative	12942
services rules;	12943
(21) Applying to purchases from the United States postal	12944
service and purchases of stamps and postal meter replenishment	12945
from vendors at rates established by the United States postal	12946
service;	12947
(22) Applying to purchases of books, periodicals, pamphlets,	12948
newspapers, maintenance subscriptions, and other published	12949
materials;	12950
(23) Applying to purchases from other state agencies,	12951

including state-assisted institutions of higher education;	12952
(24) Limiting the authority of the director of environmental protection to enter into contracts under division (D) of section 3745.14 of the Revised Code to conduct compliance reviews, as defined in division (A) of that section;	12953 12954 12955 12956
(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code;	12957 12958 12959
(26) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;	12960 12961 12962 12963 12964
(27) Applying to contracts entered into by the department of mental retardation and developmental disabilities under section 5123.18 of the Revised Code;	12965 12966 12967
(28) Applying to payments made by the department of mental health under a physician recruitment program authorized by section 5119.101 of the Revised Code;	12968 12969 12970
(29) Applying to contracts entered into with persons by the director of commerce for unclaimed funds collection and remittance efforts as provided in division (F) of section 169.03 of the Revised Code. The director shall keep an itemized accounting of unclaimed funds collected by those persons and amounts paid to them for their services.	12971 12972 12973 12974 12975 12976
(30) Applying to purchases made by a state institution of higher education in accordance with the terms of a contract between the vendor and an inter-university purchasing group comprised of purchasing officers of state institutions of higher education;	12977 12978 12979 12980 12981

(31) Applying to the department of job and family services'	12982
purchases of health assistance services under the children's	12983
health insurance program part I provided for under section 5101.50	12984
of the Revised Code, the children's health insurance program part	12985
II provided for under section 5101.51 of the Revised Code, or the	12986
children's health insurance program part III provided for under	12987
section 5101.52 of the Revised Code, or the children's buy-in	12988
program provided for under sections 5101.5211 to 5101.5216 of the	12989
Revised Code;	12990
(32) Applying to payments by the attorney general from the	12991
reparations fund to hospitals and other emergency medical	12992
facilities for performing medical examinations to collect physical	12993
evidence pursuant to section 2907.28 of the Revised Code;	12994
(33) Applying to contracts with a contracting authority or	12995
administrative receiver under division (B) of section 5126.056 of	12996
the Revised Code;	12997
(34) Applying to reimbursements paid to the United States	12998
department of veterans affairs for pharmaceutical and patient	12999
supply purchases made on behalf of the Ohio veterans' home agency	13000
<u>purchases of goods and services by the department of veterans</u>	13001
<u>services in accordance with the terms of contracts entered into by</u>	13002
<u>the United States department of veterans affairs;</u>	13003
(35) Applying to agreements entered into with terminal	13004
distributors of dangerous drugs under section 173.79 of the	13005
Revised Code;	13006
(36) (35) Applying to payments by the superintendent of the	13007
bureau of criminal identification and investigation to the federal	13008
bureau of investigation for criminal records checks pursuant to	13009
section 109.572 of the Revised Code.	13010
(E) When determining whether a state agency has reached the	13011
cumulative purchase thresholds established in divisions (B)(1) and	13012

(2) of this section, all of the following purchases by such agency shall not be considered:

(1) Purchases made through competitive selection or with controlling board approval;

(2) Purchases listed in division (D) of this section;

(3) For the purposes of the threshold of division (B)(1) of this section only, leases of real estate.

(F) As used in this section, "competitive selection," "purchase," "supplies," and "services" have the same meanings as in section 125.01 of the Revised Code.

Sec. 131.33. (A) No state agency shall incur an obligation which exceeds the agency's current appropriation authority. ~~Unexpended~~ Except as provided in division (D) of this section, unexpended balances of appropriations shall, at the close of the period for which the appropriations are made, revert to the funds from which the appropriations were made, except that the director of budget and management shall transfer such unexpended balances from the first fiscal year to the second fiscal year of an agency's appropriations to the extent necessary for voided warrants to be reissued pursuant to division (C) of section 126.37 of the Revised Code.

Except as provided in this section, appropriations made to a specific fiscal year shall be expended only to pay liabilities incurred within that fiscal year.

(B) All payrolls shall be charged to the allotments of the fiscal quarters in which the applicable payroll vouchers are certified by the director of budget and management in accordance with section 126.07 of the Revised Code. As used in this ~~section~~ division, "payrolls" means any payment made in accordance with section 125.21 of the Revised Code.

(C) Legal liabilities from prior fiscal years for which there 13043
is no reappropriation authority shall be discharged from the 13044
unencumbered balances of current appropriations. 13045

(D)(1) Federal grant funds obligated by the department of job 13046
and family services for financial allocations to county family 13047
services agencies and local workforce investment boards may, at 13048
the discretion of the director of job and family services, be 13049
available for expenditure for the duration of the federal grant 13050
period of obligation and liquidation, as follows: 13051

(a) At the end of the state fiscal year, all unexpended 13052
county family services agency and local workforce investment board 13053
financial allocations obligated from federal grant funds may 13054
continue to be valid for expenditure during subsequent state 13055
fiscal years. 13056

(b) The financial allocations described in division (D)(1)(a) 13057
of this section shall be reconciled at the end of the federal 13058
grant period of availability or as required by federal law, 13059
regardless of the state fiscal year of the appropriation. 13060

(2) The director of job and family services may adopt rules 13061
in accordance with section 111.15 of the Revised Code, as if they 13062
were internal management rules, as necessary to implement division 13063
(D) of this section. 13064

(3) As used in division (D) of this section: 13065

(a) "County family services agency" has the same meaning as 13066
in section 307.981 of the Revised Code. 13067

(b) "Local workforce investment board" means a local 13068
workforce investment board established under section 117 of the 13069
"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2832, 13070
as amended. 13071

Sec. 131.38. (A) As used in this section, "segregated 13072

custodial fund" means a fund of a state agency that is established 13073
by law that consists of moneys, claims, bonds, notes, other 13074
obligations, stocks, and other securities, receipts or other 13075
evidences of ownership, and other intangible assets that is 13076
neither required to be kept in the custody of the treasurer of 13077
state nor required to be part of the state treasury. 13078

(B) A state agency that possesses, controls, maintains, or 13079
holds a segregated custodial fund or otherwise evidences ownership 13080
of the contents of a segregated custodial fund shall provide to 13081
the director of budget and management a report related to such 13082
fund by the first day of May of each fiscal year. The report shall 13083
be in such form and contain such information as the director 13084
requires. 13085

Sec. 133.06. (A) A school district shall not incur, without a 13086
vote of the electors, net indebtedness that exceeds an amount 13087
equal to one-tenth of one per cent of its tax valuation, except as 13088
provided in divisions (G) and (H) of this section and in division 13089
(C) of section 3313.372 of the Revised Code, or as prescribed in 13090
section 3318.052 or 3318.44 of the Revised Code, or as provided in 13091
division (J) of this section. 13092

(B) Except as provided in divisions (E), (F), and (I) of this 13093
section, a school district shall not incur net indebtedness that 13094
exceeds an amount equal to nine per cent of its tax valuation. 13095

(C) A school district shall not submit to a vote of the 13096
electors the question of the issuance of securities in an amount 13097
that will make the district's net indebtedness after the issuance 13098
of the securities exceed an amount equal to four per cent of its 13099
tax valuation, unless the superintendent of public instruction, 13100
acting under policies adopted by the state board of education, and 13101
the tax commissioner, acting under written policies of the 13102

commissioner, consent to the submission. A request for the 13103
consents shall be made at least one hundred five days prior to the 13104
election at which the question is to be submitted. 13105

The superintendent of public instruction shall certify to the 13106
district the superintendent's and the tax commissioner's decisions 13107
within thirty days after receipt of the request for consents. 13108

If the electors do not approve the issuance of securities at 13109
the election for which the superintendent of public instruction 13110
and tax commissioner consented to the submission of the question, 13111
the school district may submit the same question to the electors 13112
on the date that the next special election may be held under 13113
section 3501.01 of the Revised Code without submitting a new 13114
request for consent. If the school district seeks to submit the 13115
same question at any other subsequent election, the district shall 13116
first submit a new request for consent in accordance with this 13117
division. 13118

(D) In calculating the net indebtedness of a school district, 13119
none of the following shall be considered: 13120

(1) Securities issued to acquire school buses and other 13121
equipment used in transporting pupils or issued pursuant to 13122
division (D) of section 133.10 of the Revised Code; 13123

(2) Securities issued under division (F) of this section, 13124
under section 133.301 of the Revised Code, and, to the extent in 13125
excess of the limitation stated in division (B) of this section, 13126
under division (E) of this section; 13127

(3) Indebtedness resulting from the dissolution of a joint 13128
vocational school district under section 3311.217 of the Revised 13129
Code, evidenced by outstanding securities of that joint vocational 13130
school district; 13131

(4) Loans, evidenced by any securities, received under 13132
sections 3313.483, 3317.0210, 3317.0211, and 3317.64 of the 13133

Revised Code;	13134
(5) Debt incurred under section 3313.374 of the Revised Code;	13135
(6) Debt incurred pursuant to division (B)(5) of section 3313.37 of the Revised Code to acquire computers and related hardware;	13136 13137 13138
(7) Debt incurred under section 3318.042 of the Revised Code.	13139
(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.	13140 13141
(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:	13142 13143 13144
(a) The student population is not being adequately serviced by the existing permanent improvements of the district.	13145 13146
(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.	13147 13148 13149 13150
(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:	13151 13152 13153
(a) A history of and a projection of the growth of the student population;	13154 13155
(b) The history of and a projection of the growth of the tax valuation;	13156 13157
(c) The projected needs;	13158
(d) The estimated cost of permanent improvements proposed to meet such projected needs.	13159 13160
(3) The superintendent of public instruction shall certify the district as an approved special needs district if the	13161 13162

superintendent finds both of the following: 13163

(a) The district does not have available sufficient 13164
additional funds from state or federal sources to meet the 13165
projected needs. 13166

(b) The projection of the potential average growth of tax 13167
valuation during the next five years, according to the information 13168
certified to the superintendent and any other information the 13169
superintendent obtains, indicates a likelihood of potential 13170
average growth of tax valuation of the district during the next 13171
five years of an average of not less than three per cent per year. 13172
The findings and certification of the superintendent shall be 13173
conclusive. 13174

(4) An approved special needs district may incur net 13175
indebtedness by the issuance of securities in accordance with the 13176
provisions of this chapter in an amount that does not exceed an 13177
amount equal to the greater of the following: 13178

(a) Nine per cent of the sum of its tax valuation plus an 13179
amount that is the product of multiplying that tax valuation by 13180
the percentage by which the tax valuation has increased over the 13181
tax valuation on the first day of the sixtieth month preceding the 13182
month in which its board determines to submit to the electors the 13183
question of issuing the proposed securities; 13184

(b) Nine per cent of the sum of its tax valuation plus an 13185
amount that is the product of multiplying that tax valuation by 13186
the percentage, determined by the superintendent of public 13187
instruction, by which that tax valuation is projected to increase 13188
during the next ten years. 13189

(F) A school district may issue securities for emergency 13190
purposes, in a principal amount that does not exceed an amount 13191
equal to three per cent of its tax valuation, as provided in this 13192
division. 13193

(1) A board of education, by resolution, may declare an emergency if it determines both of the following:	13194 13195
(a) School buildings or other necessary school facilities in the district have been wholly or partially destroyed, or condemned by a constituted public authority, or that such buildings or facilities are partially constructed, or so constructed or planned as to require additions and improvements to them before the buildings or facilities are usable for their intended purpose, or that corrections to permanent improvements are necessary to remove or prevent health or safety hazards.	13196 13197 13198 13199 13200 13201 13202 13203
(b) Existing fiscal and net indebtedness limitations make adequate replacement, additions, or improvements impossible.	13204 13205
(2) Upon the declaration of an emergency, the board of education may, by resolution, submit to the electors of the district pursuant to section 133.18 of the Revised Code the question of issuing securities for the purpose of paying the cost, in excess of any insurance or condemnation proceeds received by the district, of permanent improvements to respond to the emergency need.	13206 13207 13208 13209 13210 13211 13212
(3) The procedures for the election shall be as provided in section 133.18 of the Revised Code, except that:	13213 13214
(a) The form of the ballot shall describe the emergency existing, refer to this division as the authority under which the emergency is declared, and state that the amount of the proposed securities exceeds the limitations prescribed by division (B) of this section;	13215 13216 13217 13218 13219
(b) The resolution required by division (B) of section 133.18 of the Revised Code shall be certified to the county auditor and the board of elections at least seventy-five days prior to the election;	13220 13221 13222 13223
(c) The county auditor shall advise and, not later than	13224

sixty-five days before the election, confirm that advice by 13225
certification to, the board of education of the information 13226
required by division (C) of section 133.18 of the Revised Code; 13227

(d) The board of education shall then certify its resolution 13228
and the information required by division (D) of section 133.18 of 13229
the Revised Code to the board of elections not less than sixty 13230
days prior to the election. 13231

(4) Notwithstanding division (B) of section 133.21 of the 13232
Revised Code, the first principal payment of securities issued 13233
under this division may be set at any date not later than sixty 13234
months after the earliest possible principal payment otherwise 13235
provided for in that division. 13236

(G) The board of education may contract with an architect, 13237
professional engineer, or other person experienced in the design 13238
and implementation of energy conservation measures for an analysis 13239
and recommendations pertaining to installations, modifications of 13240
installations, or remodeling that would significantly reduce 13241
energy consumption in buildings owned by the district. The report 13242
shall include estimates of all costs of such installations, 13243
modifications, or remodeling, including costs of design, 13244
engineering, installation, maintenance, repairs, and debt service, 13245
and estimates of the amounts by which energy consumption and 13246
resultant operational and maintenance costs, as defined by the 13247
Ohio school facilities commission, would be reduced. 13248

If the board finds after receiving the report that the amount 13249
of money the district would spend on such installations, 13250
modifications, or remodeling is not likely to exceed the amount of 13251
money it would save in energy and resultant operational and 13252
maintenance costs over the ensuing fifteen years, the board may 13253
submit to the commission a copy of its findings and a request for 13254
approval to incur indebtedness to finance the making or 13255
modification of installations or the remodeling of buildings for 13256

the purpose of significantly reducing energy consumption. 13257

If the commission determines that the board's findings are 13258
reasonable, it shall approve the board's request. Upon receipt of 13259
the commission's approval, the district may issue securities 13260
without a vote of the electors in a principal amount not to exceed 13261
nine-tenths of one per cent of its tax valuation for the purpose 13262
of making such installations, modifications, or remodeling, but 13263
the total net indebtedness of the district without a vote of the 13264
electors incurred under this and all other sections of the Revised 13265
Code, except section 3318.052 of the Revised Code, shall not 13266
exceed one per cent of the district's tax valuation. 13267

So long as any securities issued under division (G) of this 13268
section remain outstanding, the board of education shall monitor 13269
the energy consumption and resultant operational and maintenance 13270
costs of buildings in which installations or modifications have 13271
been made or remodeling has been done pursuant to division (G) of 13272
this section and shall maintain and annually update a report 13273
documenting the reductions in energy consumption and resultant 13274
operational and maintenance cost savings attributable to such 13275
installations, modifications, or remodeling. The report shall be 13276
certified by an architect or engineer independent of any person 13277
that provided goods or services to the board in connection with 13278
the energy conservation measures that are the subject of the 13279
report. The resultant operational and maintenance cost savings 13280
shall be certified by the school district treasurer. The report 13281
shall be made available to the commission upon request. 13282

(H) With the consent of the superintendent of public 13283
instruction, a school district may incur without a vote of the 13284
electors net indebtedness that exceeds the amounts stated in 13285
divisions (A) and (G) of this section for the purpose of paying 13286
costs of permanent improvements, if and to the extent that both of 13287
the following conditions are satisfied: 13288

(1) The fiscal officer of the school district estimates that 13289
receipts of the school district from payments made under or 13290
pursuant to agreements entered into pursuant to section 725.02, 13291
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.62, 13292
5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised 13293
Code, or distributions under division (C) of section 5709.43 of 13294
the Revised Code, or any combination thereof, are, after 13295
accounting for any appropriate coverage requirements, sufficient 13296
in time and amount, and are committed by the proceedings, to pay 13297
the debt charges on the securities issued to evidence that 13298
indebtedness and payable from those receipts, and the taxing 13299
authority of the district confirms the fiscal officer's estimate, 13300
which confirmation is approved by the superintendent of public 13301
instruction; 13302

(2) The fiscal officer of the school district certifies, and 13303
the taxing authority of the district confirms, that the district, 13304
at the time of the certification and confirmation, reasonably 13305
expects to have sufficient revenue available for the purpose of 13306
operating such permanent improvements for their intended purpose 13307
upon acquisition or completion thereof, and the superintendent of 13308
public instruction approves the taxing authority's confirmation. 13309

The maximum maturity of securities issued under division (H) 13310
of this section shall be the lesser of twenty years or the maximum 13311
maturity calculated under section 133.20 of the Revised Code. 13312

(I) A school district may incur net indebtedness by the 13313
issuance of securities in accordance with the provisions of this 13314
chapter in excess of the limit specified in division (B) or (C) of 13315
this section when necessary to raise the school district portion 13316
of the basic project cost and any additional funds necessary to 13317
participate in a project under Chapter 3318. of the Revised Code, 13318
including the cost of items designated by the Ohio school 13319
facilities commission as required locally funded initiatives and 13320

the cost for site acquisition. The school facilities commission 13321
shall notify the superintendent of public instruction whenever a 13322
school district will exceed either limit pursuant to this 13323
division. 13324

(J) A school district whose portion of the basic project cost 13325
of its classroom facilities project under sections 3318.01 to 13326
3318.20 of the Revised Code is greater than or equal to one 13327
hundred million dollars may incur without a vote of the electors 13328
net indebtedness in an amount up to two per cent of its tax 13329
valuation through the issuance of general obligation securities in 13330
order to generate all or part of the amount of its portion of the 13331
basic project cost if the controlling board has approved the 13332
school facilities commission's conditional approval of the project 13333
under section 3318.04 of the Revised Code. The school district 13334
board and the Ohio school facilities commission shall include the 13335
dedication of the proceeds of such securities in the agreement 13336
entered into under section 3318.08 of the Revised Code. No state 13337
moneys shall be released for a project to which this section 13338
applies until the proceeds of any bonds issued under this section 13339
that are dedicated for the payment of the school district portion 13340
of the project are first deposited into the school district's 13341
project construction fund. 13342

Sec. 133.20. (A) This section applies to bonds that are 13343
general obligation Chapter 133. securities. If the bonds are 13344
payable as to principal by provision for annual installments, the 13345
period of limitations on their last maturity, referred to as their 13346
maximum maturity, shall be measured from a date twelve months 13347
prior to the first date on which provision for payment of 13348
principal is made. If the bonds are payable as to principal by 13349
provision for semiannual installments, the period of limitations 13350
on their last maturity shall be measured from a date six months 13351
prior to the first date on which provision for payment of 13352

principal is made.	13353
(B) Bonds issued for the following permanent improvements or	13354
for permanent improvements for the following purposes shall have	13355
maximum maturities not exceeding the number of years stated:	13356
(1) Fifty years:	13357
(a) The clearance and preparation of real property for	13358
redevelopment as an urban redevelopment project;	13359
(b) Acquiring, constructing, widening, relocating, enlarging,	13360
extending, and improving a publicly owned railroad or line of	13361
railway or a light or heavy rail rapid transit system, including	13362
related bridges, overpasses, underpasses, and tunnels, but not	13363
including rolling stock or equipment;	13364
(c) Pursuant to section 307.675 of the Revised Code,	13365
constructing or repairing a bridge using long life expectancy	13366
material for the bridge deck, and purchasing, installing, and	13367
maintaining any performance equipment to monitor the physical	13368
condition of a bridge so constructed or repaired. Additionally,	13369
the average maturity of the bonds shall not exceed the expected	13370
useful life of the bridge deck as determined by the county	13371
engineer under that section.	13372
(2) Forty years:	13373
(a) General waterworks or water system permanent	13374
improvements, including buildings, water mains, or other	13375
structures and facilities in connection therewith;	13376
(b) Sewers or sewage treatment or disposal works or	13377
facilities, including fireproof buildings or other structures in	13378
connection therewith;	13379
(c) Storm water drainage, surface water, and flood prevention	13380
facilities.	13381
(3) Thirty-five years:	13382

(a) An arena, a convention center, or a combination of an arena and convention center under section 307.695 of the Revised Code;	13383 13384 13385
(b) Sports facilities.	13386
(4) Thirty years:	13387
(a) Municipal recreation, excluding recreational equipment;	13388
(b) Urban redevelopment projects;	13389
(c) Acquisition of real property, <u>except as provided in division (D) of this section</u> ;	13390 13391
(d) Street or alley lighting purposes or relocating overhead wires, cables, and appurtenant equipment underground.	13392 13393
(5) Twenty years: constructing, reconstructing, widening, opening, improving, grading, draining, paving, extending, or changing the line of roads, highways, expressways, freeways, streets, sidewalks, alleys, or curbs and gutters, and related bridges, viaducts, overpasses, underpasses, grade crossing eliminations, service and access highways, and tunnels.	13394 13395 13396 13397 13398 13399
(6) Fifteen years:	13400
(a) Resurfacing roads, highways, streets, or alleys;	13401
(b) Alarm, telegraph, or other communications systems for police or fire departments or other emergency services;	13402 13403
(c) Passenger buses used for mass transportation;	13404
(d) Energy conservation measures as authorized by section 133.06 of the Revised Code.	13405 13406
(7) Ten years:	13407
(a) Water meters;	13408
(b) Fire department apparatus and equipment;	13409
(c) Road rollers and other road construction and servicing	13410

vehicles;	13411
(d) Furniture, equipment, and furnishings;	13412
(e) Landscape planting and other site improvements;	13413
(f) Playground, athletic, and recreational equipment and apparatus;	13414 13415
(g) Energy conservation measures as authorized by section 505.264 of the Revised Code.	13416 13417
(8) Five years: New motor vehicles other than those described in any other division of this section and those for which provision is made in other provisions of the Revised Code.	13418 13419 13420
(C) Bonds issued for any permanent improvements not within the categories set forth in division (B) of this section shall have maximum maturities of from five to thirty years as the fiscal officer estimates is the estimated life or period of usefulness of those permanent improvements. Bonds issued under section 133.51 of the Revised Code for purposes other than permanent improvements shall have the maturities, not to exceed forty years, that the taxing authority shall specify. Bonds issued for energy conservation measures under section 307.041 of the Revised Code shall have maximum maturities not exceeding the lesser of the average life of the energy conservation measures as detailed in the energy conservation report prepared under that section or thirty years.	13421 13422 13423 13424 13425 13426 13427 13428 13429 13430 13431 13432 13433
(D) Securities issued under section 505.265 of the Revised Code shall mature not later than December 31, 2035.	13434 13435
(E) A securities issue for one purpose may include permanent improvements within two or more categories under divisions (B) and (C) of this section. The maximum maturity of such a bond issue shall not exceed the average number of years of life or period of usefulness of the permanent improvements as measured by the	13436 13437 13438 13439 13440

weighted average of the amounts expended or proposed to be 13441
expended for the categories of permanent improvements. 13442

(F) Securities issued by a school district to acquire or 13443
construct real property shall have a maximum maturity longer than 13444
thirty years, but not longer than forty years, if the school 13445
district's fiscal officer estimates the real property's useful 13446
life to be longer than thirty years, and certifies that estimate 13447
to the board of education. 13448

Sec. 135.03. Any national bank, any bank doing business under 13449
authority granted by the superintendent of financial institutions, 13450
or any bank doing business under authority granted by the 13451
regulatory authority of another state of the United States, 13452
~~located in this state and any bank as defined by section 1101.01~~ 13453
~~of the Revised Code, subject to inspection by the superintendent~~ 13454
~~of financial institutions,~~ is eligible to become a public 13455
depository, subject to sections 135.01 to 135.21 of the Revised 13456
Code. No bank shall receive or have on deposit at any one time 13457
public moneys, including public moneys as defined in section 13458
135.31 of the Revised Code, in an aggregate amount in excess of 13459
thirty per cent of its total assets, as shown in its latest report 13460
to the ~~superintendent of financial institutions or~~ comptroller of 13461
the currency, the superintendent of financial institutions, the 13462
federal deposit insurance corporation, or the board of governors 13463
of the federal reserve system. 13464

~~Any domestic association as defined in section 1151.01 of the 13465~~
~~Revised Code, or any savings bank as defined in section 1161.01 of 13466~~
~~the Revised Code, federal savings association, any savings and 13467~~
loan association or savings bank doing business under authority 13468
granted by the superintendent of financial institutions, or any 13469
savings and loan association or savings bank doing business under 13470
authority granted by the regulatory authority of another state of 13471

the United States, located in this state, and authorized to accept 13472
deposits is eligible to become a public depository, subject to 13473
sections 135.01 to 135.21 of the Revised Code. No ~~domestic~~ savings 13474
association, savings and loan association, or savings bank shall 13475
receive or have on deposit at any one time public moneys, 13476
including public moneys as defined in section 135.31 of the 13477
Revised Code, in an aggregate amount in excess of thirty per cent 13478
of its total assets, as shown in its latest report to the 13479
~~superintendent of financial institutions or federal home loan bank~~ 13480
~~board office of thrift supervision, the superintendent of~~ 13481
financial institutions, the federal deposit insurance corporation, 13482
or the board of governors of the federal reserve system. 13483

Sec. 135.06. Each eligible institution desiring to be a 13484
public depository of the inactive deposits of the public moneys of 13485
the state or of the inactive deposits of the public moneys of the 13486
subdivision shall, not more than thirty days prior to the date 13487
fixed by section 135.12 of the Revised Code for the designation of 13488
such public depositories, make application therefor in writing to 13489
the proper governing board. Such application shall specify the 13490
maximum amount of such public moneys which the applicant desires 13491
to receive and have on deposit as an inactive deposit at any one 13492
time during the period covered by the designation, provided that, 13493
~~where such applicant is a bank,~~ it shall not apply for more than 13494
thirty per cent of its total assets as revealed by its latest 13495
report to the superintendent of ~~banks or~~ financial institutions, 13496
the comptroller of the currency, ~~and provided that where such~~ 13497
~~applicant is a building and loan association, it shall not apply~~ 13498
~~for more than thirty per cent of its total assets as revealed by~~ 13499
~~its latest report to the superintendent of building and loan~~ 13500
~~associations or the federal home loan bank board~~ the office of 13501
thrift supervision, the federal deposit insurance corporation, or 13502
the board of governors of the federal reserve system, and the rate 13503

of interest which the applicant, ~~whether it be a bank or a~~ 13504
~~building and loan association,~~ will pay thereon, subject to the 13505
limitations of sections 135.01 to 135.21 of the Revised Code. Each 13506
application shall be accompanied by a financial statement of the 13507
applicant, under oath of its cashier, treasurer, or other officer, 13508
in such detail as to show the capital funds of the applicant, as 13509
of the date of its latest report to the superintendent ~~of banks,~~ 13510
~~superintendent of building and loan associations, federal home~~ 13511
~~loan bank board, or~~ of financial institutions, the comptroller of 13512
the currency, the office of thrift supervision, the federal 13513
deposit insurance corporation, or the board of governors of the 13514
federal reserve system, and adjusted to show any changes therein 13515
made prior to the date of the application. Such application may be 13516
combined with an application for designation as a public 13517
depository of active deposits, interim deposits, or both. 13518

13519

Sec. 135.08. Each eligible institution desiring to be a 13520
public depository of interim deposits of the public moneys of the 13521
state or of the interim deposits of the public moneys of the 13522
subdivision shall, not more than thirty days prior to the date 13523
fixed by section 135.12 of the Revised Code for the designation of 13524
public depositories, make application therefor in writing to the 13525
proper governing board. Such application shall specify the maximum 13526
amount of such public moneys which the applicant desires to 13527
receive and have on deposit as interim deposits at any one time 13528
during the period covered by the designation, provided that, ~~where~~ 13529
~~such applicant is a bank,~~ it shall not apply for more than thirty 13530
per cent of its total assets as revealed by its latest report to 13531
the superintendent of ~~banks or~~ financial institutions, the 13532
comptroller of the currency, ~~and provided that where such~~ 13533
~~applicant is a building and loan association, it shall not apply~~ 13534
~~for more than thirty per cent of its total assets as revealed by~~ 13535

~~its latest report to the superintendent of building and loan associations or the federal home loan bank board~~ the office of thrift supervision, the federal deposit insurance corporation, or the board of governors of the federal reserve system, and the rate of interest which the applicant, ~~whether it be a bank or a building and loan association,~~ will pay thereon, subject to the limitations of sections 135.01 to 135.21 of the Revised Code.

Each application shall be accompanied by a financial statement of the applicant, under oath of its cashier, treasurer, or other officer, in such detail as to show the capital funds of the applicant, as of the date of its latest report to the superintendent of ~~banks, superintendent of building and loan associations, federal home loan bank board,~~ or financial institutions, the comptroller of the currency, the office of thrift supervision, the federal deposit insurance corporation, or the board of governors of the federal reserve system, and adjusted to show any changes therein made prior to the date of the application. Such application may be combined with an application for designation as a public depository of inactive deposits, active deposits, or both.

Sec. 135.32. (A) Any national bank, any bank doing business under authority granted by the superintendent of financial institutions, or any bank doing business under authority granted by the regulatory authority of another state of the United States, located in this state ~~and any bank as defined in section 1101.01 of the Revised Code,~~ subject to inspection by the superintendent of financial institutions, is eligible to become a public depository, subject to sections 135.31 to 135.40 of the Revised Code. No bank shall receive or have on deposit at any one time public moneys, including public moneys as defined in section 135.01 of the Revised Code, in an aggregate amount in excess of thirty per cent of its total assets, as shown in its latest report

to the ~~superintendent of financial institutions or~~ comptroller of 13568
the currency, the superintendent of financial institutions, the 13569
federal deposit insurance corporation, or the board of governors 13570
of the federal reserve system. 13571

(B) Any ~~domestic association as defined in section 1151.01 of~~ 13572
~~the Revised Code, or any savings bank as defined in section~~ 13573
~~1161.01 of the Revised Code,~~ federal savings association, any 13574
savings and loan association or savings bank doing business under 13575
authority granted by the superintendent of financial institutions, 13576
or any savings and loan association or savings bank doing business 13577
under authority granted by the regulatory authority of another 13578
state of the United States, located in this state, and authorized 13579
to accept deposits is eligible to become a public depository, 13580
subject to sections 135.31 to 135.40 of the Revised Code. No 13581
~~domestic~~ savings association, savings and loan association, or 13582
savings bank shall receive or have on deposit at any one time 13583
public moneys, including public moneys as defined in section 13584
135.01 of the Revised Code, in an aggregate amount in excess of 13585
thirty per cent of its total assets, as shown in its latest report 13586
to the ~~superintendent of financial institutions or federal home~~ 13587
~~loan bank board~~ the office of thrift supervision, the 13588
superintendent of financial institutions, the federal deposit 13589
insurance corporation, or the board of governors of the federal 13590
reserve system. 13591

Sec. 141.04. (A) The annual salaries of the chief justice of 13592
the supreme court and of the justices and judges named in this 13593
section payable from the state treasury are as follows, rounded to 13594
the nearest fifty dollars: 13595

(1) For the chief justice of the supreme court, the following 13596
amounts effective in the following years: 13597

(a) Beginning January 1, 2000, one hundred twenty-four 13598

thousand nine hundred dollars;	13599
(b) Beginning January 1, 2001, one hundred twenty-eight thousand six hundred fifty dollars;	13600 13601
(c) After 2001, the amount determined under division (E)(1) of this section.	13602 13603
(2) For the justices of the supreme court, the following amounts effective in the following years:	13604 13605
(a) Beginning January 1, 2000, one hundred seventeen thousand two hundred fifty dollars;	13606 13607
(b) Beginning January 1, 2001, one hundred twenty thousand seven hundred fifty dollars;	13608 13609
(c) After 2001, the amount determined under division (E)(1) of this section.	13610 13611
(3) For the judges of the courts of appeals, the following amounts effective in the following years:	13612 13613
(a) Beginning January 1, 2000, one hundred nine thousand two hundred fifty dollars;	13614 13615
(b) Beginning January 1, 2001, one hundred twelve thousand five hundred fifty dollars;	13616 13617
(c) After 2001, the amount determined under division (E)(1) of this section.	13618 13619
(4) For the judges of the courts of common pleas, the following amounts effective in the following years:	13620 13621
(a) Beginning January 1, 2000, one hundred thousand five hundred dollars, reduced by an amount equal to the annual compensation paid to that judge from the county treasury pursuant to section 141.05 of the Revised Code;	13622 13623 13624 13625
(b) Beginning January 1, 2001, one hundred three thousand five hundred dollars, reduced by an amount equal to the annual	13626 13627

compensation paid to that judge from the county treasury pursuant 13628
to section 141.05 of the Revised Code; 13629

(c) After 2001, the aggregate annual salary amount determined 13630
under division (E)(2) of this section reduced by an amount equal 13631
to the annual compensation paid to that judge from the county 13632
treasury pursuant to section 141.05 of the Revised Code. 13633

(5) For the full-time judges of a municipal court or the 13634
part-time judges of a municipal court of a territory having a 13635
population of more than fifty thousand, the following amounts 13636
effective in the following years, which amounts shall be in 13637
addition to all amounts received pursuant to divisions (B)(1)(a) 13638
and (2) of section 1901.11 of the Revised Code from municipal 13639
corporations and counties: 13640

(a) Beginning January 1, 2000, thirty-two thousand six 13641
hundred fifty dollars; 13642

(b) Beginning January 1, 2001, thirty-five thousand five 13643
hundred dollars; 13644

(c) After 2001, the amount determined under division (E)(3) 13645
of this section. 13646

(6) For judges of a municipal court designated as part-time 13647
judges by section 1901.08 of the Revised Code, other than 13648
part-time judges to whom division (A)(5) of this section applies, 13649
and for judges of a county court, the following amounts effective 13650
in the following years, which amounts shall be in addition to any 13651
amounts received pursuant to division (A) of section 1901.11 of 13652
the Revised Code from municipal corporations and counties or 13653
pursuant to division (A) of section 1907.16 of the Revised Code 13654
from counties: 13655

(a) Beginning January 1, 2000, eighteen thousand eight 13656
hundred dollars; 13657

(b) Beginning January 1, 2001, twenty thousand four hundred 13658
fifty dollars; 13659

(c) After 2001, the amount determined under division (E)(4) 13660
of this section. 13661

(B) Except as provided in section 1901.121 of the Revised 13662
Code, except as otherwise provided in this division, and except 13663
for the compensation to which the judges described in division 13664
(A)(5) of this section are entitled pursuant to divisions 13665
(B)(1)(a) and (2) of section 1901.11 of the Revised Code, the 13666
annual salary of the chief justice of the supreme court and of 13667
each justice or judge listed in division (A) of this section shall 13668
be paid in equal monthly installments from the state treasury. If 13669
the chief justice of the supreme court or any justice or judge 13670
listed in division (A)(2), (3), or (4) of this section delivers a 13671
written request to be paid biweekly to the administrative director 13672
of the supreme court prior to the first day of January of any 13673
year, the annual salary of the chief justice or the justice or 13674
judge that is listed in division (A)(2), (3), or (4) of this 13675
section shall be paid, during the year immediately following the 13676
year in which the request is delivered to the administrative 13677
director of the supreme court, biweekly from the state treasury. 13678

(C) Upon the death of the chief justice or a justice of the 13679
supreme court during that person's term of office, an amount shall 13680
be paid in accordance with section 2113.04 of the Revised Code, or 13681
to that person's estate. The amount shall equal the amount of the 13682
salary that the chief justice or justice would have received 13683
during the remainder of the unexpired term or an amount equal to 13684
the salary of office for two years, whichever is less. 13685

(D) Neither the chief justice of the supreme court nor any 13686
justice or judge of the supreme court, the court of appeals, the 13687
court of common pleas, or the probate court shall hold any other 13688
office of trust or profit under the authority of this state or the 13689

United States. 13690

(E)(1) Each ~~calendar~~ year from 2002 through 2008, the annual 13691
salaries of the chief justice of the supreme court and of the 13692
justices and judges named in divisions (A)(2) and (3) of this 13693
section shall be increased by an amount equal to the adjustment 13694
percentage for that year multiplied by the compensation paid the 13695
preceding year pursuant to division (A)(1), (2), or (3) of this 13696
section. 13697

(2) Each ~~calendar~~ year from 2002 through 2008, the aggregate 13698
annual salary payable under division (A)(4) of this section to the 13699
judges named in that division shall be increased by an amount 13700
equal to the adjustment percentage for that year multiplied by the 13701
aggregate compensation paid the preceding year pursuant to 13702
division (A)(4) of this section and section 141.05 of the Revised 13703
Code. 13704

(3) Each ~~calendar~~ year from 2002 through 2008, the salary 13705
payable from the state treasury under division (A)(5) of this 13706
section to the judges named in that division shall be increased by 13707
an amount equal to the adjustment percentage for that year 13708
multiplied by the aggregate compensation paid the preceding year 13709
pursuant to division (A)(5) of this section and division (B)(1)(a) 13710
of section 1901.11 of the Revised Code. 13711

(4) Each ~~calendar~~ year from 2002 through 2008, the salary 13712
payable from the state treasury under division (A)(6) of this 13713
section to the judges named in that division shall be increased by 13714
an amount equal to the adjustment percentage for that year 13715
multiplied by the aggregate compensation paid the preceding year 13716
pursuant to division (A)(6) of this section and division (A) of 13717
section 1901.11 of the Revised Code from municipal corporations 13718
and counties or division (A) of section 1907.16 of the Revised 13719
Code from counties. 13720

(F) In addition to the salaries payable pursuant to this 13721
section, the chief justice of the supreme court and the justices 13722
of the supreme court shall be entitled to a vehicle allowance of 13723
five hundred dollars per month, payable from the state treasury. 13724
The allowance shall be increased on the first day of January of 13725
each odd numbered year by an amount equal to the percentage 13726
increase, if any, in the consumer price index for the immediately 13727
preceding twenty-four month period for which information is 13728
available. 13729

(G) As used in this section: 13730

(1) The "adjustment percentage" for a year is the lesser of 13731
the following: 13732

(a) Three per cent; 13733

(b) The percentage increase, if any, in the consumer price 13734
index over the twelve-month period that ends on the thirtieth day 13735
of September of the immediately preceding year, rounded to the 13736
nearest one-tenth of one per cent. 13737

(2) "Consumer price index" has the same meaning as in section 13738
101.27 of the Revised Code. 13739

(3) "Salary" does not include any portion of the cost, 13740
premium, or charge for health, medical, hospital, dental, or 13741
surgical benefits, or any combination of those benefits, covering 13742
the chief justice of the supreme court or a justice or judge named 13743
in this section and paid on the chief justice's or the justice's 13744
or judge's behalf by a governmental entity. 13745

Sec. 145.012. (A) "Public employee," as defined in division 13746
(A) of section 145.01 of the Revised Code, does not include any 13747
person: 13748

(1) Who is employed by a private, temporary-help service and 13749
performs services under the direction of a public employer or is 13750

employed on a contractual basis as an independent contractor under	13751
a personal service contract with a public employer;	13752
(2) Who is an emergency employee serving on a temporary basis	13753
in case of fire, snow, earthquake, flood, or other similar	13754
emergency;	13755
(3) Who is employed in a program established pursuant to the	13756
"Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A.	13757
1501;	13758
(4) Who is an appointed member of either the motor vehicle	13759
salvage dealers board or the motor vehicle dealer's board whose	13760
rate and method of payment are determined pursuant to division (J)	13761
of section 124.15 of the Revised Code;	13762
(5) Who is employed as an election worker and paid less than	13763
five hundred dollars per calendar year for that service;	13764
(6) Who is employed as a firefighter in a position requiring	13765
satisfactory completion of a firefighter training course approved	13766
under former section 3303.07 or section 4765.55 of the Revised	13767
Code or conducted under section 3737.33 of the Revised Code except	13768
for the following:	13769
(a) Any firefighter who has elected under section 145.013 of	13770
the Revised Code to remain a contributing member of the public	13771
employees retirement system;	13772
(b) Any firefighter who was eligible to transfer from the	13773
public employees retirement system to the Ohio police and fire	13774
pension fund under section 742.51 or 742.515 of the Revised Code	13775
and did not elect to transfer;	13776
(c) Any firefighter who has elected under section 742.516 of	13777
the Revised Code to transfer from the Ohio police and fire pension	13778
fund to the public employees retirement system.	13779
(7) Who is a member of the board of health of a city or	13780

general health district, which pursuant to sections 3709.051 and 13781
3709.07 of the Revised Code includes a combined health district, 13782
and whose compensation for attendance at meetings of the board is 13783
set forth in division (B) of section 3709.02 or division (B) of 13784
section 3709.05 of the Revised Code, as appropriate; 13785

(8) Who participates in an alternative retirement plan 13786
established under Chapter 3305. of the Revised Code; 13787

(9) Who is a member of the board of directors of a sanitary 13788
district established under Chapter 6115. of the Revised Code; 13789

(10) Who is a member of the unemployment compensation 13790
advisory council. 13791

(B) No inmate of a correctional institution operated by the 13792
department of rehabilitation and correction, no patient in a 13793
hospital for the mentally ill or criminally insane operated by the 13794
department of mental health, no resident in an institution for the 13795
mentally retarded operated by the department of mental retardation 13796
and developmental disabilities, no resident admitted as a patient 13797
of a veterans' home operated under Chapter 5907. of the Revised 13798
Code, and no resident of a county home shall be considered as a 13799
public employee for the purpose of establishing membership or 13800
calculating service credit or benefits under this chapter. Nothing 13801
in this division shall be construed to affect any service credit 13802
attained by any person who was a public employee before becoming 13803
an inmate, patient, or resident at any institution listed in this 13804
division, or the payment of any benefit for which such a person or 13805
such a person's beneficiaries otherwise would be eligible. 13806
13807

Sec. 145.298. (A) As used in this section: 13808

(1) "State employing unit" means an employing unit described 13809
in division (A)(2) of section 145.297 of the Revised Code. 13810

(2) "State institution" means a state correctional facility, 13811
a state institution for the mentally ill, or a state institution 13812
for the care, treatment, and training of the mentally retarded. 13813

(B) ~~In~~ (1) Prior to July 1, 2009, in the event of a proposal 13814
to close a state institution or lay off, within a six-month 13815
period, a number of persons employed at an institution that equals 13816
or exceeds the lesser of fifty or ten per cent of the persons 13817
employed at the institution, the employing unit responsible for 13818
the institution's operation shall establish a retirement incentive 13819
plan for persons employed at the institution. 13820

(2) On and after July 1, 2009, in the event of a proposal to 13821
close a state institution or lay off, within a six-month period, a 13822
number of persons employed at an institution that equals or 13823
exceeds the lesser of two hundred or thirty per cent of the 13824
persons employed at the institution, the employing unit 13825
responsible for the institution's operation shall establish a 13826
retirement incentive plan for persons employed at the institution. 13827

(C) ~~In~~ (1) Prior to July 1, 2009, in the event of a proposal, 13828
other than a ~~proposal~~ the proposals described in division (B) of 13829
this section, to lay off, within a six-month period, a number of 13830
employees of a state employing unit that equals or exceeds the 13831
lesser of fifty or ten per cent of the employing unit's employees, 13832
the employing unit shall establish a retirement incentive plan for 13833
employees of the employing unit. 13834

(2) On and after July 1, 2009, in the event of a proposal, 13835
other than the proposals described in division (B) of this 13836
section, to lay off, within a six-month period, a number of 13837
employees of a state employing unit that equals or exceeds the 13838
lesser of two hundred or thirty per cent of the employing unit's 13839
employees, the employing unit shall establish a retirement 13840
incentive plan for employees of the employing unit. 13841

(D)(1) A retirement incentive plan established under this 13842
section shall be consistent with the requirements of section 13843
145.297 of the Revised Code, except as provided in division (D)(2) 13844
of this section and except that the plan shall go into effect at 13845
the time the layoffs or proposed closings are announced and shall 13846
remain in effect until the date of the layoffs or closings. 13847

(2) A retirement incentive plan established under this 13848
section due to the proposed closing of a state institution by the 13849
department of mental health prior to July 1, 1997, shall be 13850
consistent with the requirements of section 145.297 of the Revised 13851
Code, except as follows: 13852

(a) The employing unit shall purchase at least three years of 13853
service credit for each participating employee, except that it 13854
shall not purchase more service credit than the amount allowed by 13855
division (D) of section 145.297 of the Revised Code; 13856

(b) The plan shall go into effect at the time the proposed 13857
closing is announced and shall remain in effect at least until the 13858
date of the closing. 13859

(3) If the employing unit already has a retirement incentive 13860
plan in effect, the plan shall remain in effect at least until the 13861
date of the layoffs or closings. The employing unit may revise the 13862
existing plan to provide greater benefits, but if it revises the 13863
plan, it shall give written notice of the changes to all employees 13864
who have elected to participate in the original plan, and it shall 13865
provide the greater benefits to all employees who participate in 13866
the plan, whether their elections to participate were made before 13867
or after the date of the revision. 13868

Sec. 148.02. The Ohio public employees deferred compensation 13869
board shall be comprised of a member of the house of 13870
representatives and a member of the senate, who shall not be of 13871
the same political party, each to be appointed to serve at the 13872

pleasure of the member's respective leadership, and the members of 13873
the public employees retirement board as constituted by section 13874
145.04 of the Revised Code, who are hereby created as a separate 13875
legal entity for the purpose of administering a deferred 13876
compensation system for all eligible employees. The public 13877
employees retirement board may utilize its employees and property 13878
in the administration of the system on behalf of the Ohio public 13879
employees deferred compensation board, in consideration of a 13880
reasonable service charge to be applied in a nondiscriminatory 13881
manner to all amounts of compensation deferred under this system. 13882

The Ohio public employees deferred compensation board may 13883
exercise the same powers granted by section 145.09 of the Revised 13884
Code necessary to its functions. The attorney general shall be the 13885
legal adviser of the board. The Ohio public employees deferred 13886
compensation receiving account shall be in the custody of the 13887
treasurer of state, but shall not be part of the state treasury. 13888

Sec. 148.04. (A) The Ohio public employees deferred 13889
compensation board shall initiate, plan, expedite, and, subject to 13890
an appropriate assurance of the approval of the internal revenue 13891
service, promulgate and offer to all eligible employees, and 13892
thereafter administer on behalf of all participating employees and 13893
continuing members, and alter as required, a program for deferral 13894
of compensation, including a reasonable number of options to the 13895
employee for the investment of deferred funds, ~~including life 13896
insurance, annuities, variable annuities, pooled investment funds 13897
managed by the board, or other forms of investment approved by the 13898
board,~~ always in such form as will assure the desired tax 13899
treatment of such funds. The members of the board are the trustees 13900
of any deferred funds and shall discharge their duties with 13901
respect to the funds solely in the interest of and for the 13902
exclusive benefit of participating employees, continuing members, 13903
and their beneficiaries. With respect to such deferred funds, 13904

section 148.09 of the Revised Code shall apply to claims against 13905
participating employees or continuing members and their employers. 13906

(B) The Ohio public employees deferred compensation program 13907
shall provide informational materials and acknowledgment forms to 13908
employers required to comply with division (C) of this section. 13909

(C)(1) Whenever an individual becomes employed in a position 13910
paid by warrant of the director of budget and management, the 13911
individual's employer shall do both of the following at the time 13912
the employee completes the employee's initial employment 13913
paperwork: 13914

(a) Provide to the employee materials provided by the Ohio 13915
public employees deferred compensation program under division (B) 13916
of this section regarding the benefits of long-term savings 13917
through deferred compensation; 13918

(b) Secure, in writing or by electronic means, the employee's 13919
acknowledgment form regarding the employee's desire to participate 13920
or not participate in a deferred compensation program offered by 13921
the board. 13922

An election regarding participation under this section shall 13923
be made in such manner and form as is prescribed by the Ohio 13924
public employees deferred compensation program and shall be filed 13925
with the program. 13926

The employer shall forward each acknowledgment form completed 13927
under this division to the deferred compensation program not later 13928
than forty-five days after the date on which the employee's 13929
employment begins. 13930

(2) Every employer of an eligible employee shall contract 13931
with the employee upon the employee's application for 13932
participation in a deferred compensation program offered by the 13933
board. Every retirement system serving an eligible employee shall 13934
serve as collection agent for compensation deferred by any of its 13935

~~members and account for and deliver such sums to the board.~~ 13936

~~(C)~~(D) The board shall, subject to any applicable contract 13937
provisions, undertake to obtain as favorable conditions of tax 13938
treatment as possible, both in the initial programs and any 13939
permitted alterations of them or additions to them, as to such 13940
matters as terms of distribution, designation of beneficiaries, 13941
withdrawal upon disability, financial hardship, or termination of 13942
public employment, and other optional provisions. 13943

~~(D)~~(E) In no event shall the total of the amount of deferred 13944
compensation to be set aside under a deferred compensation program 13945
and the employee's nondeferred income for any year exceed the 13946
total annual salary or compensation under the existing salary 13947
schedule or classification plan applicable to the employee in that 13948
year. 13949

Such a deferred compensation program shall be in addition to 13950
any retirement or any other benefit program provided by law for 13951
employees of this state. The board shall adopt rules pursuant to 13952
Chapter 119. of the Revised Code to provide any necessary 13953
standards or conditions for the administration of its programs, 13954
including any limits on the portion of a participating employee's 13955
compensation that may be deferred in order to avoid adverse 13956
treatment of the program by the internal revenue service or the 13957
occurrence of deferral, withholding, or other deductions in excess 13958
of the compensation available for any pay period. 13959

Any income deferred under such a plan shall continue to be 13960
included as regular compensation for the purpose of computing the 13961
contributions to and benefits from the retirement system of such 13962
employee. Any sum so deferred shall not be included in the 13963
computation of any federal and state income taxes withheld on 13964
behalf of any such employee. 13965

~~(E)~~(F) This section does not limit the authority of any 13966

municipal corporation, county, township, park district, 13967
conservancy district, sanitary district, health district, public 13968
library, county law library, public institution of higher 13969
education, or school district to provide separate authorized plans 13970
or programs for deferring compensation of their officers and 13971
employees in addition to the program for the deferral of 13972
compensation offered by the board. Any municipal corporation, 13973
township, public institution of higher education, or school 13974
district that offers such plans or programs shall include a 13975
reasonable number of options to its officers or employees for the 13976
investment of the deferred funds, including annuities, variable 13977
annuities, regulated investment trusts, or other forms of 13978
investment approved by the municipal corporation, township, public 13979
institution of higher education, or school district, that will 13980
assure the desired tax treatment of the funds. 13981

Sec. 148.05. (A)(1) As used in this division, "personal 13982
history record" means information maintained by the Ohio public 13983
employees deferred compensation board on an individual who is a 13984
participating employee or continuing member that includes the 13985
address, telephone number, social security number, record of 13986
contributions, records of benefits, correspondence with the Ohio 13987
public employees deferred compensation program, or other 13988
information the board determines to be confidential. 13989

(2) The records of the board shall be open to public 13990
inspection, except that the following shall be excluded, except 13991
with the written authorization of the individual concerned: 13992

(a) Information pertaining to an individual's participant 13993
account; 13994

(b) The individual's personal history record. 13995

(B)(1) All medical reports, records, and recommendations of a 13996
participating employee or a continuing member that are in the 13997

possession of the board are privileged. 13998

(2) All tax information of a participating employee, continuing member, or former participant or member that is in the possession of the board shall be confidential to the extent the information is confidential under Title LVII or any other provision of the Revised Code. 13999
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(C) Notwithstanding the exceptions to public inspection in division (A)(2) of this section, the board may furnish the following information: 14004
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(1) If a participating employee, continuing member, or former participant or member is subject to an order issued under section 2907.15 of the Revised Code or is convicted of or pleads guilty to a violation of section 2921.41 of the Revised Code, on written request of a prosecutor as defined in section 2935.01 of the Revised Code, the board shall furnish to the prosecutor the information requested from the individual's personal history record or participant account. 14007
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(2) Pursuant to a court or administrative order issued pursuant to Chapter 3119., 3121., 3123., or 3125. of the Revised Code, the board shall furnish to a court or child support enforcement agency the information required under that section. 14015
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(3) Pursuant to an administrative subpoena issued by a state agency, the board shall furnish the information required by the subpoena. 14019
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(4) The board shall comply with orders issued under section 3105.87 of the Revised Code. 14022
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(D) A statement that contains information obtained from the program's records that is signed by the executive director or the director's designee and to which the board's official seal is affixed, or copies of the program's records to which the signature and seal are attached, shall be received as true copies of the 14024
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board's records in any court or before any officer of this state. 14029
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Sec. 149.308. There is hereby created in the state treasury 14031
the Ohio historical society income tax contribution fund, which 14032
shall consist of money contributed to it under section 5747.113 of 14033
the Revised Code and of contributions made directly to it. Any 14034
person may contribute directly to the fund in addition to or 14035
independently of the income tax refund contribution system 14036
established in section 5747.113 of the Revised Code. 14037

The Ohio historical society shall use money credited to the 14038
fund in furtherance of the public functions with which the society 14039
is charged under section 149.30 of the Revised Code. 14040

Sec. 149.43. (A) As used in this section: 14041

(1) "Public record" means records kept by any public office, 14042
including, but not limited to, state, county, city, village, 14043
township, and school district units, and records pertaining to the 14044
delivery of educational services by an alternative school in this 14045
state kept by the nonprofit or for-profit entity operating the 14046
alternative school pursuant to section 3313.533 of the Revised 14047
Code. "Public record" does not mean any of the following: 14048

(a) Medical records; 14049

(b) Records pertaining to probation and parole proceedings or 14050
to proceedings related to the imposition of community control 14051
sanctions and post-release control sanctions; 14052

(c) Records pertaining to actions under section 2151.85 and 14053
division (C) of section 2919.121 of the Revised Code and to 14054
appeals of actions arising under those sections; 14055

(d) Records pertaining to adoption proceedings, including the 14056
contents of an adoption file maintained by the department of 14057

health under section 3705.12 of the Revised Code;	14058
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	14059 14060 14061 14062 14063 14064
(f) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;	14065 14066 14067
(g) Trial preparation records;	14068
(h) Confidential law enforcement investigatory records;	14069
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	14070 14071
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	14072 14073
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	14074 14075 14076 14077
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	14078 14079 14080 14081
(m) Intellectual property records;	14082
(n) Donor profile records;	14083
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	14084 14085
(p) Peace officer, parole officer, prosecuting attorney,	14086

assistant prosecuting attorney, correctional employee, youth 14087
services employee, firefighter, ~~or~~ EMT , or investigator of the 14088
bureau of criminal identification and investigation residential 14089
and familial information; 14090

(q) In the case of a county hospital operated pursuant to 14091
Chapter 339. of the Revised Code or a municipal hospital operated 14092
pursuant to Chapter 749. of the Revised Code, information that 14093
constitutes a trade secret, as defined in section 1333.61 of the 14094
Revised Code; 14095

(r) Information pertaining to the recreational activities of 14096
a person under the age of eighteen; 14097

(s) Records provided to, statements made by review board 14098
members during meetings of, and all work products of a child 14099
fatality review board acting under sections 307.621 to 307.629 of 14100
the Revised Code, and child fatality review data submitted by the 14101
child fatality review board to the department of health or a 14102
national child death review database, other than the report 14103
prepared pursuant to division (A) of section 307.626 of the 14104
Revised Code; 14105

(t) Records provided to and statements made by the executive 14106
director of a public children services agency or a prosecuting 14107
attorney acting pursuant to section 5153.171 of the Revised Code 14108
other than the information released under that section; 14109

(u) Test materials, examinations, or evaluation tools used in 14110
an examination for licensure as a nursing home administrator that 14111
the board of examiners of nursing home administrators administers 14112
under section 4751.04 of the Revised Code or contracts under that 14113
section with a private or government entity to administer; 14114

(v) Records the release of which is prohibited by state or 14115
federal law; 14116

(w) Proprietary information of or relating to any person that 14117

is submitted to or compiled by the Ohio venture capital authority	14118
created under section 150.01 of the Revised Code;	14119
(x) Information reported and evaluations conducted pursuant	14120
to section 3701.072 of the Revised Code;	14121
(y) Financial statements and data any person submits for any	14122
purpose to the Ohio housing finance agency or the controlling	14123
board in connection with applying for, receiving, or accounting	14124
for financial assistance from the agency, and information that	14125
identifies any individual who benefits directly or indirectly from	14126
financial assistance from the agency;	14127
(z) Records listed in section 5101.29 of the Revised Code.	14128
(aa) Discharges recorded with a county recorder under section	14129
317.24 of the Revised Code, as specified in division (B)(2) of	14130
that section.	14131
(2) "Confidential law enforcement investigatory record" means	14132
any record that pertains to a law enforcement matter of a	14133
criminal, quasi-criminal, civil, or administrative nature, but	14134
only to the extent that the release of the record would create a	14135
high probability of disclosure of any of the following:	14136
(a) The identity of a suspect who has not been charged with	14137
the offense to which the record pertains, or of an information	14138
source or witness to whom confidentiality has been reasonably	14139
promised;	14140
(b) Information provided by an information source or witness	14141
to whom confidentiality has been reasonably promised, which	14142
information would reasonably tend to disclose the source's or	14143
witness's identity;	14144
(c) Specific confidential investigatory techniques or	14145
procedures or specific investigatory work product;	14146
(d) Information that would endanger the life or physical	14147

safety of law enforcement personnel, a crime victim, a witness, or 14148
a confidential information source. 14149

(3) "Medical record" means any document or combination of 14150
documents, except births, deaths, and the fact of admission to or 14151
discharge from a hospital, that pertains to the medical history, 14152
diagnosis, prognosis, or medical condition of a patient and that 14153
is generated and maintained in the process of medical treatment. 14154

(4) "Trial preparation record" means any record that contains 14155
information that is specifically compiled in reasonable 14156
anticipation of, or in defense of, a civil or criminal action or 14157
proceeding, including the independent thought processes and 14158
personal trial preparation of an attorney. 14159

(5) "Intellectual property record" means a record, other than 14160
a financial or administrative record, that is produced or 14161
collected by or for faculty or staff of a state institution of 14162
higher learning in the conduct of or as a result of study or 14163
research on an educational, commercial, scientific, artistic, 14164
technical, or scholarly issue, regardless of whether the study or 14165
research was sponsored by the institution alone or in conjunction 14166
with a governmental body or private concern, and that has not been 14167
publicly released, published, or patented. 14168

(6) "Donor profile record" means all records about donors or 14169
potential donors to a public institution of higher education 14170
except the names and reported addresses of the actual donors and 14171
the date, amount, and conditions of the actual donation. 14172

(7) "Peace officer, parole officer, prosecuting attorney, 14173
assistant prosecuting attorney, correctional employee, youth 14174
services employee, firefighter, ~~or~~ EMT, or investigator of the 14175
bureau of criminal identification and investigation residential 14176
and familial information" means any information that discloses any 14177
of the following about a peace officer, parole officer, 14178

prosecuting attorney, assistant prosecuting attorney, correctional 14179
employee, youth services employee, firefighter, ~~or~~ EMT, or 14180
investigator of the bureau of criminal identification and 14181
investigation: 14182

(a) The address of the actual personal residence of a peace 14183
officer, parole officer, assistant prosecuting attorney, 14184
correctional employee, youth services employee, firefighter, ~~or~~ 14185
EMT, or an investigator of the bureau of criminal identification 14186
and investigation, except for the state or political subdivision 14187
in which the peace officer, parole officer, assistant prosecuting 14188
attorney, correctional employee, youth services employee, 14189
firefighter, ~~or~~ EMT, or investigator of the bureau of criminal 14190
identification and investigation resides; 14191

(b) Information compiled from referral to or participation in 14192
an employee assistance program; 14193

(c) The social security number, the residential telephone 14194
number, any bank account, debit card, charge card, or credit card 14195
number, or the emergency telephone number of, or any medical 14196
information pertaining to, a peace officer, parole officer, 14197
prosecuting attorney, assistant prosecuting attorney, correctional 14198
employee, youth services employee, firefighter, ~~or~~ EMT, or 14199
investigator of the bureau of criminal identification and 14200
investigation; 14201

(d) The name of any beneficiary of employment benefits, 14202
including, but not limited to, life insurance benefits, provided 14203
to a peace officer, parole officer, prosecuting attorney, 14204
assistant prosecuting attorney, correctional employee, youth 14205
services employee, firefighter, ~~or~~ EMT, or investigator of the 14206
bureau of criminal identification and investigation by the peace 14207
officer's, parole officer's, prosecuting attorney's, assistant 14208
prosecuting attorney's, correctional employee's, youth services 14209
employee's, firefighter's, ~~or~~ EMT's, or investigator of the bureau 14210

of criminal identification and investigation's employer; 14211

(e) The identity and amount of any charitable or employment 14212
benefit deduction made by the peace officer's, parole officer's, 14213
prosecuting attorney's, assistant prosecuting attorney's, 14214
correctional employee's, youth services employee's, firefighter's, 14215
~~or~~ EMT's, or investigator of the bureau of criminal identification 14216
and investigation's employer from the peace officer's, parole 14217
officer's, prosecuting attorney's, assistant prosecuting 14218
attorney's, correctional employee's, youth services employee's, 14219
firefighter's, ~~or~~ EMT's, or investigator of the bureau of criminal 14220
identification and investigation's compensation unless the amount 14221
of the deduction is required by state or federal law; 14222

(f) The name, the residential address, the name of the 14223
employer, the address of the employer, the social security number, 14224
the residential telephone number, any bank account, debit card, 14225
charge card, or credit card number, or the emergency telephone 14226
number of the spouse, a former spouse, or any child of a peace 14227
officer, parole officer, prosecuting attorney, assistant 14228
prosecuting attorney, correctional employee, youth services 14229
employee, firefighter, ~~or~~ EMT, or investigator of the bureau of 14230
criminal identification and investigation; 14231

(g) A photograph of a peace officer who holds a position or 14232
has an assignment that may include undercover or plain clothes 14233
positions or assignments as determined by the peace officer's 14234
appointing authority. 14235

As used in divisions (A)(7) and (B)(9) of this section, 14236
"peace officer" has the same meaning as in section 109.71 of the 14237
Revised Code and also includes the superintendent and troopers of 14238
the state highway patrol; it does not include the sheriff of a 14239
county or a supervisory employee who, in the absence of the 14240
sheriff, is authorized to stand in for, exercise the authority of, 14241
and perform the duties of the sheriff. 14242

As used in divisions (A)(7) and (B)(5) of this section, 14243
"correctional employee" means any employee of the department of 14244
rehabilitation and correction who in the course of performing the 14245
employee's job duties has or has had contact with inmates and 14246
persons under supervision. 14247

As used in divisions (A)(7) and (B)(5) of this section, 14248
"youth services employee" means any employee of the department of 14249
youth services who in the course of performing the employee's job 14250
duties has or has had contact with children committed to the 14251
custody of the department of youth services. 14252

As used in divisions (A)(7) and (B)(9) of this section, 14253
"firefighter" means any regular, paid or volunteer, member of a 14254
lawfully constituted fire department of a municipal corporation, 14255
township, fire district, or village. 14256

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 14257
means EMTs-basic, EMTs-I, and paramedics that provide emergency 14258
medical services for a public emergency medical service 14259
organization. "Emergency medical service organization," 14260
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 14261
section 4765.01 of the Revised Code. 14262

As used in divisions (A)(7) and (B)(9) of this section, 14263
"investigator of the bureau of criminal identification and 14264
investigation" has the meaning defined in section 2903.11 of the 14265
Revised Code. 14266

(8) "Information pertaining to the recreational activities of 14267
a person under the age of eighteen" means information that is kept 14268
in the ordinary course of business by a public office, that 14269
pertains to the recreational activities of a person under the age 14270
of eighteen years, and that discloses any of the following: 14271

(a) The address or telephone number of a person under the age 14272
of eighteen or the address or telephone number of that person's 14273

parent, guardian, custodian, or emergency contact person; 14274

(b) The social security number, birth date, or photographic 14275
image of a person under the age of eighteen; 14276

(c) Any medical record, history, or information pertaining to 14277
a person under the age of eighteen; 14278

(d) Any additional information sought or required about a 14279
person under the age of eighteen for the purpose of allowing that 14280
person to participate in any recreational activity conducted or 14281
sponsored by a public office or to use or obtain admission 14282
privileges to any recreational facility owned or operated by a 14283
public office. 14284

(9) "Community control sanction" has the same meaning as in 14285
section 2929.01 of the Revised Code. 14286

(10) "Post-release control sanction" has the same meaning as 14287
in section 2967.01 of the Revised Code. 14288

(11) "Redaction" means obscuring or deleting any information 14289
that is exempt from the duty to permit public inspection or 14290
copying from an item that otherwise meets the definition of a 14291
"record" in section 149.011 of the Revised Code. 14292

(12) "Designee" and "elected official" have the same meanings 14293
as in section 109.43 of the Revised Code. 14294

(B)(1) Upon request and subject to division (B)(8) of this 14295
section, all public records responsive to the request shall be 14296
promptly prepared and made available for inspection to any person 14297
at all reasonable times during regular business hours. Subject to 14298
division (B)(8) of this section, upon request, a public office or 14299
person responsible for public records shall make copies of the 14300
requested public record available at cost and within a reasonable 14301
period of time. If a public record contains information that is 14302
exempt from the duty to permit public inspection or to copy the 14303

public record, the public office or the person responsible for the 14304
public record shall make available all of the information within 14305
the public record that is not exempt. When making that public 14306
record available for public inspection or copying that public 14307
record, the public office or the person responsible for the public 14308
record shall notify the requester of any redaction or make the 14309
redaction plainly visible. A redaction shall be deemed a denial of 14310
a request to inspect or copy the redacted information, except if 14311
federal or state law authorizes or requires a public office to 14312
make the redaction. 14313

(2) To facilitate broader access to public records, a public 14314
office or the person responsible for public records shall organize 14315
and maintain public records in a manner that they can be made 14316
available for inspection or copying in accordance with division 14317
(B) of this section. A public office also shall have available a 14318
copy of its current records retention schedule at a location 14319
readily available to the public. If a requester makes an ambiguous 14320
or overly broad request or has difficulty in making a request for 14321
copies or inspection of public records under this section such 14322
that the public office or the person responsible for the requested 14323
public record cannot reasonably identify what public records are 14324
being requested, the public office or the person responsible for 14325
the requested public record may deny the request but shall provide 14326
the requester with an opportunity to revise the request by 14327
informing the requester of the manner in which records are 14328
maintained by the public office and accessed in the ordinary 14329
course of the public office's or person's duties. 14330

(3) If a request is ultimately denied, in part or in whole, 14331
the public office or the person responsible for the requested 14332
public record shall provide the requester with an explanation, 14333
including legal authority, setting forth why the request was 14334
denied. If the initial request was provided in writing, the 14335

explanation also shall be provided to the requester in writing. 14336
The explanation shall not preclude the public office or the person 14337
responsible for the requested public record from relying upon 14338
additional reasons or legal authority in defending an action 14339
commenced under division (C) of this section. 14340

(4) Unless specifically required or authorized by state or 14341
federal law or in accordance with division (B) of this section, no 14342
public office or person responsible for public records may limit 14343
or condition the availability of public records by requiring 14344
disclosure of the requester's identity or the intended use of the 14345
requested public record. Any requirement that the requester 14346
disclose the requestor's identity or the intended use of the 14347
requested public record constitutes a denial of the request. 14348

(5) A public office or person responsible for public records 14349
may ask a requester to make the request in writing, may ask for 14350
the requester's identity, and may inquire about the intended use 14351
of the information requested, but may do so only after disclosing 14352
to the requester that a written request is not mandatory and that 14353
the requester may decline to reveal the requester's identity or 14354
the intended use and when a written request or disclosure of the 14355
identity or intended use would benefit the requester by enhancing 14356
the ability of the public office or person responsible for public 14357
records to identify, locate, or deliver the public records sought 14358
by the requester. 14359

(6) If any person chooses to obtain a copy of a public record 14360
in accordance with division (B) of this section, the public office 14361
or person responsible for the public record may require that 14362
person to pay in advance the cost involved in providing the copy 14363
of the public record in accordance with the choice made by the 14364
person seeking the copy under this division. The public office or 14365
the person responsible for the public record shall permit that 14366
person to choose to have the public record duplicated upon paper, 14367

upon the same medium upon which the public office or person 14368
responsible for the public record keeps it, or upon any other 14369
medium upon which the public office or person responsible for the 14370
public record determines that it reasonably can be duplicated as 14371
an integral part of the normal operations of the public office or 14372
person responsible for the public record. When the person seeking 14373
the copy makes a choice under this division, the public office or 14374
person responsible for the public record shall provide a copy of 14375
it in accordance with the choice made by the person seeking the 14376
copy. Nothing in this section requires a public office or person 14377
responsible for the public record to allow the person seeking a 14378
copy of the public record to make the copies of the public record. 14379

(7) Upon a request made in accordance with division (B) of 14380
this section and subject to division (B)(6) of this section, a 14381
public office or person responsible for public records shall 14382
transmit a copy of a public record to any person by United States 14383
mail or by any other means of delivery or transmission within a 14384
reasonable period of time after receiving the request for the 14385
copy. The public office or person responsible for the public 14386
record may require the person making the request to pay in advance 14387
the cost of postage if the copy is transmitted by United States 14388
mail or the cost of delivery if the copy is transmitted other than 14389
by United States mail, and to pay in advance the costs incurred 14390
for other supplies used in the mailing, delivery, or transmission. 14391

Any public office may adopt a policy and procedures that it 14392
will follow in transmitting, within a reasonable period of time 14393
after receiving a request, copies of public records by United 14394
States mail or by any other means of delivery or transmission 14395
pursuant to this division. A public office that adopts a policy 14396
and procedures under this division shall comply with them in 14397
performing its duties under this division. 14398

In any policy and procedures adopted under this division, a 14399

public office may limit the number of records requested by a 14400
person that the office will transmit by United States mail to ten 14401
per month, unless the person certifies to the office in writing 14402
that the person does not intend to use or forward the requested 14403
records, or the information contained in them, for commercial 14404
purposes. For purposes of this division, "commercial" shall be 14405
narrowly construed and does not include reporting or gathering 14406
news, reporting or gathering information to assist citizen 14407
oversight or understanding of the operation or activities of 14408
government, or nonprofit educational research. 14409

(8) A public office or person responsible for public records 14410
is not required to permit a person who is incarcerated pursuant to 14411
a criminal conviction or a juvenile adjudication to inspect or to 14412
obtain a copy of any public record concerning a criminal 14413
investigation or prosecution or concerning what would be a 14414
criminal investigation or prosecution if the subject of the 14415
investigation or prosecution were an adult, unless the request to 14416
inspect or to obtain a copy of the record is for the purpose of 14417
acquiring information that is subject to release as a public 14418
record under this section and the judge who imposed the sentence 14419
or made the adjudication with respect to the person, or the 14420
judge's successor in office, finds that the information sought in 14421
the public record is necessary to support what appears to be a 14422
justiciable claim of the person. 14423

(9) Upon written request made and signed by a journalist on 14424
or after December 16, 1999, a public office, or person responsible 14425
for public records, having custody of the records of the agency 14426
employing a specified peace officer, parole officer, prosecuting 14427
attorney, assistant prosecuting attorney, correctional employee, 14428
youth services employee, firefighter, ~~or~~ EMT, or investigator of 14429
the bureau of criminal identification and investigation shall 14430
disclose to the journalist the address of the actual personal 14431

residence of the peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, ~~or~~ EMT, or investigator of the bureau of criminal identification and investigation and, if the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, youth services employee's, firefighter's, ~~or~~ EMT's, or investigator of the bureau of criminal identification and investigation's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, youth services employee's, firefighter's, ~~or~~ EMT's, or investigator of the bureau of criminal identification and investigation's spouse, former spouse, or child. The request shall include the journalist's name and title and the name and address of the journalist's employer and shall state that disclosure of the information sought would be in the public interest.

As used in this division, "journalist" means a person engaged in, connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public.

(C)(1) If a person allegedly is aggrieved by the failure of a public office or the person responsible for public records to promptly prepare a public record and to make it available to the person for inspection in accordance with division (B) of this section or by any other failure of a public office or the person responsible for public records to comply with an obligation in accordance with division (B) of this section, the person allegedly aggrieved may commence a mandamus action to obtain a judgment that

orders the public office or the person responsible for the public 14464
record to comply with division (B) of this section, that awards 14465
court costs and reasonable attorney's fees to the person that 14466
instituted the mandamus action, and, if applicable, that includes 14467
an order fixing statutory damages under division (C)(1) of this 14468
section. The mandamus action may be commenced in the court of 14469
common pleas of the county in which division (B) of this section 14470
allegedly was not complied with, in the supreme court pursuant to 14471
its original jurisdiction under Section 2 of Article IV, Ohio 14472
Constitution, or in the court of appeals for the appellate 14473
district in which division (B) of this section allegedly was not 14474
complied with pursuant to its original jurisdiction under Section 14475
3 of Article IV, Ohio Constitution. 14476

If a requestor transmits a written request by hand delivery 14477
or certified mail to inspect or receive copies of any public 14478
record in a manner that fairly describes the public record or 14479
class of public records to the public office or person responsible 14480
for the requested public records, except as otherwise provided in 14481
this section, the requestor shall be entitled to recover the 14482
amount of statutory damages set forth in this division if a court 14483
determines that the public office or the person responsible for 14484
public records failed to comply with an obligation in accordance 14485
with division (B) of this section. 14486

The amount of statutory damages shall be fixed at one hundred 14487
dollars for each business day during which the public office or 14488
person responsible for the requested public records failed to 14489
comply with an obligation in accordance with division (B) of this 14490
section, beginning with the day on which the requester files a 14491
mandamus action to recover statutory damages, up to a maximum of 14492
one thousand dollars. The award of statutory damages shall not be 14493
construed as a penalty, but as compensation for injury arising 14494
from lost use of the requested information. The existence of this 14495

injury shall be conclusively presumed. The award of statutory damages shall be in addition to all other remedies authorized by this section.

The court may reduce an award of statutory damages or not award statutory damages if the court determines both of the following:

(a) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to comply with an obligation in accordance with division (B) of this section;

(b) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(2)(a) If the court issues a writ of mandamus that orders the public office or the person responsible for the public record to comply with division (B) of this section and determines that the circumstances described in division (C)(1) of this section exist, the court shall determine and award to the relator all court costs.

(b) If the court renders a judgment that orders the public

office or the person responsible for the public record to comply 14527
with division (B) of this section, the court may award reasonable 14528
attorney's fees subject to reduction as described in division 14529
(C)(2)(c) of this section. The court shall award reasonable 14530
attorney's fees, subject to reduction as described in division 14531
(C)(2)(c) of this section when either of the following applies: 14532

(i) The public office or the person responsible for the 14533
public records failed to respond affirmatively or negatively to 14534
the public records request in accordance with the time allowed 14535
under division (B) of this section. 14536

(ii) The public office or the person responsible for the 14537
public records promised to permit the relator to inspect or 14538
receive copies of the public records requested within a specified 14539
period of time but failed to fulfill that promise within that 14540
specified period of time. 14541

(c) Court costs and reasonable attorney's fees awarded under 14542
this section shall be construed as remedial and not punitive. 14543
Reasonable attorney's fees shall include reasonable fees incurred 14544
to produce proof of the reasonableness and amount of the fees and 14545
to otherwise litigate entitlement to the fees. The court may 14546
reduce an award of attorney's fees to the relator or not award 14547
attorney's fees to the relator if the court determines both of the 14548
following: 14549

(i) That, based on the ordinary application of statutory law 14550
and case law as it existed at the time of the conduct or 14551
threatened conduct of the public office or person responsible for 14552
the requested public records that allegedly constitutes a failure 14553
to comply with an obligation in accordance with division (B) of 14554
this section and that was the basis of the mandamus action, a 14555
well-informed public office or person responsible for the 14556
requested public records reasonably would believe that the conduct 14557
or threatened conduct of the public office or person responsible 14558

for the requested public records did not constitute a failure to 14559
comply with an obligation in accordance with division (B) of this 14560
section; 14561

(ii) That a well-informed public office or person responsible 14562
for the requested public records reasonably would believe that the 14563
conduct or threatened conduct of the public office or person 14564
responsible for the requested public records as described in 14565
division (C)(2)(c)(i) of this section would serve the public 14566
policy that underlies the authority that is asserted as permitting 14567
that conduct or threatened conduct. 14568

(D) Chapter 1347. of the Revised Code does not limit the 14569
provisions of this section. 14570

(E)(1) To ensure that all employees of public offices are 14571
appropriately educated about a public office's obligations under 14572
division (B) of this section, all elected officials or their 14573
appropriate designees shall attend training approved by the 14574
attorney general as provided in section 109.43 of the Revised 14575
Code. In addition, all public offices shall adopt a public records 14576
policy in compliance with this section for responding to public 14577
records requests. In adopting a public records policy under this 14578
division, a public office may obtain guidance from the model 14579
public records policy developed and provided to the public office 14580
by the attorney general under section 109.43 of the Revised Code. 14581
Except as otherwise provided in this section, the policy may not 14582
limit the number of public records that the public office will 14583
make available to a single person, may not limit the number of 14584
public records that it will make available during a fixed period 14585
of time, and may not establish a fixed period of time before it 14586
will respond to a request for inspection or copying of public 14587
records, unless that period is less than eight hours. 14588

(2) The public office shall distribute the public records 14589
policy adopted by the public office under division (E)(1) of this 14590

section to the employee of the public office who is the records 14591
custodian or records manager or otherwise has custody of the 14592
records of that office. The public office shall require that 14593
employee to acknowledge receipt of the copy of the public records 14594
policy. The public office shall create a poster that describes its 14595
public records policy and shall post the poster in a conspicuous 14596
place in the public office and in all locations where the public 14597
office has branch offices. The public office may post its public 14598
records policy on the internet web site of the public office if 14599
the public office maintains an internet web site. A public office 14600
that has established a manual or handbook of its general policies 14601
and procedures for all employees of the public office shall 14602
include the public records policy of the public office in the 14603
manual or handbook. 14604

(F)(1) The bureau of motor vehicles may adopt rules pursuant 14605
to Chapter 119. of the Revised Code to reasonably limit the number 14606
of bulk commercial special extraction requests made by a person 14607
for the same records or for updated records during a calendar 14608
year. The rules may include provisions for charges to be made for 14609
bulk commercial special extraction requests for the actual cost of 14610
the bureau, plus special extraction costs, plus ten per cent. The 14611
bureau may charge for expenses for redacting information, the 14612
release of which is prohibited by law. 14613

(2) As used in division (F)(1) of this section: 14614

(a) "Actual cost" means the cost of depleted supplies, 14615
records storage media costs, actual mailing and alternative 14616
delivery costs, or other transmitting costs, and any direct 14617
equipment operating and maintenance costs, including actual costs 14618
paid to private contractors for copying services. 14619

(b) "Bulk commercial special extraction request" means a 14620
request for copies of a record for information in a format other 14621
than the format already available, or information that cannot be 14622

extracted without examination of all items in a records series, 14623
class of records, or data base by a person who intends to use or 14624
forward the copies for surveys, marketing, solicitation, or resale 14625
for commercial purposes. "Bulk commercial special extraction 14626
request" does not include a request by a person who gives 14627
assurance to the bureau that the person making the request does 14628
not intend to use or forward the requested copies for surveys, 14629
marketing, solicitation, or resale for commercial purposes. 14630

(c) "Commercial" means profit-seeking production, buying, or 14631
selling of any good, service, or other product. 14632

(d) "Special extraction costs" means the cost of the time 14633
spent by the lowest paid employee competent to perform the task, 14634
the actual amount paid to outside private contractors employed by 14635
the bureau, or the actual cost incurred to create computer 14636
programs to make the special extraction. "Special extraction 14637
costs" include any charges paid to a public agency for computer or 14638
records services. 14639

(3) For purposes of divisions (F)(1) and (2) of this section, 14640
"surveys, marketing, solicitation, or resale for commercial 14641
purposes" shall be narrowly construed and does not include 14642
reporting or gathering news, reporting or gathering information to 14643
assist citizen oversight or understanding of the operation or 14644
activities of government, or nonprofit educational research. 14645

Sec. 149.45. (A) As used in this section: 14646

(1) "Personal information" means any of the following: 14647

(a) An individual's social security number; 14648

(b) An individual's federal tax identification number; 14649

(c) An individual's driver's license number or state 14650
identification number; 14651

(d) An individual's checking account number, savings account 14652

number, or credit card number. 14653

(2) "Public record" and "peace officer, parole officer, 14654
prosecuting attorney, assistant prosecuting attorney, correctional 14655
employee, youth services employee, firefighter, ~~or~~ EMT, or 14656
investigator of the bureau of criminal identification and 14657
investigation residential and familial information" have the same 14658
meanings as in section 149.43 of the Revised Code. 14659

(3) "Truncate" means to redact all but the last four digits 14660
of an individual's social security number. 14661

(B)(1) No public office or person responsible for a public 14662
office's public records shall make available to the general public 14663
on the internet any document that contains an individual's social 14664
security number without otherwise redacting, encrypting, or 14665
truncating the social security number. 14666

(2) A public office or person responsible for a public 14667
office's public records that prior to the effective date of this 14668
section made available to the general public on the internet any 14669
document that contains an individual's social security number 14670
shall redact, encrypt, or truncate the social security number from 14671
that document. 14672

(3) Divisions (B)(1) and (2) of this section do not apply to 14673
documents that are only accessible through the internet with a 14674
password. 14675

(C)(1) An individual may request that a public office or a 14676
person responsible for a public office's public records redact 14677
personal information of that individual from any record made 14678
available to the general public on the internet. An individual who 14679
makes a request for redaction pursuant to this division shall make 14680
the request in writing on a form developed by the attorney general 14681
and shall specify the personal information to be redacted and 14682
provide any information that identifies the location of that 14683

personal information within a document that contains that personal information. 14684
14685

(2) Upon receiving a request for a redaction pursuant to 14686
division (C)(1) of this section, a public office or a person 14687
responsible for a public office's public records shall act within 14688
five business days in accordance with the request to redact the 14689
personal information of the individual from any record made 14690
available to the general public on the internet, if practicable. 14691
If a redaction is not practicable, the public office or person 14692
responsible for the public office's public records shall verbally 14693
or in writing within five business days after receiving the 14694
written request explain to the individual why the redaction is 14695
impracticable. 14696

(3) The attorney general shall develop a form to be used by 14697
an individual to request a redaction pursuant to division (C)(1) 14698
of this section. The form shall include a place to provide any 14699
information that identifies the location of the personal 14700
information to be redacted. 14701

(D)(1) A peace officer, parole officer, prosecuting attorney, 14702
assistant prosecuting attorney, correctional employee, youth 14703
services employee, firefighter, ~~or EMT~~, or investigator of the 14704
bureau of criminal identification and investigation may request 14705
that a public office other than a county auditor or a person 14706
responsible for the public records of a public office other than a 14707
county auditor redact the address of the person making the request 14708
from any record made available to the general public on the 14709
internet that includes peace officer, parole officer, prosecuting 14710
attorney, assistant prosecuting attorney, correctional employee, 14711
youth services employee, firefighter, ~~or EMT~~, or investigator of 14712
the bureau of criminal identification and investigation 14713
residential and familial information of the person making the 14714
request. A person who makes a request for a redaction pursuant to 14715

this division shall make the request in writing and on a form 14716
developed by the attorney general. 14717

(2) Upon receiving a written request for a redaction pursuant 14718
to division (D)(1) of this section, a public office other than a 14719
county auditor or a person responsible for the public records of a 14720
public office other than a county auditor shall act within five 14721
business days in accordance with the request to redact the address 14722
of the peace officer, parole officer, prosecuting attorney, 14723
assistant prosecuting attorney, correctional employee, youth 14724
services employee, firefighter, ~~or~~ EMT, or investigator of the 14725
bureau of criminal identification and investigation making the 14726
request from any record made available to the general public on 14727
the internet that includes peace officer, parole officer, 14728
prosecuting attorney, assistant prosecuting attorney, correctional 14729
employee, youth services employee, firefighter, ~~or~~ EMT, or 14730
investigator of the bureau of criminal identification and 14731
investigation residential and familial information of the person 14732
making the request, if practicable. If a redaction is not 14733
practicable, the public office or person responsible for the 14734
public office's public records shall verbally or in writing within 14735
five business days after receiving the written request explain to 14736
the peace officer, parole officer, prosecuting attorney, assistant 14737
prosecuting attorney, correctional employee, youth services 14738
employee, firefighter, ~~or~~ EMT, or investigator of the bureau of 14739
criminal identification and investigation why the redaction is 14740
impracticable. 14741

(3) Except as provided in this section and section 319.28 of 14742
the Revised Code, a public office other than an employer of a 14743
peace officer, parole officer, prosecuting attorney, assistant 14744
prosecuting attorney, correctional employee, youth services 14745
employee, firefighter, ~~or~~ EMT, or investigator of the bureau of 14746
criminal identification and investigation or a person responsible 14747

for the public records of the employer is not required to redact 14748
the residential and familial information of the peace officer, 14749
parole officer, prosecuting attorney, assistant prosecuting 14750
attorney, correctional employee, youth services employee, 14751
firefighter, ~~or~~ EMT, or investigator of the bureau of criminal 14752
identification and investigation from other records maintained by 14753
the public office. 14754

(4) The attorney general shall develop a form to be used by a 14755
peace officer, parole officer, prosecuting attorney, assistant 14756
prosecuting attorney, correctional employee, youth services 14757
employee, firefighter, ~~or~~ EMT, or investigator of the bureau of 14758
criminal identification and investigation to request a redaction 14759
pursuant to division (D)(1) of this section. The form shall 14760
include a place to provide any information that identifies the 14761
location of the address of a peace officer, parole officer, 14762
prosecuting attorney, assistant prosecuting attorney, correctional 14763
employee, youth services employee, firefighter, ~~or~~ EMT, or 14764
investigator of the bureau of criminal identification and 14765
investigation to be redacted. 14766

(E)(1) If a public office or a person responsible for a 14767
public office's public records becomes aware that an electronic 14768
record of that public office that is made available to the general 14769
public on the internet contains an individual's social security 14770
number that was mistakenly not redacted, encrypted, or truncated 14771
as required by division (B)(1) or (2) of this section, the public 14772
office or person responsible for the public office's public 14773
records shall redact, encrypt, or truncate the individual's social 14774
security number within a reasonable period of time. 14775

(2) A public office or a person responsible for a public 14777
office's public records is not liable in damages in a civil action 14778
for any harm an individual allegedly sustains as a result of the 14779

inclusion of that individual's personal information on any record 14780
made available to the general public on the internet or any harm a 14781
peace officer, parole officer, prosecuting attorney, assistant 14782
prosecuting attorney, correctional employee, youth services 14783
employee, firefighter, ~~or~~ EMT, or investigator of the bureau of 14784
criminal identification and investigation sustains as a result of 14785
the inclusion of the address of the peace officer, parole officer, 14786
prosecuting attorney, assistant prosecuting attorney, correctional 14787
employee, youth services employee, firefighter, ~~or~~ EMT, or 14788
investigator of the bureau of criminal identification and 14789
investigation on any record made available to the general public 14790
on the internet in violation of this section unless the public 14791
office or person responsible for the public office's public 14792
records acted with malicious purpose, in bad faith, or in a wanton 14793
or reckless manner or division (A)(6)(a) or (c) of section 2744.03 14794
of the Revised Code applies. 14795

Sec. 150.01. (A) As used in this chapter: 14796

(1) "Authority" means the Ohio venture capital authority 14797
created under section 150.02 of the Revised Code. 14798

(2) "Issuer" means a port authority organized and existing 14799
under applicable provisions of Chapter 4582. of the Revised Code 14800
that, pursuant to an agreement entered into under division (E) of 14801
section 150.02 of the Revised Code, issues or issued obligations 14802
to fund one or more loans to the program fund. 14803

(3) "Lender" means any person that lends money to the program 14804
fund as provided in this chapter and includes any lender and any 14805
trustee. 14806

~~(3)~~(4) "Loss" means a loss incurred with respect to a 14807
lender's loan to the program fund. Such a loss is incurred only if 14808
and to the extent a program administrator fails to satisfy its 14809
obligations to the lender to make timely payments of principal or 14810

interest as provided in the loan agreement between the lender and 14811
the program administrator. "Loss" does not include either of the 14812
following: 14813

(a) Any loss incurred by the program fund, including a loss 14814
attributable to any investment made by a program administrator; 14815

(b) Any loss of the capital required to be provided by a 14816
program administrator, or income accruing to that capital, under 14817
the agreement entered into under division (B) of section 150.05 of 14818
the Revised Code. 14819

~~(4)~~(5) "Ohio-based business enterprise" means a person that 14820
is engaged in business, that employs at least one individual on a 14821
full-time or part-time basis at a place of business in this state, 14822
including a person engaged in business if that person is a 14823
self-employed individual, and that is in the seed or early stage 14824
of business development requiring initial or early stage funding 14825
or is an established business enterprise developing new methods or 14826
technologies. 14827

~~(5)~~(6) "Ohio-based venture capital fund" means a venture 14828
capital fund having its principal office in this state, where the 14829
majority of the fund's staff are employed and where at least one 14830
investment professional is employed who has at least five years of 14831
experience in venture capital investment. 14832

~~(6)~~(7) "Ohio co-investment fund" means an Ohio-based venture 14833
capital fund managed by the program administrator or a fund 14834
manager appointed by the program administrator that is capitalized 14835
exclusively by program fund investments in accordance with the 14836
investment policy adopted under section 150.03 of the Revised 14837
Code. 14838

(8) "Program fund" means the fund created under section 14839
150.03 of the Revised Code. 14840

(9) "Research and development purposes" has the same meaning 14841

as used in Section 2p of Article VIII, Ohio Constitution, and 14842
includes the development of sites and facilities in this state for 14843
and in support of those research and development purposes. 14844

(10) "Trustee" means a trust company or a bank with corporate 14845
trust powers, in either case having a place of business in this 14846
state and acting in its capacity as a trustee pursuant to a trust 14847
agreement under which an issuer issues obligations to fund loans 14848
to the program fund. 14849

(B) The general assembly declares that its purpose in 14850
enacting Chapter 150. of the Revised Code is to increase the 14851
amount of private investment capital available in this state for 14852
Ohio-based business enterprises in the seed or early stages of 14853
business development and requiring initial or early stage funding, 14854
as well as established Ohio-based business enterprises developing 14855
new methods or technologies, including the promotion of research 14856
and development purposes, thereby increasing employment, creating 14857
additional wealth, and otherwise benefiting the economic welfare 14858
of the people of this state. Accordingly, it is the intention of 14859
the general assembly that the program fund make its investments in 14860
support of Ohio-based business enterprises and that the Ohio 14861
venture capital authority focus its investment policy principally 14862
on venture capital funds investing in such Ohio-based business 14863
enterprises. The general assembly finds and determines that this 14864
chapter and the investment policy, and actions taken under and 14865
consistent therewith, will promote and implement the public 14866
purposes of Section 2p of Article VIII, Ohio Constitution. 14867

Sec. 150.02. (A) There is hereby created the Ohio venture 14868
capital authority, which shall exercise the powers and perform the 14869
duties prescribed by this chapter. The exercise by the authority 14870
of its powers and duties is hereby declared to be an essential 14871
state governmental function. The authority is subject to all laws 14872

generally applicable to state agencies and public officials, 14873
including, but not limited to, Chapter 119. and sections 121.22 14874
and 149.43 of the Revised Code, to the extent those laws do not 14875
conflict with this chapter. 14876

(B) The authority shall consist of nine members. Seven of the 14877
members shall be appointed by the governor, with the advice and 14878
consent of the senate, from among the general public. All 14879
appointed members shall have experience in the field of banking, 14880
investments, commercial law, or industry relevant to the purpose 14881
of the Ohio venture capital program as stated in section 150.01 of 14882
the Revised Code. The director of development and tax commissioner 14883
or their designees shall be ex officio, nonvoting members. 14884

Initial gubernatorial appointees to the authority shall serve 14886
staggered terms, with one term expiring on January 31, 2004, two 14887
terms expiring on January 31, 2005, two terms expiring on January 14888
31, 2006, and two terms expiring on January 31, 2007. Thereafter, 14889
terms of office for all appointees shall be for four years, with 14890
each term ending on the same day of the same month as did the term 14891
that it succeeds. A vacancy on the authority shall be filled in 14892
the same manner as the original appointment, except that a person 14893
appointed to fill a vacancy shall be appointed to the remainder of 14894
the unexpired term. Any appointed member of the authority is 14895
eligible for reappointment. 14896

A member of the authority may be removed by the member's 14897
appointing authority for misfeasance, malfeasance, willful neglect 14898
of duty, or other cause, after notice and a public hearing, unless 14899
the notice and hearing are waived in writing by the member. 14900

(C) Members of the authority shall serve without 14901
compensation, but shall receive their reasonable and necessary 14902
expenses incurred in the conduct of authority business. The 14903

governor shall designate a member of the authority to serve as 14904
chairperson. A majority of the voting members of the authority 14905
constitutes a quorum, and the affirmative vote of a majority of 14906
the voting members present is necessary for any action taken by 14907
the authority. A vacancy in the voting membership of the authority 14908
does not impair the right of a quorum to exercise all rights and 14909
perform all duties of the authority. 14910

(D) The department of development shall provide the authority 14911
with office space and such technical assistance as the authority 14912
requires. 14913

(E) The authority and an issuer may cooperate in promoting 14914
the public purposes of the Ohio venture capital program as stated 14915
in section 150.01 of the Revised Code and shall enter into such 14916
agreements as the authority and the issuer shall deem appropriate, 14917
with a view to cooperative action and safeguarding of the 14918
respective interests of the parties thereto. Any agreement shall 14919
provide for the rights, duties, and responsibilities of the 14920
parties and any limitations thereon, shall provide for the terms 14921
on which any tax credits to be issued to the issuer or a trustee 14922
pursuant to section 150.07 of the Revised Code shall be issued and 14923
claimed, and shall provide terms as may be mutually satisfactory 14924
to the parties including, but not limited to, requirements for 14925
reporting, and a plan, prepared by the program administrator and 14926
acceptable to the authority and the issuer, designed to evidence 14927
and ensure compliance with division (D) of section 150.03 of the 14928
Revised Code and Section 2p of Article VIII, Ohio Constitution. 14929

Sec. 150.03. Within ninety days after ~~the effective date of~~ 14930
~~this section~~ April 9, 2003, the authority shall establish, and 14931
subsequently may modify as it considers necessary, a written 14932
investment policy governing the investment of money from the 14933
program fund, which is hereby created. The program fund shall 14934

consist of the proceeds of loans acquired by a program 14935
administrator. The authority is subject to Chapter 119. of the 14936
Revised Code with respect to the establishment or modification of 14937
the policy. The policy shall meet all the following requirements: 14938

(A) It is consistent with the purpose of the program stated 14939
in section 150.01 of the Revised Code. 14940

(B) Subject to divisions (C), (D), and (E) of this section, 14941
it permits the investment of money from the program fund in 14942
private, for-profit venture capital funds, including funds of 14943
funds, that invest in enterprises in the seed or early stage of 14944
business development or established business enterprises 14945
developing new methods or technologies, and that demonstrate 14946
potential to generate high levels of successful investment 14947
performance. 14948

(C) It specifies that, exclusive of any program fund money 14949
invested in an Ohio co-investment fund, a program administrator or 14950
fund manager employed by the program administrator shall invest 14951
not less than seventy-five per cent of program fund money under 14952
its investment authority in Ohio-based venture capital funds. 14953

(D) It specifies ~~that~~ all of the following: 14954

(1) That not less than an amount equal to fifty per cent of 14955
program fund money invested in any venture capital fund ~~be is~~ 14956
invested by the venture capital fund in Ohio-based business 14957
enterprises; 14958

(2) That one hundred per cent of program fund money invested 14959
in any Ohio co-investment fund is invested by the Ohio 14960
co-investment fund in Ohio-based business enterprises; and 14961

(3) That, commencing with the first program fund investment 14962
in each venture capital fund, the aggregate amount invested in 14963
Ohio-based business enterprises by all venture capital funds in 14964

which the program fund has invested is not less than the aggregate 14965
amount of all program fund money invested in those venture capital 14966
funds. 14967

(E) It specifies that a program administrator or fund manager 14968
employed by the program administrator shall not invest money from 14969
the program fund in a venture capital fund to the extent that the 14970
total amount of program fund money invested in the venture capital 14971
fund, ~~when combined with any program fund money invested in a~~ 14972
~~venture capital fund under the same management as that venture~~ 14973
~~capital fund,~~ exceeds the lesser of the following: 14974

(1) In the case of an Ohio co-investment fund, the lesser of 14975
the following: 14976

(a) One hundred million dollars; 14977

(b) Fifty per cent of the total amount of capital committed 14978
to all venture capital funds by the program fund. 14979

(2) In the case of any venture capital fund that is not an 14980
Ohio co-investment fund, the lesser of the following: 14981

(a) Ten million dollars; 14982

~~(2)(a)(b)(i)~~ In the case of an Ohio-based venture capital 14983
fund, fifty per cent of the total amount of capital committed to 14984
the fund from all sources, after accounting for capital committed 14985
from the program fund; 14986

~~(b)(ii)~~ In the case of any other venture capital fund, twenty 14987
per cent of the total amount of capital committed to the fund from 14988
all sources, after accounting for capital committed from the 14989
program fund. 14990

(F) It specifies that a program administrator or fund manager 14991
employed by the program administrator shall not commit capital 14992
from the program fund to a venture capital fund other than an Ohio 14993
co-investment fund until the venture capital fund receives 14994

commitment of at least the same amount from other investors in the 14995
fund, and shall not permit capital from an Ohio co-investment fund 14996
to be committed to any investment until the Ohio-based business 14997
enterprise in which the investment is to be made receives a 14998
commitment of at least the same amount from other investors that 14999
are independent of and under management independent of the program 15000
administrator and any fund manager employed by the program 15001
administrator. 15002

(G) It specifies the general conditions a private, for-profit 15003
investment fund must meet to be selected as a program 15004
administrator under section 150.05 of the Revised Code, including, 15005
as a significant selection standard, direct experience managing 15006
external or nonproprietary capital in private equity fund of funds 15007
formats. 15008

(H) It specifies the criteria the authority must consider 15009
when making a determination under division (B)(1) of section 15010
150.04 of the Revised Code. 15011

(I) It includes investment standards and general limitations 15012
on allowable investments that the authority considers reasonable 15013
and necessary to achieve the purposes of this chapter as stated in 15014
division (B) of section 150.01 of the Revised Code, minimize the 15015
need for the authority to grant tax credits under section 150.07 15016
of the Revised Code, ensure compliance of the program 15017
administrators with all applicable laws of this state and the 15018
United States, and ensure the safety and soundness of investments 15019
of money from the program fund. 15020

(J) It prohibits the investment of money from the program 15021
fund directly in persons other than venture capital funds, except 15022
for temporary investment in investment grade debt securities or 15023
temporary deposit in interest-bearing accounts or funds pending 15024
permanent investment in venture capital funds. 15025

Sec. 150.04. (A) The investment policy established or 15026
modified under section 150.03 of the Revised Code shall specify 15027
the terms and conditions under which the authority may grant tax 15028
credits under section 150.07 of the Revised Code, subject to that 15029
section and division (B) of this section, to provide security 15030
against lenders' losses. 15031

(B) Nothing in this chapter authorizes the providing of 15032
security against losses on any bases other than the following: 15033

(1) The application first of moneys of the Ohio venture 15034
capital fund, created under section 150.08 of the Revised Code, 15035
that the authority, under the criteria in its investment policy, 15036
determines may be expended without adversely affecting the ability 15037
of the authority to continue fulfilling the purpose of this 15038
chapter as stated in section 150.01 of the Revised Code; and then 15039

(2) The granting of tax credits pursuant to section 150.07 of 15040
the Revised Code, but only to the extent moneys under division 15041
(B)(1) of this section are insufficient, including to fund 15042
reserves maintained by or on behalf of an issuer to the extent 15043
consistent with an agreement between the authority and the issuer 15044
entered into under division (E) of section 150.02 of the Revised 15045
Code. 15046

Sec. 150.07. (A) For the purpose stated in section 150.01 of 15047
the Revised Code, the authority may authorize a lender to claim 15048
one of the refundable tax credits allowed under section 5707.031, 15049
5725.19, 5727.241, 5729.08, 5733.49, or 5747.80 of the Revised 15050
Code. The credits shall be authorized by a written contract with 15051
the lender. The contract shall specify the terms under which the 15052
lender may claim the credit, including the amount of loss, if any, 15053
the lender must incur before the lender may claim the credit; 15054
specify that the credit shall not exceed the amount of the loss; 15055

and specify that the lender may claim the credit only for a loss 15056
certified by a program administrator to the authority under the 15057
procedures prescribed under division (B)(6) of section 150.05 of 15058
the Revised Code. 15059

(B) Tax credits may be authorized at any time after the 15060
authority establishes the investment policy under section 150.03 15061
of the Revised Code, but a tax credit so authorized may not be 15062
claimed until the beginning of the fifth year after the authority 15063
establishes the investment policy. A tax credit may not be claimed 15064
after June 30, ~~2026~~ 2036. 15065

(C)(1) Upon receiving certification of a lender's loss from a 15066
program administrator pursuant to the procedures in the investment 15067
policy, the authority shall issue a tax credit certificate to the 15068
lender, except as otherwise provided in division (D) of this 15069
section. 15070

(2) If the lender is a pass-through entity, as defined in 15071
section 5733.04 of the Revised Code, then each equity investor in 15072
the lender pass-through entity shall be entitled to claim one of 15073
the tax credits allowed under division (A) of this section for 15074
that equity investor's taxable year in which or with which ends 15075
the taxable year of the lender pass-through entity in an amount 15076
based on the equity investor's distributive or proportionate share 15077
of the credit amount set forth in the certificate issued by the 15078
authority. If all equity investors of the lender pass-through 15079
entity are not eligible to claim a credit against the same tax set 15080
forth in division (A) of this section, then each equity investor 15081
may elect to claim a credit against the tax to which the equity 15082
investor is subject to in an amount based on the equity investor's 15083
distributive or proportionate share of the credit amount set forth 15084
in the certificate issued by the authority. 15085

(3) The certificate shall state the amount of the credit and 15086

the calendar year under section 5707.031, 5725.19, 5727.241, or 15087
5729.08, the tax year under section 5733.49, or the taxable year 15088
under section 5747.80 of the Revised Code for which the credit may 15089
be claimed. The authority, in conjunction with the tax 15090
commissioner, shall develop a system for issuing tax credit 15091
certificates for the purpose of verifying that any credit claimed 15092
is a credit issued under this section and is properly taken in the 15093
year specified in the certificate and in compliance with division 15094
(B) of this section. 15095

(D) The authority shall not, in any fiscal year, issue tax 15096
credit certificates in a total amount exceeding twenty million 15097
dollars. 15098

(E) Notwithstanding anything in this section or in any other 15099
section of this chapter or in Chapter 5707., 5725., 5727., 5729., 15100
5733., or 5747. of the Revised Code, an issuer or a trustee on 15101
behalf of an issuer shall have, subject to the terms of the 15102
agreement entered into by the issuer and the authority under 15103
division (E) of section 150.02 of the Revised Code, the right to 15104
receive and claim the credits authorized under this section and 15105
solely for those purposes shall be deemed a taxpayer under 15106
applicable provisions of each such chapter, entitled to file a tax 15107
return, an amended tax return, or an estimated tax return at such 15108
times as are permitted or required under the applicable chapter, 15109
but solely for the purpose of claiming credits issued to the 15110
issuer or the trustee. Nothing in this section shall require an 15111
issuer or a trustee to file a tax return under any chapter for any 15112
purpose other than claiming such credits if the issuer or trustee 15113
is not otherwise required to make such a filing. 15114

Sec. 152.09. (A) As used in sections 152.06 and 152.09 to 15115
152.33 of the Revised Code: 15116

(1) "Obligations" means bonds, notes, or other evidences of 15117

obligation, including interest coupons pertaining thereto, issued 15118
pursuant to sections 152.09 to 152.33 of the Revised Code. 15119

(2) "State agencies" means the state of Ohio and branches, 15120
officers, boards, commissions, authorities, departments, 15121
divisions, courts, general assembly, or other units or agencies of 15122
the state. "State agency" also includes counties, municipal 15123
corporations, and governmental entities of this state that enter 15124
into leases with the Ohio building authority pursuant to section 15125
152.31 of the Revised Code or that are designated by law as state 15126
agencies for the purpose of performing a state function that is to 15127
be housed by a capital facility for which the Ohio building 15128
authority is authorized to issue revenue obligations pursuant to 15129
sections 152.09 to 152.33 of the Revised Code. 15130

(3) "Bond service charges" means principal, including 15131
mandatory sinking fund requirements for retirement of obligations, 15132
and interest, and redemption premium, if any, required to be paid 15133
by the Ohio building authority on obligations. 15134

(4) "Capital facilities" means buildings, structures, and 15135
other improvements, and equipment, real estate, and interests in 15136
real estate therefor, within the state, and any one, part of, or 15137
combination of the foregoing, for housing of branches and agencies 15138
of state government, including capital facilities for the purpose 15139
of housing personnel, equipment, or functions, or any combination 15140
thereof that the state agencies are responsible for housing, for 15141
which the Ohio building authority is authorized to issue 15142
obligations pursuant to Chapter 152. of the Revised Code, and 15143
includes storage and parking facilities related to such capital 15144
facilities. For purposes of sections 152.10 to 152.15 of the 15145
Revised Code, "capital facilities" includes community or technical 15146
college capital facilities. 15147

(5) "Cost of capital facilities" means the costs of 15148
assessing, planning, acquiring, constructing, reconstructing, 15149

rehabilitating, remodeling, renovating, enlarging, improving, 15150
altering, maintaining, equipping, furnishing, repairing, painting, 15151
decorating, managing, or operating capital facilities, and the 15152
financing thereof, including the cost of clearance and preparation 15153
of the site and of any land to be used in connection with capital 15154
facilities, the cost of participating in capital facilities 15155
pursuant to section 152.33 of the Revised Code, the cost of any 15156
indemnity and surety bonds and premiums on insurance, all related 15157
direct administrative expenses and allocable portions of direct 15158
costs of the authority and lessee state agencies, cost of 15159
engineering and architectural services, designs, plans, 15160
specifications, surveys, and estimates of cost, legal fees, fees 15161
and expenses of trustees, depositories, and paying agents for the 15162
obligations, cost of issuance of the obligations and financing 15163
charges and fees and expenses of financial advisers and 15164
consultants in connection therewith, interest on obligations from 15165
the date thereof to the time when interest is to be covered from 15166
sources other than proceeds of obligations, amounts that represent 15167
the portion of investment earnings to be rebated or to be paid to 15168
the federal government in order to maintain the exclusion from 15169
gross income for federal income tax purposes of interest on those 15170
obligations pursuant to section 148(f) of the Internal Revenue 15171
Code, amounts necessary to establish reserves as required by the 15172
resolutions or the obligations, trust agreements, or indentures, 15173
costs of audits, the reimbursement of all moneys advanced or 15174
applied by or borrowed from any governmental entity, whether to or 15175
by the authority or others, from whatever source provided, for the 15176
payment of any item or items of cost of the capital facilities, 15177
any share of the cost undertaken by the authority pursuant to 15178
arrangements made with governmental entities under division (J) of 15179
section 152.21 of the Revised Code, and all other expenses 15180
necessary or incident to assessing, planning, or determining the 15181
feasibility or practicability with respect to capital facilities, 15182

and such other expenses as may be necessary or incident to the 15183
assessment, planning, acquisition, construction, reconstruction, 15184
rehabilitation, remodeling, renovation, enlargement, improvement, 15185
alteration, maintenance, equipment, furnishing, repair, painting, 15186
decoration, management, or operation of capital facilities, the 15187
financing thereof and the placing of the same in use and 15188
operation, including any one, part of, or combination of such 15189
classes of costs and expenses. 15190

(6) "Governmental entity" means any state agency, municipal 15191
corporation, county, township, school district, and any other 15192
political subdivision or special district in this state 15193
established pursuant to law, and, except where otherwise 15194
indicated, also means the United States or any of the states or 15195
any department, division, or agency thereof, and any agency, 15196
commission, or authority established pursuant to an interstate 15197
compact or agreement. 15198

(7) "Governing body" means: 15199

(a) In the case of a county, the board of county 15200
commissioners or other legislative authority; in the case of a 15201
municipal corporation, the legislative authority; in the case of a 15202
township, the board of township trustees; in the case of a school 15203
district, the board of education; 15204

(b) In the case of any other governmental entity, the 15205
officer, board, commission, authority, or other body having the 15206
general management of the entity or having jurisdiction or 15207
authority in the particular circumstances. 15208

(8) "Available receipts" means fees, charges, revenues, 15209
grants, subsidies, income from the investment of moneys, proceeds 15210
from the sale of goods or services, and all other revenues or 15211
receipts received by or on behalf of any state agency for which 15212
capital facilities are financed with obligations issued under 15213

Chapter 152. of the Revised Code, any state agency participating 15214
in capital facilities pursuant to section 152.33 of the Revised 15215
Code, or any state agency by which the capital facilities are 15216
constructed or financed; revenues or receipts derived by the 15217
authority from the operation, leasing, or other disposition of 15218
capital facilities, and the proceeds of obligations issued under 15219
Chapter 152. of the Revised Code; and also any moneys appropriated 15220
by a governmental entity, gifts, grants, donations, and pledges, 15221
and receipts therefrom, available for the payment of bond service 15222
charges on such obligations. 15223

(9) "Available community or technical college receipts" means 15224
all money received by a community or technical college or 15225
community or technical college district, including income, 15226
revenues, and receipts from the operation, ownership, or control 15227
of facilities, grants, gifts, donations, and pledges and receipts 15228
therefrom, receipts from fees and charges, the allocated state 15229
share of instruction as defined in section 3333.90 of the Revised 15230
Code, and the proceeds of the sale of obligations, including 15231
proceeds of obligations issued to refund obligations previously 15232
issued, but excluding any special fee, and receipts therefrom, 15233
charged pursuant to division (D) of section 154.21 of the Revised 15234
Code. 15235

(10) "Community or technical college," "college," "community 15236
or technical college district," and "district" have the same 15237
meanings as in section 3333.90 of the Revised Code. 15238

(11) "Community or technical college capital facilities" 15239
means auxiliary facilities, education facilities, and housing and 15240
dining facilities, as those terms are defined in section 3345.12 15241
of the Revised Code, to the extent permitted to be financed by the 15242
issuance of obligations under division (A)(2) of section 3357.112 15243
of the Revised Code, that are authorized by sections 3354.121, 15244
3357.112, and 3358.10 of the Revised Code to be financed by 15245

obligations issued by a community or technical college district, 15246
and for which the Ohio building authority is authorized to issue 15247
obligations pursuant to Chapter 152. of the Revised Code, and 15248
includes any one, part of, or any combination of the foregoing, 15249
and further includes site improvements, utilities, machinery, 15250
furnishings, and any separate or connected buildings, structures, 15251
improvements, sites, open space and green space areas, utilities, 15252
or equipment to be used in, or in connection with the operation or 15253
maintenance of, or supplementing or otherwise related to the 15254
services or facilities to be provided by, such facilities. 15255

(12) "Cost of community or technical college capital 15256
facilities" means the costs of acquiring, constructing, 15257
reconstructing, rehabilitating, remodeling, renovating, enlarging, 15258
improving, equipping, or furnishing community or technical college 15259
capital facilities, and the financing thereof, including the cost 15260
of clearance and preparation of the site and of any land to be 15261
used in connection with community or technical college capital 15262
facilities, the cost of any indemnity and surety bonds and 15263
premiums on insurance, all related direct administrative expenses 15264
and allocable portions of direct costs of the authority, community 15265
or technical college or community or technical college district, 15266
cost of engineering, architectural services, design, plans, 15267
specifications and surveys, estimates of cost, legal fees, fees 15268
and expenses of trustees, depositories, bond registrars, and 15269
paying agents for the obligations, cost of issuance of the 15270
obligations and financing costs and fees and expenses of financial 15271
advisers and consultants in connection therewith, interest on the 15272
obligations from the date thereof to the time when interest is to 15273
be covered by available receipts or other sources other than 15274
proceeds of the obligations, amounts that represent the portion of 15275
investment earnings to be rebated or to be paid to the federal 15276
government in order to maintain the exclusion from gross income 15277
for federal income tax purposes of interest on those obligations 15278

pursuant to section 148(f) of the Internal Revenue Code, amounts 15279
necessary to establish reserves as required by the bond 15280
proceedings, costs of audits, the reimbursements of all moneys 15281
advanced or applied by or borrowed from the community or technical 15282
college, community or technical college district, or others, from 15283
whatever source provided, including any temporary advances from 15284
state appropriations, for the payment of any item or items of cost 15285
of community or technical college facilities, and all other 15286
expenses necessary or incident to planning or determining 15287
feasibility or practicability with respect to such facilities, and 15288
such other expenses as may be necessary or incident to the 15289
acquisition, construction, reconstruction, rehabilitation, 15290
remodeling, renovation, enlargement, improvement, equipment, and 15291
furnishing of community or technical college capital facilities, 15292
the financing thereof and the placing of them in use and 15293
operation, including any one, part of, or combination of such 15294
classes of costs and expenses. 15295

(B) Pursuant to the powers granted to the general assembly 15296
under Section 2i of Article VIII, Ohio Constitution, to authorize 15297
the issuance of revenue obligations and other obligations, the 15298
owners or holders of which are not given the right to have excises 15299
or taxes levied by the general assembly for the payment of 15300
principal thereof or interest thereon, the Ohio building authority 15301
may issue obligations, in accordance with Chapter 152. of the 15302
Revised Code, and shall cause the net proceeds thereof, after any 15303
deposits of accrued interest for the payment of bond service 15304
charges and after any deposit of all or such lesser portion as the 15305
authority may direct of the premium received upon the sale of 15306
those obligations for the payment of the bond service charges, to 15307
be applied to the costs of capital facilities designated by or 15308
pursuant to act of the general assembly for housing state agencies 15309
as authorized by Chapter 152. of the Revised Code. The authority 15310
shall provide by resolution for the issuance of such obligations. 15311

The bond service charges and all other payments required to be 15312
made by the trust agreement or indenture securing such obligations 15313
shall be payable solely from available receipts of the authority 15314
pledged thereto as provided in such resolution. The available 15315
receipts pledged and thereafter received by the authority are 15316
immediately subject to the lien of such pledge without any 15317
physical delivery thereof or further act, and the lien of any such 15318
pledge is valid and binding against all parties having claims of 15319
any kind against the authority, irrespective of whether those 15320
parties have notice thereof, and creates a perfected security 15321
interest for all purposes of Chapter 1309. of the Revised Code and 15322
a perfected lien for purposes of any real property interest, all 15323
without the necessity for separation or delivery of funds or for 15324
the filing or recording of the resolution, trust agreement, 15325
indenture, or other agreement by which such pledge is created or 15326
any certificate, statement, or other document with respect 15327
thereto; and the pledge of such available receipts is effective 15328
and the money therefrom and thereof may be applied to the purposes 15329
for which pledged. Every pledge, and every covenant and agreement 15330
made with respect to the pledge, made in the resolution may 15331
therein be extended to the benefit of the owners and holders of 15332
obligations authorized by Chapter 152. of the Revised Code, the 15333
net proceeds of which are to be applied to the costs of capital 15334
facilities, and to any trustee therefor, for the further securing 15335
of the payment of the bond service charges, and all or any rights 15336
under any agreement or lease made under this section may be 15337
assigned for such purpose. Obligations may be issued at one time 15338
or from time to time, and each issue shall be dated, shall mature 15339
at such time or times as determined by the authority not exceeding 15340
forty years from the date of issue, and may be redeemable before 15341
maturity at the option of the authority at such price or prices 15342
and under such terms and conditions as are fixed by the authority 15343
prior to the issuance of the obligations. The authority shall 15344

determine the form of the obligations, fix their denominations, 15345
establish their interest rate or rates, which may be a variable 15346
rate or rates, or the maximum interest rate, and establish within 15347
or without this state a place or places of payment of bond service 15348
charges. 15349

(C) The obligations shall be signed by the authority 15350
chairperson, vice-chairperson, and secretary-treasurer, and the 15351
authority seal shall be affixed. The signatures may be facsimile 15352
signatures and the seal affixed may be a facsimile seal, as 15353
provided by resolution of the authority. Any coupons attached may 15354
bear the facsimile signature of the chairperson. In case any 15355
officer who has signed any obligations, or caused the officer's 15356
facsimile signature to be affixed thereto, ceases to be such 15357
officer before such obligations have been delivered, such 15358
obligations may, nevertheless, be issued and delivered as though 15359
the person who had signed the obligations or caused the person's 15360
facsimile signature to be affixed thereto had not ceased to be 15361
such officer. 15362

Any obligations may be executed on behalf of the authority by 15363
an officer who, on the date of execution, is the proper officer 15364
although on the date of such obligations such person was not the 15365
proper officer. 15366

(D) All obligations issued by the authority shall have all 15367
the qualities and incidents of negotiable instruments and may be 15368
issued in coupon or in registered form, or both, as the authority 15369
determines. Provision may be made for the registration of any 15370
obligations with coupons attached thereto as to principal alone or 15371
as to both principal and interest, their exchange for obligations 15372
so registered, and for the conversion or reconversion into 15373
obligations with coupons attached thereto of any obligations 15374
registered as to both principal and interest, and for reasonable 15375
charges for such registration, exchange, conversion, and 15376

reconversion. The authority may sell its obligations in any manner 15377
and for such prices as it determines, except that the authority 15378
shall sell obligations sold at public or private sale in 15379
accordance with section 152.091 of the Revised Code. 15380

(E) The obligations of the authority, principal, interest, 15381
and any proceeds from their sale or transfer, are exempt from all 15382
taxation within this state. 15383

(F) The authority is authorized to issue revenue obligations 15384
and other obligations under Section 2i of Article VIII, Ohio 15385
Constitution, for the purpose of paying the cost of capital 15386
facilities for housing of branches and agencies of state 15387
government, including capital facilities for the purpose of 15388
housing personnel, equipment, or functions, or any combination 15389
thereof that the state agencies are responsible for housing, as 15390
are authorized by Chapter 152. of the Revised Code, and that are 15391
authorized by the general assembly by the appropriation of lease 15392
payments or other moneys for such capital facilities or by any 15393
other act of the general assembly, but not including the 15394
appropriation of moneys for feasibility studies for such capital 15395
facilities. This division does not authorize the authority to 15396
issue obligations pursuant to Section 2i of Article VIII, Ohio 15397
Constitution, to pay the cost of capital facilities for mental 15398
hygiene and retardation, parks and recreation, or state-supported 15399
or state-assisted institutions of higher education. 15400

(G) The authority is authorized to issue revenue obligations 15401
under Section 2i of Article VIII, Ohio Constitution, on behalf of 15402
a community or technical college district and shall cause the net 15403
proceeds thereof, after any deposits of accrued interest for the 15404
payment of bond service charges and after any deposit of all or 15405
such lesser portion as the authority may direct of the premium 15406
received upon the sale of those obligations for the payment of the 15407
bond service charges, to be applied to the cost of community or 15408

technical college capital facilities, provided that the issuance 15409
of such obligations is subject to the execution of a written 15410
agreement in accordance with division (C) of section 3333.90 of 15411
the Revised Code for the withholding and depositing of funds 15412
otherwise due the district, or the college it operates, in respect 15413
of its allocated state share of instruction. 15414

The authority shall provide by resolution for the issuance of 15415
such obligations. The bond service charges and all other payments 15416
required to be made by the trust agreement or indenture securing 15417
the obligations shall be payable solely from available community 15418
or technical college receipts pledged thereto as provided in the 15419
resolution. The available community or technical college receipts 15420
pledged and thereafter received by the authority are immediately 15421
subject to the lien of such pledge without any physical delivery 15422
thereof or further act, and the lien of any such pledge is valid 15423
and binding against all parties having claims of any kind against 15424
the authority, irrespective of whether those parties have notice 15425
thereof, and creates a perfected security interest for all 15426
purposes of Chapter 1309. of the Revised Code and a perfected lien 15427
for purposes of any real property interest, all without the 15428
necessity for separation or delivery of funds or for the filing or 15429
recording of the resolution, trust agreement, indenture, or other 15430
agreement by which such pledge is created or any certificate, 15431
statement, or other document with respect thereto; and the pledge 15432
of such available community or technical college receipts is 15433
effective and the money therefrom and thereof may be applied to 15434
the purposes for which pledged. Every pledge, and every covenant 15435
and agreement made with respect to the pledge, made in the 15436
resolution may therein be extended to the benefit of the owners 15437
and holders of obligations authorized by this division, and to any 15438
trustee therefor, for the further securing of the payment of the 15439
bond service charges, and all or any rights under any agreement or 15440
lease made under this section may be assigned for such purpose. 15441

Obligations may be issued at one time or from time to time, and 15442
each issue shall be dated, shall mature at such time or times as 15443
determined by the authority not exceeding forty years from the 15444
date of issue, and may be redeemable before maturity at the option 15445
of the authority at such price or prices and under such terms and 15446
conditions as are fixed by the authority prior to the issuance of 15447
the obligations. The authority shall determine the form of the 15448
obligations, fix their denominations, establish their interest 15449
rate or rates, which may be a variable rate or rates, or the 15450
maximum interest rate, and establish within or without this state 15451
a place or places of payment of bond service charges. 15452

Sec. 152.10. The resolution of the Ohio building authority 15453
authorizing the issuance of authority obligations may contain 15454
provisions which shall be part of the contract with the holders of 15455
the obligations as to: 15456

(A) Pledging all or such portion as it determines of the 15457
available receipts of the authority for the payment of bond 15458
service charges and all other payments required to be made by the 15459
trust agreement or indenture securing such obligations, or 15460
restricting the security for a particular issue of obligations to 15461
specific revenues or receipts of the authority; 15462

(B) The acquisition, construction, reconstruction, equipment, 15463
furnishing, improvement, operation, alteration, enlargement, 15464
maintenance, insurance, and repair of capital facilities and sites 15465
therefor, and the duties of the authority with reference thereto; 15466

(C) Other terms of the obligations; 15467

(D) Limitations on the purposes to which the proceeds of the 15468
obligations may be applied; 15469

(E) The rate of rentals or other charges for the use of 15470
capital facilities, the revenues from which are pledged to the 15471

obligations authorized by such resolution, including limitations 15472
upon the power of the authority to modify such rentals or other 15473
charges; 15474

(F) The use of and the expenditures of the revenues of the 15475
authority in such manner and to such extent as shall be 15476
determined, which may include provision for the payment of the 15477
expenses of the operation, maintenance, and repair of capital 15478
facilities, and the operation and administration of the authority 15479
so that such expenses shall be paid or provided as a charge prior 15480
to the payment of bond service charges and all other payments 15481
required to be made by the trust agreement or indenture securing 15482
such obligations; 15483

(G) Limitations on the issuance of additional obligations; 15484

(H) The terms of any trust agreement or indenture securing 15485
the obligations or under which the same may be issued; 15486

(I) Any other or additional agreements with the holders of 15487
the obligations, or the trustee therefor with respect to the 15488
operation of the authority and with respect to its property, 15489
funds, and revenues, and insurance thereof, and of the authority, 15490
its members, officers, and employees; 15491

(J) The deposit and application of funds and the safeguarding 15492
of funds on hand or on deposit without regard to Chapter 131. of 15493
the Revised Code, including any deposits of accrued interest for 15494
the payment of bond service charges and any deposits of premium 15495
for the payment of bond service charges or for the application to 15496
the payment of costs of capital facilities; 15497

(K) Municipal bond insurance, letters of credit, and other 15498
related agreements, the cost of which may be included in the costs 15499
of issuance of the obligations, and the pledge, holding, and 15500
disposition of the proceeds thereof; 15501

(L) A covenant that the state and any using state agency or 15502

any using community or technical college or community or technical college district shall, so long as such obligations are outstanding, cause to be charged and collected such revenues and receipts of, or from, any such using state agency or any such using community or technical college or community or technical college district constituting available receipts under the resolution sufficient in amount to provide for the payment of bond service charges on such obligations and for the establishment and maintenance of any reserves, as provided in the resolution for such obligations, which covenant shall be controlling notwithstanding any other provision of law pertaining to such revenues and receipts; provided that no covenant shall require the general assembly to appropriate money derived from the levying of excises or taxes for the payment of rent or bond service charges.

Sec. 152.12. (A) As used in this section, "prior community or technical college obligations" means bonds or notes previously issued by a community or technical college district under section 3354.121, 3357.112, or 3358.10 of the Revised Code to pay costs of community or technical college capital facilities.

(B) The Ohio building authority may authorize and issue obligations for the refunding of prior obligations or prior community or technical college obligations for any of the following purposes:

~~(A)~~(1) Refunding any obligations previously issued by the authority or any prior community or technical college obligations, when the revenues pledged for the payment of such obligations are insufficient to pay obligations or prior community or technical college obligations which have matured or are about to mature or to maintain reserve or other funds required by the resolution or trust agreement or indenture;

~~(B)~~(2) Refunding any obligations previously issued by the

authority or any prior community or technical college obligations 15534
as an incident to providing funds for reconstructing, equipping, 15535
furnishing, improving, extending, or enlarging any capital 15536
facilities of the authority or any community or technical college 15537
district or community or technical college; 15538

~~(C)~~(3) Refunding all of the outstanding obligations or prior 15539
community or technical college obligations of any issue, both 15540
matured and unmatured, when the revenues pledged for the payment 15541
of such obligations or prior community or technical college 15542
obligations are insufficient to pay obligations which have matured 15543
or are about to mature or to maintain reserve or other funds 15544
required by the resolution or trust agreement or indenture, if 15545
such outstanding obligations or prior community or technical 15546
college obligations can be retired by call or at maturity or with 15547
the consent of the holders, whether from the proceeds of the sale 15548
of the refunding obligations or by exchange for the refunding 15549
obligations, provided the principal amount of the refunding 15550
obligations shall not exceed in amount the aggregate of the par 15551
value of the obligations or prior community or technical college 15552
obligations to be retired, any redemption premium, past due and 15553
future interest to the date of maturity or call that cannot 15554
otherwise be paid, and funds to reconstruct, equip, furnish, 15555
improve, enlarge, or extend any capital facilities of the 15556
authority or any community or technical college district or 15557
community or technical college; 15558

~~(D)~~(4) Refunding any obligations previously issued by the 15559
authority or any prior community or technical college obligations 15560
when the refunding obligations will bear interest at a lower rate 15561
than the obligations or prior community or technical college 15562
obligations to be refunded, or when the interest cost of the 15563
refunding obligations computed to the absolute maturity will be 15564
less than the interest cost of the obligations or prior community 15565

or technical college obligations to be refunded; 15566

~~(E)(5)~~ Refunding any obligations issued pursuant to section 15567
152.23 of the Revised Code. 15568

(C) Obligations issued pursuant to division ~~(A)(B)(1)~~ of this 15569
section shall mature not later than twenty years after their 15570
issuance and obligations issued pursuant to division (B)(2), 15571
~~(C)(3)~~, ~~(D)(4)~~, or ~~(E)(5)~~ of this section shall mature not later 15572
than forty years after their issuance. Except as provided in this 15573
section, the terms of issuance and sale of obligations issued 15574
under this section shall be as provided in ~~Chapter 152. of the~~ 15575
~~Revised Code~~ this chapter for any other obligations for the 15576
benefit of state agencies, community or technical colleges, or 15577
community or technical college districts, as the context requires. 15578
Obligations authorized under this section shall be deemed to be 15579
issued for those purposes for which such prior obligations or 15580
prior community or technical college obligations were issued, and 15581
may be issued in amounts sufficient for funding and retirement of 15582
prior obligations or prior community or technical college 15583
obligations, for establishment of reserves as required by the 15584
refunding obligations or the resolution authorizing such refunding 15585
obligations or the trust agreement or indenture securing the 15586
refunding obligations, and for payment of any fees and expenses 15587
incurred or to be incurred in connection with such issuance and 15588
such refunding. 15589

Sec. 152.15. Obligations issued by the Ohio building 15590
authority do not, and they shall state that they do not, represent 15591
or constitute a debt of the state or any political subdivision, 15592
nor a pledge of the faith and credit of the state or any political 15593
subdivision. Pursuant to Section 2i of Article VIII, Ohio 15594
Constitution, such obligations shall not be deemed to be debts or 15595
bonded indebtedness of the state under other provisions of the 15596

Ohio Constitution. 15597

The holders or owners of obligations issued by the authority 15598
shall have no right to have excises or taxes levied by the general 15599
assembly for the payment of the bond service charges thereon. The 15600
right of such holders and owners to payment of such bond service 15601
charges shall be limited to the available receipts or available 15602
community or technical college receipts pledged thereto in 15603
accordance with ~~Chapter 152. of the Revised Code~~ this chapter, and 15604
each such obligation shall bear on its face a statement to that 15605
effect. Any available receipts or available community or technical 15606
college receipts may be so pledged only to obligations issued for 15607
capital facilities which are in whole or in part useful to, 15608
constructed by, or financed by the department, board, commission, 15609
authority, community or technical college, community or technical 15610
college district, or other agency or instrumentality that receives 15611
the available receipts or available community or technical college 15612
receipts so pledged. 15613

Sec. 152.33. (A) The Ohio building authority is authorized 15614
under Chapter 152. of the Revised Code to issue revenue 15615
obligations and other obligations to pay the cost of capital 15616
facilities described in ~~section~~ sections 111.26 and 307.021 of the 15617
Revised Code and the cost of capital facilities in which one or 15618
more state agencies are participating with the federal government, 15619
municipal corporations, counties, or other governmental entities 15620
or any one or more of them, and in which that portion of the 15621
facility allocated to the participating state agencies is to be 15622
used for the purpose stated in division (F) of section 152.09 of 15623
the Revised Code, when authorized by the general assembly in 15624
accordance with that division. Such participation may be by 15625
grants, loans, or contributions to other participating 15626
governmental entities for any of such capital facilities. Such 15627
obligations shall be deemed to be issued under sections 152.09 and 15628

152.23 of the Revised Code and shall conform to all requirements 15629
of sections 152.09 to 152.17 and 152.23 of the Revised Code. The 15630
right of holders and owners of obligations issued under this 15631
section to payment of bond service charges shall be limited to the 15632
revenues and receipts of the authority derived from rentals or 15633
other charges for use of the capital facilities constructed with 15634
the proceeds of the obligations to which such revenues and 15635
receipts are pledged, including revenues and receipts from or on 15636
behalf of any participating governmental entity. 15637

(B) Any lease of space by a state agency in a capital 15638
facility described in division (A) of this section shall conform 15639
to the requirements of division (D) of section 152.24 of the 15640
Revised Code. 15641

Sec. 156.01. As used in ~~this chapter~~ sections 156.01 to 15642
156.05 of the Revised Code: 15643

(A) "Avoided capital costs" means a measured reduction in the 15644
cost of future equipment or other capital purchases that results 15645
from implementation of one or more energy or water conservation 15646
measures, when compared to an established baseline for previous 15647
such cost. 15648

(B) "Energy conservation measure" means an installation or 15649
modification of an installation in, or a remodeling of, an 15650
existing building in order to reduce energy consumption and 15651
operating costs. The term includes any of the following: 15652

(1) Installation or modification of insulation in the 15653
building structure and systems within the building; 15654

(2) Installation or modification of storm windows and doors, 15655
multiglazed windows and doors, and heat absorbing or heat 15656
reflective glazed and coated window and door systems; installation 15657
of additional glazing; reductions in glass area; and other window 15658

and door system modifications that reduce energy consumption and operating costs;	15659 15660
(3) Installation or modification of automatic energy control systems;	15661 15662
(4) Replacement or modification of heating, ventilating, or air conditioning systems;	15663 15664
(5) Application of caulking and weather stripping;	15665
(6) Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a building unless the increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;	15666 15667 15668 15669 15670
(7) Installation or modification of energy recovery systems;	15671
(8) Installation or modification of cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;	15672 15673 15674 15675
(9) Any other modification, installation, or remodeling approved by the director of administrative services as an energy conservation measure for one or more buildings owned by the state.	15676 15677 15678
(B) (C) "Energy saving measure" means the acquisition and installation, by purchase, lease, lease-purchase, lease with an option to buy, or installment purchase, of an energy conservation measure and any attendant architectural and engineering consulting services.	15679 15680 15681 15682 15683
<u>(D) "Energy, water, or wastewater cost savings" means a measured reduction in, as applicable, the cost of fuel, energy or water consumption, wastewater production, or stipulated operation or maintenance resulting from the implementation of one or more energy or water conservation measures, when compared to an</u>	15684 15685 15686 15687 15688

established baseline for previous such costs, respectively. 15689

(E) "Operating cost savings" means a measured reduction in 15690
the cost of stipulated operation or maintenance created by the 15691
installation of new equipment or implementation of a new service, 15692
when compared with an established baseline for previous such 15693
stipulated costs. 15694

(F) "Water conservation measure" means an installation or 15695
modification of an installation in, or a remodeling of, an 15696
existing building or the surrounding grounds in order to reduce 15697
water consumption. The term includes any of the following: 15698

(1) Water-conserving fixture, appliance, or equipment, or the 15699
substitution of a nonwater-using fixture, appliance, or equipment; 15700

(2) Water-conserving, landscape irrigation equipment; 15701

(3) Landscaping measure that reduces storm water runoff 15702
demand and capture and hold applied water and rainfall, including 15703
landscape contouring such as the use of a berm, swale, or terrace 15704
and including the use of a soil amendment, including compost, that 15705
increases the water-holding capacity of the soil; 15706

(4) Rainwater harvesting equipment or equipment to make use 15707
of water collected as part of a storm water system installed for 15708
water quality control; 15709

(5) Equipment for recycling or reuse of water originating on 15710
the premises or from another source, including treated, municipal 15711
effluent; 15712

(6) Equipment needed to capture water for nonpotable uses 15713
from any nonconventional, alternate source, including air 15714
conditioning condensate or gray water; 15715

(7) Any other modification, installation, or remodeling 15716
approved by the board of trustees of a state institution of higher 15717
education as defined in section 3345.011 of the Revised Code as a 15718

water conservation measure for one or more buildings or the 15719
surrounding grounds owned by the institution. 15720

(G) "Water saving measure" means the acquisition and 15721
installation, by the purchase, lease, lease-purchase, lease with 15722
an option to buy, or installment purchases of a water conservation 15723
measure and any attendant architectural and engineering consulting 15724
services. 15725

Sec. 156.02. (A) The director of administrative services may 15726
contract with an energy services company, contractor, architect, 15727
professional engineer, or other person experienced in the design 15728
and implementation of energy conservation measures for a report 15729
containing an analysis and recommendations pertaining to the 15730
implementation of energy conservation measures that would 15731
significantly reduce energy consumption and operating costs in any 15732
buildings owned by the state ~~and, upon request of its board of~~ 15733
~~trustees or managing authority, any building owned by an~~ 15734
~~institution of higher education as defined in section 3345.12 of~~ 15735
~~the Revised Code.~~ The report shall include estimates of all costs 15736
of such measures, including the costs of design, engineering, 15737
installation, maintenance, repairs, and debt service, and 15738
estimates of the amounts by which energy consumption and operating 15739
costs would be reduced. 15740

(B) Upon the request of the board of trustees or managing 15741
authority of a state institution of higher education as defined in 15742
section 3345.011 of the Revised Code, the director may contract 15743
with a water services company, architect, professional engineer, 15744
contractor, or other person experienced in the design and 15745
implementation of energy or water conservation measures for a 15746
report containing an analysis and recommendations pertaining to 15747
the implementation of energy or water conservation measures that 15748
result in energy, water, or wastewater cost savings, operating 15749

cost savings, or avoided capital costs for the institution. The 15750
report shall include estimates of all costs of such installations, 15751
including the costs of design, engineering, installation, 15752
maintenance, repairs, and debt service, and estimates of the 15753
energy, water, or wastewater cost savings, operating cost savings, 15754
and avoided capital costs created. 15755

Sec. 156.03. (A) If the director of administrative services 15756
wishes to enter into an installment payment contract pursuant to 15757
section 156.04 of the Revised Code or any other contract to 15758
implement one or more energy saving measures or, in the case of a 15759
state institution of higher education pursuant to division (B) of 15760
section 156.02 of the Revised Code, energy or water saving 15761
measures, he the director may proceed under Chapter 153. of the 15762
Revised Code, or, alternatively, he the director may request the 15763
controlling board to exempt the contract from Chapter 153. of the 15764
Revised Code. 15765

If the controlling board by a majority vote approves an 15766
exemption, that chapter shall not apply to the contract and 15767
instead the director shall request proposals from at least three 15768
parties for the implementation of the energy or water saving 15769
measures. Prior to providing any interested party a copy of any 15770
such request, the director shall advertise, in a newspaper of 15771
general circulation in the county where the contract is to be 15772
performed, ~~his~~ the director's intent to request proposals for the 15773
implementation of the energy or water saving measures. The notice 15774
shall invite interested parties to submit proposals for 15775
consideration and shall be published at least thirty days prior to 15776
the date for accepting proposals. 15777

(B) Upon receiving the proposals, the director shall analyze 15778
them and, after considering the cost estimates of each proposal 15779
and the availability of funds to pay for each with current 15780

appropriations or by financing the cost of each through an 15781
installment payment contract under section 156.04 of the Revised 15782
Code, may select one or more proposals or reject all proposals. In 15783
selecting proposals, the director shall select the one or more 15784
proposals most likely to result in the greatest savings when the 15785
cost of the proposal is compared to the reduced energy and 15786
operating costs that will result from implementing the proposal. 15787
However, in the case of a state institution of higher education 15788
pursuant to division (B) of section 156.02 of the Revised Code, 15789
the director shall select the one or more proposals most likely to 15790
result in the greatest energy, water, or wastewater savings, 15791
operating costs savings, and avoided capital costs created. 15792

(C)(1) No contract shall be awarded to implement energy 15793
saving measures under this section, other than in the case of a 15794
state institution of higher education, unless the director finds 15795
that one or both of the following circumstances exists, as 15796
applicable: 15797

~~(A)(a)~~ In the case of a contract for a cogeneration system 15798
described in division (H) of section 156.01 of the Revised Code, 15799
the cost of the contract is not likely to exceed the amount of 15800
money that would be saved in energy and operating costs over no 15801
more than five years; 15802

~~(B)(b)~~ In the case of any contract for any energy saving 15803
measure other than a cogeneration system, the cost of the contract 15804
is not likely to exceed the amount of money that would be saved in 15805
energy and operating costs over no more than ten years. 15806

(2) In the case of a state institution of higher education 15807
pursuant to division (B) of section 156.02 of the Revised Code, no 15808
contract shall be awarded to implement energy or water saving 15809
measures for the institution under this section unless the 15810
director finds that both of the following circumstances exists: 15811

(a) Not less than one-fifteenth of the costs of the contract shall be paid within two years from the date of purchase; 15812
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(b) The remaining balance of the cost of the contract shall be paid within fifteen years from the date of purchase. 15814
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Sec. 156.04. (A) In accordance with this section and section 156.03 of the Revised Code, the director of administrative services may enter into an installment payment contract for the implementation of one or more energy or water saving measures. If the director wishes an installment payment contract to be exempted from Chapter 153. of the Revised Code, the director shall proceed pursuant to section 156.03 of the Revised Code. 15816
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(B)(1) Any installment payment contract under this section, other than in the case of a state institution of higher education, for one or more energy saving measures shall provide that all payments, except payments for repairs and obligations on termination of the contract prior to its expiration, are to be a stated percentage of calculated savings of energy and operating costs attributable to the one or more measures over a defined period of time and are to be made only to the extent that those savings actually occur. No such contract shall contain any of the following: 15823
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~~(1)~~(a) A requirement of any additional capital investment or contribution of funds, other than funds available from state or federal grants; 15833
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~~(2)~~(b) In the case of a contract for an energy saving measure that is a cogeneration system described in division (H) of section 156.01 of the Revised Code, a payment term longer than five years; 15836
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~~(3)~~(c) In the case of a contract for any energy saving measure that is not a cogeneration system, a payment term longer than ten years. 15839
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(2) Any installment payment contract under this section for 15842
one or more energy or water saving measures for a state 15843
institution of higher education pursuant to division (B) of 15844
section 156.02 of the Revised Code, shall provide that all 15845
payments, except payments for repairs and obligations on 15846
termination of the contract prior to its expiration, are to be a 15847
stated percentage of calculated energy, water, or wastewater cost 15848
savings, operating costs, and avoided capital costs attributable 15849
to the one or more measures over a defined period of time and are 15850
to be made only to the extent that those calculated amounts 15851
actually occur. No such contract shall contain either of the 15852
following: 15853

(a) A requirement of any additional capital investment or 15854
contribution of funds, other than funds available from state or 15855
federal grants; 15856

(b) A payment term longer than fifteen years. 15857

(C) Any installment payment contract entered into under this 15858
section shall terminate no later than the last day of the fiscal 15859
biennium for which funds have been appropriated to the department 15860
of administrative services by the general assembly and shall be 15861
renewed in each succeeding fiscal biennium in which any balance of 15862
the contract remains unpaid, provided that both an appropriation 15863
for that succeeding fiscal biennium and the certification required 15864
by section 126.07 of the Revised Code are made. 15865

Sec. 166.061. (A) As used in this section: 15866

(1) "Approved historic rehabilitation project" means a 15867
rehabilitation of a historic building that the director of 15868
development has approved for a rehabilitation tax credit under 15869
section 149.311 of the Revised Code. 15870

(2) "Federal economic stimulus funds" means federal money 15871

available to states under the American Recovery and Reinvestment Act of 2009 or any other source of federal money available to the states, that may lawfully be used for the purposes of this section. 15872
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(3) "Owner" and "qualified rehabilitation expenditures" have the same meanings as in section 149.311 of the Revised Code. 15876
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(B) There is hereby created in the state treasury the Ohio historic preservation tax credit fund. The fund shall consist of money obtained by the director of development under division (C) of this section. Money in the fund shall be used to secure and pay guarantees of loans for approved historic rehabilitation projects as provided in this section. 15878
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(C) The director of development shall undertake to secure seventy-five million dollars of federal economic stimulus funds for crediting to the Ohio historic preservation tax credit fund. 15884
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(D) To create new jobs or preserve existing jobs and employment opportunities and improve the economic welfare of the people of this state, the director of development shall enter into loan guarantee contracts under section 166.06 of the Revised Code in connection with approved historic rehabilitation projects, except that the guarantees shall be secured solely by and be payable solely from the Ohio historic preservation tax credit fund. Money deposited into the Ohio historic preservation tax credit fund shall be prioritized by providing loan guarantees for approved historic rehabilitation projects from the first funding round of the Ohio historic preservation tax credit program before being used to provide loan guarantees for approved historic rehabilitation projects approved in subsequent funding rounds. The amount of a loan guarantee provided under this section shall not exceed the amount of the credit to be awarded for the approved historic rehabilitation project. References to the loan guarantee fund in divisions (C) and (F) of section 166.06 of the Revised 15887
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Code shall be construed as references to the Ohio historic preservation tax credit fund for the purposes of loan guarantees authorized by this section, except that no transfer shall be made to the Ohio historic preservation tax credit fund from the facilities establishment fund as may otherwise be required by that section.

Sec. 166.07. (A) The director of development, with the approval of the controlling board and subject to the other applicable provisions of this chapter, may lend moneys in the facilities establishment fund to persons for the purpose of paying allowable costs of an eligible project if the director determines that:

(1) The project is an eligible project and is economically sound;

(2) The borrower is unable to finance the necessary allowable costs through ordinary financial channels upon comparable terms;

(3) The amount to be lent from the facilities establishment fund will not exceed seventy-five per cent of the total allowable costs of the eligible project, except that if any part of the amount to be lent from the facilities establishment fund is derived from the issuance and sale of project financing obligations the amount to be lent will not exceed ninety per cent of the total allowable costs of the eligible project;

(4) The eligible project could not be achieved in the local area in which it is to be located if the portion of the project to be financed by the loan instead were to be financed by a loan guaranteed under section 166.06 of the Revised Code;

(5) The repayment of the loan from the facilities establishment fund will be adequately secured by a mortgage, assignment, pledge, or lien provided for under section 9.661 of

the Revised Code, at such level of priority as the director may require; 15934
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(6) The borrower will hold at least a ten per cent equity interest in the eligible project at the time the loan is made. 15936
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(B) The determinations of the director under division (A) of this section shall be conclusive for purposes of the validity of a loan commitment evidenced by a loan agreement signed by the director. 15938
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(C) In furtherance of the public policy of this chapter, there is hereby established the micro-lending program for the purpose of paying the allowable costs of eligible projects of eligible small businesses. From any amount of the facilities establishment fund that the general assembly designates for the purpose of the micro-lending program, the director of development shall, either directly or indirectly, make loans under this section to eligible small businesses. The director shall establish eligibility criteria and loan terms for the program that supplement eligibility criteria and loan terms otherwise prescribed for loans under this section, and may prescribe reduced service charges and fees. For the purpose of lending under the micro-lending program, the director of development shall give precedence to projects of eligible small businesses that foster the development of small entrepreneurial enterprises, notwithstanding the considerations prescribed by divisions (A)(1)(a) and (b) of section 166.05 of the Revised Code to the extent those considerations otherwise may have the effect of disqualifying projects of eligible small businesses. The director may enter into agreements with for-profit or non-profit organizations in this state to originate and administer loans made under the micro-lending program. 15942
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(D) Fees, charges, rates of interest, times of payment of interest and principal, and other terms, conditions, and 15964
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provisions of and security for loans made from the facilities 15966
establishment fund pursuant to this section shall be such as the 15967
director determines to be appropriate and in furtherance of the 15968
purpose for which the loans are made. The moneys used in making 15969
such loans shall be disbursed from the facilities establishment 15970
fund upon order of the director. The director shall give special 15971
consideration in setting the required job creation ratios and 15972
interest rates for loans that are for voluntary actions. 15973

~~(D)~~(E) The director may take actions necessary or appropriate 15974
to collect or otherwise deal with any loan made under this 15975
section, including any action authorized by section 9.661 of the 15976
Revised Code. 15977

~~(E)~~(F) The director may fix service charges for the making of 15978
a loan. Such charges shall be payable at such times and place and 15979
in such amounts and manner as may be prescribed by the director. 15980

Sec. 167.081. If sections 153.50, 153.51, and 153.52 of the 15981
Revised Code do not apply, the council may enter into a contract 15982
that establishes a unit price for, and provides upon a per unit 15983
basis, materials, labor, services, overhead, profit, and 15984
associated expenses for the repair, enlargement, improvement, or 15985
demolition of a building or structure if the contract is awarded 15986
pursuant to a competitive bidding procedure of a county, municipal 15987
corporation, or township or a special district, school district, 15988
or other political subdivision that is a council member; a 15989
statewide consortium of which the council is a member; or a 15990
multistate consortium of which the council is a member. 15991

A public notice requirement pertaining to the contract shall 15992
be considered as having been met if the public notice is given 15993
once a week for at least two consecutive weeks in a newspaper of 15994
general circulation within a county in this state in which the 15995
council has members and if the notice is posted on the council's 15996

internet web site for at least two consecutive weeks before the 15997
date specified for receiving bids. 15998

A county, municipal corporation, or township and a special 15999
district, school district, or other political subdivision that is 16000
a council member may participate in a contract entered into under 16001
this section. Purchases under a contract entered into under this 16002
section are exempt from any competitive selection or bidding 16003
requirements otherwise required by law. A county, municipal 16004
corporation, or township or a special district, school district, 16005
or other political subdivision that is a member of the council is 16006
not entitled to participate in a contract entered into under this 16007
section if it has received bids for the same work under another 16008
contract, unless participation in a contract under this section 16009
will enable the member to obtain the same work, upon the same 16010
terms, conditions, and specifications, at a lower price. 16011

Sec. 169.08. (A) Any person claiming a property interest in 16012
unclaimed funds delivered or reported to the state under Chapter 16013
169. of the Revised Code, including the office of child support in 16014
the department of job and family services, pursuant to section 16015
3123.88 of the Revised Code, may file a claim thereto on the form 16016
prescribed by the director of commerce. 16017

(B) The director shall consider matters relevant to any claim 16018
filed under division (A) of this section and shall hold a formal 16019
hearing if requested or considered necessary and receive evidence 16020
concerning such claim. A finding and decision in writing on each 16021
claim filed shall be prepared, stating the substance of any 16022
evidence received or heard and the reasons for allowance or 16023
disallowance of the claim. The evidence and decision shall be a 16024
public record. No statute of limitations shall bar the allowance 16025
of a claim. 16026

(C) For the purpose of conducting any hearing, the director 16027

may require the attendance of such witnesses and the production of 16028
such books, records, and papers as the director desires, and the 16029
director may take the depositions of witnesses residing within or 16030
without this state in the same manner as is prescribed by law for 16031
the taking of depositions in civil actions in the court of common 16032
pleas, and for that purpose the director may issue a subpoena for 16033
any witness or a subpoena duces tecum to compel the production of 16034
any books, records, or papers, directed to the sheriff of the 16035
county where such witness resides or is found, which shall be 16036
served and returned. The fees of the sheriff shall be the same as 16037
that allowed in the court of common pleas in criminal cases. 16038
Witnesses shall be paid the fees and mileage provided for under 16039
section 119.094 of the Revised Code. Fees and mileage shall be 16040
paid from the unclaimed funds trust fund. 16041

(D) Interest is not payable to claimants of unclaimed funds 16042
held by the state. Claims shall be paid from the trust fund. If 16043
the amount available in the trust fund is not sufficient to pay 16044
pending claims, or other amounts disburseable from the trust fund, 16045
the treasurer of state shall certify such fact to the director, 16046
who shall then withdraw such amount of funds from the mortgage 16047
accounts as the director determines necessary to reestablish the 16048
trust fund to a level required to pay anticipated claims but not 16049
more than ten per cent of the net unclaimed funds reported to 16050
date. 16051

The director ~~shall retain in the trust fund, as a fee for~~ 16052
~~administering the funds, five per cent of the total amount of~~ 16053
~~unclaimed funds payable to the claimant and~~ may withdraw the funds 16054
paid to the director by the holders and deposited by the director 16055
with the treasurer of state or in a financial institution as agent 16056
for such funds. Whenever these funds are inadequate to meet the 16057
requirements for the trust fund, the director shall provide for a 16058
withdrawal of funds, within a reasonable time, in such amount as 16059

is necessary to meet the requirements, from financial institutions 16060
in which such funds were retained or placed by a holder and from 16061
other holders who have retained funds, in an equitable manner as 16062
prescribed by the director. In the event that the amount to be 16063
withdrawn from any one such holder is less than five hundred 16064
dollars, the amount to be withdrawn shall be at the discretion of 16065
the director. Such funds may be reimbursed in the amounts 16066
withdrawn when the trust fund has a surplus over the amount 16067
required to pay anticipated claims. Whenever the trust fund has a 16068
surplus over the amount required to pay anticipated claims, the 16069
director may transfer such surplus to the mortgage accounts. 16070

(E) If a claim which is allowed under this section relates to 16071
funds which have been retained by the reporting holder, and if the 16072
funds, on deposit with the treasurer of state pursuant to this 16073
chapter, are insufficient to pay claims, the director may notify 16074
such holder in writing of the payment of the claim and such holder 16075
shall immediately reimburse the state in the amount of such claim. 16076
The reimbursement shall be credited to the unclaimed funds trust 16077
fund. 16078

(F) Any person, including the office of child support, 16079
adversely affected by a decision of the director may appeal such 16080
decision in the manner provided in Chapter 119. of the Revised 16081
Code. 16082

In the event the claimant prevails, the claimant shall be 16083
reimbursed for reasonable attorney's fees and costs. 16084

(G) Notwithstanding anything to the contrary in this chapter, 16085
any holder who has paid moneys to or entered into an agreement 16086
with the director pursuant to section 169.05 of the Revised Code 16087
on certified checks, cashiers' checks, bills of exchange, letters 16088
of credit, drafts, money orders, or travelers' checks, may make 16089
payment to any person entitled thereto, including the office of 16090
child support, and upon surrender of the document, except in the 16091

case of travelers' checks, and proof of such payment, the director 16092
shall reimburse the holder for such payment without interest. 16093

Sec. 173.08. (A) The resident services coordinator program is 16094
established in the department of aging to fund resident services 16095
coordinators. The coordinators shall provide information to 16096
low-income and special-needs tenants, including the elderly, who 16097
live in financially assisted rental housing complexes, and assist 16098
those tenants in identifying and obtaining community and program 16099
services and other benefits for which they are eligible. 16100

(B) The resident services coordinator program fund is hereby 16101
created in the state treasury to support the resident services 16102
coordinator program established pursuant to this section. The fund 16103
consists of all moneys the department of development sets aside 16104
pursuant to division (A)~~(4)~~(3) of section 174.02 of the Revised 16105
Code and moneys the general assembly appropriates to the fund. 16106

Sec. 173.28. (A)(1) As used in this division, "incident" 16107
means the occurrence of a violation with respect to a resident or 16108
recipient, as those terms are defined in section 173.14 of the 16109
Revised Code. A violation is a separate incident for each day it 16110
occurs and for each resident who is subject to it. 16111

In lieu of the fine that may be imposed under division (A) of 16112
section 173.99 of the Revised Code, the director of aging may, 16113
under Chapter 119. of the Revised Code, fine a long-term care 16114
provider or other entity, or a person employed by a long-term care 16115
provider or other entity, for a violation of division (C) of 16116
section 173.24 of the Revised Code. The fine shall not exceed one 16117
thousand dollars per incident. 16118

(2) In lieu of the fine that may be imposed under division 16119
(C) of section 173.99 of the Revised Code, the director may, under 16120
Chapter 119. of the Revised Code, fine a long-term care provider 16121

or other entity, or a person employed by a long-term care provider 16122
or other entity, for violating division (E) of section 173.19 of 16123
the Revised Code by denying a representative of the office of the 16124
state long-term care ombudsperson program the access required by 16125
that division. The fine shall not exceed five hundred dollars for 16126
each day the violation continued. 16127

(B) On request of the director, the attorney general shall 16128
bring and prosecute to judgment a civil action to collect any fine 16129
imposed under division (A)(1) or (2) of this section that remains 16130
unpaid thirty days after the violator's final appeal is exhausted. 16131

(C) All fines collected under this section shall be deposited 16132
into the state treasury to the credit of the state long-term care 16133
ombudsperson program fund created under section 173.26 of the 16134
Revised Code. 16135

Sec. 173.35. (A) As used in this section, "PASSPORT 16136
administrative agency" means an entity under contract with the 16137
department of aging to provide administrative services regarding 16138
the PASSPORT program created under section 173.40 of the Revised 16139
Code. 16140

(B) The department of aging shall administer the residential 16141
state supplement program under which the state supplements the 16142
supplemental security income payments received by aged, blind, or 16143
disabled adults under Title XVI of the "Social Security Act," 49 16144
Stat. 620 (1935), 42 U.S.C.A., as amended. Residential state 16145
supplement payments shall be used for the provision of 16146
accommodations, supervision, and personal care services to 16147
supplemental security income recipients who the department 16148
determines are at risk of needing institutional care. 16149

(C) For an individual to be eligible for residential state 16150
supplement payments, all of the following must be the case: 16151

(1) Except as provided by division (G) of this section, the individual must reside in one of the following:

(a) An adult foster home certified under section 173.36 of the Revised Code;

(b) A home or facility, other than a nursing home or nursing home unit of a home for the aging, licensed by the department of health under Chapter 3721. or 3722. of the Revised Code and certified in accordance with standards established by the director of aging under division (D)(2) of this section;

~~(c) A community alternative home licensed under section 3724.03 of the Revised Code and certified in accordance with standards established by the director of aging under division (D)(2) of this section;~~

~~(d)~~ A residential facility as defined in division (A)(1)(d)(ii) of section 5119.22 of the Revised Code licensed by the department of mental health and certified in accordance with standards established by the director of aging under division (D)(2) of this section;

~~(e)~~(d) An apartment or room used to provide community mental health housing services certified by the department of mental health under section 5119.611 of the Revised Code and approved by a board of alcohol, drug addiction, and mental health services under division (A)(14) of section 340.03 of the Revised Code and certified in accordance with standards established by the director of aging under division (D)(2) of this section.

(2) Effective July 1, 2000, a PASSPORT administrative agency must have determined that the environment in which the individual will be living while receiving the payments is appropriate for the individual's needs. If the individual is eligible for supplemental security income payments or social security disability insurance benefits because of a mental disability, the PASSPORT

administrative agency shall refer the individual to a community 16183
mental health agency for the community mental health agency to 16184
issue in accordance with section 340.091 of the Revised Code a 16185
recommendation on whether the PASSPORT administrative agency 16186
should determine that the environment in which the individual will 16187
be living while receiving the payments is appropriate for the 16188
individual's needs. Division (C)(2) of this section does not apply 16189
to an individual receiving residential state supplement payments 16190
on June 30, 2000, until the individual's first eligibility 16191
redetermination after that date. 16192

(3) The individual satisfies all eligibility requirements 16193
established by rules adopted under division (D) of this section. 16194

(D)(1) The directors of aging and job and family services 16195
shall adopt rules in accordance with section 111.15 of the Revised 16196
Code as necessary to implement the residential state supplement 16197
program. 16198

To the extent permitted by Title XVI of the "Social Security 16199
Act," and any other provision of federal law, the director of job 16200
and family services shall adopt rules establishing standards for 16201
adjusting the eligibility requirements concerning the level of 16202
impairment a person must have so that the amount appropriated for 16203
the program by the general assembly is adequate for the number of 16204
eligible individuals. The rules shall not limit the eligibility of 16205
disabled persons solely on a basis classifying disabilities as 16206
physical or mental. The director of job and family services also 16207
shall adopt rules that establish eligibility standards for aged, 16208
blind, or disabled individuals who reside in one of the homes or 16209
facilities specified in division (C)(1) of this section but who, 16210
because of their income, do not receive supplemental security 16211
income payments. The rules may provide that these individuals may 16212
include individuals who receive other types of benefits, 16213
including, social security disability insurance benefits provided 16214

under Title II of the "Social Security Act," 49 Stat. 620 (1935), 16215
42 U.S.C.A. 401, as amended. Notwithstanding division (B) of this 16216
section, such payments may be made if funds are available for 16217
them. 16218

The director of aging shall adopt rules establishing the 16219
method to be used to determine the amount an eligible individual 16220
will receive under the program. The amount the general assembly 16221
appropriates for the program shall be a factor included in the 16222
method that department establishes. 16223

(2) The director of aging shall adopt rules in accordance 16224
with Chapter 119. of the Revised Code establishing standards for 16225
certification of living facilities described in division (C)(1) of 16226
this section. 16227

The directors of aging and mental health shall enter into an 16228
agreement to certify facilities that apply for certification and 16229
meet the standards established by the director of aging under this 16230
division. 16231

(E) The county department of job and family services of the 16232
county in which an applicant for the residential state supplement 16233
program resides shall determine whether the applicant meets income 16234
and resource requirements for the program. 16235

(F) The department of aging shall maintain a waiting list of 16236
any individuals eligible for payments under this section but not 16237
receiving them because moneys appropriated to the department for 16238
the purposes of this section are insufficient to make payments to 16239
all eligible individuals. An individual may apply to be placed on 16240
the waiting list even though the individual does not reside in one 16241
of the homes or facilities specified in division (C)(1) of this 16242
section at the time of application. The director of aging, by 16243
rules adopted in accordance with Chapter 119. of the Revised Code, 16244
shall specify procedures and requirements for placing an 16245

individual on the waiting list and priorities for the order in 16246
which individuals placed on the waiting list are to begin to 16247
receive residential state supplement payments. The rules 16248
specifying priorities may give priority to individuals placed on 16249
the waiting list on or after July 1, 2006, who receive 16250
supplemental security income benefits under Title XVI of the 16251
"Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C. 1381, as 16252
amended. The rules shall not affect the place on the waiting list 16253
of any person who was on the list on July 1, 2006. The rules 16254
specifying priorities may also set additional priorities based on 16255
living arrangement, such as whether an individual resides in a 16256
facility listed in division (C)(1) of this section or has been 16257
admitted to a nursing facility. 16258

(G) An individual in a licensed or certified living 16259
arrangement receiving state supplementation on November 15, 1990, 16260
under former section 5101.531 of the Revised Code shall not become 16261
ineligible for payments under this section solely by reason of the 16262
individual's living arrangement as long as the individual remains 16263
in the living arrangement in which the individual resided on 16264
November 15, 1990. 16265

(H) The department of aging shall notify each person denied 16266
approval for payments under this section of the person's right to 16267
a hearing. On request, the hearing shall be provided by the 16268
department of job and family services in accordance with section 16269
5101.35 of the Revised Code. 16270

Sec. 173.392. (A) The department of aging may pay a person or 16271
government entity for providing community-based long-term care 16272
services under a program the department administers, even though 16273
the person or government entity is not certified under section 16274
173.391 of the Revised Code, if all of the following are the case: 16275

(1) The person or government entity has a contract with the 16276

department of aging or the department's designee to provide the 16277
services in accordance with the contract or has received a grant 16278
from the department or its designee to provide the services in 16279
accordance with a grant agreement; 16280

(2) The contract or grant agreement includes detailed 16281
conditions of participation for providers of services under a 16282
program the department administers and service standards that the 16283
person or government entity is required to satisfy; 16284

(3) The person or government entity complies with the 16285
contract or grant agreement; 16286

(4) The contract or grant is not for medicaid-funded 16287
services, other than services provided under the PACE program 16288
administered by the department of aging under section 173.50 of 16289
the Revised Code. 16290

(B) The director of aging shall adopt rules in accordance 16291
with Chapter 119. of the Revised Code governing both of the 16292
following: 16293

(1) Contracts and grant agreements between the department of 16294
aging or its designee and persons and government entities 16295
regarding community-based long-term care services provided under a 16296
program the department administers; 16297

(2) The department's payment for community-based long-term 16298
care services ~~provided under such a contract~~ this section. 16299

Sec. 173.40. ~~There~~ As used in sections 173.40 to 173.402 of 16300
the Revised Code, "PASSPORT program" means the program created 16301
under this section. 16302

~~There is hereby created a medicaid waiver component, as~~ 16303
~~defined in section 5111.85 of the Revised Code, to be known as the~~ 16304
preadmission screening system providing options and resources 16305
today program, or PASSPORT. The PASSPORT program shall provide 16306

home and community-based services as an alternative to nursing 16307
facility placement for aged and disabled medicaid recipients. The 16308
program shall be operated ~~pursuant to a home and community based~~ 16309
as a separate medicaid waiver granted by component, as defined in 16310
section 5111.85 of the Revised Code, until the United States 16311
secretary of health and human services approves the consolidated 16312
federal medicaid waiver sought under section ~~1915 of the "Social~~ 16313
~~Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396n, as amended~~ 16314
5111.861 of the Revised Code. The program shall be part of the 16315
consolidated federal medicaid waiver sought under that section if 16316
the United States secretary approves the waiver. The department of 16317
aging shall administer the program through a contract entered into 16318
with the department of job and family services under section 16319
5111.91 of the Revised Code. The director of job and family 16320
services shall adopt rules under section 5111.85 of the Revised 16321
Code and the director of aging shall adopt rules in accordance 16322
with Chapter 119. of the Revised Code to implement the program. 16323

Sec. 173.401. (A) As used in this section: 16324

"Area agency on aging" has the same meaning as in section 16325
173.14 of the Revised Code. 16326

"Long-term care consultation program" means the program the 16327
department of aging is required to develop under section 173.42 of 16328
the Revised Code. 16329

"Long-term care consultation program administrator" or 16330
"administrator" means the department of aging or, if the 16331
department contracts with an area agency on aging or other entity 16332
to administer the long-term care consultation program for a 16333
particular area, that agency or entity. 16334

"Nursing facility" has the same meaning as in section 5111.20 16335
of the Revised Code. 16336

~~"PASSPORT program" means the program created under section 16337
173.40 of the Revised Code. 16338~~

"PASSPORT waiver" means the federal medicaid waiver granted 16339
by the United States secretary of health and human services that 16340
authorizes the PASSPORT program. 16341

(B) The director of job and family services shall submit to 16342
the United States secretary of health and human services an 16343
amendment to the PASSPORT waiver that authorizes additional 16344
enrollments in the PASSPORT program pursuant to this section. 16345
Beginning with the month following the month in which the United 16346
States secretary approves the amendment and each month thereafter, 16347
each area agency on aging shall determine whether individuals who 16348
reside in the area that the area agency on aging serves and are on 16349
a waiting list for the PASSPORT program have been admitted to a 16350
nursing facility. If an area agency on aging determines that such 16351
an individual has been admitted to a nursing facility, the agency 16352
shall notify the long-term care consultation program administrator 16353
serving the area in which the individual resides about the 16354
determination. The administrator shall determine whether the 16355
PASSPORT program is appropriate for the individual and whether the 16356
individual would rather participate in the PASSPORT program than 16357
continue residing in the nursing facility. If the administrator 16358
determines that the PASSPORT program is appropriate for the 16359
individual and the individual would rather participate in the 16360
PASSPORT program than continue residing in the nursing facility, 16361
the administrator shall so notify the department of aging. On 16362
receipt of the notice from the administrator, the department of 16363
aging shall approve the individual's enrollment in the PASSPORT 16364
program regardless of the PASSPORT program's waiting list and even 16365
though the enrollment causes enrollment in the program to exceed 16366
the limit that would otherwise apply. Each quarter, the department 16367
of aging shall certify to the director of budget and management 16368

the estimated increase in costs of the PASSPORT program resulting 16369
from enrollment of individuals in the PASSPORT program pursuant to 16370
this section. 16371

~~(C) Not later than the last day of each calendar year, the 16372
director of job and family services shall submit to the general 16373
assembly a report regarding the number of individuals enrolled in 16374
the PASSPORT program pursuant to this section and the costs 16375
incurred and savings achieved as a result of the enrollments. 16376~~

Sec. 173.402. An individual enrolled in the PASSPORT program 16377
may request that home-delivered meals provided to the individual 16378
under the PASSPORT program be kosher. If such a request is made, 16379
the department of aging or the department's designee shall ensure 16380
that each home-delivered meal provided to the individual under the 16381
PASSPORT program is kosher. In complying with this requirement, 16382
the department or department's designee shall require each entity 16383
that provides home-delivered meals to the individual to provide 16384
the individual with meals that meet, as much as possible, the 16385
requirements established in rules adopted under section 173.40 of 16386
the Revised Code governing the home-delivered meal service while 16387
complying with kosher practices for meal preparation and dietary 16388
restrictions. 16389

An entity that provides a kosher home-delivered meal to a 16390
PASSPORT program enrollee pursuant to this section shall be 16391
reimbursed for the meal at a rate equal to the rate for 16392
home-delivered meals furnished to PASSPORT program enrollees 16393
requiring a therapeutic diet. 16394

Sec. 173.403. "Choices program" means the program created 16395
under this section. 16396

There is hereby created the choices program. The program 16397
shall provide home and community-based services. The choices 16398

program shall be operated as a separate medicaid waiver component, 16399
as defined in section 5111.85 of the Revised Code, until the 16400
United States secretary of health and human services approves the 16401
consolidated federal medicaid waiver sought under section 5111.861 16402
of the Revised Code. The program shall be part of the consolidated 16403
federal medicaid waiver sought under that section if the United 16404
States secretary approves the waiver. The department of aging 16405
shall administer the program through a contract entered into with 16406
the department of job and family services under section 5111.91 of 16407
the Revised Code. Subject to federal approval, the program shall 16408
be available statewide. 16409

Sec. 173.42. (A) As used in ~~this section~~ sections 173.42 to 16410
173.434 of the Revised Code: 16411

(1) "Area agency on aging" means a public or private 16412
nonprofit entity designated under section 173.011 of the Revised 16413
Code to administer programs on behalf of the department of aging. 16414

(2) "Department of aging-administered medicaid waiver 16415
component" means each of the following: 16416

(a) The PASSPORT program created under section 173.40 of the 16417
Revised Code; 16418

(b) The choices program created under section 173.403 of the 16419
Revised Code; 16420

(c) The assisted living program created under section 5111.89 16421
of the Revised Code; 16422

(d) Any other medicaid waiver component, as defined in 16423
section 5111.85 of the Revised Code, that the department of aging 16424
administers pursuant to an interagency agreement with the 16425
department of job and family services under section 5111.91 of the 16426
Revised Code. 16427

(3) "Home and community-based services covered by medicaid 16428

<u>components the department of aging administers" means all of the</u>	16429
<u>following:</u>	16430
<u>(a) Medicaid waiver services available to a participant in a</u>	16431
<u>department of aging-administered medicaid waiver component;</u>	16432
<u>(b) The following medicaid state plan services available to a</u>	16433
<u>participant in a department of aging-administered medicaid waiver</u>	16434
<u>component as specified in rules adopted under section 5111.02 of</u>	16435
<u>the Revised Code:</u>	16436
<u>(i) Home health services;</u>	16437
<u>(ii) Private duty nursing services;</u>	16438
<u>(iii) Durable medical equipment;</u>	16439
<u>(iv) Services of a clinical nurse specialist;</u>	16440
<u>(v) Services of a certified nurse practitioner.</u>	16441
<u>(c) Services available to a participant of the PACE program.</u>	16442
<u>(4) "Long-term care consultation" or "consultation" means the</u>	16443
<u>process used to provide services under consultation service made</u>	16444
<u>available by the department of aging or a program administrator</u>	16445
<u>through the long-term care consultation program established</u>	16446
<u>pursuant to this section, including, but not limited to, such</u>	16447
<u>services as the provision of information about long term care</u>	16448
<u>options and costs, the assessment of an individual's functional</u>	16449
<u>capabilities, and the conduct of all or part of the reviews,</u>	16450
<u>assessments, and determinations specified in sections 5111.202,</u>	16451
<u>5111.204, 5119.061, and 5123.021 of the Revised Code and the rules</u>	16452
<u>adopted under those sections.</u>	16453
(3) <u>(5) "Medicaid" means the medical assistance program</u>	16454
<u>established under Chapter 5111. of the Revised Code.</u>	16455
(4) <u>(6) "Nursing facility" has the same meaning as in section</u>	16456
<u>5111.20 of the Revised Code.</u>	16457

~~(5)(7) "PACE program" means the component of the medicaid program the department of aging administers pursuant to section 173.50 of the Revised Code.~~ 16458
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(8) "Program administrator" means an area agency on aging or other entity under contract with the department of aging to administer the long-term care consultation program in a geographic region specified in the contract. 16461
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(9) "Representative" means a person acting on behalf of an individual seeking a long term care consultation, applying for admission to a nursing facility, or residing in a nursing facility specified in division (G) of this section. A representative may be a family member, attorney, hospital social worker, or any other person chosen to act on behalf of the individual. 16465
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(B) The department of aging shall develop a long-term care consultation program whereby individuals or their representatives are provided with long-term care consultations and receive through these professional consultations information about options available to meet long-term care needs and information about factors to consider in making long-term care decisions. The long-term care consultations provided under the program may be provided at any appropriate time, as permitted or required under this section and the rules adopted under it, including either prior to or after the individual who is the subject of a consultation has been admitted to a nursing facility or granted assistance in receiving home and community-based services covered by medicaid components the department of aging administers. 16471
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(C) The long-term care consultation program shall be administered by the department of aging, except that the department may ~~enter into a contract with an area agency on aging or other entity selected by the department under which the program for a particular area is administered by the area agency on aging~~ 16485
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~~or other entity pursuant to the contract~~ have the program 16490
administered on a regional basis by one or more program 16491
administrators. The department and each program administrator 16492
shall administer the program in such a manner that all of the 16493
following are included: 16494

(1) Coordination and collaboration with respect to all 16495
available funding sources for long-term care services; 16496

(2) Assessments of individuals regarding their long-term care 16497
service needs; 16498

(3) Assessments of individuals regarding their on-going 16499
eligibility for long-term care services; 16500

(4) Procedures for assisting individuals in obtaining access 16501
to, and coordination of, health and supportive services, including 16502
department of aging-administered medicaid waiver components; 16503

(5) Priorities for using available resources efficiently and 16504
effectively. 16505

(D) The program's long-term care consultations ~~provided for~~ 16506
~~purposes of the program~~ shall be provided by individuals certified 16507
by the department under section ~~173.43~~ 173.422 of the Revised 16508
Code. 16509

(E) The information provided through a long-term care 16510
consultation shall be appropriate to the individual's needs and 16511
situation and shall address all of the following: 16512

(1) The availability of any long-term care options open to 16513
the individual; 16514

(2) Sources and methods of both public and private payment 16515
for long-term care services; 16516

(3) Factors to consider when choosing among the available 16517
programs, services, and benefits; 16518

(4) Opportunities and methods for maximizing independence and 16519

self-reliance, including support services provided by the individual's family, friends, and community.

(F) An individual's long-term care consultation may include an assessment of the individual's functional capabilities. The consultation may incorporate portions of the determinations required under sections 5111.202, 5119.061, and 5123.021 of the Revised Code and may be provided concurrently with the assessment required under section 5111.204 of the Revised Code.

(G)(1) Unless an exemption specified in division (I) of this section is applicable, each ~~individual in~~ of the following ~~categories~~ shall be provided with a long-term care consultation:

(a) ~~Individuals~~ An individual who ~~apply~~ applies or ~~indicate~~ indicates an intention to apply for admission to a nursing facility, regardless of the source of payment to be used for ~~their~~ the individual's care in a nursing facility;

~~(b) Nursing facility residents who apply or indicate an intention to apply for medicaid;~~

~~(c) Nursing facility residents who are likely to spend down their resources within six months after admission to a nursing facility to a level at which they are financially eligible for medicaid;~~

~~(d) Individuals~~ An individual who ~~request~~ requests a long-term care consultation;

(c) An individual identified by the department or a program administrator as being likely to benefit from a long-term care consultation.

(2) In addition to the individuals ~~included in the categories~~ specified in division (G)(1) of this section, a long-term care ~~consultations~~ consultation may be provided to a nursing facility ~~residents who have not applied and have not indicated an intention~~

~~to apply for medicaid resident regardless of the source of payment
being used for the resident's care in the nursing facility. The
purpose of the consultations provided to these individuals shall
be to determine continued need for nursing facility services, to
provide information on alternative services, and to make referrals
to alternative services.~~

(H)(1) ~~When~~ Except as provided in division (H)(2) or (3) of
this section, a long-term care consultation ~~is required to be
provided pursuant to division (G)(1) of this section,~~ the
consultation shall be provided as follows ~~or pursuant to division
(H)(2) or (3) of this section:~~

(a) If the individual for whom the consultation is being
provided has applied for medicaid and the consultation is being
provided concurrently with the assessment required under section
5111.204 of the Revised Code, the consultation shall be completed
in accordance with the applicable time frames specified in that
section for providing a level of care determination based on the
assessment.

(b) In all other cases, the consultation shall be provided
not later than five calendar days after the department or ~~the~~
program administrator ~~under contract with the department~~ receives
notice of the reason for which the consultation is ~~required~~ to be
provided pursuant to division (G)(1) of this section.

(2) An individual or the individual's representative may
request that a long-term care consultation be provided on a date
that is later than the date required under division (H)(1)(a) or
(b) of this section.

(3) If a long-term care consultation cannot be completed
within the number of days required by division (H)(1) or (2) of
this section, the department or ~~the~~ program administrator ~~under
contract with the department~~ may do any of the following:

(a) ~~Exempt~~ In the case of an individual specified in division (G)(1) of this section, exempt the individual from the consultation pursuant to rules that may be adopted under division (L) of this section; 16581
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(b) In the case of an applicant for admission to a nursing facility, provide the consultation after the individual is admitted to the nursing facility; 16585
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(c) In the case of a resident of a nursing facility, provide the consultation as soon as practicable. 16588
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(I) An individual is not required to be provided a long-term care consultation under division (G)(1) of this section if any of the following apply: 16590
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(1) The department or program administrator has attempted to provide the consultation, but the individual or the individual's representative chooses to forego participation in the consultation pursuant to criteria specified in rules adopted under division (L) of this section refuses to cooperate; 16593
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(2) The individual is to receive care in a nursing facility under a contract for continuing care as defined in section 173.13 of the Revised Code; 16598
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(3) The individual has a contractual right to admission to a nursing facility operated as part of a system of continuing care in conjunction with one or more facilities that provide a less intensive level of services, including a residential care facility licensed under Chapter 3721. of the Revised Code, an adult care facility licensed under Chapter 3722. of the Revised Code, or an independent living arrangement; 16601
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(4) The individual is to receive continual care in a home for the aged exempt from taxation under section 5701.13 of the Revised Code; 16608
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(5) The individual is seeking admission to a facility that is not a nursing facility with a provider agreement under section 5111.22, 5111.671, or 5111.672 of the Revised Code;

~~(6) The individual is to be transferred from another nursing facility;~~

~~(7) The individual is to be readmitted to a nursing facility following a period of hospitalization;~~

~~(8) The individual is exempted from the long-term care consultation requirement by the department or the program administrator pursuant to rules that may be adopted under division (L) of this section.~~

(J) ~~At the conclusion of an individual's~~ As part of the long-term care consultation program, the department or ~~the~~ program administrator ~~under contract with the department~~ shall ~~provide the~~ assist an individual or individual's representative with a written summary of options and resources available to meet the individual's needs in accessing all sources of care and services that are appropriate for the individual and for which the individual is eligible, including all available home and community-based services covered by medicaid components the department of aging administers. Even though the summary may specify that a source of long term care other than care in a nursing facility is appropriate and available, the individual is not required to seek an alternative source of long term care and may be admitted to or continue to reside in a nursing facility The assistance shall include providing for the conduct of assessments or other evaluations and the development of individualized plans of care or services under section 173.424 of the Revised Code.

(K) No nursing facility for which an operator has a provider agreement under section 5111.22, 5111.671, or 5111.672 of the

Revised Code shall admit ~~or retain~~ any individual as a resident, 16642
unless the nursing facility has received evidence that a long-term 16643
care consultation has been completed for the individual or 16644
division (I) of this section is applicable to the individual. 16645

(L) The director of aging may adopt any rules the director 16646
considers necessary for the implementation and administration of 16647
this section. The rules shall be adopted in accordance with 16648
Chapter 119. of the Revised Code and may specify any or all of the 16649
following: 16650

(1) Procedures for providing long-term care consultations 16651
pursuant to this section; 16652

(2) Information to be provided through long-term care 16653
consultations regarding long-term care services that are 16654
available; 16655

(3) ~~Criteria under which an individual or the individual's~~ 16656
~~representative may choose to forego participation in and~~ 16657
procedures to be used to identify and recommend appropriate 16658
service options for an individual receiving a long-term care 16659
consultation; 16660

(4) Criteria for exempting individuals from the long-term 16661
care consultation requirement; 16662

(5) Circumstances under which it may be appropriate to 16663
provide an individual's long-term care consultation after the 16664
individual's admission to a nursing facility rather than before 16665
admission; 16666

(6) Criteria for identifying nursing facility residents who 16667
would benefit from the provision of a long-term care consultation; 16668
16669

(7) A description of the types of information from a nursing 16670
facility that is needed under the long-term care consultation 16671

program to assist a resident with relocation from the facility; 16672

(8) Standards to prevent conflicts of interest relative to 16673
the referrals made by a person who performs a long-term care 16674
consultation, including standards that prohibit the person from 16675
being employed by a provider of long-term care services; 16676

(9) Procedures for providing notice and an opportunity for a 16677
hearing under division (N) of this section. 16678

(M) To assist the department and each program administrator 16679
with identifying individuals who are likely to benefit from a 16680
long-term care consultation, the department and program 16681
administrator may ask to be given access to nursing facility 16682
resident assessment data collected through the use of the resident 16683
assessment instrument specified in rules adopted under section 16684
5111.02 of the Revised Code for purposes of the medicaid program. 16685
Except when prohibited by state or federal law, the department of 16686
health, department of job and family services, or nursing facility 16687
holding the data shall grant access to the data on receipt of the 16688
request from the department of aging or program administrator. 16689

~~(M)~~(N)(1) The director of aging, after providing notice and 16690
an opportunity for a hearing, may fine a nursing facility an 16691
amount determined by rules the director shall adopt in accordance 16692
with Chapter 119. of the Revised Code ~~if~~ for any of the following 16693
reasons: 16694

(a) The nursing facility admits ~~or retains~~ an individual, 16695
without evidence that a long-term care consultation has been 16696
provided, as required by this section; 16697

(b) The nursing facility denies a person attempting to 16698
provide a long-term care consultation access to the facility or a 16699
resident of the facility; 16700

(c) The nursing facility denies the department of aging or 16701
program administrator access to the facility or a resident of the 16702

facility, as the department or administrator considers necessary 16703
to administer the program. 16704

(2) In accordance with section 5111.62 of the Revised Code, 16705
all fines collected under ~~this~~ division (N)(1) of this section 16706
shall be deposited into the state treasury to the credit of the 16707
residents protection fund. 16708

Sec. 173.421. As part of the long-term care consultation 16709
program established under section 173.42 of the Revised Code, the 16710
department of aging may establish procedures for the conduct of 16711
periodic or follow-up long-term care consultations for residents 16712
of nursing facilities, including annual or more frequent 16713
reassessments of the residents' functional capabilities. If the 16714
procedures are established, the department or program 16715
administrator shall assign individuals to nursing facilities to 16716
serve as care managers within the facilities. The individuals 16717
assigned shall be individuals who are certified under section 16718
173.422 of the Revised Code to provide long-term care 16719
consultations. 16720

Sec. ~~173.43~~ 173.422. The department of aging shall certify 16721
individuals who meet certification requirements established by 16722
rule to provide long-term care consultations for purposes of 16723
~~section~~ sections 173.42 and 173.421 of the Revised Code. The 16724
director of aging shall adopt rules in accordance with Chapter 16725
119. of the Revised Code governing the certification process and 16726
requirements. The rules shall specify the education, experience, 16727
or training in long-term care a person must have to qualify for 16728
certification. 16729

Sec. 173.423. If an individual who is the subject of a 16730
long-term care consultation is eligible for and elects to receive 16731
home and community-based services covered by medicaid components 16732

the department of aging administers, the department of aging or 16733
program administrator shall monitor the individual by doing either 16734
or both of the following at least once each year: 16735

(A) Determining whether the services being provided to the 16736
individual are appropriate; 16737

(B) Determining whether changes in the types of services 16738
being provided to the individual should be made. 16739

Sec. 173.424. If, under federal law, an individual's 16740
eligibility for the home and community-based services covered by 16741
medicaid components the department of aging administers is 16742
dependent on the conduct of an assessment or other evaluation of 16743
the individual's needs and capabilities and the development of an 16744
individualized plan of care or services, the department shall 16745
develop and implement all procedures necessary to comply with the 16746
federal law. The procedures shall include the use of long-term 16747
care consultations. 16748

Sec. 173.425. Annually, the department of aging shall prepare 16749
a report regarding the individuals who are the subjects of 16750
long-term care consultations and elect to receive home and 16751
community-based services covered by medicaid components the 16752
department of aging administers. The department shall prepare the 16753
report in consultation with the department of job and family 16754
services and office of budget and management. Each annual report 16755
shall include all of the following information: 16756

(A) The total savings achieved by providing home and 16757
community-based services covered by medicaid components the 16758
department of aging administers rather than services that 16759
otherwise would be provided in a nursing facility; 16760

(B) The average number of days that individuals receive home 16761
and community-based services covered by medicaid components the 16762

department of aging administers before and after receiving nursing facility services; 16763
16764

(C) A categorical analysis of the acuity levels of the individuals who receive home and community-based services covered by medicaid components the department of aging administers; 16765
16766
16767

(D) Any other statistical information the department of aging considers appropriate for inclusion in the report. 16768
16769

Sec. 173.43. (A) Subject to section 173.433 of the Revised Code, the department of aging shall enter into an interagency agreement with the department of job and family services under section 5111.91 of the Revised Code under which the department of aging is required to establish for each biennium a unified long-term care budget for home and community-based services covered by medicaid components the department of aging administers. The interagency agreement shall require the department of aging to do all of the following: 16770
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(1) Administer the unified long-term care budget in accordance with sections 173.43 to 173.434 of the Revised Code and the general assembly's appropriations for home and community-based services covered by medicaid components the department of aging administers for the applicable biennium; 16779
16780
16781
16782
16783

(2) Contract with each area agency on aging for assistance in the administration of the unified long-term care budget; 16784
16785

(3) Provide individuals who are eligible for home and community-based services covered by medicaid components the department of aging administers a choice of services that meet the individuals' needs and improve their quality of life; 16786
16787
16788
16789

(4) Provide a continuum of services that meet the life-long needs of individuals who are eligible for home and community-based services covered by medicaid components the department of aging 16790
16791
16792

<u>administers.</u>	16793
<u>(B) The director of budget and management shall create new</u>	16794
<u>appropriation items as necessary for establishment of the unified</u>	16795
<u>long-term care budget.</u>	16796
<u>Sec. 173.431. Subject to section 173.433 of the Revised Code,</u>	16797
<u>the department of aging shall ensure that the unified long-term</u>	16798
<u>care budget established under section 173.43 of the Revised Code</u>	16799
<u>is administered in a manner that provides medicaid coverage of and</u>	16800
<u>expands access to all of the following as necessary to meet the</u>	16801
<u>needs of individuals receiving home and community-based services</u>	16802
<u>covered by medicaid components the department of aging</u>	16803
<u>administers:</u>	16804
<u>(A) To the extent permitted by the medicaid waivers</u>	16805
<u>authorizing department of aging-administered medicaid waiver</u>	16806
<u>components, all of the following medicaid waiver services provided</u>	16807
<u>under department of aging-administered medicaid waiver components:</u>	16808
 	16809
<u>(1) Personal care services;</u>	16810
<u>(2) Home-delivered meals;</u>	16811
<u>(3) Adult day-care;</u>	16812
<u>(4) Homemaker services;</u>	16813
<u>(5) Emergency response services;</u>	16814
<u>(6) Medical equipment and supplies;</u>	16815
<u>(7) Chore services;</u>	16816
<u>(8) Social work counseling;</u>	16817
<u>(9) Nutritional counseling;</u>	16818
<u>(10) Independent living assistance;</u>	16819
<u>(11) Medical transportation;</u>	16820

<u>(12) Nonmedical transportation;</u>	16821
<u>(13) Home care attendant services;</u>	16822
<u>(14) Assisted living services;</u>	16823
<u>(15) Community transition services;</u>	16824
<u>(16) Enhanced community living services;</u>	16825
<u>(17) All other medicaid waiver services provided under</u>	16826
<u>department of aging-administered medicaid waiver components.</u>	16827
<u>(B) All of the following state medicaid plan services as</u>	16828
<u>specified in rules adopted under section 5111.02 of the Revised</u>	16829
<u>Code:</u>	16830
<u>(1) Home health services;</u>	16831
<u>(2) Private duty nursing services;</u>	16832
<u>(3) Durable medical equipment;</u>	16833
<u>(4) Services of a clinical nurse specialist;</u>	16834
<u>(5) Services of a certified nurse practitioner.</u>	16835
<u>(C) The services that the PACE program provides.</u>	16836
<u>Sec. 173.432. Subject to section 173.433 of the Revised Code,</u>	16837
<u>the department of aging or its designee shall provide care</u>	16838
<u>management and authorization services with regard to the state</u>	16839
<u>plan services specified in division (B) of section 173.431 of the</u>	16840
<u>Revised Code that are provided to participants of department of</u>	16841
<u>aging-administered medicaid waiver components. The department or</u>	16842
<u>its designee shall ensure that no person providing the care</u>	16843
<u>management and authorization services performs an activity that</u>	16844
<u>may not be performed without a valid certificate or license issued</u>	16845
<u>by an agency of this state unless the person holds the valid</u>	16846
<u>certificate or license.</u>	16847

Sec. 173.433. (A) The director of job and family services shall do one or more of the following as necessary for the implementation of sections 173.43 to 173.432 of the Revised Code:

(1) Submit one or more state medicaid plan amendments to the United States secretary of health and human services;

(2) Request one or more federal medicaid waivers from the United States secretary;

(3) Submit one or more federal medicaid waiver amendments to the United States secretary.

(B) No provision of sections 173.43 to 173.432 of the Revised Code that requires the approval of the United States secretary of health and human services shall be implemented until the United States secretary provides the approval.

Sec. 173.434. The director of job and family services shall adopt rules under section 5111.85 of the Revised Code to authorize the director of aging to adopt rules that are needed to implement sections 173.43 to 173.432 of the Revised Code. The director of aging's rules shall be adopted in accordance with Chapter 119. of the Revised Code."

Sec. 173.50. (A) Pursuant to a contract entered into with the department of job and family services as an interagency agreement under section 5111.91 of the Revised Code, the department of aging shall carry out the day-to-day administration of the component of the medicaid program established under Chapter 5111. of the Revised Code known as the program of all-inclusive care for the elderly or PACE. The department of aging shall carry out its PACE administrative duties in accordance with the provisions of the interagency agreement and all applicable federal laws, including the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396u-4,

as amended. 16877

(B) The department of aging may adopt rules in accordance 16878
with Chapter 119. of the Revised Code regarding the PACE program, 16879
including rules establishing priorities for enrolling in the 16880
program pursuant to section 173.501 of the Revised Code. The 16881
department's rules are subject to both of the following: 16882

(1) The rules shall be authorized by rules adopted by the 16883
department of job and family services. 16884

(2) The rules shall address only those issues that are not 16885
addressed in rules adopted by the department of job and family 16886
services for the PACE program. 16887

Sec. 173.501. (A) As used in this section: 16888

"Nursing facility" has the same meaning as in section 5111.20 16889
of the Revised Code. 16890

"PACE provider" has the same meaning as in 42 U.S.C. 16891
1396u-4(a)(3). 16892

(B) Each month, the department of aging shall determine 16893
whether individuals who are on a waiting list for the PACE program 16894
have been admitted to a nursing facility. If the department 16895
determines that such an individual has been admitted to a nursing 16896
facility, the department shall notify the PACE provider serving 16897
the area in which the individual resides about the determination. 16898
The PACE provider shall determine whether the PACE program is 16899
appropriate for the individual and whether the individual would 16900
rather participate in the PACE program than continue residing in 16901
the nursing facility. If the PACE provider determines that the 16902
PACE program is appropriate for the individual and the individual 16903
would rather participate in the PACE program than continue 16904
residing in the nursing facility, the PACE provider shall so 16905
notify the department of aging. On receipt of the notice from the 16906

PACE provider, the department of aging shall approve the 16907
individual's enrollment in the PACE program in accordance with 16908
priorities established in rules adopted under section 173.50 of 16909
the Revised Code. Each quarter, the department of aging shall 16910
certify to the director of budget and management the estimated 16911
increase in costs of the PACE program resulting from enrollment of 16912
individuals in the PACE program pursuant to this section. 16913

Sec. 173.99. (A) A long-term care provider, person employed 16914
by a long-term care provider, other entity, or employee of such 16915
other entity that violates division (C) of section 173.24 of the 16916
Revised Code is subject to a fine not to exceed one thousand 16917
dollars for each violation. 16918

(B) Whoever violates division (C) of section 173.23 of the 16919
Revised Code is guilty of registering a false complaint, a 16920
misdemeanor of the first degree. 16921

(C) A long-term care provider, other entity, or person 16922
employed by a long-term care provider or other entity that 16923
violates division (E) of section 173.19 of the Revised Code by 16924
denying a representative of the office of the state long-term care 16925
ombudsperson program the access required by that division is 16926
subject to a fine not to exceed five hundred dollars for each 16927
violation. 16928

(D) Whoever violates division (C) of section 173.44 of the 16929
Revised Code is subject to a fine of one hundred dollars. 16930

~~(E) Whoever violates division (B) of section 173.90 of the~~ 16931
~~Revised Code is guilty of a misdemeanor of the first degree.~~ 16932

Sec. 174.02. (A) The low- and moderate-income housing trust 16933
fund is hereby created in the state treasury. The fund consists of 16934
all appropriations made to the fund, housing trust fund fees 16935
collected by county recorders pursuant to section 317.36 of the 16936

Revised Code and deposited into the fund pursuant to section 16937
319.63 of the Revised Code, and all grants, gifts, loan 16938
repayments, and contributions of money made from any source to the 16939
department of development for deposit in the fund. All investment 16940
earnings of the fund shall be credited to the fund. The director 16941
of development shall allocate a portion of the money in the fund 16942
to an account of the Ohio housing finance agency. The department 16943
shall administer the fund. The agency shall use money allocated to 16944
it for implementing and administering its programs and duties 16945
under sections 174.03 and 174.05 of the Revised Code, and the 16946
department shall use the remaining money in the fund for 16947
implementing and administering its programs and duties under 16948
sections 174.03 to 174.06 of the Revised Code. Use of all money 16949
drawn from the fund is subject to the following restrictions: 16950

(1) ~~Not more than six per cent of any current year 16951
appropriation authority for the fund shall be used for the 16952
transitional and permanent housing program to make grants to 16953
municipal corporations, counties, townships, and nonprofit 16954
organizations for the acquisition, rehabilitation, renovation, 16955
construction, conversion, operation, and cost of supportive 16956
services for new and existing transitional and permanent housing 16957
for homeless persons. 16958~~

~~(2)(a) Not more than five per cent of the current year 16959
appropriation authority for the fund shall be allocated between 16960
grants to community development corporations for the community 16961
development corporation grant program and grants and loans to the 16962
Ohio community development finance fund, a private nonprofit 16963
corporation. 16964~~

(b) In any year in which the amount in the fund exceeds one 16965
hundred thousand dollars and at least that much is allocated for 16966
the uses described in this section, not less than one hundred 16967
thousand dollars shall be used to provide training, technical 16968

assistance, and capacity building assistance to nonprofit 16969
development organizations. 16970

~~(3)~~(2) Not more than ~~seven~~ ten per cent of any current year 16971
appropriation authority for the fund shall be used for the 16972
emergency shelter housing grants program to make grants to 16973
private, nonprofit organizations and municipal corporations, 16974
counties, and townships for emergency shelter housing for the 16975
homeless. The grants shall be distributed pursuant to rules the 16976
director adopts and qualify as matching funds for funds obtained 16977
pursuant to the McKinney Act, 101 Stat. 85 (1987), 42 U.S.C.A. 16978
11371 to 11378. 16979

~~(4)~~(3) In any fiscal year in which the amount in the fund 16980
exceeds the amount awarded pursuant to division (A)~~(2)~~(1)(b) of 16981
this section by at least two hundred fifty thousand dollars, at 16982
least two hundred fifty thousand dollars from the fund shall be 16983
provided to the department of aging for the resident services 16984
coordinator program as established in section 173.08 of the 16985
Revised Code. 16986

~~(5)~~(4) Of all current year appropriation authority for the 16987
fund, not more than five per cent shall be used for 16988
administration. 16989

~~(6)~~(5) Not less than forty-five per cent of the funds awarded 16990
during any one fiscal year shall be for grants and loans to 16991
nonprofit organizations under section 174.03 of the Revised Code. 16992

~~(7)~~(6) Not less than fifty per cent of the funds awarded 16993
during any one fiscal year, excluding the amounts awarded pursuant 16994
to divisions (A)(1), (2), and ~~(3)~~(7) of this section, shall be for 16995
grants and loans for activities that provide housing and housing 16996
assistance to families and individuals in rural areas and small 16997
cities that are not eligible to participate as a participating 16998
jurisdiction under the "HOME Investment Partnerships Act," 104 16999

Stat. 4094 (1990), 42 U.S.C. 12701 note, 12721. 17000

~~(8)~~(7) No money in the fund shall be used to pay for any 17001
legal services other than the usual and customary legal services 17002
associated with the acquisition of housing. 17003

~~(9)~~(8) Money in the fund may be used as matching money for 17004
federal funds received by the state, counties, municipal 17005
corporations, and townships for the activities listed in section 17006
174.03 of the Revised Code. 17007

(B) If, after the second quarter of any year, it appears to 17008
the director that the full amount of the money in the fund 17009
designated in that year for activities that provide housing and 17010
housing assistance to families and individuals in rural areas and 17011
small cities under division (A) of this section will not be used 17012
for that purpose, the director may reallocate all or a portion of 17013
that amount for other housing activities. In determining whether 17014
or how to reallocate money under this division, the director may 17015
consult with and shall receive advice from the housing trust fund 17016
advisory committee. 17017

Sec. 174.03. (A) The department of development and the Ohio 17018
housing finance agency shall each develop programs under which, in 17019
accordance with rules adopted under this section, they may make 17020
grants, loans, loan guarantees, and loan subsidies to counties, 17021
municipal corporations, townships, local housing authorities, and 17022
nonprofit organizations and may make loans, loan guarantees, and 17023
loan subsidies to private developers and private lenders to assist 17024
in activities that provide housing and housing assistance for 17025
specifically targeted low- and moderate-income families and 17026
individuals. There is no minimum housing project size for awards 17027
under this division for any project that is developed for a 17028
special needs population and that is supported by a social service 17029
agency where the housing project is located. Activities for which 17030

grants, loans, loan guarantees, and loan subsidies may be made 17031
under this section include all of the following: 17032

(1) Acquiring, financing, constructing, leasing, 17033
rehabilitating, remodeling, improving, and equipping publicly or 17034
privately owned housing; 17035

(2) Providing supportive services related to housing and the 17036
homeless, including housing counseling. Not more than twenty per 17037
cent of the current year appropriation authority for the low- and 17038
moderate-income housing trust fund that remains after the award of 17039
funds made pursuant to divisions (A)(1), and (A)(2), ~~and (A)(3)~~ of 17040
section 174.02 of the Revised Code, shall be awarded in any fiscal 17041
year for supportive services. 17042

(3) Providing rental assistance payments or other project 17043
operating subsidies that lower tenant rents. 17044

(B) Activities listed under division (A) of this section may 17045
include emergency shelter care programs for unaccompanied youth 17046
seventeen years of age and younger. 17047

(C) Grants, loans, loan guarantees, and loan subsidies may be 17048
made to counties, municipal corporations, townships, and nonprofit 17049
organizations for the additional purposes of providing technical 17050
assistance, design and finance services and consultation, and 17051
payment of pre-development and administrative costs related to any 17052
of the activities listed above. 17053

(D) In developing programs under this section, the department 17054
and the agency shall invite, accept, and consider public comment, 17055
and recommendations from the housing trust fund advisory committee 17056
created under section 174.06 of the Revised Code, on how the 17057
programs should be designed to most effectively benefit low- and 17058
moderate-income families and individuals. The programs developed 17059
under this section shall respond collectively to housing and 17060
housing assistance needs of low- and moderate-income families and 17061

individuals statewide. 17062

(E) The department and the agency, in accordance with Chapter 17063
119. of the Revised Code, shall each adopt rules to administer 17064
programs developed under this section. The rules shall prescribe 17065
procedures and forms that counties, municipal corporations, 17066
townships, local housing authorities, and nonprofit organizations 17067
shall use in applying for grants, loans, loan guarantees, and loan 17068
subsidies and that private developers and private lenders shall 17069
use in applying for loans, loan guarantees, and loan subsidies; 17070
eligibility criteria for the receipt of funds; procedures for 17071
reviewing and granting or denying applications; procedures for 17072
paying out funds; conditions on the use of funds; procedures for 17073
monitoring the use of funds; and procedures under which a 17074
recipient shall be required to repay funds that are improperly 17075
used. The rules shall do both of the following: 17076

(1) Require each recipient of a grant or loan made from the 17077
low- and moderate-income housing trust fund for activities that 17078
provide, or assist in providing, a rental housing project, to 17079
reasonably ensure that the rental housing project will remain 17080
affordable to those families and individuals targeted for the 17081
rental housing project for the useful life of the rental housing 17082
project or for thirty years, whichever is longer; 17083

(2) Require each recipient of a grant or loan made from the 17084
low- and moderate-income housing trust fund for activities that 17085
provide, or assist in providing, a housing project to prepare and 17086
implement a plan to reasonably assist any families and individuals 17087
displaced by the housing project in obtaining decent affordable 17088
housing. 17089

(F) In prescribing eligibility criteria and conditions for 17090
the use of funds, neither the department nor the agency is limited 17091
to the criteria and conditions specified in this section and each 17092
may prescribe additional eligibility criteria and conditions that 17093

relate to the purposes for which grants, loans, loan guarantees, 17094
and loan subsidies may be made. However, the department and agency 17095
are limited by the following specifically targeted low- and 17096
moderate-income guidelines: 17097

(1) Not less than seventy-five per cent of the money granted 17098
and loaned under this section in any fiscal year shall be for 17099
activities that provide affordable housing and housing assistance 17100
to families and individuals whose incomes are equal to or less 17101
than fifty per cent of the median income for the county in which 17102
they live, as determined by the department under section 174.04 of 17103
the Revised Code. 17104

(2) Any money granted and loaned under this section in any 17105
fiscal year that is not granted or loaned pursuant to division 17106
(F)(1) of this section shall be for activities that provide 17107
affordable housing and housing assistance to families and 17108
individuals whose incomes are equal to or less than eighty per 17109
cent of the median income for the county in which they live, as 17110
determined by the department under section 174.04 of the Revised 17111
Code. 17112

(G) In making grants, loans, loan guarantees, and loan 17113
subsidies under this section, the department and the agency shall 17114
give preference to viable projects and activities that benefit 17115
those families and individuals whose incomes are equal to or less 17116
than thirty-five per cent of the median income for the county in 17117
which they live, as determined by the department under section 17118
174.04 of the Revised Code. 17119

(H) The department and the agency shall monitor the programs 17120
developed under this section to ensure that money granted and 17121
loaned under this section is not used in a manner that violates 17122
division (H) of section 4112.02 of the Revised Code or 17123
discriminates against families with children. 17124

Sec. 175.01. As used in this chapter <u>sections 175.01 to</u>	17125
<u>175.13 of the Revised Code:</u>	17126
(A) "Bonds" means bonds, notes, debentures, refunding bonds, refunding notes, and other obligations.	17127 17128
(B) "Financial assistance" means grants, loans, loan guarantees, an equity position in a project, and loan subsidies.	17129 17130
(C) "Grant" means funding for which repayment is not required.	17131 17132
(D) "Homeownership program" means any program for which the Ohio housing finance agency provides financing, directly or indirectly, for the purchase of housing for owner-occupancy.	17133 17134 17135
(E) "Housing" means housing for owner-occupancy and multifamily rental housing.	17136 17137
(F) "Housing development fund" means the housing development fund created and administered pursuant to section 175.11 of the Revised Code.	17138 17139 17140
(G) "Housing finance agency personal services fund" means the housing finance agency personal services fund created and administered pursuant to section 175.051 of the Revised Code.	17141 17142 17143
(H) "Housing for owner-occupancy" means housing that is intended for occupancy by an owner as a principal residence. "Housing for owner-occupancy" may be any type of structure and may be owned in any form of ownership.	17144 17145 17146 17147
(I) "Housing trust fund" means the low- and moderate-income housing trust fund created and administered pursuant to Chapter 174. of the Revised Code.	17148 17149 17150
(J) "Improvement" means any alteration, remodeling, addition, or repair that substantially protects or improves the basic habitability or energy efficiency of housing.	17151 17152 17153

(K) "Lending institution" means any financial institution 17154
qualified to conduct business in this state, a subsidiary 17155
corporation that is wholly owned by a financial institution 17156
qualified to conduct business in this state, and a mortgage lender 17157
whose regular business is originating, servicing, or brokering 17158
real estate loans and who is qualified to do business in this 17159
state. 17160

(L) "Loan" means any extension of credit or other form of 17161
financing or indebtedness extended directly or indirectly to a 17162
borrower with the expectation that it will be repaid in accordance 17163
with the terms of the underlying loan agreement or other pertinent 17164
document. "Loan" includes financing the Ohio housing finance 17165
agency extends to lending institutions and indebtedness the agency 17166
purchases from lending institutions. 17167

(M) "Loan guarantee" means any agreement in favor of a 17168
lending institution, bondholder, or other lender in which the 17169
credit and resources of the housing finance agency or the housing 17170
trust fund are pledged to secure the payment or collection of 17171
financing extended to a borrower for the acquisition, 17172
construction, improvement, rehabilitation, or preservation of 17173
housing or to refinance any financing previously extended for 17174
those purposes. 17175

(N) "Loan subsidy" means any deposit of funds the Ohio 17176
housing finance agency holds or administers into a lending 17177
institution with the authorization or direction that the income or 17178
revenues the deposit earns, or could have earned at competitive 17179
rates, be applied directly or indirectly to the benefit of housing 17180
assistance or financial assistance. 17181

(O) "Low- and moderate-income persons" means individuals and 17182
families who qualify as low- and moderate-income persons pursuant 17183
to guidelines the agency establishes. 17184

(P) "Multifamily rental housing" means multiple unit housing 17185
intended for rental occupancy. 17186

(Q) "Nonprofit organization" means a nonprofit organization 17187
in good standing and qualified to conduct business in this state 17188
including any corporation whose members are members of a 17189
metropolitan housing authority. 17190

(R) "Owner" means any person who, jointly or severally, has 17191
legal or equitable title to housing together with the right to 17192
control or possess that housing. "Owner" includes a purchaser of 17193
housing pursuant to a land installment contract if that contract 17194
vests possession and maintenance responsibilities in the 17195
purchaser, and a person who has care or control of housing as 17196
executor, administrator, assignee, trustee, or guardian of the 17197
estate of the owner of that housing. 17198

(S) "Security interest" means any lien, encumbrance, pledge, 17199
assignment, mortgage, or other form of collateral the Ohio housing 17200
finance agency holds as security for financial assistance the 17201
agency extends or a loan the agency acquires. 17202

Sec. 175.04. (A) The governor shall appoint a chairperson 17203
from among the members of the Ohio housing finance agency. The 17204
agency members shall elect a member as vice-chairperson. The 17205
agency members may appoint other officers, who need not be members 17206
of the agency, as the agency deems necessary. 17207

(B) Six members of the agency constitute a quorum and the 17208
affirmative vote of six members is necessary for any action the 17209
agency takes. No vacancy in agency membership impairs the right of 17210
a quorum to exercise all of the agency's rights and perform all 17211
the agency's duties. Agency meetings may be held at any place 17212
within the state. Meetings shall comply with section 121.22 of the 17213
Revised Code. 17214

(C) The agency shall maintain accounting records in 17215
accordance with generally accepted accounting principals and other 17216
required accounting standards. 17217

(D) The agency shall develop policies and guidelines for the 17218
administration of its programs and annually shall conduct at least 17219
one public hearing to obtain input from any interested party 17220
regarding the administration of its programs. The hearing shall be 17221
held at a time and place as the agency determines and when a 17222
quorum of the agency is present. 17223

(E) The agency shall appoint committees and subcommittees 17224
comprised of members of the agency to handle matters it deems 17225
appropriate. 17226

(1) The agency shall adopt an annual plan to address this 17227
state's housing needs. The agency shall appoint an annual plan 17228
committee to develop the plan and present it to the agency for 17229
consideration. 17230

(2) The annual plan committee shall select an advisory board 17231
from a list of interested individuals the executive director 17232
provides or on its own recommendation. The advisory board shall 17233
provide input on the plan at committee meetings prior to the 17234
annual public hearing. At the public hearing, the committee shall 17235
discuss advisory board comments. The advisory board may include, 17236
but is not limited to, persons who represent state agencies, local 17237
governments, public corporations, nonprofit organizations, 17238
community development corporations, housing advocacy organizations 17239
for low- and moderate-income persons, realtors, syndicators, 17240
investors, lending institutions as recommended by a statewide 17241
banking organization, and other entities participating in the 17242
agency's programs. 17243

Each agency program that allows for loans to be made to 17244
finance housing for owner occupancy that benefits other than low- 17245

and moderate-income households, or for loans to be made to 17246
individuals under bonds issued pursuant to division (B) of section 17247
175.08 of the Revised Code, shall be presented to the advisory 17248
board and included in the annual plan as approved by the agency 17249
before the program's implementation. 17250

(F) The agency shall prepare an annual financial report 17251
describing its activities during the reporting year and submit 17252
that report to the governor, the speaker of the house of 17253
representatives, and the president of the senate within three 17254
months after the end of the reporting year. The report shall 17255
include the agency's audited financial statements, prepared in 17256
accordance with generally accepted accounting principles and 17257
appropriate accounting standards. 17258

(G) The agency shall prepare an annual report of its programs 17259
describing how the programs have met this state's housing needs. 17260
The agency shall submit the report to the governor, the speaker of 17261
the house of representatives, and the president of the senate 17262
within three months after the end of the reporting year. 17263

(H) The agency shall prepare an annual report regarding the 17264
grants for grads program created under section 175.31 of the 17265
Revised Code describing the number and dollar amount of grants 17266
awarded, and the activities of the agency under sections 175.30 to 17267
175.35 of the Revised Code, during the previous calendar year. The 17268
agency shall submit the report to the governor, director of 17269
development, chancellor of the Ohio board of regents, president of 17270
the senate, and speaker of the house of representatives. 17271

Sec. 175.052. The Ohio housing finance agency, in providing 17272
homeownership program assistance, shall give preference to grants 17273
or loans for activities that provide housing and housing 17274
assistance to honorably discharged veterans. 17275

<u>Sec. 175.30. As used in sections 175.30 to 175.35 of the</u>	17276
<u>Revised Code:</u>	17277
<u>(A) "First home" or "home" means the first residential real</u>	17278
<u>property located in this state to be purchased by a grantee who</u>	17279
<u>has not owned or had an ownership interest in a principal</u>	17280
<u>residence in the three years prior to the purchase.</u>	17281
<u>(B) "Graduate" means an individual who has graduated from an</u>	17282
<u>institution of higher education and who is eligible under division</u>	17283
<u>(B) of section 175.31 of the Revised Code to apply for a grant</u>	17284
<u>awarded under the grants for grads program.</u>	17285
<u>(C) "Grant" means a cash payment awarded to a grantee by the</u>	17286
<u>Ohio housing finance agency under section 175.32 of the Revised</u>	17287
<u>Code.</u>	17288
<u>(D) "Grantee" means an individual who has been awarded a</u>	17289
<u>grant under the program.</u>	17290
<u>(E) "Institution of higher education" means a state</u>	17291
<u>university or college located in this state, a private college or</u>	17292
<u>university located in this state that possesses a certificate of</u>	17293
<u>authorization issued by the Ohio board of regents under Chapter</u>	17294
<u>1713. of the Revised Code, or an accredited college or university</u>	17295
<u>located outside this state that is accredited by an accrediting</u>	17296
<u>organization or professional accrediting association recognized by</u>	17297
<u>the Ohio board of regents.</u>	17298
<u>(F) "Ohio resident" means any of the following:</u>	17299
<u>(1) An individual who was a resident of this state at the</u>	17300
<u>time of the individual's graduation from an Ohio public or</u>	17301
<u>nonpublic high school that is approved by the state board of</u>	17302
<u>education, and who is a resident of this state at the time of</u>	17303
<u>applying for the program;</u>	17304
<u>(2) An individual who was a resident of this state at the</u>	17305

time of completing, through the twelfth-grade level, a home study 17306
program approved by the state board of education, and who is a 17307
resident of this state at the time of applying for the program; 17308

(3) An individual whose parent was a resident of this state 17309
at the time of the individual's graduation from high school, and 17310
who graduated from either of the following: 17311

(a) An out-of-state high school that was accredited by a 17312
regional accrediting organization recognized by the United States 17313
department of education and met standards at least equivalent to 17314
those adopted by the state board of education for approval of 17315
nonpublic schools in this state; 17316

(b) A high school approved by the United States department of 17317
defense. 17318

(G) "Program" means the grants for grads program created 17319
under section 175.31 of the Revised Code. 17320

Sec. 175.31. (A) There is hereby created the grants for grads 17321
program for the purpose of providing grants to Ohio residents who 17322
have received an associate, baccalaureate, master's, doctoral, or 17323
other postgraduate degree, which grants shall be used by a grantee 17324
to pay for the down payment or closing costs on the purchase of a 17325
first home. The program shall be administered by the Ohio housing 17326
finance agency using moneys available to it. Participation in the 17327
program shall require a graduate to be eligible under division (B) 17328
of this section and to file an application for the grant in 17329
accordance with division (C) of this section. 17330

(B)(1) A graduate is eligible to participate in the program 17331
if the graduate: 17332

(a) Is an Ohio resident who has received an associate, 17333
baccalaureate, master's, doctoral, or other postgraduate degree 17334
 17335

from an institution of higher education; 17336

(b) Is able to provide to the agency evidence documenting the graduate's Ohio residency and documenting graduation from a high school and an institution of higher education; 17337
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(c) Intends to live and work in this state for at least five years after the graduate's graduation or completion of a degree described in division (B)(1)(a) of this section; and 17340
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17342

(d) Intends to purchase a first home in this state. 17343

(2) Married graduates may both apply for grants under the program and both graduates, if eligible, shall be included in the lottery pool under section 175.32 of the Revised Code. 17344
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(3) A graduate who is married to an individual who has previously received a grant under the program is ineligible to apply for a grant under this section. 17347
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(C) A graduate who is eligible under division (B) of this section to participate in the program shall file an application with the Ohio housing finance agency not later than the sixtieth day after the graduate's graduation date or date of completion of a degree described in division (B)(1)(a) of this section, except that for purposes of the initial lottery conducted under the program, a graduate is eligible to file an application if the graduate's graduation date or date of completion of a degree occurs on or after January 1, 2008. Married graduates who both are eligible for a grant under the program shall apply individually. The agency shall provide for the content and format of the application. A graduate who files an application under this division is ineligible to file an application for a grant in any other six-month period. 17350
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(D) The application shall include information as determined by rule of the Ohio housing finance agency under section 175.34 of the Revised Code, but at a minimum shall include evidence of 17364
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meeting the requirements in division (B) of this section. 17367

(E) A graduate who, at any time during the period from filing 17368
the application for a grant until a grant is awarded, has been 17369
found by the state to be delinquent in the payment of individual 17370
income taxes is ineligible to receive a grant under the program. 17371

Sec. 175.32. (A) After selecting graduates pursuant to 17372
division (B) of this section, the Ohio housing finance agency 17373
shall review each application selected for compliance and 17374
accuracy, and shall determine whether a graduate is eligible to 17375
receive a grant and the amount thereof, based on the information 17376
provided to the agency in the application. An application found by 17377
the agency to be insufficient may be resubmitted by the selected 17378
graduate within sixty days. If the application is not resubmitted 17379
or the resubmitted application is found to be insufficient, the 17380
selected graduate shall not receive a grant. 17381

(B)(1) Grants shall be provided from moneys in the grants for 17382
grads fund. A grant shall be given to a graduate whose application 17383
has been determined by the agency to meet the requirements of 17384
section 175.31 of the Revised Code and to be timely and complete, 17385
and who has been selected as one of one hundred fifty grantees in 17386
a random lottery conducted by the agency twice a year, by the 17387
thirty-first day of January and by the thirty-first day of July of 17388
each year. The lottery pool shall include all graduate applicants 17389
who have filed applications within the six months immediately 17390
preceding the date on which the lottery is conducted. In addition, 17391
fifty alternate grantees shall be selected in the random lottery 17392
to receive any additional moneys available in the grants for grads 17393
fund after grants are awarded to the eligible grantees first 17394
selected for that six-month period. The alternate grantees shall 17395
receive grants in the order they were selected in the lottery 17396
until moneys for the six-month period are exhausted. 17397

(2) If there are less than one hundred fifty applicants for grants in a given six-month period, the lottery shall be dispensed with and all applicants the agency determines under this section to be eligible for grants shall be awarded grants. 17398
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(C) The awarding of a grant shall be evidenced by written notification to the grantee, which notification shall clearly state the amount of the grant and the starting and ending dates of the award period. The agency shall provide the notification to selected grantees within sixty days after completion of the lottery. The award period shall be from the start date through the last day of the twenty-fourth month thereafter. 17402
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(D) The amount of each grant awarded to a grantee who received a notification under division (C) of this section shall be as follows: 17409
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(1) For a grantee who received an associate degree, two thousand five hundred dollars; 17412
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(2) For a grantee who received a baccalaureate degree, five thousand dollars; 17414
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(3) For a grantee who received a post-graduate degree, ten thousand dollars. 17416
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(E) The grant shall be provided to the grantee as a cash payment when the grantee obtains a mortgage loan, and the amount of the cash payment shall be applied in full only to pay all or a portion of the closing costs or down payment on the purchase of the grantee's first home. The grantee shall not receive any cash back at the time of the closing. The grantee must take receipt of the grant within the award period designated in the notification, and must use it within twenty-four months after taking receipt of the grant, after which the grant shall expire. 17418
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Sec. 175.33. (A)(1) At the time a first home is purchased 17427

under the program, the Ohio housing finance agency shall secure 17428
the amount of the grant by a lien on the home for a period of five 17429
years. Such lien shall attach, and may be perfected, collected, 17430
and enforced in the same manner as a mortgage lien on the home, 17431
and shall otherwise have the same force and effect as a mortgage 17432
lien, except that it shall be subordinate to a mortgage lien 17433
securing any money loaned by a financial institution for the 17434
purchase of the home. 17435

(2) If the agency finds that a grantee failed to comply with 17436
the first home ownership criteria in division (A) of section 17437
175.30 of the Revised Code, or otherwise applied for a grant using 17438
fraudulent information, the agency shall enforce the lien. 17439

(B)(1) If a grantee becomes a resident of another state and 17441
does not reside at least five years in a first home purchased with 17442
a grant awarded under the program, the amount of the lien created 17443
in division (A) of this section that may be collected shall be 17444
determined as follows: 17445

<u>Months resided in first home</u>	<u>Collectable amount as per</u>	
	<u>cent of grant amount</u>	
<u>Less than 12 months</u>	<u>100%</u>	17447
<u>12 months and a day to 24 months</u>	<u>80%</u>	17448
<u>24 months and a day to 36 months</u>	<u>60%</u>	17449
<u>36 months and a day to 48 months</u>	<u>40%</u>	17450
<u>48 months and a day to 60 months</u>	<u>20%</u>	17451

The lien created under division (A) of this section shall be 17452
extinguished upon collection pursuant to this division. 17453

(2) A lien created under division (A)(1) of this section 17454
shall be extinguished if the grantee, within the five-year period, 17455
moves to another residence located in this state. 17456

Sec. 175.34. (A) The Ohio housing finance agency shall adopt 17457
rules under Chapter 119. of the Revised Code to carry out the 17458
purposes of the grants for grads program. 17459

(B) The agency shall internally audit the program and the 17460
grants for grads fund before the beginning of each calendar year. 17461
At the end of each calendar year, the agency shall prepare and 17462
submit an annual report to the advisory board created pursuant to 17463
section 175.04 of the Revised Code, specifying the internal audit 17464
work completed by the end of that calendar year and reporting on 17465
compliance with the annual internal audit program. 17466

Sec. 175.35. There is hereby created in the state treasury 17467
the grants for grads fund. The fund shall consist of all 17468
appropriations made to the fund and grants, gifts, and 17469
contributions of money made from any source to the Ohio housing 17470
finance agency for deposit in the fund. The fund shall be 17471
administered by the agency and is for use in providing grants to 17472
graduates participating in, and for implementing and 17473
administering, the program. Moneys in the fund shall be invested 17474
by the treasurer of state in the same manner as moneys in the 17475
general revenue fund, and earnings on the investments of the fund 17476
shall be deposited into the fund. 17477

Sec. 176.05. (A)(1) Notwithstanding any provision of law to 17478
the contrary, the rate of wages payable for the various 17479
occupations covered by sections 4115.03 to 4115.16 of the Revised 17480
Code to persons employed on a project who are not any of the 17481
following shall be determined according to this section: 17482

(a) Qualified volunteers; 17483

(b) Persons required to participate in a work activity, 17484
developmental activity, or alternative work activity under 17485
sections 5107.40 to 5107.69 of the Revised Code except those 17486

engaged in paid employment or subsidized employment pursuant to 17487
the activity; 17488

(c) ~~Food-stamp~~ Supplemental nutrition assistance program 17489
benefit recipients required to participate in employment and 17490
training activities established by rules adopted under section 17491
5101.54 of the Revised Code. 17492

An association representing the general contractors or 17493
subcontractors that engage in the business of residential 17494
construction in a certain locality shall negotiate with the 17495
applicable building and construction trades council in that 17496
locality an agreement or understanding that sets forth the 17497
residential prevailing rate of wages, payable on projects in that 17498
locality, for each of the occupations employed on those projects. 17499

(2) Notwithstanding any residential prevailing rate of wages 17500
established prior to July 1, 1995, if, by October 1, 1995, the 17501
parties are unable to agree under division (A)(1) of this section 17502
as to the rate of wages payable for each occupation covered by 17503
sections 4115.03 to 4115.16 of the Revised Code, the director of 17504
commerce shall establish the rate of wages payable for each 17505
occupation. 17506

(3) The residential prevailing rate of wages established 17507
under division (A)(1) or (2) of this section shall not be equal to 17508
or greater than the prevailing rate of wages determined by the 17509
director pursuant to sections 4115.03 to 4115.16 of the Revised 17510
Code for any of the occupations covered by those sections. 17511

(B) Except for the prevailing rate of wages determined by the 17512
director pursuant to sections 4115.03 to 4115.16 of the Revised 17513
Code, those sections and section 4115.99 of the Revised Code apply 17514
to projects. 17515

(C) The residential prevailing rate of wages established 17516
under division (A) of this section is not payable to any 17517

individual or member of that individual's family who provides 17518
labor in exchange for acquisition of the property for 17519
homeownership or who provides labor in place of or as a supplement 17520
to any rental payments for the property. 17521

(D) For the purposes of this section: 17522

(1) "Project" means any construction, rehabilitation, 17523
remodeling, or improvement of residential housing, whether on a 17524
single or multiple site for which a person, as defined in section 17525
1.59 of the Revised Code, or municipal corporation, county, or 17526
township receives financing, that is financed in whole or in part 17527
from state moneys or pursuant to this chapter, section 133.51 or 17528
307.698 of the Revised Code, or Chapter 174. or 175. of the 17529
Revised Code, except for any of the following: 17530

(a) The single-family mortgage revenue bonds homeownership 17531
program under Chapter 175. of the Revised Code, including 17532
owner-occupied dwellings of one to four units; 17533

(b) Projects consisting of fewer than six units developed by 17534
any entity that is not a nonprofit organization exempt from 17535
federal income tax under section 501(c)(3) of the Internal Revenue 17536
Code; 17537

(c) Projects of fewer than twenty-five units developed by any 17538
nonprofit organization that is exempt from federal income tax 17539
under section 501(c)(3) of the Internal Revenue Code; 17540

(d) Programs undertaken by any municipal corporation, county, 17541
or township, including lease-purchase programs, using mortgage 17542
revenue bond financing; 17543

(e) Any individual project, that is sponsored or developed by 17544
a nonprofit organization that is exempt from federal income tax 17545
under section 501(c)(3) of the Internal Revenue Code, for which 17546
the federal government or any of its agencies furnishes by loan, 17547
grant, low-income housing tax credit, or insurance more than 17548

twelve per cent of the costs of the project. For purposes of 17549
division (D)(2)(e) of this section, the value of the low-income 17550
housing tax credits shall be calculated as the proceeds from the 17551
sale of the tax credits, less the costs of the sale. 17552

As used in division (D)(1)(e) of this section, "sponsored" 17553
means that a general partner of a limited partnership owning the 17554
project or a managing member of a limited liability company owning 17555
the project is either a nonprofit organization that is exempt from 17556
federal income tax under section 501(c)(3) of the Internal Revenue 17557
Code or a person, as defined in section 1.59 of the Revised Code, 17558
or a limited liability company in which such a nonprofit 17559
organization maintains controlling interest. For purposes of this 17560
division, a general partner of a limited partnership that is a 17561
nonprofit organization described under this division is not 17562
required to be the sole general partner in the limited 17563
partnership, and a managing member of a limited liability company 17564
that is a nonprofit organization described under this division is 17565
not required to be the sole managing member in the limited 17566
liability company. 17567

Nothing in division (D)(1)(e) of this section shall be 17568
construed as permitting unrelated projects to be combined for the 17569
sole purpose of determining the total percentage of project costs 17570
furnished by the federal government or any of its agencies. 17571

(2) A "project" is a "public improvement" and the state or a 17572
political subdivision that undertakes or participates in the 17573
financing of a project is a "public authority," as both of the 17574
last two terms are defined in section 4115.03 of the Revised Code. 17575

(3) "Qualified volunteers" are volunteers who are working 17576
without compensation for a nonprofit organization that is exempt 17577
from federal income tax under section 501(c)(3) of the Internal 17578
Revenue Code, and that is providing housing or housing assistance 17579
only to families and individuals in a county whose incomes are not 17580

greater than one hundred forty per cent of the median income of 17581
that county as determined under section 174.04 of the Revised 17582
Code. 17583

Sec. 302.011. The board of elections of any county having a 17584
population of 1,200,000 or more according to the 2000 federal 17585
decennial census shall submit to the electors of the county, under 17586
section 302.015 of the Revised Code, the question of adopting the 17587
alternative form of county government known as the blended county 17588
government plan as defined by sections 302.012, 302.013, and 17589
302.014 of the Revised Code. The question shall be voted upon at 17590
the general election occurring in November 2009. 17591

Sec. 302.012. Under a blended county government plan, the 17592
county council shall consist of thirteen members, all of whom 17593
shall be elected by districts. The general assembly shall set the 17594
compensation of the county council members. The general assembly 17595
may change the salary at any time before a primary election for 17596
the office of county council, but no change shall be effective 17597
until the next term begins. 17598

In a county adopting the blended county government plan, 17599
whenever the board of county commissioners is referred to in any 17600
law, contract, or other document, the reference shall be deemed to 17601
refer to the county council. 17602

Sec. 302.013. (A) Under the blended county government plan, 17603
the chief executive officer shall be known as the county 17604
executive. The county executive shall first be elected at the 2010 17605
general election and shall hold office for a term of four years 17606
commencing on January 1, 2011. Only an elector of the county is 17607
eligible to be elected as county executive and such individual 17608
shall remain an elector of the county during the entire term of 17609
office. A candidate for county executive shall be nominated and 17610

elected in the manner provided by general law for officers of the 17611
county. 17612

(B) The salary of the county executive shall be set by the 17613
general assembly. The general assembly may change the salary at 17614
any time before a primary election for the office of county 17615
executive, but no change shall be effective until the next term 17616
begins. 17617

Sec. 302.014. (A) Under the blended county government plan, 17618
the formerly elected offices of county auditor, county treasurer, 17619
county recorder, county coroner, county engineer, and clerk of the 17620
court of common pleas are eliminated and are replaced by the 17621
following officers: 17622

(1) The offices of county auditor, county treasurer, and 17623
county recorder are combined into a chief financial officer. The 17624
chief financial officer shall fulfill all the duties vested by law 17625
in county auditors, county treasurers, and county recorders. The 17626
chief financial officer shall be appointed by a vote of at least 17627
nine members of the county council. The general assembly shall set 17628
the salary of the chief financial officer. 17629

(2) The chief operating officer shall be appointed by a vote 17630
of at least nine members of the county council. The chief 17631
operating officer shall oversee the offices of medical examiner, 17632
county engineer, and clerk of the court of common pleas. The 17633
general assembly shall fix the salary of the chief operating 17634
officer. 17635

(3) The elected office of county coroner is replaced by an 17636
appointed office of medical examiner. The chief operating officer 17637
shall appoint the medical examiner, subject to the approval of at 17638
least nine members of the county council. The appointed medical 17639
examiner shall have the same qualifications (except election) 17640
prescribed by law for, and shall fulfill all the duties vested by 17641

law in, county coroners. 17642

(4) The elected office of county engineer is replaced by an appointed office of county engineer. The chief operating officer shall appoint the county engineer, subject to the approval of at least nine members of the county council. The appointed county engineer shall have the same qualifications (except election) prescribed by law for, and shall fulfill all the duties vested by law in, county engineers. 17643
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(5) The elected office of the clerk of the court of common pleas is replaced by an appointed office of the clerk of the court of common pleas. The chief operating officer shall appoint the clerk of the court of common pleas, subject to the approval of at least nine members of the county council. The appointed clerk of the court of common pleas shall have the same qualifications (except election) prescribed by law for, and shall fulfill all the duties vested by law or rule of court in, clerks of court of common pleas. 17650
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(B) The office of county prosecutor is retained, and continues to be elected, as provided by law. 17659
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(C) The office of county sheriff is retained, and continues to be elected, as provided by law. 17661
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Sec. 302.015. In submitting to the electors of a county the question of adopting an alternative form of county government known as the blended county government plan whereby thirteen members are elected by districts, the board of elections shall submit the question in language substantially as follows: 17663
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"Shall the county of adopt the form of county government known as the blended county government plan with an elected county executive and a county council of thirteen members elected by districts, as provided for in sections 302.012, 17668
17669
17670
17671

302.013, and 302.014 of the Revised Code? 17672

() For adoption of the blended county government plan. 17673

() Against adoption of the blended county government plan." 17674

By April 30, 2010, the board of elections shall divide the 17675
county into thirteen districts in the manner provided in section 17676
302.082 of the Revised Code, aligning the districts with, to the 17677
extent possible, the districts for the house of representative 17678
members in effect in the county on the effective date of this 17679
section. 17680

At least forty-five days prior to the election thereon, the 17681
board of county commissioners shall cause a copy of the blended 17682
county government plan to be distributed to each elector of the 17683
county so far as may be reasonably possible. Immediately following 17684
the canvass of the election returns, the board of elections shall 17685
file a certificate of the results with the secretary of state. 17686
17687

Sec. 302.02. An alternative form of county government shall 17688
include ~~either~~ an elective county executive as provided for by 17689
section 302.15 or 302.013 of the Revised Code or an appointive 17690
county executive as provided by section 302.16 of the Revised 17691
Code, and all those provisions of sections 302.01 to 302.24~~7~~ 17692
~~inclusive~~, of the Revised Code, which have not been specifically 17693
designated as applicable only to the elective county executive 17694
plan ~~or~~, the appointive county executive plan, or the blended 17695
county government plan. 17696

The alternative form of county government providing for the 17697
office of the elective county executive shall be known as the 17698
elective executive plan, ~~and~~ the alternative form providing for 17699
the office of appointive county executive shall be known as the 17700
appointive executive plan, and the alternative form providing for 17701

the office of the elective county executive and a county council 17702
shall be known as the blended county government plan. 17703

Sec. 302.03. (A) The board of county commissioners or county 17704
council of any county may, by a two-thirds vote of the board or 17705
council, as the case may be, or shall, upon petition by three per 17706
cent of the electors of the county as determined by the number of 17707
votes cast therein for the office of governor at the most recent 17708
gubernatorial election, by resolution, cause the board of 17709
elections in the county to submit to the electors of the county 17710
the question of adopting one of the alternative forms of county 17711
government authorized by sections 302.01 to 302.24 of the Revised 17712
Code. The question shall be voted upon at the next general 17713
election occurring not less than seventy-five days after the 17714
certification of the resolution to the board of elections. 17715

(B) If, in any county, a resolution is adopted by the board 17716
of county commissioners or county council requiring that the 17717
question of choosing a commission to frame a county charter be 17718
submitted to the electors thereof prior to the resolution provided 17719
for in this section, the proposition to adopt an alternative form 17720
of county government provided in sections 302.01 to 302.24 of the 17721
Revised Code, shall not be submitted in that county as long as the 17722
question of choosing such commission or of adopting a charter 17723
framed by such commission is pending therein. 17724

(C) Any proposition for an alternative form of county 17725
government shall specify the number of members of the board of 17726
county commissioners or county council members, how many shall be 17727
elected at large, ~~or~~ how many shall be elected by districts. 17728

Sec. 302.05. If a majority of the votes cast on the 17729
proposition of adopting an alternative form of county government 17730
is in the affirmative, then such form shall thereby be adopted and 17731

become the form of government of the county. If more than one 17732
alternative form receives a majority of votes cast on the 17733
proposition in an election, the form receiving the largest number 17734
of votes shall be adopted. The provisions of sections 302.01 to 17735
302.24, ~~inclusive~~, of the Revised Code, as they apply to the 17736
nomination and election of county officers, shall be in effect 17737
immediately. All other provisions of sections 302.01 to 302.24, ~~17738~~
~~inclusive~~, of the Revised Code, shall take effect on the first 17739
Monday in January following the next regular state election. 17740

Under an alternative form whereby any members of the board of 17741
county commissioners or the county council are elected by 17742
districts, each ~~county commissioner~~ member shall receive, in lieu 17743
of the annual compensation provided by section 325.10 of the 17744
Revised Code, the percentage thereof specified in the adopted 17745
plan. 17746

Sec. 302.081. An alternative form of county government shall 17747
include a board of county commissioners, elected either at large 17748
as provided in sections 302.04 and 302.08 of the Revised Code, or 17749
by districts as provided in sections 302.041 and 302.082 of the 17750
Revised Code, or a county council elected by districts as provided 17751
in section 302.012 of the Revised Code, and ~~in~~ all those 17752
provisions of sections 302.01 to 302.24 of the Revised Code, which 17753
have not been specifically designated as applicable only in the 17754
case whereby the entire board is elected at large, or in the case 17755
whereby any of the members are elected by districts. 17756

Sec. 302.082. (A) Under all alternative forms of county 17758
government whereby any members of the board of county 17759
commissioners or county council are elected by districts there 17760
shall be a board of county commissioners or county council, as the 17761
case may be, who shall have the qualifications and shall be 17762

nominated and elected as provided by general law for boards of 17763
county commissioners, except as otherwise provided for in this 17764
section. 17765

(B) ~~The~~ For an alternative form of county government whereby 17766
any members of the board of county commissioners or county council 17767
are elected by districts, the board or council shall consist of 17768
such odd number of members, not less than three nor more than 17769
twenty-one members, as is provided in the proposition for the 17770
alternative form that has been adopted. If the proposition 17771
provides for seven or more members, no more than half shall be 17772
elected at large. 17773

Any or all districts for county commissioners or county 17774
council members may be multi-member districts, but the division of 17775
the county into districts for county commissioners or county 17776
council members shall conform to the constitutional standards for 17777
division of the state into districts for election of members of 17778
the general assembly. If the proposition for the alternative form 17779
adopted provides that any county commissioners or county council 17780
members shall be elected by districts, the board of county 17781
commissioners or county council shall, every ten years, ~~commencing~~ 17782
~~in 1971 and every ten years thereafter,~~ divide the county into 17783
county commissioner districts or county council districts, as the 17784
case may be, using the most recent decennial federal census. 17785

(C) The term of office of county commissioners or county 17786
council members, as the case may be shall be four years, except as 17787
provided in division (C) of this section. If the proposition for 17788
the alternative form adopted changes the number of county 17789
commissioners or county council members, creates county council 17790
members, or changes the number of ~~commissioners~~ members who are 17791
elected by districts, the total number of ~~commissioners~~ members 17792
shall be elected at the first regular state election following the 17793
adoption of the alternative form. The board of elections shall 17794

assign a number to each county commissioner or county council 17795
position established by the provisions of the alternative form. 17796
Candidates shall file for and be elected to a specifically 17797
numbered position. The odd-numbered positions shall be filled for 17798
a term of four years, and the even-numbered positions shall be 17799
filled for a term of two years at the first election and for four 17800
years thereafter. 17801

Sec. 302.09. ~~When~~ (A) In an alternative form of county 17802
government with a board of county commissioners, when a vacancy 17803
occurs in the board of county commissioners or in the office of 17804
county auditor, county treasurer, prosecuting attorney, clerk of 17805
the court of common pleas, sheriff, county recorder, county 17806
engineer, or coroner more than forty days before the next general 17807
election for state and county officers, the vacancy shall be 17808
filled as provided for in divisions (A) and (B) of section 305.02 17809
of the Revised Code. 17810

(B) In an alternative form of county government with a county 17811
council, if a vacancy occurs in the county council or in the 17812
offices of county executive, prosecuting attorney, or county 17813
sheriff more than forty days before the next general election for 17814
state and county officers, the vacancy shall be filled as provided 17815
for in divisions (A) and (B) of section 305.02 of the Revised 17816
Code. If a vacancy occurs in the offices of county engineer, 17817
medical examiner, chief financial officer, chief operating 17818
officer, or clerk of the court of common pleas, the vacancy shall 17819
be filled in the same manner as is provided for the appointment of 17820
those officers. 17821

Sec. 302.10. The board of county commissioners or county 17822
council, as the case may be shall determine its own rules and 17823
order of business and cause a journal of its proceedings to be 17824
kept. A majority of the members elected to the board or council 17825

shall constitute a quorum to do business. No action of the board 17826
or council shall be valid or binding unless adopted by the 17827
affirmative vote of a majority of the members elected to the board 17828
or council. 17829

Sec. 302.11. The board of county commissioners or county 17830
council, as the case may be, shall organize on the first Monday of 17831
each year, by the election of one of its members as president and 17832
one other member as vice-president for terms of one year. The 17833
president shall preside at all regular and special sessions of the 17834
board. 17835

Notwithstanding section 305.05 of the Revised Code, when the 17836
president of the board is absent from the county or unable to 17837
perform ~~his~~ the official duties of president, or in case of death, 17838
resignation, or removal, the vice-president shall act as president 17839
pending any future meeting of the board at which it may select one 17840
of its members to become the president. 17841

Except as provided by sections 302.01 to 302.24, ~~inclusive,~~ 17842
of the Revised Code, the president of the board shall have all 17843
powers and duties vested in or imposed upon the president of the 17844
board by general law. 17845

Sec. 302.12. The board of county commissioners or the county 17846
council, as the case may be, is the policy-determining body of the 17847
county. Except as otherwise provided by sections 302.01 to 302.24, ~~inclusive,~~ 17848
~~inclusive,~~ of the Revised Code, it has all the powers and duties 17849
vested by law in boards of county commissioners. All powers and 17850
duties which may be vested by law in counties or in county 17851
officers or agencies, or which may be transferred to the county by 17852
action of a township or municipality under authority of Section 1 17853
of Article X, Ohio Constitution, and which are not assigned by law 17854
to any department, office, or body existing under the alternative 17855

form of government in force, shall be exercised or performed by 17856
the board or council or by the department, office, or body 17857
designated by resolution of the board or council. 17858

Sec. 302.13. Pursuant to and in conformity with the 17859
Constitution of Ohio and without limiting the powers and duties 17860
otherwise vested in the board of county commissioners, the board 17861
or county council may: 17862

(A) Establish a department of finance, a department of human 17863
services, a department of health which shall exercise the powers 17864
and perform the duties of the general health district according to 17865
policies established by the board of county commissioners or 17866
county council notwithstanding Chapter 3709. of the Revised Code, 17867
a purchasing department, a department of public works, a 17868
department of law, a department of personnel, a department of 17869
detention and correction, a department of water and sewers, and 17870
such other departments, divisions, and sections under the 17871
supervision of the county executive, as it determines to be 17872
necessary for the efficient administration of the county's 17873
business, and may provide for the merger of such departments, 17874
divisions, and sections; 17875

(B) Determine the compensation of appointive heads of 17876
departments and divisions under the supervision of the board of 17877
county commissioners or county council and adopt by resolution a 17878
classification plan and schedule fixing the rates of compensation 17879
of all classes and grades in the county service. Such schedule 17880
shall provide uniform compensation for like service, and may 17881
establish minimum and maximum rates for any grade of position 17882
within which the compensation shall be fixed by the appointing 17883
authority. 17884

(C) Determine what officers and employees shall file bond, 17885
and fix the amount and form thereof and approve the surety of the 17886

bond given;	17887
(D) Provide for the borrowing of money in anticipation of the collection of taxes and revenues for the current fiscal year;	17888 17889
(E) Acquire, construct, maintain, administer, rent, and lease property including buildings and other public improvements as provided by law;	17890 17891 17892
(F) Cooperate or join by contract pursuant to section 302.21 of the Revised Code with any city, county, state, or political subdivision or agency thereof, or with the United States or any agency thereof, for the planning, development, construction, acquisition, or operation of any public improvement or facility, or for a common service; and may provide the terms upon which the county shall perform any of the services and functions of any municipality or political subdivision in the county;	17893 17894 17895 17896 17897 17898 17899 17900
(G) Accept, in the name of the county, gifts, devises, bequests, and grants-in-aid from any person, firm, corporation, city, county, state, or political subdivision or agency thereof, or from the United States or any agency thereof;	17901 17902 17903 17904
(H) Request periodic or special reports by the county executive, elected officers, and administrative officers and bodies, and may require their attendance upon its meetings;	17905 17906 17907
(I) Designate the maximum number of assistants, deputies, clerks, and other persons that may be employed in each of the offices and departments of the county;	17908 17909 17910
(J) Authorize the county executive to employ experts and consultants in connection with the administration of the affairs of the county;	17911 17912 17913
(K) Establish procedures governing the making of county contracts and the purchasing of county supplies and equipment by competitive bidding;	17914 17915 17916

(L) Exercise control over expenditures by all county 17917
officials and promulgate and execute an allotment schedule 17918
allocating annual appropriations for any county government purpose 17919
by item on either a monthly or quarterly basis; 17920

(M) By ordinance or resolution make any rule, or act in any 17921
matter not specifically prohibited by general law; provided that, 17922
in the case of conflict between the exercise of powers pursuant to 17923
this division and the exercise of powers by a municipality or 17924
township, the exercise of power by the municipality or township 17925
shall prevail, and further provided that the board or council may 17926
levy only taxes authorized by general law. 17927

Sec. 302.14. There shall be a county executive, who shall be 17928
the chief executive officer of the county. ~~He~~ The county executive 17929
shall be either an elective county executive as provided for in 17930
section 302.15 or 302.013 of the Revised Code, or an appointive 17931
county executive as provided for in section 302.16 of the Revised 17932
Code. 17933

In case of the absence or disability of the county executive 17934
as determined by the board of county commissioners or the county 17935
council, as the case may be, his the county executive's duties 17936
shall be performed during ~~his~~ the absence or disability by 17937
whomsoever the board of county commissioners or county council 17938
designates by resolution. 17939

Sec. 302.17. The county executive shall be responsible for 17940
the proper administration of the affairs of the county placed in 17941
~~his~~ the county executive's charge, and, by resolution of the board 17942
of county commissioners or county council, as the case may be, may 17943
serve as the head of any county department created by the board or 17944
council pursuant to sections 302.01 to 302.24, ~~inclusive,~~ of the 17945
Revised Code, provided ~~he~~ the county executive has the 17946

qualifications required by law. 17947

Sec. 302.18. (A) The county executive shall be the 17948
administrative head of the county and shall have all powers and 17949
shall perform all duties of an administrative or executive nature 17950
vested in or imposed upon the board of county commissioners or 17951
county council by general law or by agreement with any 17952
municipality or other subdivision of government of Ohio and such 17953
additional powers as are granted and imposed by the board or 17954
council, and the county executive shall administer the resolutions 17955
of the board of county commissioners or county council and the 17956
laws of the state relating to or required to be enforced by the 17957
county executive's office. The county executive shall supervise 17958
the departments established pursuant to division (A) of section 17959
302.13 of the Revised Code. All authority of the board of county 17960
commissioners under general law with respect to the adoption of 17961
the county budget and the submission of any matter to the electors 17962
shall be exercised by the board of county commissioners or the 17963
county council, as the case may be, provided for under Chapter 17964
302. of the Revised Code. Contracts between the county and other 17965
agencies of government shall be approved or authorized by the 17966
board of county commissioners or county council. 17967

(B) The county executive, under the elective executive plan 17968
or the blended county government plan, shall exercise all 17969
authority of the board of county commissioners or county council 17970
to appoint, suspend, and remove all county personnel whose 17971
appointment, suspension, and removal was a function of the board 17972
of county commissioners or county council under general law, 17973
except for the clerk of the board of county commissioners, the 17974
clerk's clerical assistants, and the appointments listed in 17975
division (C) of section 302.18 of the Revised Code. Under the 17976
appointive executive plan, the board of county commissioners shall 17977
have the power to appoint, suspend, and remove all county 17978

personnel whose appointment, suspension, and removal was a 17979
function of the board under general law, upon the recommendation 17980
of the county executive. 17981

(C) ~~Appointment~~ For the elective county executive plan and 17982
the appointive county executive plan, appointment of officers, 17983
which by general law in sections 303.04, 303.13, 305.29, 306.01, 17984
306.02, 329.01, 329.06, 5153.39, and 5155.03 of the Revised Code 17985
is required to be made by the board of county commissioners, shall 17986
be made by the county executive, under either plan, with advice 17987
and consent of the board of county commissioners. The county 17988
executive, under either plan, also shall appoint with the advice 17989
and consent of the board of county commissioners, all officers and 17990
members of boards and commissions, other than officers of a court 17991
or employees or other persons advisory to or subject to the 17992
supervision of a court or judge thereof, which by general law in 17993
sections 331.01, 339.02, 1545.02, 1545.03, 1545.04, and 1545.05 of 17994
the Revised Code are to be appointed by a judge or judges of the 17995
probate or common pleas court of the county. 17996
17997

(D) The county executive, under the elective executive plan 17998
or the blended county government plan, shall have the power to 17999
veto any ordinance or resolution adopted by the board of county 18000
commissioners or the county council. A veto by the county 18001
executive may apply to all or any items of an ordinance 18002
appropriating money. Certification of a veto must be made by the 18003
county executive within ten days of its adoption by the board of 18004
county commissioners or county council, and the board of county 18005
commissioners or county council may override the veto by a 18006
two-thirds vote of all its members. Under the elective executive 18007
plan blended county government plan an ordinance or resolution 18008
shall become effective upon approval by the county executive, 18009
expiration of such ten days without approval or veto, or 18010

overriding of a veto. 18011

(E) The county executive shall promote the coordination of 18012
all county functions and for this purpose shall make an annual 18013
public report on the state of the county. 18014

Sec. 302.19. In addition to other powers and duties provided 18015
in sections 302.01 to 302.24, ~~inclusive,~~ of the Revised Code, the 18016
county executive shall: 18017

(A) Prepare and recommend to the board of county 18018
commissioners or county council, as the case may be, the annual 18019
tax budget and county appropriation resolution; 18020

(B) Keep the board or council advised of the financial 18021
condition and future needs of the county; 18022

(C) Prepare and submit to the board or council such measures 18023
as ~~he~~ the county executive deems necessary for the conduct of the 18024
county's business; 18025

(D) Attend meetings of the board of county commissioners or 18026
county council and take part in the discussion of all matters 18027
before the board or council; 18028

(E) Prepare and submit to the board of county commissioners 18029
or county council, as the case may be, such reports on the 18030
operations of any departments, offices, and bodies under ~~his~~ 18031
county executive's control as may be required by the board or 18032
council. 18033

Sec. 302.201. If established under the provisions of Chapter 18034
302. of the Revised Code, the department of law shall be 18035
administered by a director of law who shall be an attorney-at-law 18036
admitted to the practice of law in this state. The director of law 18037
shall serve as legal advisor to the board of county commissioners 18038
or county council, as the case may be, the county executive, and 18039

the county departments, offices, and agencies responsible to the board or council and the county executive. The director of law shall give written opinions as to the law when specifically requested so to do by the board or council or the county executive, act as counsel for the board or council and the county executive in any proceeding instituted by or against the board or council or the county executive, and perform any other legal duties assigned by the board of county commissioners or county council or the county executive.

Sec. 302.202. If established under this chapter, the department of personnel shall make and promulgate personnel rules that, when adopted by the board of county commissioners or county council, as the case may be, after public hearing, shall be the sole basis for determining the provisions and procedures of the county personnel system.

Notwithstanding the provisions of Chapter 124. of the Revised Code, personnel rules adopted by the board of county commissioners or county council, as the case may be, pursuant to this section, may provide for, but need not be limited to, the following:

(A) Classification of all county positions, which classification shall be based on the duties, authority, and responsibility of each position;

(B) A pay plan for all county positions, which pay plan may include fringe benefits as may be determined by the board of county commissioners or county council, in addition to salary;

(C) Certification of payrolls as to compliance with the pay plan and the personnel rules;

(D) The method of holding competitive tests for determining the merit and fitness of candidates for appointment and promotion;

(E) The establishment, maintenance, and certification of

eligible lists for filling vacancies;	18070
(F) The order and manner in which lay-offs may be effected;	18071
(G) The procedure for suspension and removal of employees, which procedure shall include provisions for appeals from orders of suspension or removal or other disciplinary action;	18072 18073 18074
(H) The hours of work, the attendance regulations, and the provisions for sick and vacation leave;	18075 18076
(I) Other practices and procedures necessary to the administration of the county personnel system.	18077 18078
Sec. 302.204. If established under the provisions of Chapter 302. of the Revised Code, the department of water and sewers shall assume all duties and perform all functions related to the operation of the county's sewer and water systems. The board of county commissioners <u>or county council, as the case may be,</u> may create a board of trustees to serve at its pleasure and may assign to such board such functions and responsibilities as are by law delegated to the board of county commissioners in Chapters 6117. and 6103. of the Revised Code as they pertain to the operation of a county sewer system and a county water system.	18079 18080 18081 18082 18083 18084 18085 18086 18087 18088
Sec. 302.21. The board of county commissioners <u>or county council, as the case may be,</u> as provided in section 302.22 of the Revised Code may enter into an agreement with the legislative authority of any municipal corporation, township, port authority, water or sewer district, school district, library district, health district, park district, soil and water conservation district, water conservancy district, or other taxing district, or with the board of any other county, and such legislative authorities may enter into agreements with the board <u>or council,</u> whereby such board <u>or council</u> undertakes, and is authorized by the contracting subdivision, to exercise any power, perform any function, or	18089 18090 18091 18092 18093 18094 18095 18096 18097 18098 18099

render any service, in behalf of the contracting subdivision or 18100
its legislative authority, which such subdivision or legislative 18101
authority may exercise, perform, or render. 18102

Upon the execution of such agreement and within the 18103
limitations prescribed by it, the board or council may exercise 18104
the same powers as the contracting subdivision possesses with 18105
respect to the performance of any function or the rendering of any 18106
service, which, by such agreement, it undertakes to perform or 18107
render, and all powers necessary or incidental thereto, as amply 18108
as such powers are possessed and exercised by the contracting 18109
subdivision directly. In the absence in such agreement of 18110
provisions determining by what officer, office, department, 18111
agency, or authority, the powers and duties of the board or 18112
council shall be exercised or performed, the board or council 18113
shall, within the limits of this section, determine and assign 18114
such powers and duties to any officer or officers of county 18115
government, including the auditor, treasurer, engineer, recorder, 18116
coroner, sheriff, chief financial officer, chief operating 18117
officer, and prosecuting attorney. Any agreement authorized by 18118
this section shall not suspend the possession by a contracting 18119
subdivision of any power or function exercised or performed by the 18120
board or council in pursuance of such agreement. Nor shall the 18121
board or council, by virtue of any agreement entered into under 18122
this section, acquire any power to levy taxes within and in behalf 18123
of a contracting subdivision unless approved by a majority of the 18124
electors of the contracting subdivision. 18125

The boards of county commissioners or county councils of any 18126
two or more counties may contract with each other or by contract 18127
create any joint agency to exercise any power, perform any 18128
function, or render any service which any board of county 18129
commissioners or county council may exercise, perform, or render. 18130

Sec. 302.22. Every agreement entered into under sections 18131
302.21 to 302.24, ~~inclusive~~, of the Revised Code, shall provide, 18132
either in specific terms or by prescribing a method for 18133
determining the amounts, for any payments to be made by the 18134
contracting subdivision into the county treasury, in consideration 18135
of the performance of the agreement. In cases where it is deemed 18136
practicable, the agreement may provide that payment shall be made 18137
by the retention in the treasury of the amounts due from taxes 18138
collected for the contracting subdivision and the county auditor 18139
and county treasurer or chief financial officer, as the case may 18140
be, shall be governed by any such provision in settling the 18141
accounts for such taxes. 18142

Any agreement entered into by and between two or more boards 18143
of county commissioners or county councils shall specify the 18144
method of payment for the joint exercise of any power, the joint 18145
performing of any function, or the joint rendering of any service, 18146
which method of payment shall be authorized and binding on the 18147
counties so long as the agreement is in effect. 18148

Sec. 302.24. Any agreement entered into under sections 302.21 18149
to 302.24, ~~inclusive~~, of the Revised Code, may provide for the 18150
transfer to the board of county commissioners or the county 18151
council, as the case may be, of any property, real or personal, 18152
used or useful, in the performance of functions or the rendering 18153
of services under such agreement. Such transfer may include the 18154
proceeds of bonds issued or to be issued by the contracting 18155
subdivision, appropriate to the powers, functions, or services 18156
under the agreement, such proceeds to be expended by the board or 18157
council subject to the same conditions as would govern the 18158
contracting subdivision. Such transfer may convey the absolute 18159
title to such property, subject, in the case of the disposal or 18160
encumbrance of such real property by the board or council, to the 18161

consent of the legislative authority of the contracting 18162
subdivision; or may convey its use only, or any estate or title 18163
less than absolute; may limit the power of the board or council to 18164
dispose of such property; and may provide for its return, 18165
disposition, division, or distribution, in the event of the 18166
rescission or expiration of the agreement. 18167

Sec. 303.213. (A) As used in this section, "small wind farm" 18168
means wind turbines and associated facilities ~~that are~~ 18169
~~interconnected with a medium voltage power collection system and~~ 18170
~~communications network and are~~ with a single interconnection to 18171
the electrical grid and designed for, or capable of, operation at 18172
an aggregate capacity of less than five megawatts. 18173

(B) Notwithstanding division (A) of section 303.211 of the 18174
Revised Code, sections 303.01 to 303.25 of the Revised Code confer 18175
power on a board of county commissioners or board of zoning 18176
appeals to adopt zoning regulations governing the location, 18177
erection, construction, reconstruction, change, alteration, 18178
maintenance, removal, use, or enlargement of any small wind farm, 18179
whether publicly or privately owned, or the use of land for that 18180
purpose, which regulations may be more strict than the regulations 18181
prescribed in rules adopted under division (C)(2) of section 18182
4906.20 of the Revised Code. 18183

(C) The designation under this section of a small wind farm 18184
as a public utility for purposes of sections 303.01 to 303.25 of 18185
the Revised Code shall not affect the classification of a small 18186
wind farm for purposes of state or local taxation. 18187

(D) Nothing in division (C) of this section shall be 18188
construed as affecting the classification of a telecommunications 18189
tower as defined in division (B) or (E) of section 303.211 of the 18190
Revised Code or any other public utility for purposes of state and 18191
local taxation. 18192

Sec. 305.20. For purposes of a statute or regulation that requires a county to publish a notice, advertisement, list, or other information more than once in a newspaper of general circulation, the second and subsequent publications are satisfied by posting the notice, advertisement, list, or other information on the county's internet web site if the first newspaper publication meets all the following conditions: 18193
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(A) It states that the notice, advertisement, list, or other information is posted on the county's internet web site; 18200
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(B) It includes the county's internet address on the worldwide web; and 18202
18203

(C) It includes instructions for accessing the notice, advertisement, list, or other information on the county's internet web site. 18204
18205
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A notice, advertisement, list, or other information posted on a county's internet web site shall provide the same information as does the newspaper publication of the notice, advertisement, list, or other information except that the conditions outlined in divisions (A) to (C) of this section do not need to be included. 18207
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If a county does not operate and maintain, or ceases to operate and maintain, an internet web site, the county is not entitled to publish a notice, advertisement, list, or other information under this section and shall comply with the statutory publication requirements that otherwise apply to the notice, advertisement, list, or other information. 18212
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For purposes of this section, "county" means a board of county commissioners, a county elected official, or any contracting authority as defined in section 307.92 of the Revised Code. 18218
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Sec. 307.12. (A) Except as otherwise provided in divisions 18222

(D), (E), and (G) of this section or in section 307.121 of the 18223
Revised Code, when the board of county commissioners finds, by 18224
resolution, that the county has personal property, including motor 18225
vehicles acquired for the use of county officers and departments, 18226
and road machinery, equipment, tools, or supplies, that is not 18227
needed for public use, is obsolete, or is unfit for the use for 18228
which it was acquired, and when the fair market value of the 18229
property to be sold or donated under this division is, in the 18230
opinion of the board, in excess of two thousand five hundred 18231
dollars, the board may do either of the following: 18232

(1) Sell the property at public auction or by sealed bid to 18233
the highest bidder. Notice of the time, place, and manner of the 18234
sale shall be published in a newspaper of general circulation in 18235
the county at least ten days prior to the sale, and a typewritten 18236
or printed notice of the time, place, and manner of the sale shall 18237
be posted at least ten days before the sale in the offices of the 18238
county auditor and the board of county commissioners. 18239

If a board conducts a sale of property by sealed bid, the 18240
form of the bid shall be as prescribed by the board, and each bid 18241
shall contain the name of the person submitting it. Bids received 18242
shall be opened and tabulated at the time stated in the notice. 18243
The property shall be sold to the highest bidder, except that the 18244
board may reject all bids and hold another sale, by public auction 18245
or sealed bid, in the manner prescribed by this section. 18246

(2) Donate any motor vehicle that does not exceed four 18247
thousand five hundred dollars in value to a nonprofit organization 18248
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 18249
and (c)(3) for the purpose of meeting the transportation needs of 18250
participants in the Ohio works first program established under 18251
Chapter 5107. of the Revised Code and participants in the 18252
prevention, retention, and contingency program established under 18253
Chapter 5108. of the Revised Code. 18254

(B) When the board of county commissioners finds, by 18255
resolution, that the county has personal property, including motor 18256
vehicles acquired for the use of county officers and departments, 18257
and road machinery, equipment, tools, or supplies, that is not 18258
needed for public use, is obsolete, or is unfit for the use for 18259
which it was acquired, and when the fair market value of the 18260
property to be sold or donated under this division is, in the 18261
opinion of the board, two thousand five hundred dollars or less, 18262
the board may do either of the following: 18263

(1) Sell the property by private sale, without advertisement 18264
or public notification; 18265

(2) Donate the property to an eligible nonprofit organization 18266
that is located in this state and is exempt from federal income 18267
taxation pursuant to 26 U.S.C. 501(a) and (c)(3). Before donating 18268
any property under this division, the board shall adopt a 18269
resolution expressing its intent to make unneeded, obsolete, or 18270
unfit-for-use county personal property available to these 18271
organizations. The resolution shall include guidelines and 18272
procedures the board considers necessary to implement a donation 18273
program under this division and shall indicate whether the county 18274
will conduct the donation program or the board will contract with 18275
a representative to conduct it. If a representative is known when 18276
the resolution is adopted, the resolution shall provide contact 18277
information such as the representative's name, address, and 18278
telephone number. 18279

The resolution shall include within its procedures a 18280
requirement that any nonprofit organization desiring to obtain 18281
donated property under this division shall submit a written notice 18282
to the board or its representative. The written notice shall 18283
include evidence that the organization is a nonprofit organization 18284
that is located in this state and is exempt from federal income 18285
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 18286

the organization's primary purpose; a description of the type or 18287
types of property the organization needs; and the name, address, 18288
and telephone number of a person designated by the organization's 18289
governing board to receive donated property and to serve as its 18290
agent. 18291

After adoption of the resolution, the board shall publish, in 18292
a newspaper of general circulation in the county, notice of its 18293
intent to donate unneeded, obsolete, or unfit-for-use county 18294
personal property to eligible nonprofit organizations. The notice 18295
shall include a summary of the information provided in the 18296
resolution and shall be published at least twice. The second and 18297
any subsequent notice shall be published not less than ten nor 18298
more than twenty days after the previous notice. A similar notice 18299
also shall be posted continually in a conspicuous place in the 18300
offices of the county auditor and the board of county 18301
commissioners, and, if the county maintains a web site on the 18302
internet, the notice shall be posted continually at that web site. 18303

The board or its representative shall maintain a list of all 18304
nonprofit organizations that notify the board or its 18305
representative of their desire to obtain donated property under 18306
this division and that the board or its representative determines 18307
to be eligible, in accordance with the requirements set forth in 18308
this section and in the donation program's guidelines and 18309
procedures, to receive donated property. 18310

The board or its representatives also shall maintain a list 18311
of all county personal property the board finds to be unneeded, 18312
obsolete, or unfit for use and to be available for donation under 18313
this division. The list shall be posted continually in a 18314
conspicuous location in the offices of the county auditor and the 18315
board of county commissioners, and, if the county maintains a web 18316
site on the internet, the list shall be posted continually at that 18317
web site. An item of property on the list shall be donated to the 18318

eligible nonprofit organization that first declares to the board 18319
or its representative its desire to obtain the item unless the 18320
board previously has established, by resolution, a list of 18321
eligible nonprofit organizations that shall be given priority with 18322
respect to the item's donation. Priority may be given on the basis 18323
that the purposes of a nonprofit organization have a direct 18324
relationship to specific public purposes of programs provided or 18325
administered by the board. A resolution giving priority to certain 18326
nonprofit organizations with respect to the donation of an item of 18327
property shall specify the reasons why the organizations are given 18328
that priority. 18329

(C) Members of the board of county commissioners shall 18330
consult with the Ohio ethics commission, and comply with the 18331
provisions of Chapters 102. and 2921. of the Revised Code, with 18332
respect to any sale or donation under division (A) or (B) of this 18333
section to a nonprofit organization of which a county 18334
commissioner, any member of the county commissioner's family, or 18335
any business associate of the county commissioner is a trustee, 18336
officer, board member, or employee. 18337

(D) Notwithstanding anything to the contrary in division (A), 18338
(B), or (E) of this section and regardless of the property's 18339
value, the board of county commissioners may sell or donate county 18340
personal property, including motor vehicles, to the federal 18341
government, the state, any political subdivision of the state, or 18342
a county land reutilization corporation without advertisement or 18343
public notification. 18344

(E) Notwithstanding anything to the contrary in division (A), 18345
(B), or (G) of this section and regardless of the property's 18346
value, the board of county commissioners may sell personal 18347
property, including motor vehicles acquired for the use of county 18348
officers and departments, and road machinery, equipment, tools, or 18349
supplies, that is not needed for public use, is obsolete, or is 18350

unfit for the use for which it was acquired, by internet auction. 18351
The board shall adopt, during each calendar year, a resolution 18352
expressing its intent to sell that property by internet auction. 18353
The resolution shall include a description of how the auctions 18354
will be conducted and shall specify the number of days for bidding 18355
on the property, which shall be no less than ten days, including 18356
Saturdays, Sundays, and legal holidays. The resolution shall 18357
indicate whether the county will conduct the auction or the board 18358
will contract with a representative to conduct the auction and 18359
shall establish the general terms and conditions of sale. If a 18360
representative is known when the resolution is adopted, the 18361
resolution shall provide contact information such as the 18362
representative's name, address, and telephone number. 18363

After adoption of the resolution, the board shall publish, in 18364
a newspaper of general circulation in the county, notice of its 18365
intent to sell unneeded, obsolete, or unfit-for-use county 18366
personal property by internet auction. The notice shall include a 18367
summary of the information provided in the resolution and shall be 18368
published at least twice. The second and any subsequent notice 18369
shall be published not less than ten nor more than twenty days 18370
after the previous notice. A similar notice also shall be posted 18371
continually throughout the calendar year in a conspicuous place in 18372
the offices of the county auditor and the board of county 18373
commissioners, and, if the county maintains a web site on the 18374
internet, the notice shall be posted continually throughout the 18375
calendar year at that web site. 18376

When property is to be sold by internet auction, the board or 18377
its representative may establish a minimum price that will be 18378
accepted for specific items and may establish any other terms and 18379
conditions for the particular sale, including requirements for 18380
pick-up or delivery, method of payment, and sales tax. This type 18381
of information shall be provided on the internet at the time of 18382

the auction and may be provided before that time upon request 18383
after the terms and conditions have been determined by the board 18384
or its representative. 18385

(F) When a county officer or department head determines that 18386
county-owned personal property under the jurisdiction of the 18387
officer or department head, including motor vehicles, road 18388
machinery, equipment, tools, or supplies, is not of immediate 18389
need, the county officer or department head may notify the board 18390
of county commissioners, and the board may lease that personal 18391
property to any municipal corporation, township, other political 18392
subdivision of the state, or to a county land reutilization 18393
corporation. The lease shall require the county to be reimbursed 18394
under terms, conditions, and fees established by the board, or 18395
under contracts executed by the board. 18396

(G) If the board of county commissioners finds, by 18397
resolution, that the county has vehicles, equipment, or machinery 18398
that is not needed, or is unfit for public use, and the board 18399
desires to sell the vehicles, equipment, or machinery to the 18400
person or firm from which it proposes to purchase other vehicles, 18401
equipment, or machinery, the board may offer to sell the vehicles, 18402
equipment, or machinery to that person or firm, and to have the 18403
selling price credited to the person or firm against the purchase 18404
price of other vehicles, equipment, or machinery. 18405

(H) If the board of county commissioners advertises for bids 18406
for the sale of new vehicles, equipment, or machinery to the 18407
county, it may include in the same advertisement a notice of the 18408
willingness of the board to accept bids for the purchase of 18409
county-owned vehicles, equipment, or machinery that is obsolete or 18410
not needed for public use, and to have the amount of those bids 18411
subtracted from the selling price of the other vehicles, 18412
equipment, or machinery as a means of determining the lowest 18413
responsible bidder. 18414

(I) If a board of county commissioners determines that county personal property is not needed for public use, or is obsolete or unfit for the use for which it was acquired, and that the property has no value, the board may discard or salvage that property.

(J) A county engineer, in the engineer's discretion, may dispose of scrap construction materials on such terms as the engineer determines reasonable, including disposal without recovery of costs, if the total value of the materials does not exceed twenty-five thousand dollars. The engineer shall maintain records of all dispositions made under this division, including identification of the origin of the materials, the final disposition, and copies of all receipts resulting from the dispositions.

As used in division ~~(I)~~(J) of this section, "scrap construction materials" means construction materials that result from a road or bridge improvement, remain after the improvement is completed, and are not reusable. Construction material that is metal and that results from a road or bridge improvement and remains after the improvement is completed is scrap construction material only if it cannot be used in any other road or bridge improvement or other project in its current state.

Sec. 307.121. (A) As used in this section:

(1) "Advertising" means internet advertising, including banners and icons that may contain links to commercial internet web sites. "Advertising" does not include "spyware," "malware," or any viruses or programs considered to be malicious.

(2) "County official" includes the county auditor, county treasurer, county engineer, county recorder, county prosecuting attorney, county sheriff, county coroner, board of county commissioners, clerk of the probate court, clerk of the juvenile court, clerk of court for all divisions of the court of common

pleas, clerk of a county-operated municipal court, and clerk of a 18446
county court. 18447

(3) "County web site" means any web site, internet page, or 18448
web page of a county office, with respective internet addresses or 18449
subdomains, that are intended to provide to the public information 18450
about services offered by the county office, including relevant 18451
forms and searchable data. 18452

(B) A board of county commissioners, by resolution adopted by 18453
a majority of the board's members, may authorize commercial 18454
advertising on a county web site under this section. The 18455
resolution shall include all of the following: 18456

(1) A specification of those county officials who, and of the 18457
county offices under those officials that, are authorized to place 18458
commercial advertisements on county web sites; 18459

(2) Criteria for choosing the advertisers and types of 18460
advertisements that may be placed on a county web site; 18461

(3) Requirements and procedures for making requests for 18462
proposals under this section; 18463

(4) Any other requirements or limitations necessary to 18464
authorize under this section commercial advertising on county web 18465
sites. 18466

(C) A board of county commissioners that adopts a resolution 18467
under this section shall send a copy of the resolution to each 18468
county official who is authorized by the resolution to place 18469
commercial advertisements on a county web site. After receiving 18470
the resolution, the county official shall provide written notice 18471
to the board if the official intends to implement the resolution. 18472
After providing such a written notice, the county official may 18473
make requests for proposals in the manner specified by the 18474
resolution for the purpose of identifying advertisers who, and 18475
whose advertisements will, meet the criteria, requirements, and 18476

limitations specified in the resolution. The board of county commissioners may enter into a contract with such an advertiser whereby the advertiser places an advertisement on the office's web site and pays a fee in consideration to the county general fund. 18477
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(D) A county web site on which commercial advertising is placed under this section shall be used exclusively to provide information from a county office to the public, and shall not be used as a public forum. 18481
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Sec. 307.626. (A) By the first day of April of each year, the person convening the child fatality review board shall prepare and submit to the Ohio department of health a report that ~~includes all~~ of summarizes the following information with respect to ~~each the~~ child ~~death~~ deaths that ~~was~~ were reviewed by the review board in the previous calendar year: 18485
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18487
18488
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- (1) The cause of death; 18491
- (2) Factors contributing to death; 18492
- (3) Age; 18493
- (4) Sex; 18494
- (5) Race; 18495
- (6) The geographic location of death; 18496
- (7) The year of death. 18497

The report shall specify the number of child deaths that ~~have not been reviewed since the effective date of this section~~ were not reviewed during the previous calendar year. 18498
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The report may include recommendations for actions that might prevent other deaths, as well as any other information the review board determines should be included. 18501
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(B) Reports prepared under division (A) of this section shall be considered public records under section 149.43 of the Revised 18504
18505

Code. 18506

(C) The child fatality review board shall submit individual 18507
data with respect to each child death review into the Ohio 18508
department of health child death review database or the national 18509
child death review database. The individual data shall include the 18510
information specified in division (A) of this section and any 18511
other information the board considers relevant to the review. 18512
Individual data related to a child death review that is contained 18513
in the Ohio department of health child death review database is 18514
not a public record under section 149.43 of the Revised Code. 18515

Sec. 307.629. (A) Except as provided in sections 5153.171 to 18516
5153.173 of the Revised Code, any information, document, or report 18517
presented to a child fatality review board, all statements made by 18518
review board members during meetings of the review board, ~~and~~ all 18519
work products of the review board, and child fatality review data 18520
submitted by the child fatality review board to the department of 18521
health or a national child death review database, other than the 18522
report prepared pursuant to division (A) of section 307.626 of the 18523
Revised Code, are confidential and shall be used by the review 18524
board ~~and,~~ its members, and the department of health only in the 18525
exercise of the proper functions of the review board and the 18526
department. 18527

(B) No person shall permit or encourage the unauthorized 18528
dissemination of the confidential information described in 18529
division (A) of this section. 18530

(C) Whoever violates division (B) of this section is guilty 18531
of a misdemeanor of the second degree. 18532

Sec. 307.79. (A) The board of county commissioners may adopt, 18533
amend, and rescind rules establishing technically feasible and 18534
economically reasonable standards to achieve a level of management 18535

and conservation practices that will abate wind or water erosion 18536
of the soil or abate the degradation of the waters of the state by 18537
soil sediment in conjunction with land grading, excavating, 18538
filling, or other soil disturbing activities on land used or being 18539
developed for nonfarm commercial, industrial, residential, or 18540
other nonfarm purposes, and establish criteria for determination 18541
of the acceptability of those management and conservation 18542
practices. The rules shall be designed to implement the applicable 18543
areawide waste treatment management plan prepared under section 18544
208 of the "Federal Water Pollution Control Act," 86 Stat. 816 18545
(1972), 33 U.S.C.A. 1228, as amended, and to implement phase II of 18546
the storm water program of the national pollutant discharge 18547
elimination system established in 40 C.F.R. Part 122. The rules to 18548
implement phase II of the storm water program of the national 18549
pollutant discharge elimination system shall not be inconsistent 18550
with, more stringent than, or broader in scope than the rules or 18551
regulations adopted by the environmental protection agency under 18552
40 C.F.R. Part 122. The rules adopted under this section shall not 18553
apply inside the limits of municipal corporations or the limits of 18554
townships with a limited home rule government that have adopted 18555
rules under section 504.21 of the Revised Code, to lands being 18556
used in a strip mine operation as defined in section 1513.01 of 18557
the Revised Code, or to land being used in a surface mine 18558
operation as defined in section 1514.01 of the Revised Code. 18559

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The rules adopted under this section may require persons to 18561
file plans governing erosion control, sediment control, and water 18562
management before clearing, grading, excavating, filling, or 18563
otherwise wholly or partially disturbing one or more contiguous 18564
acres of land owned by one person or operated as one development 18565
unit for the construction of nonfarm buildings, structures, 18566
utilities, recreational areas, or other similar nonfarm uses. If 18567
the rules require plans to be filed, the rules shall do all of the 18568

following:	18569
(1) Designate the board itself, its employees, or another agency or official to review and approve or disapprove the plans;	18570 18571
(2) Establish procedures and criteria for the review and approval or disapproval of the plans;	18572 18573
(3) Require the designated entity to issue a permit to a person for the clearing, grading, excavating, filling, or other project for which plans are approved and to deny a permit to a person whose plans have been disapproved;	18574 18575 18576 18577
(4) Establish procedures for the issuance of the permits;	18578
(5) Establish procedures under which a person may appeal the denial of a permit.	18579 18580
Areas of less than one contiguous acre shall not be exempt from compliance with other provisions of this section or rules adopted under this section. The rules adopted under this section may impose reasonable filing fees for plan review, permit processing, and field inspections.	18581 18582 18583 18584 18585
No permit or plan shall be required for a public highway, transportation, or drainage improvement or maintenance project undertaken by a government agency or political subdivision in accordance with a statement of its standard sediment control policies that is approved by the board or the chief of the division of soil and water conservation <u>resources</u> in the department of natural resources.	18586 18587 18588 18589 18590 18591 18592
(B) Rules or amendments may be adopted under this section only after public hearings at not fewer than two regular sessions of the board. The board of county commissioners shall cause to be published, in a newspaper of general circulation in the county, notice of the public hearings, including time, date, and place, once a week for two weeks immediately preceding the hearings. The	18593 18594 18595 18596 18597 18598

proposed rules or amendments shall be made available by the board 18599
to the public at the board office or other location indicated in 18600
the notice. The rules or amendments shall take effect on the 18601
thirty-first day following the date of their adoption. 18602

(C) The board of county commissioners may employ personnel to 18603
assist in the administration of this section and the rules adopted 18604
under it. The board also, if the action does not conflict with the 18605
rules, may delegate duties to review sediment control and water 18606
management plans to its employees, and may enter into agreements 18607
with one or more political subdivisions, other county officials, 18608
or other government agencies, in any combination, in order to 18609
obtain reviews and comments on plans governing erosion control, 18610
sediment control, and water management or to obtain other services 18611
for the administration of the rules adopted under this section. 18612

(D) The board of county commissioners or any duly authorized 18613
representative of the board may, upon identification to the owner 18614
or person in charge, enter any land upon obtaining agreement with 18615
the owner, tenant, or manager of the land in order to determine 18616
whether there is compliance with the rules adopted under this 18617
section. If the board or its duly authorized representative is 18618
unable to obtain such an agreement, the board or representative 18619
may apply for, and a judge of the court of common pleas for the 18620
county where the land is located may issue, an appropriate 18621
inspection warrant as necessary to achieve the purposes of this 18622
chapter. 18623

(E)(1) If the board of county commissioners or its duly 18624
authorized representative determines that a violation of the rules 18625
adopted under this section exists, the board or representative may 18626
issue an immediate stop work order if the violator failed to 18627
obtain any federal, state, or local permit necessary for sediment 18628
and erosion control, earth movement, clearing, or cut and fill 18629
activity. In addition, if the board or representative determines 18630

such a rule violation exists, regardless of whether or not the violator has obtained the proper permits, the board or representative may authorize the issuance of a notice of violation. If, after a period of not less than thirty days has elapsed following the issuance of the notice of violation, the violation continues, the board or its duly authorized representative shall issue a second notice of violation. Except as provided in division (E)(3) of this section, if, after a period of not less than fifteen days has elapsed following the issuance of the second notice of violation, the violation continues, the board or its duly authorized representative may issue a stop work order after first obtaining the written approval of the prosecuting attorney of the county if, in the opinion of the prosecuting attorney, the violation is egregious.

Once a stop work order is issued, the board or its duly authorize representative shall request, in writing, the prosecuting attorney of the county to seek an injunction or other appropriate relief in the court of common pleas to abate excessive erosion or sedimentation and secure compliance with the rules adopted under this section. If the prosecuting attorney seeks an injunction or other appropriate relief, then, in granting relief, the court of common pleas may order the construction of sediment control improvements or implementation of other control measures and may assess a civil fine of not less than one hundred or more than five hundred dollars. Each day of violation of a rule or stop work order issued under this section shall be considered a separate violation subject to a civil fine.

(2) The person to whom a stop work order is issued under this section may appeal the order to the court of common pleas of the county in which it was issued, seeking any equitable or other appropriate relief from that order.

(3) No stop work order shall be issued under this section

against any public highway, transportation, or drainage 18663
improvement or maintenance project undertaken by a government 18664
agency or political subdivision in accordance with a statement of 18665
its standard sediment control policies that is approved by the 18666
board or the chief of the division of soil and water ~~conservation~~ 18667
resources in the department of natural resources. 18668

(F) No person shall violate any rule adopted or order issued 18669
under this section. Notwithstanding division (E) of this section, 18670
if the board of county commissioners determines that a violation 18671
of any rule adopted or administrative order issued under this 18672
section exists, the board may request, in writing, the prosecuting 18673
attorney of the county to seek an injunction or other appropriate 18674
relief in the court of common pleas to abate excessive erosion or 18675
sedimentation and secure compliance with the rules or order. In 18676
granting relief, the court of common pleas may order the 18677
construction of sediment control improvements or implementation of 18678
other control measures and may assess a civil fine of not less 18679
than one hundred or more than five hundred dollars. Each day of 18680
violation of a rule adopted or administrative order issued under 18681
this section shall be considered a separate violation subject to a 18682
civil fine. 18683

Sec. 311.17. Except as provided in a contract entered into 18684
under division (A) of section 3125.141 of the Revised Code, for 18685
the services specified in this section, the sheriff shall charge 18686
the following fees, which the court or its clerk shall tax in the 18687
bill of costs against the judgment debtor or those legally liable 18688
therefor for the judgment: 18689

(A) For the service and return of the following writs and 18690
orders: 18691

(1) Execution: 18692

(a) When money is paid without levy or when no property is 18693

found, twenty <u>thirty</u> dollars;	18694
(b) When levy is made on real property, for the first tract,	18695
twenty-five dollars, and for each additional tract, ten dollars;	18696
(c) When levy is made on goods and chattels, including	18697
inventory, fifty dollars.	18698
(2) Writ of attachment of property, except for purpose of	18699
garnishment, forty dollars;	18700
(3) Writ of attachment for the purpose of garnishment, ten	18701
dollars;	18702
(4) Writ of replevin, forty dollars;	18703
(5) Warrant to arrest, for each person named in the writ, ten	18704
<u>twenty</u> dollars;	18705
(6) Attachment for contempt, for each person named in the	18706
writ, six dollars;	18707
(7) Writ of possession or restitution, sixty dollars;	18708
(8) Subpoena, for each person named in the writ, in either a	18709
civil or criminal case, six <u>ten</u> dollars;	18710
(9) Venire, for each person named in the writ, in either a	18711
civil or criminal case, six dollars;	18712
(10) Summoning each juror, other than on venire, in either a	18713
civil or criminal case, six dollars;	18714
(11) Writ of partition, twenty-five dollars;	18715
(12) Order of sale on partition, for the first tract, fifty	18716
dollars, and for each additional tract, twenty-five dollars;	18717
(13) Other order of sale of real property, for the first	18718
tract, fifty dollars, and for each additional tract, twenty-five	18719
dollars;	18720
(14) Administering oath to appraisers, three dollars each;	18721

(15) Furnishing copies for advertisements, one dollar for each hundred words;	18722 18723
(16) Copy of indictment, for each defendant, five dollars;	18724
(17) All summons, writs, orders, or notices, for the first name, six dollars, and for each additional name, one dollar.	18725 18726
(B) In addition to the fee for service and return:	18727
(1) On each summons, writ, order, or notice, a fee of one dollar <u>two dollars</u> per mile for the first mile, and fifty cents <u>one dollar</u> per mile for each additional mile, going and returning, actual mileage to be charged on each additional name;	18728 18729 18730 18731
(2) Taking bail bond, three dollars;	18732
(3) Jail fees, as follows:	18733
(a) For receiving a prisoner, five dollars each time a prisoner is received, and for discharging or surrendering a prisoner, five dollars each time a prisoner is discharged or surrendered. The departure or return of a prisoner from or to a jail in connection with a program established under section 5147.28 of the Revised Code is not a receipt, discharge, or surrender of the prisoner for purposes of this division.	18734 18735 18736 18737 18738 18739 18740
(b) Taking a prisoner before a judge or court, per day, five dollars;	18741 18742
(c) Calling action, one dollar;	18743
(d) Calling jury, three dollars;	18744
(e) Calling each witness, three dollars;	18745
(f) Bringing prisoner before court on habeas corpus, six dollars.	18746 18747
(4) Poundage on all moneys actually made and paid to the sheriff on execution, decree, or sale of real estate, one and one-half per cent;	18748 18749 18750

(5) Making and executing a deed of land sold on execution, 18751
decree, or order of the court, to be paid by the purchaser, fifty 18752
dollars. 18753

When any of the services described in division (A) or (B) of 18754
this section are rendered by an officer or employee, whose salary 18755
or per diem compensation is paid by the county, the applicable 18756
legal fees and any other extraordinary expenses, including 18757
overtime, provided for the service shall be taxed in the costs in 18758
the case and, when collected, shall be paid into the general fund 18759
of the county. 18760

The sheriff shall charge the same fees for the execution of 18761
process issued in any other state as the sheriff charges for the 18762
execution of process of a substantively similar nature that is 18763
issued in this state. 18764

Sec. 311.42. (A) Each county shall establish in the county 18765
treasury a sheriff's concealed handgun license issuance expense 18766
fund. The sheriff of that county shall deposit into that fund all 18767
fees paid by applicants for the issuance or renewal of a license 18768
or duplicate license to carry a concealed handgun under section 18769
2923.125 of the Revised Code and all fees paid by the person 18770
seeking a temporary emergency license to carry a concealed handgun 18771
under section 2923.1213 of the Revised Code. The county shall 18772
~~distribute the fees deposited into the fund in accordance with the~~ 18773
~~specifications prescribed by the Ohio peace officer training~~ 18774
~~commission under division (C) of section 109.731 of the Revised~~ 18775
~~Code~~ distribute all fees deposited into the fund except forty 18776
dollars of each fee paid by an applicant under section 2923.125 of 18777
the Revised Code and fifteen dollars of each fee paid under 18778
section 2923.1213 of the Revised Code to the attorney general to 18779
be used to pay the cost of background checks performed by the 18780
bureau of criminal identification and investigation and the 18781

federal bureau of investigation and to cover administrative costs 18782
associated with issuing the license. 18783

(B) The sheriff, with the approval of the board of county 18784
commissioners, may expend any county portion of the fees deposited 18785
into the sheriff's concealed handgun license issuance expense fund 18786
for any costs incurred by the sheriff in connection with 18787
performing any administrative functions related to the issuance of 18788
licenses or temporary emergency licenses to carry a concealed 18789
handgun under section 2923.125 or 2923.1213 of the Revised Code, 18790
including, but not limited to, personnel expenses and the costs of 18791
any handgun safety education program that the sheriff chooses to 18792
fund. 18793

Sec. 319.24. A county auditor shall use the information 18794
received pursuant to section 3705.031 of the Revised Code to 18795
assist the auditor in verifying whether real property or a 18796
manufactured or mobile home is eligible for a reduction in 18797
property taxes under division (A) or (B) of section 323.152 of the 18798
Revised Code or section 4503.065 of the Revised Code. 18799

Sec. 319.28. (A) Except as otherwise provided in division (B) 18800
of this section, on or before the first Monday of August, 18801
annually, the county auditor shall compile and make up a general 18802
tax list of real and public utility property in the county, either 18803
in tabular form and alphabetical order, or, with the consent of 18804
the county treasurer, by listing all parcels in a permanent parcel 18805
number sequence to which a separate alphabetical index is keyed, 18806
containing the names of the several persons, companies, firms, 18807
partnerships, associations, and corporations in whose names real 18808
property has been listed in each township, municipal corporation, 18809
special district, or separate school district, or part of either 18810
in the auditor's county, placing separately, in appropriate 18811

columns opposite each name, the description of each tract, lot, or parcel of real estate, the value of each tract, lot, or parcel, the value of the improvements thereon, and of the names of the several public utilities whose property, subject to taxation on the general tax list and duplicate, has been apportioned by the department of taxation to the county, and the amount so apportioned to each township, municipal corporation, special district, or separate school district or part of either in the auditor's county, as shown by the certificates of apportionment of public utility property. If the name of the owner of any tract, lot, or parcel of real estate is unknown to the auditor, "unknown" shall be entered in the column of names opposite said tract, lot, or parcel. Such lists shall be prepared in duplicate. On or before the first Monday of September in each year, the auditor shall correct such lists in accordance with the additions and deductions ordered by the tax commissioner and by the county board of revision, and shall certify and on the first day of October deliver one copy thereof to the county treasurer. The copies prepared by the auditor shall constitute the auditor's general tax list and treasurer's general duplicate of real and public utility property for the current year.

Once a permanent parcel numbering system has been established in any county as provided by the preceding paragraph, such system shall remain in effect until otherwise agreed upon by the county auditor and county treasurer.

(B)(1) A peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, ~~or~~ EMT, or investigator of the bureau of criminal identification and investigation may submit a written request by affidavit to the county auditor requesting the county auditor to remove the name of the peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney,

correctional employee, youth services employee, firefighter, ~~or~~ 18844
EMT, or investigator of the bureau of criminal identification and 18845
investigation from any record made available to the general public 18846
on the internet or a publicly accessible database and the general 18847
tax list of real and public utility property and the general 18848
duplicate of real and public utility property and insert the 18849
initials of the peace officer, parole officer, prosecuting 18850
attorney, assistant prosecuting attorney, correctional employee, 18851
youth services employee, firefighter, ~~or~~ EMT, or investigator of 18852
the bureau of criminal identification and investigation on any 18853
record made available to the general public on the internet or a 18854
publicly accessible database and the general tax list of real and 18855
public utility property and the general duplicate of real and 18856
public utility property as the name of the peace ~~official~~ officer, 18857
parole officer, prosecuting attorney, assistant prosecuting 18858
attorney, correctional employee, youth services employee, 18859
firefighter, ~~or~~ EMT, or investigator of the bureau of criminal 18860
identification and investigation that appears on the deed. 18861

18862

(2) Upon receiving a written request by affidavit described 18863
in division (B)(1) of this section, the county auditor shall act 18864
within five business days in accordance with the request to remove 18865
the name of the peace officer, parole officer, prosecuting 18866
attorney, assistant prosecuting attorney, correctional employee, 18867
youth services employee, firefighter, ~~or~~ EMT, or investigator of 18868
the bureau of criminal identification and investigation from any 18869
record made available to the general public on the internet or a 18870
publicly accessible database and the general tax list of real and 18871
public utility property and the general duplicate of real and 18872
public utility property and insert initials of the peace officer, 18873
parole officer, prosecuting attorney, assistant prosecuting 18874
attorney, correctional employee, youth services employee, 18875
firefighter, ~~or~~ EMT, or investigator of the bureau of criminal 18876

identification and investigation on any record made available to 18877
the general public on the internet or a publicly accessible 18878
database and the general tax list of real and public utility 18879
property and the general duplicate of real and public utility 18880
property, if practicable. If the removal and insertion is not 18881
practicable, the county auditor shall verbally or in writing 18882
within five business days after receiving the written request 18883
explain to the peace officer, parole officer, prosecuting 18884
attorney, assistant prosecuting attorney, correctional employee, 18885
youth services employee, firefighter, ~~or~~ EMT, or investigator of 18886
the bureau of criminal identification and investigation why the 18887
removal and insertion is impracticable. 18888

Sec. 319.301. (A) ~~This~~ The reductions required by division 18889
(D) of this section ~~does~~ do not apply to any of the following: 18890

(1) Taxes levied at whatever rate is required to produce a 18891
specified amount of tax money, including a tax levied under 18892
section 5705.199 or 5705.211 of the Revised Code, or an amount to 18893
pay debt charges; 18894

(2) Taxes levied within the one per cent limitation imposed 18895
by Section 2 of Article XII, Ohio Constitution; 18896

(3) Taxes provided for by the charter of a municipal 18897
corporation. 18898

(B) As used in this section: 18899

(1) "Real property" includes real property owned by a 18900
railroad. 18901

(2) "Carryover property" means all real property on the 18902
current year's tax list except: 18903

(a) Land and improvements that were not taxed by the district 18904
in both the preceding year and the current year; 18905

(b) Land and improvements that were not in the same class in 18906

both the preceding year and the current year. 18907

(3) "Effective tax rate" means with respect to each class of 18908
property: 18909

(a) The sum of the total taxes that would have been charged 18910
and payable for current expenses against real property in that 18911
class if each of the district's taxes were reduced for the current 18912
year under division (D)(1) of this section without regard to the 18913
application of division (E)(3) of this section divided by 18914

(b) The taxable value of all real property in that class. 18915

(4) "Taxes charged and payable" means the taxes charged and 18916
payable prior to any reduction required by section 319.302 of the 18917
Revised Code. 18918

(C) The tax commissioner shall make the determinations 18919
required by this section each year, without regard to whether a 18920
taxing district has territory in a county to which section 5715.24 18921
of the Revised Code applies for that year. Separate determinations 18922
shall be made for each of the two classes established pursuant to 18923
section 5713.041 of the Revised Code. 18924

(D) With respect to each tax authorized to be levied by each 18925
taxing district, the tax commissioner, annually, shall do both of 18926
the following: 18927

(1) Determine by what percentage, if any, the sums levied by 18928
such tax against the carryover property in each class would have 18929
to be reduced for the tax to levy the same number of dollars 18930
against such property in that class in the current year as were 18931
charged against such property by such tax in the preceding year 18932
subsequent to the reduction made under this section but before the 18933
reduction made under section 319.302 of the Revised Code. In the 18934
case of a tax levied for the first time that is not a renewal of 18935
an existing tax, the commissioner shall determine by what 18936
percentage the sums that would otherwise be levied by such tax 18937

against carryover property in each class would have to be reduced 18938
to equal the amount that would have been levied if the full rate 18939
thereof had been imposed against the total taxable value of such 18940
property in the preceding tax year. A tax or portion of a tax that 18941
is designated a replacement levy under section 5705.192 of the 18942
Revised Code is not a renewal of an existing tax for purposes of 18943
this division. 18944

(2) Certify each percentage determined in division (D)(1) of 18945
this section, as adjusted under division (E) of this section, and 18946
the class of property to which that percentage applies to the 18947
auditor of each county in which the district has territory. The 18948
auditor, after complying with section 319.30 of the Revised Code, 18949
shall reduce the sum to be levied by such tax against each parcel 18950
of real property in the district by the percentage so certified 18951
for its class. Certification shall be made by the first day of 18952
September except in the case of a tax levied for the first time, 18953
in which case certification shall be made within fifteen days of 18954
the date the county auditor submits the information necessary to 18955
make the required determination. 18956

(E)(1) As used in division (E)(2) of this section, "pre-1982 18957
joint vocational taxes" means, with respect to a class of 18958
property, the difference between the following amounts: 18959

(a) The taxes charged and payable in tax year 1981 against 18960
the property in that class for the current expenses of the joint 18961
vocational school district of which the school district is a part 18962
after making all reductions under this section; 18963

(b) The following percentage of the taxable value of all real 18964
property in that class: 18965

(i) In 1987, five one-hundredths of one per cent; 18966

(ii) In 1988, one-tenth of one per cent; 18967

(iii) In 1989, fifteen one-hundredths of one per cent; 18968

(iv) In 1990 and each subsequent year, two-tenths of one per cent. 18969
18970

If the amount in division (E)(1)(b) of this section exceeds 18971
the amount in division (E)(1)(a) of this section, the pre-1982 18972
joint vocational taxes shall be zero. 18973

As used in divisions (E)(2) and (3) of this section, "taxes 18974
charged and payable" has the same meaning as in division (B)(4) of 18975
this section and excludes any tax charged and payable in 1985 or 18976
thereafter under sections 5705.194 to 5705.197 or section 5705.199 18977
~~or~~, 5705.213, or 5705.219 of the Revised Code. 18978

(2) If in the case of a school district other than a joint 18979
vocational or cooperative education school district any percentage 18980
required to be used in division (D)(2) of this section for either 18981
class of property could cause the total taxes charged and payable 18982
for current expenses to be less than two per cent of the taxable 18983
value of all real property in that class that is subject to 18984
taxation by the district, the commissioner shall determine what 18985
percentages would cause the district's total taxes charged and 18986
payable for current expenses against that class, after all 18987
reductions that would otherwise be made under this section, to 18988
equal, when combined with the pre-1982 joint vocational taxes 18989
against that class, the lesser of the following: 18990

(a) The sum of the rates at which those taxes are authorized 18991
to be levied; 18992

(b) Two per cent of the taxable value of the property in that 18993
class. The auditor shall use such percentages in making the 18994
reduction required by this section for that class. 18995

(3)(a) If in the case of a joint vocational school district 18996
any percentage required to be used in division (D)(2) of this 18997
section for either class of property could cause the total taxes 18998
charged and payable for current expenses for that class to be less 18999

than the designated amount, the commissioner shall determine what percentages would cause the district's total taxes charged and payable for current expenses for that class, after all reductions that would otherwise be made under this section, to equal the designated amount. The auditor shall use such percentages in making the reductions required by this section for that class.

(b) As used in division (E)(3)(a) of this section, the designated amount shall equal the taxable value of all real property in the class that is subject to taxation by the district times the lesser of the following:

(i) Two-tenths of one per cent;

(ii) The district's effective rate plus the following percentage for the year indicated:

WHEN COMPUTING THE TAXES CHARGED FOR	ADD THE FOLLOWING PERCENTAGE:
1987	0.025%
1988	0.05%
1989	0.075%
1990	0.1%
1991	0.125%
1992	0.15%
1993	0.175%
1994 and thereafter	0.2%

(F) No reduction shall be made under this section in the rate at which any tax is levied.

(G) The commissioner may order a county auditor to furnish any information the commissioner needs to make the determinations required under division (D) or (E) of this section, and the auditor shall supply the information in the form and by the date specified in the order. If the auditor fails to comply with an order issued under this division, except for good cause as

determined by the commissioner, the commissioner shall withhold 19031
from such county or taxing district therein fifty per cent of 19032
state revenues to local governments pursuant to section 5747.50 of 19033
the Revised Code or shall direct the department of education to 19034
withhold therefrom fifty per cent of state revenues to school 19035
districts pursuant to Chapter 3317. of the Revised Code. The 19036
commissioner shall withhold the distribution of such revenues 19037
until the county auditor has complied with this division, and the 19038
department shall withhold the distribution of such revenues until 19039
the commissioner has notified the department that the county 19040
auditor has complied with this division. 19041

(H) If the commissioner is unable to certify a tax reduction 19042
factor for either class of property in a taxing district located 19043
in more than one county by the last day of November because 19044
information required under division (G) of this section is 19045
unavailable, the commissioner may compute and certify an estimated 19046
tax reduction factor for that district for that class. The 19047
estimated factor shall be based upon an estimate of the 19048
unavailable information. Upon receipt of the actual information 19049
for a taxing district that received an estimated tax reduction 19050
factor, the commissioner shall compute the actual tax reduction 19051
factor and use that factor to compute the taxes that should have 19052
been charged and payable against each parcel of property for the 19053
year for which the estimated reduction factor was used. The amount 19054
by which the estimated factor resulted in an overpayment or 19055
underpayment in taxes on any parcel shall be added to or 19056
subtracted from the amount due on that parcel in the ensuing tax 19057
year. 19058

A percentage or a tax reduction factor determined or computed 19059
by the commissioner under this section shall be used solely for 19060
the purpose of reducing the sums to be levied by the tax to which 19061
it applies for the year for which it was determined or computed. 19062

It shall not be used in making any tax computations for any 19063
ensuing tax year. 19064

(I) In making the determinations under division (D)(1) of 19065
this section, the tax commissioner shall take account of changes 19066
in the taxable value of carryover property resulting from 19067
complaints filed under section 5715.19 of the Revised Code for 19068
determinations made for the tax year in which such changes are 19069
reported to the commissioner. Such changes shall be reported to 19070
the commissioner on the first abstract of real property filed with 19071
the commissioner under section 5715.23 of the Revised Code 19072
following the date on which the complaint is finally determined by 19073
the board of revision or by a court or other authority with 19074
jurisdiction on appeal. The tax commissioner shall account for 19075
such changes in making the determinations only for the tax year in 19076
which the change in valuation is reported. Such a valuation change 19077
shall not be used to recompute the percentages determined under 19078
division (D)(1) of this section for any prior tax year. 19079

Sec. 319.302. (A)(1) Real property that is not intended 19080
primarily for use in a business activity shall qualify for a 19081
partial exemption from real property taxation. For purposes of 19082
this partial exemption, "business activity" includes all uses of 19083
real property, except farming; leasing property for farming; 19084
occupying or holding property improved with single-family, 19085
two-family, or three-family dwellings; leasing property improved 19086
with single-family, two-family, or three-family dwellings; or 19087
holding vacant land that the county auditor determines will be 19088
used for farming or to develop single-family, two-family, or 19089
three-family dwellings. For purposes of this partial exemption, 19090
"farming" does not include land used for the commercial production 19091
of timber that is receiving the tax benefit under section 5713.23 19092
or 5713.31 of the Revised Code and all improvements connected with 19093
such commercial production of timber. 19094

(2) Each year, the county auditor shall review each parcel of real property to determine whether it qualifies for the partial exemption provided for by this section as of the first day of January of the current tax year.

(B) After complying with section 319.301 of the Revised Code, the county auditor shall reduce the remaining sums to be levied against each parcel of real property that is listed on the general tax list and duplicate of real and public utility property for the current tax year and that qualifies for partial exemption under division (A) of this section, and against each manufactured and mobile home that is taxed pursuant to division (D)(2) of section 4503.06 of the Revised Code and that is on the manufactured home tax list for the current tax year, by ten per cent, to provide a partial exemption for that parcel or home. Except as otherwise provided in sections 323.152, 323.158, 505.06, and 715.263 of the Revised Code, the amount of the taxes remaining after any such reduction shall be the real and public utility property taxes charged and payable on each parcel of real property, including property that does not qualify for partial exemption under division (A) of this section, and the manufactured home tax charged and payable on each manufactured or mobile home, and shall be the amounts certified to the county treasurer for collection. Upon receipt of the real and public utility property tax duplicate, the treasurer shall certify to the tax commissioner the total amount by which the real property taxes were reduced under this section, as shown on the duplicate. Such reduction shall not directly or indirectly affect the determination of the principal amount of notes that may be issued in anticipation of any tax levies or the amount of bonds or notes for any planned improvements. If after application of sections 5705.31 and 5705.32 of the Revised Code and other applicable provisions of law, including divisions (F) and (I) of section 321.24 of the Revised Code, there would be insufficient funds for payment of debt

charges on bonds or notes payable from taxes reduced by this 19128
section, the reduction of taxes provided for in this section shall 19129
be adjusted to the extent necessary to provide funds from such 19130
taxes. 19131

(C) The tax commissioner may adopt rules governing the 19132
administration of the partial exemption provided for by this 19133
section. 19134

(D) The determination of whether property qualifies for 19135
partial exemption under division (A) of this section is solely for 19136
the purpose of allowing the partial exemption under division (B) 19137
of this section. 19138

Sec. 319.54. (A) On all moneys collected by the county 19139
treasurer on any tax duplicate of the county, other than estate 19140
tax duplicates, and on all moneys received as advance payments of 19141
personal property and classified property taxes, the county 19142
auditor, on settlement with the treasurer and tax commissioner, on 19143
or before the date prescribed by law for such settlement or any 19144
lawful extension of such date, shall be allowed as compensation 19145
for the county auditor's services the following percentages: 19146

(1) On the first one hundred thousand dollars, two and 19147
one-half per cent; 19148

(2) On the next two million dollars, eight thousand three 19149
hundred eighteen ten-thousandths of one per cent; 19150

(3) On the next two million dollars, six thousand six hundred 19151
fifty-five ten-thousandths of one per cent; 19152

(4) On all further sums, one thousand six hundred sixty-three 19153
ten-thousandths of one per cent. 19154

If any settlement is not made on or before the date 19155
prescribed by law for such settlement or any lawful extension of 19156
such date, the aggregate compensation allowed to the auditor shall 19157

be reduced one per cent for each day such settlement is delayed 19158
after the prescribed date. No penalty shall apply if the auditor 19159
and treasurer grant all requests for advances up to ninety per 19160
cent of the settlement pursuant to section 321.34 of the Revised 19161
Code. The compensation allowed in accordance with this section on 19162
settlements made before the dates prescribed by law, or the 19163
reduced compensation allowed in accordance with this section on 19164
settlements made after the date prescribed by law or any lawful 19165
extension of such date, shall be apportioned ratably by the 19166
auditor and deducted from the shares or portions of the revenue 19167
payable to the state as well as to the county, townships, 19168
municipal corporations, and school districts. 19169

(B) For the purpose of reimbursing county auditors for the 19170
expenses associated with the increased number of applications for 19171
reductions in real property taxes under sections 323.152 and 19172
4503.065 of the Revised Code that ~~results~~ result from the 19173
amendment of those sections by Am. Sub. H.B. 119 of the 127th 19174
general assembly, ~~on the first day of August of each year~~ there 19175
shall be paid from the state's general revenue fund to the county 19176
treasury, to the credit of the real estate assessment fund created 19177
by section 325.31 of the Revised Code, an amount equal to one per 19178
cent of the total annual amount of property tax relief 19179
reimbursement paid to that county under sections 323.156 and 19180
4503.068 of the Revised Code for the preceding tax year. Payments 19181
made under this division shall be made at the same times and in 19182
the same manner as payments made under section 323.156 of the 19183
Revised Code. 19184

(C) From all moneys collected by the county treasurer on any 19185
tax duplicate of the county, other than estate tax duplicates, and 19186
on all moneys received as advance payments of personal property 19187
and classified property taxes, there shall be paid into the county 19188
treasury to the credit of the real estate assessment fund created 19189

by section 325.31 of the Revised Code, an amount to be determined 19190
by the county auditor, which shall not exceed the percentages 19191
prescribed in divisions (C)(1) and (2) of this section. 19192

(1) For payments made after June 30, 2007, and before 2011, 19193
the following percentages: 19194

(a) On the first five hundred thousand dollars, four per 19195
cent; 19196

(b) On the next five million dollars, two per cent; 19197

(c) On the next five million dollars, one per cent; 19198

(d) On all further sums not exceeding one hundred fifty 19199
million dollars, three-quarters of one per cent; 19200

(e) On amounts exceeding one hundred fifty million dollars, 19201
five hundred eighty-five thousandths of one per cent. 19202

(2) For payments made in or after 2011, the following 19203
percentages: 19204

(a) On the first five hundred thousand dollars, four per 19205
cent; 19206

(b) On the next ten million dollars, two per cent; 19207

(c) On amounts exceeding ten million five hundred thousand 19208
dollars, three-fourths of one per cent. 19209

Such compensation shall be apportioned ratably by the auditor 19210
and deducted from the shares or portions of the revenue payable to 19211
the state as well as to the county, townships, municipal 19212
corporations, and school districts. 19213

(D) Each county auditor shall receive four per cent of the 19214
amount of tax collected and paid into the county treasury, on 19215
property omitted and placed by the county auditor on the tax 19216
duplicate. 19217

(E) On all estate tax moneys collected by the county 19218

treasurer, the county auditor, on settlement semiannually with the 19219
tax commissioner, shall be allowed, as compensation for the 19220
auditor's services under Chapter 5731. of the Revised Code, the 19221
following percentages: 19222

(1) Four per cent on the first one hundred thousand dollars; 19223

(2) One-half of one per cent on all additional sums. 19224

Such percentages shall be computed upon the amount collected 19225
and reported at each semiannual settlement, and shall be for the 19226
use of the general fund of the county. 19227

(F) On all cigarette license moneys collected by the county 19228
treasurer, the county auditor, on settlement semiannually with the 19229
treasurer, shall be allowed as compensation for the auditor's 19230
services in the issuing of such licenses one-half of one per cent 19231
of such moneys, to be apportioned ratably and deducted from the 19232
shares of the revenue payable to the county and subdivisions, for 19233
the use of the general fund of the county. 19234

(G) The county auditor shall charge and receive fees as 19235
follows: 19236

(1) For deeds of land sold for taxes to be paid by the 19237
purchaser, five dollars; 19238

(2) For the transfer or entry of land, lot, or part of lot, 19239
or the transfer or entry on or after January 1, 2000, of a used 19240
manufactured home or mobile home as defined in section 5739.0210 19241
of the Revised Code, fifty cents for each transfer or entry, to be 19242
paid by the person requiring it; 19243

(3) For receiving statements of value and administering 19244
section 319.202 of the Revised Code, one dollar, or ten cents for 19245
each one hundred dollars or fraction of one hundred dollars, 19246
whichever is greater, of the value of the real property 19247
transferred or, for sales occurring on or after January 1, 2000, 19248

the value of the used manufactured home or used mobile home, as 19249
defined in section 5739.0210 of the Revised Code, transferred, 19250
except no fee shall be charged when the transfer is made: 19251

(a) To or from the United States, this state, or any 19252
instrumentality, agency, or political subdivision of the United 19253
States or this state; 19254

(b) Solely in order to provide or release security for a debt 19255
or obligation; 19256

(c) To confirm or correct a deed previously executed and 19257
recorded or when a current owner on any record made available to 19258
the general public on the internet or a publicly accessible 19259
database and the general tax list of real and public utility 19260
property and the general duplicate of real and public utility 19261
property is a peace officer, parole officer, prosecuting attorney, 19262
assistant prosecuting attorney, correctional employee, youth 19263
services employee, firefighter, ~~or~~ EMT, or investigator of the 19264
bureau of criminal identification and investigation and is 19265
changing the current owner name listed on any record made 19266
available to the general public on the internet or a publicly 19267
accessible database and the general tax list of real and public 19268
utility property and the general duplicate of real and public 19269
utility property to the initials of the current owner as 19270
prescribed in division (B)(1) of section 319.28 of the Revised 19271
Code; 19272

(d) To evidence a gift, in trust or otherwise and whether 19273
revocable or irrevocable, between husband and wife, or parent and 19274
child or the spouse of either; 19275

(e) On sale for delinquent taxes or assessments; 19276

(f) Pursuant to court order, to the extent that such transfer 19277
is not the result of a sale effected or completed pursuant to such 19278
order; 19279

(g) Pursuant to a reorganization of corporations or 19280
unincorporated associations or pursuant to the dissolution of a 19281
corporation, to the extent that the corporation conveys the 19282
property to a stockholder as a distribution in kind of the 19283
corporation's assets in exchange for the stockholder's shares in 19284
the dissolved corporation; 19285

(h) By a subsidiary corporation to its parent corporation for 19286
no consideration, nominal consideration, or in sole consideration 19287
of the cancellation or surrender of the subsidiary's stock; 19288

(i) By lease, whether or not it extends to mineral or mineral 19289
rights, unless the lease is for a term of years renewable forever; 19290

(j) When the value of the real property or the manufactured 19291
or mobile home or the value of the interest that is conveyed does 19292
not exceed one hundred dollars; 19293

(k) Of an occupied residential property, including a 19294
manufactured or mobile home, being transferred to the builder of a 19295
new residence or to the dealer of a new manufactured or mobile 19296
home when the former residence is traded as part of the 19297
consideration for the new residence or new manufactured or mobile 19298
home; 19299

(l) To a grantee other than a dealer in real property or in 19300
manufactured or mobile homes, solely for the purpose of, and as a 19301
step in, the prompt sale of the real property or manufactured or 19302
mobile home to others; 19303

(m) To or from a person when no money or other valuable and 19304
tangible consideration readily convertible into money is paid or 19305
to be paid for the real estate or manufactured or mobile home and 19306
the transaction is not a gift; 19307

(n) Pursuant to division (B) of section 317.22 of the Revised 19308
Code, or section 2113.61 of the Revised Code, between spouses or 19309
to a surviving spouse pursuant to section 5302.17 of the Revised 19310

Code as it existed prior to April 4, 1985, between persons	19311
pursuant to section 5302.17 or 5302.18 of the Revised Code on or	19312
after April 4, 1985, to a person who is a surviving, survivorship	19313
tenant pursuant to section 5302.17 of the Revised Code on or after	19314
April 4, 1985, or pursuant to section 5309.45 of the Revised Code;	19315
(o) To a trustee acting on behalf of minor children of the	19316
deceased;	19317
(p) Of an easement or right-of-way when the value of the	19318
interest conveyed does not exceed one thousand dollars;	19319
(q) Of property sold to a surviving spouse pursuant to	19320
section 2106.16 of the Revised Code;	19321
(r) To or from an organization exempt from federal income	19322
taxation under section 501(c)(3) of the "Internal Revenue Code of	19323
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such	19324
transfer is without consideration and is in furtherance of the	19325
charitable or public purposes of such organization;	19326
(s) Among the heirs at law or devisees, including a surviving	19327
spouse, of a common decedent, when no consideration in money is	19328
paid or to be paid for the real property or manufactured or mobile	19329
home;	19330
(t) To a trustee of a trust, when the grantor of the trust	19331
has reserved an unlimited power to revoke the trust;	19332
(u) To the grantor of a trust by a trustee of the trust, when	19333
the transfer is made to the grantor pursuant to the exercise of	19334
the grantor's power to revoke the trust or to withdraw trust	19335
assets;	19336
(v) To the beneficiaries of a trust if the fee was paid on	19337
the transfer from the grantor of the trust to the trustee or if	19338
the transfer is made pursuant to trust provisions which became	19339
irrevocable at the death of the grantor;	19340

(w) To a corporation for incorporation into a sports facility 19341
constructed pursuant to section 307.696 of the Revised Code; 19342

(x) Between persons pursuant to section 5302.18 of the 19343
Revised Code; 19344

(y) From a county land reutilization corporation organized 19345
under Chapter 1724. of the Revised Code to a third party. 19346

The auditor shall compute and collect the fee. The auditor 19347
shall maintain a numbered receipt system, as prescribed by the tax 19348
commissioner, and use such receipt system to provide a receipt to 19349
each person paying a fee. The auditor shall deposit the receipts 19350
of the fees on conveyances in the county treasury daily to the 19351
credit of the general fund of the county, except that fees charged 19352
and received under division (G)(3) of this section for a transfer 19353
of real property to a county land reutilization corporation shall 19354
be credited to the county land reutilization corporation fund 19355
established under section 321.263 of the Revised Code. 19356
19357

The real property transfer fee provided for in division 19358
(G)(3) of this section shall be applicable to any conveyance of 19359
real property presented to the auditor on or after January 1, 19360
1968, regardless of its time of execution or delivery. 19361

The transfer fee for a used manufactured home or used mobile 19362
home shall be computed by and paid to the county auditor of the 19363
county in which the home is located immediately prior to the 19364
transfer. 19365

Sec. 321.24. (A) On or before the fifteenth day of February, 19366
in each year, the county treasurer shall settle with the county 19367
auditor for all taxes and assessments that the treasurer has 19368
collected on the general duplicate of real and public utility 19369
property at the time of making the settlement. 19370

(B) On or before the thirtieth day of June, in each year, the treasurer shall settle with the auditor for all advance payments of general personal and classified property taxes that the treasurer has received at the time of making the settlement.

(C) On or before the tenth day of August, in each year, the treasurer shall settle with the auditor for all taxes and assessments that the treasurer has collected on the general duplicates of real and public utility property at the time of making such settlement, not included in the preceding February settlement.

(D) On or before the thirty-first day of October, in each year, the treasurer shall settle with the auditor for all taxes that the treasurer has collected on the general personal and classified property duplicates, and for all advance payments of general personal and classified property taxes, not included in the preceding June settlement, that the treasurer has received at the time of making such settlement.

(E) In the event the time for the payment of taxes is extended, pursuant to section 323.17 of the Revised Code, the date on or before which settlement for the taxes so extended must be made, as herein prescribed, shall be deemed to be extended for a like period of time. At each such settlement, the auditor shall allow to the treasurer, on the moneys received or collected and accounted for by the treasurer, the treasurer's fees, at the rate or percentage allowed by law, at a full settlement of the treasurer.

(F) Within thirty days after the day of each settlement of taxes required under divisions (A) and (C) of this section, the treasurer shall certify to the tax commissioner any adjustments that have been made to the amount certified previously pursuant to section 319.302 of the Revised Code and that the settlement has been completed. Upon receipt of such certification, the

commissioner shall provide for payment to the county treasurer 19403
from the general revenue fund of an amount equal to one-half of 19404
the amount certified by the treasurer in the preceding tax year 19405
under section 319.302 of the Revised Code, less one-half of the 19406
amount computed for all taxing districts in that county for the 19407
current fiscal year under section 5703.80 of the Revised Code for 19408
crediting to the property tax administration fund. Such payment 19409
shall be credited upon receipt to the county's undivided income 19410
tax fund, and the county auditor shall transfer to the county 19411
general fund from the amount thereof the total amount of all fees 19412
and charges which the auditor and treasurer would have been 19413
authorized to receive had such section not been in effect and that 19414
amount had been levied and collected as taxes. The county auditor 19415
shall distribute the amount remaining among the various taxing 19416
districts in the county as if it had been levied, collected, and 19417
settled as real property taxes. The amount distributed to each 19418
taxing district shall be reduced by the total of the amounts 19419
computed for the district under section 5703.80 of the Revised 19420
Code, but the reduction shall not exceed the amount that otherwise 19421
would be distributed to the taxing district under this division. 19422
The tax commissioner shall make available to taxing districts such 19423
information as is sufficient for a taxing district to be able to 19424
determine the amount of the reduction in its distribution under 19425
this section. 19426

(G)(1) Within thirty days after the day of the settlement 19427
required in division (D) of this section, the county treasurer 19428
shall notify the tax commissioner that the settlement has been 19429
completed. Upon receipt of that notification, the commissioner 19430
shall provide for payment to the county treasurer from the general 19431
revenue fund of an amount equal to the amount certified under 19432
former section 319.311 of the Revised Code and paid in the state's 19433
fiscal year 2003 multiplied by the percentage specified in 19434
division (G)(2) of this section. The payment shall be credited 19435

upon receipt to the county's undivided income tax fund, and the county auditor shall distribute the amount thereof among the various taxing districts of the county as if it had been levied, collected, and settled as personal property taxes. The amount received by a taxing district under this division shall be apportioned among its funds in the same proportion as the current year's personal property taxes are apportioned.

(2) Payments required under division (G)(1) of this section shall be made at the following percentages of the amount certified under former section 319.311 of the Revised Code and paid under division (G)(1) of this section in the state's fiscal year 2003:

- (a) In fiscal year 2004, ninety per cent;
- (b) In fiscal year 2005, eighty per cent;
- (c) In fiscal year 2006, sixty-four per cent;
- (d) In fiscal year 2007, forty per cent;
- (e) In fiscal year 2008, thirty-two per cent;
- (f) In fiscal year 2009, sixteen per cent.

After fiscal year 2009, no payments shall be made under division (G)(1) of this section.

(H)(1) On or before the fifteenth day of April each year, the county treasurer shall settle with the county auditor for all manufactured home taxes that the county treasurer has collected on the manufactured home tax duplicate at the time of making the settlement.

(2) On or before the fifteenth day of September each year, the county treasurer shall settle with the county auditor for all remaining manufactured home taxes that the county treasurer has collected on the manufactured home tax duplicate at the time of making the settlement.

(3) If the time for payment of such taxes is extended under

section 4503.06 of the Revised Code, the time for making the 19466
settlement as prescribed by divisions (H)(1) and (2) of this 19467
section is extended for a like period of time. 19468

(I) ~~Within thirty days after the day of each settlement of~~ 19469
~~taxes required under division (H) of this section~~ On or before the 19470
second Monday in September of each year, the county treasurer 19471
shall certify to the tax commissioner ~~any adjustments that have~~ 19472
~~been made to the amount certified previously~~ the total amount by 19473
which the manufactured home taxes levied in that year were reduced 19474
pursuant to section 319.302 of the Revised Code ~~and that the~~ 19475
~~settlement has been completed. Upon.~~ Within ninety days after the 19476
receipt of such certification, the commissioner shall provide for 19477
payment to the county treasurer from the general revenue fund of 19478
an amount equal to ~~one-half of~~ the amount certified by the 19479
treasurer ~~in the current tax year under section 319.302 of the~~ 19480
~~Revised Code~~. Such payment shall be credited upon receipt to the 19481
county's undivided income tax fund, and the county auditor shall 19482
transfer to the county general fund from the amount thereof the 19483
total amount of all fees and charges that the auditor and 19484
treasurer would have been authorized to receive had such section 19485
not been in effect and that amount had been levied and collected 19486
as manufactured home taxes. The county auditor shall distribute 19487
the amount remaining among the various taxing districts in the 19488
county as if it had been levied, collected, and settled as 19489
manufactured home taxes. 19490

Sec. 321.261. (A) Five per cent of all delinquent real 19491
property, personal property, and manufactured and mobile home 19492
taxes and assessments collected by the county treasurer shall be 19493
deposited in the delinquent tax and assessment collection fund, 19494
which shall be created in the county treasury. Except as otherwise 19495
provided in division (D) of this section, the moneys in the fund, 19496
one-half of which shall be appropriated by the board of county 19497

commissioners to the treasurer and one-half of which shall be 19498
appropriated to the county prosecuting attorney, shall be used 19499
only for the following purposes: 19500

(1) By the county treasurer and the county prosecuting 19501
attorney in connection with the collection of delinquent real 19502
property, personal property, and manufactured and mobile home 19503
taxes and assessments including proceedings related to foreclosure 19504
of the state's lien for such taxes against such property; 19505

(2) With respect to any portion of the amount appropriated to 19506
the county treasurer for the benefit of the county land 19507
reutilization corporation organized under Chapter 1724. of the 19508
Revised Code, whether by transfer to or other application on 19509
behalf of, the county land reutilization corporation. Upon the 19510
deposit of amounts in the delinquent tax and assessment collection 19511
fund of the county, any amounts allocated at the direction of the 19512
treasurer to the support of the county land reutilization 19513
corporation shall be paid out of such fund to the corporation upon 19514
a warrant of the county auditor. 19515

(B) During the period of time that a county land 19516
reutilization corporation is functioning as such on behalf of a 19517
county, the board of county commissioners, upon the request of the 19518
county treasurer, may designate by resolution that an additional 19519
amount, not exceeding five per cent of all collections of 19520
delinquent real property, personal property, and manufactured and 19521
mobile home taxes and assessments, shall be deposited in the 19522
delinquent tax and assessment collection fund and be available for 19523
appropriation by the board for the use of the corporation. Any 19524
such amounts so deposited and appropriated under this division 19525
shall be paid out of the delinquent tax and assessment collection 19526
fund to the corporation upon a warrant of the county auditor. 19527

19528

(C) Annually by the first day of December, the treasurer and 19529

the prosecuting attorney each shall submit a report to the board 19530
regarding the use of the moneys appropriated to their respective 19531
offices from the delinquent tax and assessment collection fund. 19532
Each report shall specify the amount appropriated to the office 19533
during the current calendar year, an estimate of the amount so 19534
appropriated that will be expended by the end of the year, a 19535
summary of how the amount appropriated has been expended in 19536
connection with delinquent tax collection activities or land 19537
reutilization, and an estimate of the amount that will be credited 19538
to the fund during the ensuing calendar year. 19539

The annual report of a county land reutilization corporation 19540
required by section 1724.05 of the Revised Code shall include 19541
information regarding the amount and use of the moneys that the 19542
corporation received from the delinquent tax and assessment 19543
collection fund of the county. 19544

~~(C)~~(D)(1) The board of county commissioners of any county 19545
may, by resolution, authorize the use of money in the county's 19546
delinquent tax and assessment collection fund to prevent 19547
residential mortgage foreclosures in the county and to address 19548
problems associated with other foreclosed real property. The 19549
amount used for that purpose in any year may not exceed the amount 19550
that would cause the fund to have a reserve of less than twenty 19551
per cent of the amount expended in the preceding year for the 19552
purposes of division (A) of this section. The board may not expend 19553
any money from the fund for the purpose of land reutilization 19554
unless the board obtains the approval of the county investment 19555
advisory committee established under section 135.341 of the 19556
Revised Code. 19557

Money authorized to be expended under division (D)(1) of this 19558
section shall be used to provide financial assistance in the form 19559
of loans to borrowers in default on their home mortgages, 19560
including for the payment of late fees, to clear arrearage 19561

balances, and to augment moneys used in the county's foreclosure 19562
prevention program. The money also may be used to assist municipal 19563
corporations or townships in the county, upon their application to 19564
the board of county commissioners or the county department of 19565
development, in the nuisance abatement of deteriorated residential 19566
buildings in foreclosure, or vacant, abandoned, tax-delinquent, or 19567
blighted real property, including paying the costs of boarding up 19568
such buildings, lot maintenance, and demolition. 19569

(2) In a county having a population of more than one hundred 19570
thousand according to the department of development's 2006 census 19571
estimate, if the county treasurer or prosecuting attorney 19572
determines that the amount appropriated to the office from the 19573
county's delinquent tax and assessment collection fund under 19574
division (A) of this section exceeds the amount required to be 19575
used as prescribed by that division, the county treasurer or 19576
prosecuting attorney may expend the excess to assist townships or 19577
municipal corporations located in the county as provided in ~~this~~ 19578
division (D)(2) of this section, provided that the combined amount 19579
so expended each year in a county shall not exceed three million 19580
dollars. Upon application for the funds by a township or municipal 19581
corporation, the county treasurer and prosecuting attorney may 19582
assist the township or municipal corporation in abating foreclosed 19583
residential nuisances, including paying the costs of securing such 19584
buildings, lot maintenance, and demolition. At the prosecuting 19585
attorney's discretion, the prosecuting attorney also may apply the 19586
funds to costs of prosecuting alleged violations of criminal and 19587
civil laws governing real estate and related transactions, 19588
including fraud and abuse. 19589

19590
Sec. 323.156. (A) Within thirty days after a settlement of 19591
taxes under divisions (A), and (C), ~~and~~ (H) of section 321.24 of 19592
the Revised Code, the county treasurer shall certify to the tax 19593

commissioner one-half of the total amount of taxes on real 19594
property that were reduced pursuant to section 323.152 of the 19595
Revised Code for the preceding tax year, ~~and one-half of the total~~ 19596
~~amount of taxes on manufactured and mobile homes that were reduced~~ 19597
~~pursuant to division (B) of section 323.152 of the Revised Code~~ 19598
~~for the current tax year.~~ The commissioner, within thirty days of 19599
the receipt of such certifications, shall provide for payment to 19600
the county treasurer, from the general revenue fund, of the amount 19601
certified, which shall be credited upon receipt to the county's 19602
undivided income tax fund, and an amount equal to two per cent of 19603
the amount by which taxes were reduced, which shall be credited 19604
upon receipt to the county general fund as a payment, in addition 19605
to the fees and charges authorized by sections 319.54 and 321.26 19606
of the Revised Code, to the county auditor and treasurer for the 19607
costs of administering the exemption provided under sections 19608
323.151 to 323.159 of the Revised Code. 19609

(B) On or before the second Monday in September of each year, 19610
the county treasurer shall certify to the tax commissioner the 19611
total amount by which the manufactured home taxes levied in that 19612
year were reduced pursuant to division (B) of section 323.152 of 19613
the Revised Code, as evidenced by the certificates of reduction 19614
and the tax duplicate certified to the county treasurer by the 19615
county auditor. The commissioner, within ninety days after the 19616
receipt of such certifications, shall provide for payment to the 19617
county treasurer, from the general revenue fund, of the amount 19618
certified, which shall be credited upon receipt to the county's 19619
undivided income tax fund, and an amount equal to two per cent of 19620
the amount by which taxes were reduced, which shall be credited 19621
upon receipt to the county general fund as a payment, in addition 19622
to the fees and charges authorized by sections 319.54 and 321.26 19623
of the Revised Code, to the county auditor and treasurer for the 19624
costs of administering the exemption provided under sections 19625
323.151 to 323.159 of the Revised Code. 19626

(C) Immediately upon receipt of funds into the county 19627
undivided income tax fund under this section, the auditor shall 19628
distribute the full amount thereof among the taxing districts in 19629
the county as though the total had been paid as taxes by each 19630
person for whom taxes were reduced under sections 323.151 to 19631
323.159 of the Revised Code. 19632

Sec. 329.03. (A) As used in this section: 19633

(1) ~~"Applicant", "applicant" or "recipient" means an~~ any of 19634
the following: 19635

(1) An applicant for or participant in the Ohio works first 19636
program established under Chapter 5107. of the Revised Code ~~or an~~ 19637

(2) An applicant for or recipient of disability financial 19638
assistance under Chapter 5115. of the Revised Code; 19639

(3) An applicant for or recipient of cash assistance provided 19640
under the refugee assistance program established under section 19641
5101.49 of the Revised Code. 19642

~~(2) "Voluntary direct deposit" means a system established~~ 19643
~~pursuant to this section under which cash assistance payments to~~ 19644
~~recipients who agree to direct deposit are made by direct deposit~~ 19645
~~by electronic transfer to an account in a financial institution~~ 19646
~~designated under this section.~~ 19647

~~(3) "Mandatory direct deposit" means a system established~~ 19648
~~pursuant to this section under which cash assistance payments to~~ 19649
~~all participants in the Ohio works first program or recipients of~~ 19650
~~disability financial assistance, other than those exempt under~~ 19651
~~division (E) of this section, are made by direct deposit by~~ 19652
~~electronic transfer to an account in a financial institution~~ 19653
~~designated under this section.~~ 19654

~~(B) A board of county commissioners may by adoption of a~~ 19655
~~resolution require the county department of job and family~~ 19656

~~services to establish a direct deposit system for distributing 19657
cash assistance payments under Ohio works first, disability 19658
financial assistance, or both, unless the director of job and 19659
family services has provided for those payments to be made by 19660
electronic benefit transfer pursuant to section 5101.33 of the 19661
Revised Code. Voluntary or mandatory direct deposit may be applied 19662
to either of the programs. The resolution shall specify for each 19663
program for which direct deposit is to be established whether 19664
direct deposit is voluntary or mandatory. The board may require 19665
the department to change or terminate direct deposit by adopting a 19666
resolution to change or terminate it. Within ninety days after 19667
adopting a resolution under this division, the board shall certify 19668
one copy of the resolution to the director of job and family 19669
services and one copy to the office of budget and management. The 19670
director of job and family services may adopt rules governing 19671
establishment of direct deposit by county departments of job and 19672
family services. 19673~~

~~The county department of job and family services shall 19674
determine what type of account will be used for direct deposit and 19675
negotiate with financial institutions to determine the charges, if 19676
any, to be imposed by a financial institution for establishing and 19677
maintaining such accounts. Under voluntary direct deposit, the 19678
county department of job and family services may pay all charges 19679
imposed by a financial institution for establishing and 19680
maintaining an account in which direct deposits are made for a 19681
recipient. Under mandatory direct deposit, the county department 19682
of job and family services shall pay all charges imposed by a 19683
financial institution for establishing and maintaining such an 19684
account Each county department of job and family services shall 19685
establish a direct deposit system under which cash assistance 19686
payments to recipients who agree to direct deposit are made by 19687
electronic transfer to an account in a financial institution 19688
designated under this section. No financial institution shall 19689~~

impose any charge for such an account that the institution does 19690
not impose on its other customers for the same type of account. 19691
Direct deposit does not affect the exemption of Ohio works first 19692
and disability financial assistance from attachment, garnishment, 19693
or other like process afforded by sections 5107.75 and 5115.06 of 19694
the Revised Code. 19695

(C) ~~The Each~~ county department of job and family services 19696
shall, ~~within sixty days after a resolution requiring the~~ 19697
~~establishment of direct deposit is adopted, establish procedures~~ 19698
~~governing direct deposit.~~ 19699

~~Within one hundred eighty days after the resolution is~~ 19700
~~adopted, the county department shall do all of the following:~~ 19701

(1) Inform each applicant or recipient that the applicant or 19702
recipient must choose whether to receive cash assistance payments 19703
under the direct deposit system established under this section or 19704
under the electronic benefit transfer system established under 19705
section 5101.33 of the Revised Code; 19706

(2) Inform each applicant and recipient of the conditions 19707
under which the applicant or recipient may change the system used 19708
to receive the cash assistance payments; 19709

(3) Inform each applicant or recipient of the procedures 19710
governing the direct deposit, ~~including in the case of voluntary~~ 19711
~~direct deposit those that prescribe the conditions under which a~~ 19712
~~recipient may change from one method of payment to another~~ system; 19713

~~(2) Obtain~~ (4) If an applicant or recipient chooses to 19714
receive cash assistance payments under the direct deposit system, 19715
obtain from each the applicant or recipient an authorization form 19716
to designate a financial institution equipped for and authorized 19717
by law to accept direct deposits by electronic transfer and the 19718
account into which the applicant or recipient wishes the payments 19719
to be made, ~~or in the case of voluntary direct deposit states the~~ 19720

~~applicant's or recipient's election to receive such payments in
the form of a paper warrant;~~ 19721
19722

(5) If an applicant or recipient chooses to receive cash
assistance payments under the electronic benefit transfer system
established under section 5101.33 of the Revised Code, obtain from
the applicant or recipient a signed form to that effect. 19723
19724
19725
19726

The department may require a recipient to complete a new 19727
authorization form whenever the department considers it necessary. 19728

A recipient's designation of a financial institution and 19729
account shall remain in effect until withdrawn in writing or 19730
dishonored by the financial institution, except that no change may 19731
be made in the authorization form until the next eligibility 19732
redetermination of the recipient unless the county department 19733
feels determines that good ~~grounds exist~~ cause exists for an 19734
earlier change or the financial institution dishonors the 19735
recipient's account. 19736

(D) An applicant or recipient without an account who ~~either~~ 19737
~~agrees or is required~~ completes an authorization form to receive 19738
cash assistance payments by direct deposit shall have ten days 19739
after receiving the authorization form to designate an account 19740
suitable for direct deposit. If within the required time the 19741
applicant or recipient does not make the designation ~~or requests~~ 19742
~~that the department make the designation, the department recipient~~ 19743
~~shall designate a financial institution and help the recipient to~~ 19744
~~open an account~~ receive cash assistance payments under the 19745
electronic benefit transfer system established under section 19746
5101.33 of the Revised Code. 19747

(E) ~~At the time of giving an applicant or recipient the~~ 19748
~~authorization form, the county department of job and family~~ 19749
~~services of a county with mandatory direct deposit shall inform~~ 19750
~~each applicant or recipient of the basis for exemption and the~~ 19751

~~right to request exemption from direct deposit.~~ 19752

~~Under mandatory direct deposit, an applicant or recipient who
wishes to receive payments in the form of a paper warrant shall
record on the authorization form a request for exemption under
this division and the basis for the exemption.~~ 19753
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~~The department shall exempt from mandatory direct deposit any
recipient who requests exemption and is any of the following:~~ 19757
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~~(1) Over age sixty five;~~ 19759

~~(2) Blind or disabled;~~ 19760

~~(3) Likely, in the judgment of the department, to be caused
personal hardship by direct deposit.~~ 19761
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~~A recipient granted an exemption under this division shall
receive payments for which the recipient is eligible in the form
of paper warrants.~~ 19763
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~~(F) The county department of job and family services shall
bear the full cost of the amount of any replacement warrant issued
to a recipient for whom an authorization form as provided in this
section has not been obtained within one hundred eighty days after
the later of the date the board of county commissioners adopts a
resolution requiring payments of financial assistance by direct
deposit to accounts of recipients of Ohio works first or
disability financial assistance or the date the recipient made
application for assistance, and shall not be reimbursed by the
state for any part of the cost. Thereafter, the county department
of job and family services shall continue to bear the full cost of
each replacement warrant issued until the board of county
commissioners requires the county department of job and family
services to obtain from each such recipient the authorization
forms as provided in The director of job and family services may
adopt rules governing direct deposit systems established under
this section.~~ 19766
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Sec. 329.042. The Each county department of job and family services shall certify eligible public assistance and nonpublic assistance households ~~eligible under the "Food Stamp Act of 1964,"~~ 78 Stat. 703, 7 U.S.C.A. 2011, ~~as amended,~~ and for the supplemental nutrition assistance program in accordance with federal and state ~~regulations adopted pursuant to such act,~~ law to enable low-income households to participate in the ~~food stamp supplemental nutrition assistance~~ program and thereby to purchase foods having a greater monetary value than is possible under public assistance standard allowances or other low-income budgets.

The Each county department of job and family services shall administer the distribution of ~~food stamp~~ supplemental nutrition assistance program benefits under the supervision of the department of job and family services. The benefits shall be distributed by a method approved by the department of job and family services in accordance with the "~~Food Stamp and Nutrition Act of 1964,"~~ 78 Stat. 703, 2008 (7 U.S.C.A. 2011, ~~as amended,~~ et seq.) and regulations issued thereunder.

~~The document referred to as the "authorization to participate card," which shows the face value of the benefits an eligible household is entitled to receive on presentment of the document, shall be issued, immediately upon certification, to a household determined under division (C) of section 5101.54 of the Revised Code to be in immediate need of food assistance by being personally handed by a member of the staff of the county department of job and family services to the member of the household in whose name application was made for participation in the program or the authorized representative of such member of the household.~~

Sec. 329.06. (A) Except as provided in division (C) of this section and section 6301.08 of the Revised Code, the board of

county commissioners shall establish a county family services 19814
planning committee. The board shall appoint a member to represent 19815
the county department of job and family services; an employee in 19816
the classified civil service of the county department of job and 19817
family services, if there are any such employees; and a member to 19818
represent the public. The board shall appoint other individuals to 19819
the committee in such a manner that the committee's membership is 19820
broadly representative of the groups of individuals and the public 19821
and private entities that have an interest in the family services 19822
provided in the county. The board shall make appointments in a 19823
manner that reflects the ethnic and racial composition of the 19824
county. The following groups and entities may be represented on 19825
the committee: 19826

(1) Consumers of family services; 19827

(2) The public children services agency; 19828

(3) The child support enforcement agency; 19829

(4) The county family and children first council; 19830

(5) Public and private colleges and universities; 19831

(6) Public entities that provide family services, including 19832
boards of health, boards of education, the county board of mental 19833
retardation and developmental disabilities, and the board of 19834
alcohol, drug addiction, and mental health services that serves 19835
the county; 19836

(7) Private nonprofit and for-profit entities that provide 19837
family services in the county or that advocate for consumers of 19838
family services in the county, including entities that provide 19839
services to or advocate for victims of domestic violence; 19840

(8) Labor organizations; 19841

(9) Any other group or entity that has an interest in the 19842
family services provided in the county, including groups or 19843

entities that represent any of the county's business, urban, and rural sectors. 19844
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(B) The county family services planning committee shall do all of the following: 19846
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(1) Serve as an advisory body to the board of county commissioners with regard to the family services provided in the county, including assistance under Chapters 5107. and 5108. of the Revised Code, publicly funded child care under Chapter 5104. of the Revised Code, and social services provided under section 5101.46 of the Revised Code; 19848
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(2) At least once a year, review and analyze the county department of job and family services' implementation of the programs established under Chapters 5107. and 5108. of the Revised Code. In its review, the committee shall use information available to it to examine all of the following: 19854
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(a) Return of assistance groups to participation in either program after ceasing to participate; 19859
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(b) Teen pregnancy rates among the programs' participants; 19861

(c) The other types of assistance the programs' participants receive, including ~~medical assistance~~ medicaid under Chapter 5111. of the Revised Code, publicly funded child care under Chapter 5104. of the Revised Code, ~~food-stamp~~ supplemental nutrition assistance program benefits under section 5101.54 of the Revised Code, and energy assistance under Chapter 5117. of the Revised Code; 19862
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(d) Other issues the committee considers appropriate. 19869

The committee shall make recommendations to the board of county commissioners and county department of job and family services regarding the committee's findings. 19870
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(3) Conduct public hearings on proposed county profiles for 19873

the provision of social services under section 5101.46 of the Revised Code;	19874 19875
(4) At the request of the board, make recommendations and provide assistance regarding the family services provided in the county;	19876 19877 19878
(5) At any other time the committee considers appropriate, consult with the board and make recommendations regarding the family services provided in the county. The committee's recommendations may address the following:	19879 19880 19881 19882
(a) Implementation and administration of family service programs;	19883 19884
(b) Use of federal, state, and local funds available for family service programs;	19885 19886
(c) Establishment of goals to be achieved by family service programs;	19887 19888
(d) Evaluation of the outcomes of family service programs;	19889
(e) Any other matter the board considers relevant to the provision of family services.	19890 19891
(C) If there is a committee in existence in a county on October 1, 1997, that the board of county commissioners determines is capable of fulfilling the responsibilities of a county family services planning committee, the board may designate the committee as the county's family services planning committee and the committee shall serve in that capacity.	19892 19893 19894 19895 19896 19897
Sec. 340.033. (A) The board of alcohol, drug addiction, and mental health services shall serve as the planning agency for alcohol and drug addiction services for the county or counties in its service district. In accordance with procedures and guidelines established by the department of alcohol and drug addiction services, the board shall do all of the following:	19898 19899 19900 19901 19902 19903

- (1) Assess alcohol and drug addiction service needs and evaluate the need for alcohol and drug addiction programs; 19904
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- (2) According to the needs determined under division (A)(1) of this section, set priorities and develop plans for the operation of alcohol and drug addiction programs in cooperation with other local and regional planning and funding bodies and with relevant ethnic organizations; 19906
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- (3) Submit the plan for alcohol and drug addiction services required by section 3793.05 of the Revised Code to the department and implement the plan as approved by the department; 19911
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- (4) Provide to the department information to be included in the information system or systems established by the department under section 3793.04 of the Revised Code; 19914
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- (5) Enter into contracts with alcohol and drug addiction programs for the provision of alcohol and drug addiction services; 19917
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- (6) Review and evaluate alcohol and drug addiction programs in the district, and conduct program audits; 19919
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- (7) Prepare and submit to the department an annual report of the alcohol and drug addiction programs in the district; 19921
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- (8) Receive, compile, and transmit to the department applications for funding; 19923
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- (9) Promote, arrange, and implement working agreements with public and private social agencies and with judicial agencies; 19925
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- (10) Investigate, or request another agency to investigate, any complaint alleging abuse or neglect of any person receiving services from an alcohol or drug addiction program; 19927
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- (11) Establish a mechanism for the involvement of persons receiving services in, and obtaining their advice on, matters pertaining to alcohol or drug addiction services; 19930
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- (12) Recruit and promote local financial support, from 19933

private and public sources, for alcohol and drug addiction programs; 19934
19935

(13) Approve fee schedules and related charges, adopt a unit cost schedule, or adopt other methods of payment for services provided by programs under contract pursuant to division (A)(5) of this section, in accordance with guidelines established by the department under section 3793.04 of the Revised Code. 19936
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(B) In accordance with rules adopted by the auditor of state pursuant to section 117.20 of the Revised Code, at least annually the board shall audit all alcohol and drug addiction programs provided under contract with the board. The board may contract with private auditors for the performance of these audits. A copy of the fiscal audit report shall be provided to the director of alcohol and drug addiction services, the auditor of state, and the county auditor of each county in the board's district. 19941
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(C) In contracting with a program under division (A)(5) of this section, a board shall consider the cost effectiveness of services provided by the program and the program's quality and continuity of care. The board may review cost elements, including salary costs, of the services provided by the program. 19949
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A utilization review process shall be established as part of the contract for services. The board may establish this process in any way that it considers to be the most effective and efficient in meeting local needs. 19954
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(D) If either the board or a program with which it contracts pursuant to division (A)(5) of this section proposes not to renew the contract or proposes substantial changes in contract terms on renewal of the contract, it shall give the other party to the contract written notice at least one hundred twenty days before the expiration date of the contract. During the first sixty days of this period, both parties shall attempt to resolve any dispute 19958
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through good faith collaboration and negotiation in order that 19965
services to persons in need will be continued. If the dispute is 19966
not resolved during this time, either party may notify the 19967
department of alcohol and drug addiction services. The department 19968
may require both parties to submit the dispute to a mutually 19969
agreed upon third party with the cost to be shared by the board 19970
and the program. At least twenty days before the expiration of the 19971
contract, unless the board and the program agree to an extension, 19972
the third party shall issue to the board, program, and department, 19973
its recommendations for resolution of the dispute. 19974

The department shall adopt rules pursuant to Chapter 119. of 19975
the Revised Code establishing procedures for this dispute 19976
resolution process. 19977

(E) Section 307.86 of the Revised Code does not apply to 19978
contracts entered into pursuant to division (A)(5) of this 19979
section. 19980

(F)(1) With the prior approval of the department, a board of 19981
alcohol, drug addiction, and mental health services may operate an 19982
alcohol or drug addiction program as follows if there is no 19983
qualified program that is immediately available, willing to 19984
provide services, and able to obtain certification under Chapter 19985
3793. of the Revised Code: 19986

(a) In an emergency situation, any board may operate a 19987
program in order to provide essential services for the duration of 19988
the emergency; 19989

(b) In a service district with a population of at least one 19990
hundred thousand but less than five hundred thousand, a board may 19991
operate a program for no longer than one year; 19992

(c) In a service district with a population of less than one 19993
hundred thousand, a board may operate a program for no longer than 19994
one year, except that such a board may operate a program for 19995

longer than one year with the prior approval of the department and 19996
the prior approval of the board of county commissioners, or of a 19997
majority of the boards of county commissioners if the district is 19998
a joint-county district. 19999

(2) The department shall not give a board its approval to 20000
operate a program under division (F)(1)(c) of this section unless 20001
it determines that the board's program will provide greater 20002
administrative efficiency and more or better services than would 20003
be available if the board contracted with a program for provision 20004
of the services. 20005

(3) The department shall not give a board its approval to 20006
operate a program previously operated by a public or private 20007
entity unless the board has established to the department's 20008
satisfaction that the entity cannot effectively operate the 20009
program, or that the entity has requested the board to take over 20010
operation of the program. 20011

(4) The department shall review and evaluate the operation of 20012
each program operated by a board under this division. 20013

(5) Nothing in this division authorizes a board to administer 20014
or direct the daily operation of any program other than a program 20015
operated by the board under this division, but a program may 20016
contract with a board to receive administrative services or staff 20017
direction from the board under the direction of the governing body 20018
of the program. 20019

(G) If an investigation conducted pursuant to division 20020
(A)(10) of this section substantiates a charge of abuse or 20021
neglect, the board shall take whatever action it determines is 20022
necessary to correct the situation, including notification of the 20023
appropriate authorities. On request, the board shall provide 20024
information about such investigations to the department. 20025

(H) When the board sets priorities and develops plans for the 20026

operation of alcohol and drug addiction programs under division 20027
(A)(2) of this section, the board shall consult with the county 20028
commissioners of the counties in the board's service district 20029
regarding the services described in section 340.15 of the Revised 20030
Code and shall give a priority to those services, except that 20031
those services shall not have priority over services provided to 20032
pregnant women under programs developed in relation to the mandate 20033
established in section 3793.15 of the Revised Code. The plans 20034
shall identify funds the board and public children services 20035
agencies in the board's service district have available to fund 20036
jointly the services described in section 340.15 of the Revised 20037
Code. 20038

Sec. 351.021. (A) The resolution of the county commissioners 20039
creating a convention facilities authority, or any amendment or 20040
supplement to that resolution, may authorize the authority to levy 20041
one or both of the excise taxes authorized by division (B) of this 20042
section to pay the cost of one or more facilities; to pay 20043
principal, interest, and premium on convention facilities 20044
authority tax anticipation bonds issued to pay those costs; to pay 20045
the operating costs of the authority; to pay operating and 20046
maintenance costs of those facilities; and to pay the costs of 20047
administering the excise tax. 20048

(B) The board of directors of a convention facilities 20049
authority that has been authorized pursuant to resolution adopted, 20050
amended, or supplemented by the board of county commissioners 20051
pursuant to division (A) of this section may levy, by resolution 20052
adopted on or before December 31, 1988, either or both of the 20053
following: 20054

(1) Within the territory of the authority, an additional 20055
excise tax not to exceed four per cent on each transaction. The 20056
excise tax authorized by division (B)(1) of this section shall be 20057

in addition to any excise tax levied pursuant to section 5739.08 20058
or 5739.09 of the Revised Code, or division (B)(2) of this 20059
section. 20060

(2) Within that portion of any municipal corporation that is 20061
located within the territory of the authority or within the 20062
boundaries of any township that is located within the territory of 20063
the authority, which municipal corporation or township is levying 20064
any portion of the excise tax authorized by division (A) of 20065
section 5739.08 of the Revised Code, and with the approval, by 20066
ordinance or resolution, of the legislative authority of that 20067
municipal corporation or township, an additional excise tax not to 20068
exceed nine-tenths of one per cent on each transaction. The excise 20069
tax authorized by division (B)(2) of this section may be levied 20070
only if, on the effective date of the levy specified in the 20071
resolution making the levy, the amount being levied pursuant to 20072
division (A) of section 5739.08 of the Revised Code by each 20073
municipal corporation or township in which the tax authorized by 20074
division (B)(2) of this section will be levied, when added to the 20075
amount levied under division (B)(2) of this section, does not 20076
exceed three per cent on each transaction. The excise tax 20077
authorized by division (B)(2) of this section shall be in addition 20078
to any excise tax that is levied pursuant to section 5739.08 or 20079
5739.09 of the Revised Code, or division (B)(1) of this section. 20080

(C)(1) The board of directors of a convention facilities 20081
authority that is located in an eligible Appalachian county; that 20082
has been authorized pursuant to resolution adopted, amended, or 20083
supplemented by the board of county commissioners pursuant to 20084
division (A) of this section; and that is not levying a tax under 20085
division (B)(1) or (2) of this section may levy within the 20086
territory of the authority, by resolution adopted on or before 20087
December 31, 2005, an additional excise tax not to exceed three 20088
per cent on each transaction. The excise tax authorized under 20089

division (C)(1) of this section shall be in addition to any excise tax levied pursuant to section 5739.08 or 5739.09 of the Revised Code.

~~(2)~~ As used in division (C)(1) of this section, "eligible Appalachian county" means a county in this state designated as being in the "Appalachian region" under the "Appalachian Regional Development Act of 1965," 79 Stat. 4, 40 U.S.C. App. 403, and having a population less than eighty thousand according to the most recent federal decennial census.

(2) The board of directors of a convention facilities authority located in a county with a population of at least one hundred thousand and not more than one hundred fifty thousand, by resolution adopted on or before November 1, 2009, may levy within the territory of the authority an excise tax on transactions by which lodging by a hotel is or is to be furnished to transient guests at a rate not to exceed three per cent on such transactions for the same purposes for which a tax may be levied under division (B) of this section. The resolution may be adopted only if the board of county commissioners of the county, by resolution, authorizes the levy of the tax. The resolution of the board of county commissioners is subject to referendum as prescribed by sections 305.31 to 305.41 of the Revised Code. If, pursuant to those procedures, a referendum is to be held, the board's resolution does not take effect until approved by a majority of electors voting on the question. The convention facilities authority may adopt the resolution authorized by division (C)(2) of this section before the election, but the authority's resolution shall not take effect if the board of commissioners' resolution is not approved at the election. A tax levied under division (C)(2) of this section is in addition to any tax levied under section 5739.09 of the Revised Code.

(D) The authority shall provide for the administration and

allocation of an excise tax levied pursuant to division (B) or (C) 20122
of this section. All receipts arising from those excise taxes 20123
shall be expended for the purposes provided in, and in accordance 20124
with this section and section 351.141 of the Revised Code. An 20125
excise tax levied under division (B) or (C) of this section shall 20126
remain in effect at the rate at which it is levied for at least 20127
the duration of the period for which the receipts from the tax 20128
have been anticipated and pledged pursuant to section 351.141 of 20129
the Revised Code. 20130

(E) Except as provided in division (B)(2) of this section, 20131
the levy of an excise tax on each transaction pursuant to sections 20132
5739.08 and 5739.09 of the Revised Code does not prevent a 20133
convention facilities authority from levying an excise tax 20134
pursuant to division (B) or (C) of this section. 20135

Sec. 504.21. (A) The board of township trustees of a township 20136
that has adopted a limited home rule government may, for the 20137
unincorporated territory in the township, adopt, amend, and 20138
rescind rules establishing technically feasible and economically 20139
reasonable standards to achieve a level of management and 20140
conservation practices that will abate wind or water erosion of 20141
the soil or abate the degradation of the waters of the state by 20142
soil sediment in conjunction with land grading, excavating, 20143
filling, or other soil disturbing activities on land used or being 20144
developed in the township for nonfarm commercial, industrial, 20145
residential, or other nonfarm purposes, and establish criteria for 20146
determination of the acceptability of those management and 20147
conservation practices. The rules shall be designed to implement 20148
the applicable areawide waste treatment management plan prepared 20149
under section 208 of the "Federal Water Pollution Control Act," 86 20150
Stat. 816 (1972), 33 U.S.C.A. 1228, as amended, and to implement 20151
phase II of the storm water program of the national pollutant 20152
discharge elimination system established in 40 C.F.R. Part 122. 20153

The rules to implement phase II of the storm water program of the national pollutant discharge elimination system shall not be inconsistent with, more stringent than, or broader in scope than the rules or regulations adopted by the environmental protection agency under 40 C.F.R. Part 122. The rules adopted under this section shall not apply inside the limits of municipal corporations, to lands being used in a strip mine operation as defined in section 1513.01 of the Revised Code, or to land being used in a surface mine operation as defined in section 1514.01 of the Revised Code.

The rules adopted under this section may require persons to file plans governing erosion control, sediment control, and water management before clearing, grading, excavating, filling, or otherwise wholly or partially disturbing one or more contiguous acres of land owned by one person or operated as one development unit for the construction of nonfarm buildings, structures, utilities, recreational areas, or other similar nonfarm uses. If the rules require plans to be filed, the rules shall do all of the following:

(1) Designate the board itself, its employees, or another agency or official to review and approve or disapprove the plans;

(2) Establish procedures and criteria for the review and approval or disapproval of the plans;

(3) Require the designated entity to issue a permit to a person for the clearing, grading, excavating, filling, or other project for which plans are approved and to deny a permit to a person whose plans have been disapproved;

(4) Establish procedures for the issuance of the permits;

(5) Establish procedures under which a person may appeal the denial of a permit.

Areas of less than one contiguous acre shall not be exempt

from compliance with other provisions of this section or rules 20185
adopted under this section. The rules adopted under this section 20186
may impose reasonable filing fees for plan review, permit 20187
processing, and field inspections. 20188

No permit or plan shall be required for a public highway, 20189
transportation, or drainage improvement or maintenance project 20190
undertaken by a government agency or political subdivision in 20191
accordance with a statement of its standard sediment control 20192
policies that is approved by the board or the chief of the 20193
division of soil and water ~~conservation~~ resources in the 20194
department of natural resources. 20195

(B) Rules or amendments may be adopted under this section 20196
only after public hearings at not fewer than two regular sessions 20197
of the board of township trustees. The board shall cause to be 20198
published, in a newspaper of general circulation in the township, 20199
notice of the public hearings, including time, date, and place, 20200
once a week for two weeks immediately preceding the hearings. The 20201
proposed rules or amendments shall be made available by the board 20202
to the public at the board office or other location indicated in 20203
the notice. The rules or amendments shall take effect on the 20204
thirty-first day following the date of their adoption. 20205

(C) The board of township trustees may employ personnel to 20206
assist in the administration of this section and the rules adopted 20207
under it. The board also, if the action does not conflict with the 20208
rules, may delegate duties to review sediment control and water 20209
management plans to its employees, and may enter into agreements 20210
with one or more political subdivisions, other township officials, 20211
or other government agencies, in any combination, in order to 20212
obtain reviews and comments on plans governing erosion control, 20213
sediment control, and water management or to obtain other services 20214
for the administration of the rules adopted under this section. 20215

(D) The board of township trustees or any duly authorized 20216

representative of the board may, upon identification to the owner 20217
or person in charge, enter any land upon obtaining agreement with 20218
the owner, tenant, or manager of the land in order to determine 20219
whether there is compliance with the rules adopted under this 20220
section. If the board or its duly authorized representative is 20221
unable to obtain such an agreement, the board or representative 20222
may apply for, and a judge of the court of common pleas for the 20223
county where the land is located may issue, an appropriate 20224
inspection warrant as necessary to achieve the purposes of this 20225
section. 20226

(E)(1) If the board of township trustees or its duly 20227
authorized representative determines that a violation of the rules 20228
adopted under this section exists, the board or representative may 20229
issue an immediate stop work order if the violator failed to 20230
obtain any federal, state, or local permit necessary for sediment 20231
and erosion control, earth movement, clearing, or cut and fill 20232
activity. In addition, if the board or representative determines 20233
such a rule violation exists, regardless of whether or not the 20234
violator has obtained the proper permits, the board or 20235
representative may authorize the issuance of a notice of 20236
violation. If, after a period of not less than thirty days has 20237
elapsed following the issuance of the notice of violation, the 20238
violation continues, the board or its duly authorized 20239
representative shall issue a second notice of violation. Except as 20240
provided in division (E)(3) of this section, if, after a period of 20241
not less than fifteen days has elapsed following the issuance of 20242
the second notice of violation, the violation continues, the board 20243
or its duly authorized representative may issue a stop work order 20244
after first obtaining the written approval of the prosecuting 20245
attorney of the county in which the township is located if, in the 20246
opinion of the prosecuting attorney, the violation is egregious. 20247

Once a stop work order is issued, the board or its duly 20248

authorized representative shall request, in writing, the 20249
prosecuting attorney to seek an injunction or other appropriate 20250
relief in the court of common pleas to abate excessive erosion or 20251
sedimentation and secure compliance with the rules adopted under 20252
this section. If the prosecuting attorney seeks an injunction or 20253
other appropriate relief, then, in granting relief, the court of 20254
common pleas may order the construction of sediment control 20255
improvements or implementation of other control measures and may 20256
assess a civil fine of not less than one hundred or more than five 20257
hundred dollars. Each day of violation of a rule or stop work 20258
order issued under this section shall be considered a separate 20259
violation subject to a civil fine. 20260

(2) The person to whom a stop work order is issued under this 20261
section may appeal the order to the court of common pleas of the 20262
county in which it was issued, seeking any equitable or other 20263
appropriate relief from that order. 20264

(3) No stop work order shall be issued under this section 20265
against any public highway, transportation, or drainage 20266
improvement or maintenance project undertaken by a government 20267
agency or political subdivision in accordance with a statement of 20268
its standard sediment control policies that is approved by the 20269
board or the chief of the division of soil and water ~~conservation~~ 20270
resources in the department of natural resources. 20271

(F) No person shall violate any rule adopted or order issued 20272
under this section. Notwithstanding division (E) of this section, 20273
if the board of township trustees determines that a violation of 20274
any rule adopted or administrative order issued under this section 20275
exists, the board may request, in writing, the prosecuting 20276
attorney of the county in which the township is located, to seek 20277
an injunction or other appropriate relief in the court of common 20278
pleas to abate excessive erosion or sedimentation and secure 20279
compliance with the rules or order. In granting relief, the court 20280

of common pleas may order the construction of sediment control 20281
improvements or implementation of other control measures and may 20282
assess a civil fine of not less than one hundred or more than five 20283
hundred dollars. Each day of violation of a rule adopted or 20284
administrative order issued under this section shall be considered 20285
a separate violation subject to a civil fine. 20286

Sec. 717.25. The legislative authority of a municipal 20287
corporation may establish a low-cost solar panel revolving loan 20288
program to assist residents of the municipal corporation to 20289
install solar panels at their residences. If the legislative 20290
authority decides to establish such a program, the legislative 20291
authority shall adopt an ordinance that provides for the 20292
following: 20293

(A) Creation in the municipal treasury of a residential solar 20294
panel revolving loan fund; 20295

(B) A source of money, such as gifts, bond issues, real 20296
property assessments, or federal subsidies, to seed the 20297
residential solar panel revolving loan fund; 20298

(C) Facilities for making loans from the residential solar 20299
panel revolving loan fund, including an explanation of how 20300
residents of the municipal corporation may qualify for loans from 20301
the fund, a description of the solar panels and related equipment 20302
for which a loan can be made from the fund, authorization of a 20303
municipal agency to process applications for loans and otherwise 20304
to administer the low-cost solar panel revolving loan program, a 20305
procedure whereby loans can be applied for, criteria for reviewing 20306
and accepting or denying applications for loans, criteria for 20307
determining the appropriate amount of a loan, the interest rate to 20308
be charged, the repayment schedule, and other terms and conditions 20309
of a loan, and procedures for collecting loans that are not repaid 20310
according to the repayment schedule; 20311

(D) A specification that repayments of loans from the residential solar panel revolving loan fund may be made in installments and, at the option of the resident repaying the loan, the installments may be paid and collected as if they were special assessments paid and collected in the manner specified in Chapter 727. of the Revised Code and as specified in the ordinance; 20312
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(E) A specification that repayments of loans from the residential solar panel revolving loan fund are to be credited to the fund, that the money in the fund is to be invested pending its being lent out, and that investment earnings on the money in the fund is to be credited to the fund; and 20318
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(F) Other matters necessary and proper for efficient operation of the low-cost solar panel revolving loan program as a means of encouraging use of renewable energy. 20323
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The interest rate charged on a loan from the residential solar panel revolving loan fund shall be below prevailing market rates. The legislative authority may specify the interest rate in the ordinance or may, after establishing a standard in the ordinance whereby the interest rate can be specified, delegate authority to specify the interest rate to the administrator of loans from the residential solar panel revolving loan fund. 20326
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The residential solar panel revolving loan fund shall be seeded with sufficient money to enable loans to be made until the fund accumulates sufficient reserves through investment and repayment of loans for revolving operation. 20333
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Sec. 718.04. (A) No municipal corporation other than the city municipal corporation of residence shall levy a tax on the income of any member or employee of the Ohio general assembly including the lieutenant governor which income is received as a result of services rendered as such member or employee and is paid from appropriated funds of this state. 20337
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(B) No municipal corporation other than the municipal corporation of residence and the city of Columbus shall levy a tax on the income of the chief justice or a justice of the supreme court received as a result of services rendered as the chief justice or justice. No municipal corporation other than the municipal corporation of residence shall levy a tax on the income of a judge sitting by assignment of the chief justice or on the income of a district court of appeals judge sitting in multiple locations within the district, received as a result of services rendered as a judge.

Sec. 721.15. (A) Personal property not needed for municipal purposes, the estimated value of which is less than one thousand dollars, may be sold by the board or officer having supervision or management of that property. If the estimated value of that property is one thousand dollars or more, it shall be sold only when authorized by an ordinance of the legislative authority of the municipal corporation and approved by the board, officer, or director having supervision or management of that property. When so authorized, the board, officer, or director shall make a written contract with the highest and best bidder after advertisement for not less than two or more than four consecutive weeks in a newspaper of general circulation within the municipal corporation, or with a board of county commissioners upon such lawful terms as are agreed upon, as provided by division (B)(1) of section 721.27 of the Revised Code.

(B) When the legislative authority finds, by resolution, that the municipal corporation has vehicles, equipment, or machinery which is obsolete, or is not needed or is unfit for public use, that the municipal corporation has need of other vehicles, equipment, or machinery of the same type, and that it will be in the best interest of the municipal corporation that the sale of obsolete, unneeded, or unfit vehicles, equipment, or machinery be

made simultaneously with the purchase of the new vehicles, 20375
equipment, or machinery of the same type, the legislative 20376
authority may offer to sell, or authorize a board, officer, or 20377
director of the municipal corporation having supervision or 20378
management of the property to offer to sell, those vehicles, 20379
equipment, or machinery and to have the selling price credited 20380
against the purchase price of other vehicles, equipment, or 20381
machinery and to consummate the sale and purchase by a single 20382
contract with the lowest and best bidder to be determined by 20383
subtracting from the selling price of the vehicles, equipment, or 20384
machinery to be purchased by the municipal corporation the 20385
purchase price offered for the municipally-owned vehicles, 20386
equipment, or machinery. When the legislative authority or the 20387
authorized board, officer, or director of a municipal corporation 20388
advertises for bids for the sale of new vehicles, equipment, or 20389
machinery to the municipal corporation, they may include in the 20390
same advertisement a notice of willingness to accept bids for the 20391
purchase of municipally-owned vehicles, equipment, or machinery 20392
which is obsolete, or is not needed or is unfit for public use, 20393
and to have the amount of those bids subtracted from the selling 20394
price as a means of determining the lowest and best bidder. 20395

(C) If the legislative authority of the municipal corporation 20396
determines that municipal personal property is not needed for 20397
public use, or is obsolete or unfit for the use for which it was 20398
acquired, and that the property has no value, the legislative 20399
authority may discard or salvage that property. 20400

(D) Notwithstanding anything to the contrary in division (A) 20401
or (B) of this section and regardless of the property's value, the 20402
legislative authority of a municipal corporation may sell personal 20403
property, including motor vehicles acquired for the use of 20404
municipal officers and departments, and road machinery, equipment, 20405
tools, or supplies, which is not needed for public use, or is 20406

obsolete or unfit for the use for which it was acquired, by 20407
internet auction. The legislative authority shall adopt, during 20408
each calendar year, a resolution expressing its intent to sell 20409
that property by internet auction. The resolution shall include a 20410
description of how the auctions will be conducted and shall 20411
specify the number of days for bidding on the property, which 20412
shall be no less than ~~fifteen~~ ten days, including Saturdays, 20413
Sundays, and legal holidays. The resolution shall indicate whether 20414
the municipal corporation will conduct the auction or the 20415
legislative authority will contract with a representative to 20416
conduct the auction and shall establish the general terms and 20417
conditions of sale. If a representative is known when the 20418
resolution is adopted, the resolution shall provide contact 20419
information such as the representative's name, address, and 20420
telephone number. 20421

After adoption of the resolution, the legislative authority 20422
shall publish, in a newspaper of general circulation in the 20423
municipal corporation, notice of its intent to sell unneeded, 20424
obsolete, or unfit municipal personal property by internet 20425
auction. The notice shall include a summary of the information 20426
provided in the resolution and shall be published at least twice. 20427
The second and any subsequent notice shall be published not less 20428
than ten nor more than twenty days after the previous notice. A 20429
similar notice also shall be posted continually throughout the 20430
calendar year in a conspicuous place in the offices of the village 20431
clerk or city auditor, and the legislative authority, and, if the 20432
municipal corporation maintains a website on the internet, the 20433
notice shall be posted continually throughout the calendar year at 20434
that website. 20435

When the property is to be sold by internet auction, the 20436
legislative authority or its representative may establish a 20437
minimum price that will be accepted for specific items and may 20438

establish any other terms and conditions for the particular sale, 20439
including requirements for pick-up or delivery, method of payment, 20440
and sales tax. This type of information shall be provided on the 20441
internet at the time of the auction and may be provided before 20442
that time upon request after the terms and conditions have been 20443
determined by the legislative authority or its representative. 20444

Sec. 723.52. Before letting or making any contract for the 20445
construction, reconstruction, widening, resurfacing, or repair of 20446
a street or other public way, the director of public service in a 20447
city, or the legislative authority in a village, shall make an 20448
estimate of the cost of such work using the force account project 20449
assessment form developed by the auditor of state under section 20450
117.16 of the Revised Code. In municipal corporations having an 20451
engineer, or an officer having a different title but the duties 20452
and functions of an engineer, the estimate shall be made by the 20453
engineer or other officer. Where the total estimated cost of any 20454
such work is less than thirty thousand dollars or, when the amount
is adjusted under section 117.162 of the Revised Code, less than 20455
that adjusted amount, the proper officers may proceed by force 20456
account. 20457
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Where the total estimated cost of any such work exceeds the 20459
higher of thirty thousand dollars or the amount as adjusted under 20460
section 117.162 of the Revised Code, the proper officers of the 20461
municipal corporation shall be required to invite and receive 20462
competitive bids for furnishing all the labor, materials, and 20463
equipment and doing the work, after newspaper advertisement as 20464
provided by law. The officers shall consider and may reject such 20465
bids. If the bids are rejected, the officers may order the work 20466
done by force account or direct labor. When such bids are 20467
received, considered, and rejected, and the work done by force 20468
account or direct labor, such work shall be performed in 20469
compliance with the plans and specifications upon which the bids 20470

were based. It shall be unlawful to divide a street or connecting streets into separate sections for the purpose of defeating this section and section 723.53 of the Revised Code.

"Street," as used in such sections, includes portions of connecting streets on which the same or similar construction, reconstruction, widening, resurfacing, or repair is planned or projected.

Sec. 723.53. Where the proper officers of any municipal corporation construct, reconstruct, widen, resurface, or repair a street or other public way by force account or direct labor, and the estimated cost of the work as defined in section 723.52 of the Revised Code exceeds the higher of thirty thousand dollars or the amount as adjusted under section 117.162 of the Revised Code, such municipal authorities shall cause to be kept by the engineer of the municipal corporation, or other officer or employee of the municipal corporation in charge of such work, a complete and accurate account, in detail, of the cost of doing the work. The account shall include labor, materials, freight, fuel, hauling, overhead expense, workers' compensation premiums, and all other items of cost and expense, including a reasonable allowance for the use of all tools and equipment used on or in connection with such work and for the depreciation on the tools and equipment. The engineer or other officer or employee shall keep such account, and within ninety days after the completion of any such work shall prepare a detailed and itemized statement of such cost and file the statement with the officer or board vested with authority to direct the doing of the work in question. Such officer or board shall thereupon examine the statement, correct it if necessary, and file it in the office of the officer or board. Such statement shall be kept on file for not less than two years and shall be open to public inspection.

This section and section 723.52 of the Revised Code do not 20502
apply to any municipal corporations having a charter form of 20503
government. 20504

Sec. 901.041. There is hereby created in the state treasury 20505
the sustainable agriculture program fund. The fund shall consist 20506
of money credited to it, including, without limitation, federal 20507
money. The director of agriculture shall use money in the fund to 20508
support programs and activities that advance sustainable 20509
agriculture, including administrative costs incurred by the 20510
department of agriculture in administering the programs and 20511
activities. 20512

Sec. 901.20. (A) The director of agriculture may do either or 20513
both of the following: 20514

(1) Reserve exhibition space for exhibitors to exhibit their 20515
goods in trade shows held in this country or in any other country. 20516
The director may charge and collect fees from any exhibitor who 20517
uses space reserved by the director under division (A)(1) of this 20518
section. 20519

(2) Conduct or cause to be conducted seminars or other 20520
educational programs for the benefit of farmers and other 20521
producers in this state who are interested in exporting their 20522
goods overseas. The director may charge and collect fees from any 20523
person who attends a seminar or other educational program 20524
conducted under division (A)(2) of this section. 20525

(B) There is hereby created in the state treasury the Ohio 20526
proud, international, and domestic market development fund. Fees 20527
collected under division (A) of this section shall be deposited 20528
into the fund. The fund shall be used solely to carry out the 20529
purposes of that division. 20530

Sec. 901.32. Funds and the proceeds of the trust assets ~~which~~ 20531
~~that~~ are not authorized to be administered by the secretary of 20532
agriculture of the United States under section 901.31 of the 20533
Revised Code shall be paid to and received by the director of 20534
agriculture, and paid by ~~him~~ the director into the state treasury 20535
to the credit of the Ohio farm loan fund, which is hereby created. 20536
Money credited to the fund may be expended or obligated by the 20537
director for ~~such of the rural rehabilitation purposes permissible~~ 20538
~~under the charter of the now dissolved Ohio rural rehabilitation~~ 20539
~~corporation as are agreed upon by the director and the secretary~~ 20540
~~of agriculture or for the purposes of section 901.31 of the~~ 20541
Revised Code benefiting the state. 20542

All moneys received from investment of the fund shall be 20543
credited to the fund. 20544

All moneys received by the director resulting from the 20545
operation of the fund shall be credited to the fund. 20546

Sec. 903.082. (A) The director of agriculture may determine 20547
that an animal feeding facility that is not a medium concentrated 20548
animal feeding operation or small concentrated animal feeding 20549
operation as defined in section 903.01 of the Revised Code 20550
nevertheless shall be required to be permitted as a medium or 20551
small concentrated animal feeding operation when all of the 20552
following apply: 20553

(1) The director has received from the chief of the division 20554
of soil and water ~~conservation~~ resources in the department of 20555
natural resources a copy of an order issued under section 1511.02 20556
of the Revised Code that specifies that the animal feeding 20557
facility has caused agricultural pollution by failure to comply 20558
with standards established under that section and that the animal 20559
feeding facility therefore should be required to be permitted as a 20560

medium or small concentrated animal feeding operation. 20561

(2) The director or the director's authorized representative 20562
has inspected the animal feeding facility. 20563

(3) The director or the director's authorized representative 20564
finds that the facility is not being operated in a manner that 20565
protects the waters of the state. 20566

(B) If an animal feeding facility is required to be permitted 20567
in accordance with this section, the owner or operator of the 20568
facility shall apply to the director for a permit to operate as a 20569
concentrated animal feeding operation. In a situation in which 20570
best management practices cannot be implemented without modifying 20571
the existing animal feeding facility, the owner or operator of the 20572
facility also shall apply for a permit to install for the 20573
facility. 20574

(C) In the case of an animal feeding facility for which a 20575
permit to operate is required under this section, a permit to 20576
operate shall not be required after the end of the five-year term 20577
of the permit if the problems that caused the facility to be 20578
required to obtain the permit have been corrected to the 20579
director's satisfaction. 20580

Sec. 903.11. (A) The director of agriculture may enter into 20581
contracts or agreements to carry out the purposes of this chapter 20582
with any public or private person, including the Ohio state 20583
university extension service, the natural resources conservation 20584
service in the United States department of agriculture, the 20585
environmental protection agency, the division of soil and water 20586
~~conservation~~ resources in the department of natural resources, and 20587
soil and water conservation districts established under Chapter 20588
1515. of the Revised Code. However, the director shall not enter 20589
into a contract or agreement with a private person for the review 20590
of applications for permits to install, permits to operate, NPDES 20591

permits, or review compliance certificates that are issued under 20592
this chapter or for the inspection of a facility regulated under 20593
this chapter or with any person for the issuance of any of those 20594
permits or certificates or for the enforcement of this chapter and 20595
rules adopted under it. 20596

(B) The director may administer grants and loans using moneys 20597
from the federal government and other sources, public or private, 20598
for carrying out any of the director's functions. Nothing in this 20599
chapter shall be construed to limit the eligibility of owners or 20600
operators of animal feeding facilities or other agricultural 20601
enterprises to receive moneys from the water pollution control 20602
loan fund established under section 6111.036 of the Revised Code 20603
and the nonpoint source pollution management fund established 20604
under section 6111.037 of the Revised Code. 20605

The director of agriculture shall provide the director of 20606
environmental protection with written recommendations for 20607
providing financial assistance from those funds to agricultural 20608
enterprises. The director of environmental protection shall 20609
consider the recommendations in developing priorities for 20610
providing financial assistance from the funds. 20611

Sec. 903.25. An owner or operator of an animal feeding 20612
facility who holds a permit to install, a permit to operate, a 20613
review compliance certificate, or a NPDES permit or who is 20614
operating under an operation and management plan, as defined in 20615
section 1511.01 of the Revised Code, approved by the chief of the 20616
division of soil and water ~~conservation~~ resources in the 20617
department of natural resources under section 1511.02 of the 20618
Revised Code or by the supervisors of the appropriate soil and 20619
water conservation district under section 1515.08 of the Revised 20620
Code shall not be required by any political subdivision of the 20621
state or any officer, employee, agency, board, commission, 20622

department, or other instrumentality of a political subdivision to 20623
obtain a license, permit, or other approval pertaining to manure, 20624
insects or rodents, odor, or siting requirements for installation 20625
of an animal feeding facility. 20626

Sec. 905.32. (A) No person shall manufacture or distribute in 20627
this state any type of fertilizer until a license to manufacture 20628
or distribute has been obtained by the manufacturer or distributor 20629
from the department of agriculture upon payment of a five dollar 20630
fee: 20631

(1) For each fixed (permanent) location at which fertilizer 20632
is manufactured in this state; 20633

(2) For each mobile unit used to manufacture fertilizer in 20634
this state; 20635

(3) For each location out of the state from which fertilizer 20636
is distributed in this state to nonlicensees. 20637

All licenses shall be valid for one year beginning on the 20638
first day of December of a calendar year through the thirtieth day 20639
of November of the following calendar year. A renewal application 20640
for a license shall be submitted no later than the thirtieth day 20641
of November each year. A person who submits a renewal application 20642
for a license after the thirtieth day of November shall include 20643
with the application a late filing fee of ten dollars. 20644

(B) An application for license shall include: 20645

(1) The name and address of the licensee; 20646

(2) The name and address of each bulk distribution point in 20647
the state, not licensed for fertilizer manufacture and 20648
distribution. 20649

The name and address shown on the license shall be shown on 20650
all labels, pertinent invoices, and bulk storage for fertilizers 20651
distributed by the licensee in this state. 20652

(C) The licensee shall inform the director of agriculture in writing of additional distribution points established during the period of the license.

(D) All money collected under this section shall be credited to the pesticide, fertilizer, and lime program fund created in section 921.22 of the Revised Code.

Sec. 905.33. (A) Except as provided in division (C) of this section, no person shall distribute in this state a specialty fertilizer until it is registered by the manufacturer or distributor with the department of agriculture. An application, in duplicate, for each brand and product name of each grade of specialty fertilizer shall be made on a form furnished by the director of agriculture and shall be accompanied with a fee of fifty dollars for each brand and product name of each grade. Labels for each brand and product name of each grade shall accompany the application. Upon the approval of an application by the director, a copy of the registration shall be furnished the applicant. All registrations shall be valid for one year beginning on the first day of December of a calendar year through the thirtieth day of November of the following calendar year.

(B) An application for registration shall include the following:

- (1) Name and address of the manufacturer or distributor;
- (2) The brand and product name;
- (3) The grade;
- (4) The guaranteed analysis;

(5) The package sizes for persons that package fertilizers only in containers of ten pounds or less.

(C)(1) No person who engages in the business of applying custom mixed fertilizer to lawns, golf courses, recreation areas,

or other real property that is not used for agricultural 20683
production shall be required to register the custom mixed 20684
fertilizer as a specialty fertilizer in accordance with division 20685
(A) of this section if the fertilizer ingredients of the custom 20686
mixed fertilizer are registered as specialty fertilizers and the 20687
inspection fee described in division (A) of section 905.36 of the 20688
Revised Code is paid. 20689

(2) No person who engages in the business of blending custom 20690
mixed fertilizer for use on lawns, golf courses, recreation areas, 20691
or other real property that is not used for agricultural 20692
production shall be required to register the custom mixed 20693
fertilizer as a specialty fertilizer in accordance with division 20694
(A) of this section if the facility holds a nonagricultural 20695
production custom mixed fertilizer blender license issued under 20696
section 905.331 of the Revised Code. 20697

(D) A person who engages in the business of applying or 20698
blending custom mixed fertilizer as described in division (C) of 20699
this section shall maintain an original or a copy of an invoice or 20700
document of sale for all fertilizer the person applies or 20701
distributes for one year following the date of the application or 20702
distribution, and, upon the director's request, shall furnish the 20703
director with the invoice or document of sale for the director's 20704
review. 20705

(E) All money collected under this section shall be credited 20706
to the pesticide, fertilizer, and lime program fund created in 20707
section 921.22 of the Revised Code. 20708

Sec. 905.331. No person who engages in the business of 20709
blending a custom mixed fertilizer for use on lawns, golf courses, 20710
recreation areas, or other real property that is not used for 20711
agricultural production shall fail to register a specialty 20712
fertilizer in accordance with division (A) of section 905.33 of 20713

the Revised Code unless the person has obtained an annual 20714
nonagricultural production custom mixed fertilizer blender license 20715
from the director of agriculture. 20716

A license issued under this section shall be valid from the 20717
first day of December of a calendar year through the thirtieth day 20718
of November of the following calendar year. A renewal application 20719
for a nonagricultural production custom mixed fertilizer blender 20720
license shall be submitted to the director no later than the 20721
thirtieth day of November each year and shall include the name and 20722
address of the applicant and of the premises where the blending 20723
occurs and a one-hundred-dollar fee. A person who submits a 20724
renewal application for a license after the thirtieth day of 20725
November shall include with the application a late filing fee of 20726
ten dollars. All nonagricultural production custom mixed 20727
fertilizer blender licenses expire on the thirtieth day of 20728
November each year. 20729

A person holding a nonagricultural production custom mixed 20730
fertilizer blender license shall pay the inspection fees described 20731
in division (A) of section 905.36 of the Revised Code for each 20732
product being blended. 20733

All money collected under this section shall be credited to 20734
the pesticide, fertilizer, and lime program fund created in 20735
section 921.22 of the Revised Code. 20736

Sec. 905.36. (A) A licensee or registrant, except registrants 20737
who package specialty fertilizers only in containers of ten pounds 20738
or less, shall pay the director of agriculture for all fertilizers 20739
distributed in this state an inspection fee at the rate of 20740
twenty-five cents per ton or twenty-eight cents per metric ton. 20741
Licensees and registrants shall specify on an invoice whether the 20742
per ton inspection fee has been paid or whether payment of the fee 20743
is the responsibility of the purchaser of the fertilizer. The 20744

payment of this inspection fee by a licensee or registrant shall 20745
exempt all other persons from the payment of this fee. 20746

(B) Every licensee or registrant shall file with the director 20747
an annual tonnage report that includes the number of net tons or 20748
metric tons of fertilizer distributed to nonlicensees or 20749
nonregistrants in this state by grade; packaged; bulk, dry or 20750
liquid. The report shall be filed on or before the thirtieth day 20751
of November of each calendar year and shall include data from the 20752
period beginning on the first day of November of the year 20753
preceding the year in which the report is due through the 20754
thirty-first day of October of the year in which the report is 20755
due. The licensee or registrant, except registrants who package 20756
specialty fertilizers only in containers of ten pounds or less, 20757
shall include with this statement the inspection fee at the rate 20758
stated in division (A) of this section. For a tonnage report that 20759
is not filed or payment of inspection fees that is not made on or 20760
before the thirtieth day of November of the applicable calendar 20761
year, a penalty of fifty dollars or ten per cent of the amount 20762
due, whichever is greater, shall be assessed against the licensee 20763
or registrant. The amount of fees due, plus penalty, shall 20764
constitute a debt and become the basis of a judgment against the 20765
licensee or registrant. For tonnage reports found to be incorrect, 20766
a penalty of fifteen per cent of the amount due shall be assessed 20767
against the licensee or registrant and shall constitute a debt and 20768
become the basis of a judgment against the licensee or registrant. 20769
20770

(C) No information furnished under this section shall be 20771
disclosed by any employee of the department of agriculture in such 20772
a way as to divulge the operation of any person required to make 20773
such a report. The filing by a licensee or registrant of a sales 20774
volume tonnage statement required by division (B) of this section 20775
thereby grants permission to the director to verify the same with 20776

the records of the licensee or registrant. 20777

(D) All money collected under this section shall be credited 20778
to the pesticide, fertilizer, and lime program fund created in 20779
section 921.22 of the Revised Code. 20780

Sec. 905.50. If the director of agriculture has taken an 20781
official sample of a fertilizer or mixed fertilizer and determined 20782
that it constitutes mislabeled fertilizer pursuant to rules 20783
adopted under section 905.40 of the Revised Code, the person who 20784
labeled the fertilizer or mixed fertilizer shall pay a penalty to 20785
the consumer of the mislabeled fertilizer or, if the consumer 20786
cannot be determined with reasonable diligence or is not 20787
available, to the director ~~for deposit into~~ to be credited to the 20788
~~commercial-feed pesticide~~, fertilizer, seed, and lime ~~inspection 20789~~
~~and laboratory program~~ fund created under section ~~905.38~~ 921.22 of 20790
the Revised Code. The amount of the penalty shall be calculated in 20791
accordance with either division (A) or (B) of this section, 20792
whichever method of calculation yields the largest amount. 20793

(A)(1) A penalty required to be paid under this section may 20794
be calculated as follows: 20795

(a) Five dollars for each percentage point of total nitrogen 20796
or phosphorus in the fertilizer that is below the percentage of 20797
nitrogen or phosphorus guaranteed on the label, multiplied by the 20798
number of tons of mislabeled fertilizer that have been sold to the 20799
consumer; 20800

(b) Three dollars for each percentage point of potash in the 20801
fertilizer that is below the percentage of potash guaranteed on 20802
the label, multiplied by the number of tons of mislabeled 20803
fertilizer that have been sold to the consumer. 20804

(2) In the case of a fertilizer that contains a quantity of 20805
nitrogen, phosphorus, or potash that is more than five percentage 20806

points below the percentages guaranteed on the label, the 20807
penalties calculated under division (A)(1) of this section shall 20808
be tripled. 20809

(3) No penalty calculated under division (A) of this section 20810
shall be less than twenty-five dollars. 20811

(B) A penalty required to be paid under this section may be 20812
calculated by multiplying the market value of one unit of the 20813
mislabeled fertilizer by the number of units of the mislabeled 20814
fertilizer that have been sold to the consumer. 20815

(C) Upon making a determination under this section that a 20816
person has mislabeled fertilizer or mixed fertilizer, the director 20817
shall determine the parties to whom the penalty imposed by this 20818
section is required to be paid and, in accordance with division 20819
(A) or (B) of this section, as applicable, shall calculate the 20820
amount of the penalty required to be paid to each such party. 20821
After completing those determinations and calculations, the 20822
director shall issue to the person who allegedly mislabeled the 20823
fertilizer or mixed fertilizer a notice of violation. The notice 20824
shall be accompanied by an order requiring, and specifying the 20825
manner of, payment of the penalty imposed by this section to the 20826
parties in the amounts set forth in the determinations and 20827
calculations required by this division. The order shall be issued 20828
in accordance with Chapter 119. of the Revised Code. 20829

No person shall violate a term or condition of an order 20830
issued under this division. 20831

Sec. 905.51. As used in sections 905.51 to ~~905.66~~ 905.65 of 20832
the Revised Code: 20833

(A) "Liming material" means all materials, the calcium and 20834
magnesium content of which is used to neutralize soil acidity, and 20835
includes the oxide, hydrate, carbonate, and silicate forms, as 20836

defined by rule, or combinations of those forms. "Liming material"	20837
includes materials such as the following:	20838
(1) Limestone;	20839
(2) Hydrated lime;	20840
(3) Burnt lime;	20841
(4) Industrial by-product;	20842
(5) Marl and shell.	20843
(B) "Bulk" means in a nonpackaged form.	20844
(C) "Label" means any written or printed matter on the	20845
package, or tag attached thereto.	20846
(D) "Manufacture" means to process, crush, grind, pelletize,	20847
or blend.	20848
(E) "Person" means any partnership, association, firm, or	20849
corporation, company, society, individual or combination of	20850
individuals, institution, park, or public agency administered by	20851
the state or any subdivision of the state.	20852
(F) "Product name" means a coined or specific designation	20853
applied to an individual liming material.	20854
(G) "Sale" means an exchange or offer to exchange ownership,	20855
or a transfer or offer to transfer custody.	20856
(H) "Ton" means a net weight of two thousand pounds.	20857
(I) "Metric ton" means a measure of weight equal to one	20858
thousand kilograms.	20859
(J) "Pelletized lime" means a finely ground limestone product	20860
or manufactured material that is held together in a granulated	20861
form by a water soluble binding agent and that is capable of	20862
neutralizing soil acidity.	20863
(K) "Water treatment lime sludge" means lime sludge generated	20864

during the process of treating water supplies having levels of 20865
heavy metals at or below the levels permitted in standards adopted 20866
by the director of environmental protection governing the land 20867
application of lime sludge so generated. 20868

(L) "Distribute" means to offer for sale, sell, barter, or 20869
otherwise supply liming material in this state. 20870

(M) "Official sample" means any sample of liming material 20871
taken and designated as "official" by the director of agriculture 20872
or the director's designee. 20873

(N) "Effective neutralizing power" means the neutralizing 20874
value of liming material based on the total neutralizing power and 20875
fineness that is expressed as a dry weight percentage. 20876

(O) "Fineness index" means the percentage by weight of a 20877
liming material that will pass designated sieves, calculated to 20878
account for particle size distribution by adding the amounts 20879
arrived at under divisions (O)(1), (2), and (3) of this section as 20880
follows: 20881

(1) Two-tenths multiplied by the percentage of material 20882
passing a number eight United States standard sieve minus the 20883
percentage of material passing a number twenty United States 20884
standard sieve. 20885

(2) Six-tenths multiplied by the percentage of material 20886
passing a number twenty United States standard sieve minus the 20887
percentage of material passing a number sixty United States 20888
standard sieve. 20889

(3) One multiplied by the percentage of material passing a 20890
number sixty United States standard sieve. 20891

Sec. 905.52. (A) Except as provided in section 905.53 of the 20892
Revised Code, no person shall manufacture, sell, or distribute in 20893
this state liming material without a license to do so issued by 20894

the department of agriculture. 20895

(B) Each such license expires on the thirty-first day of 20896
December of each year and shall be renewed according to the 20897
standard renewal procedure of sections 4745.01 to 4745.03 of the 20898
Revised Code. 20899

(C) Each application for issuance or renewal of such a 20900
license shall: 20901

(1) Include the name and address of the applicant and the 20902
name and address of each bulk distribution point from which the 20903
applicant's liming material will be distributed in this state; 20904

(2) Be accompanied by a license fee of fifty dollars: 20905

(a) For each location at which liming material is 20906
manufactured in this state; 20907

(b) For each location out of the state from which liming 20908
material is distributed or sold in this state to nonlicensees. 20909

(3) Be accompanied by a label for each product name and 20910
grade. 20911

(D) The name and address of the applicant shown on the 20912
application shall be shown on all labels, pertinent invoices, and 20913
bulk storage for liming material distributed or sold by the 20914
licensee in this state. 20915

(E) The licensee shall inform the department in writing of 20916
additional distribution points established during the period of 20917
the license. 20918

(F) All money collected under this section shall be credited 20919
to the pesticide, fertilizer, and lime program fund created in 20920
section 921.22 of the Revised Code. 20921

Sec. 905.56. (A) Each licensee shall file with the department 20922
of agriculture an annual tonnage report that includes the number 20923

of net tons of liming material sold or distributed to a 20924
non-licensee in this state, by county, by oxide and hydrate forms, 20925
and by grade as defined in section 905.54 of the Revised Code, 20926
within forty days after the thirty-first day of December of each 20927
calendar year. The inspection fee at the rate stated in division 20928
(B) of this section shall accompany this report. 20929

(B) Each licensee who sells or distributes more than 20930
twenty-five hundred tons of agricultural liming material in this 20931
state shall pay to the department an inspection fee. The 20932
inspection fee is one fourth of one cent for each ton in excess of 20933
twenty-five hundred tons, as reported in the tonnage report 20934
required by division (A) of this section. The maximum inspection 20935
fee is three hundred dollars. 20936

(C) If a tonnage report is not filed, or if the inspection 20937
fee is not paid within ten days after the due date, a penalty of 20938
ten per cent of the amount due, with a minimum penalty of ten 20939
dollars, shall be assessed against the licensee. The amount of fee 20940
due, plus penalty, shall constitute a debt and shall become the 20941
basis of a judgment against the licensee. Such remedy is in 20942
addition to the remedy provided in section 905.62 of the Revised 20943
Code. 20944

(D) The director of agriculture may inspect the inventories, 20945
books, and records of any licensee in order to verify a tonnage 20946
report. If the director finds that a tonnage report is erroneous, 20947
the director may adjust the inspection fee, may assess any balance 20948
due against the licensee, and may impose a penalty not to exceed 20949
ten per cent of the balance due, or may refund any overpayment. 20950

(E) All money collected under this section shall be credited 20951
to the pesticide, fertilizer, and lime program fund created in 20952
section 921.22 of the Revised Code. 20953

Sec. 907.13. No person shall label agricultural, vegetable, 20954

or flower seed that is intended for sale in this state unless the 20955
person holds a valid seed labeler permit that has been issued by 20956
the director of agriculture in accordance with this section. 20957

A person who wishes to obtain a seed labeler permit shall 20958
file an application with the director on a form that the director 20959
provides and shall submit a permit fee in the amount of ten 20960
dollars. Such a person who labels seed under more than one name or 20961
at more than one address shall obtain a separate seed labeler 20962
permit and pay a separate permit fee for each name and address. 20963

The applicant shall include the applicant's full name and 20964
address on the application together with any additional 20965
information that the director requires by rules adopted under 20966
section 907.10 of the Revised Code. If the applicant's address is 20967
not within this state or it does not represent a location in this 20968
state where the director can collect samples of the applicant's 20969
seed for analysis, then the applicant shall include on the 20970
application an address within this state where samples of the 20971
applicant's seed may be collected for those purposes or shall 20972
agree to provide the director or the director's authorized 20973
representative with seeds for sampling upon request. 20974

Upon receipt of a complete application accompanied by the 20975
ten-dollar permit fee, the director shall issue a seed labeler's 20976
permit to the applicant. All seed labeler permits that are issued 20977
under this section shall expire on the thirty-first day of 20978
December of each year regardless of the date on which a permit was 20979
issued during that year. 20980

Each person who obtains a seed labeler permit shall label the 20981
seed that the person intends for sale in this state in accordance 20982
with the requirements established in sections 907.01 to 907.17 of 20983
the Revised Code. Each person who holds a valid seed labeler 20984
permit shall keep the permit posted in a conspicuous place in the 20985
principal seed room from which the person sells seed and shall 20986

comply with the reporting and fee requirements that are 20987
established in section 907.14 of the Revised Code. 20988

All money collected under this section shall be credited to 20989
the commercial feed and seed fund created in section 923.46 of the 20990
Revised Code. 20991

Sec. 907.14. (A) A person who holds a valid seed labeler 20992
permit issued under section 907.13 of the Revised Code shall 20993
report to the director of agriculture concerning the amount of 20994
seed that the person sells in this state. The report shall be made 20995
semiannually on a form that the director prescribes and provides. 20996
One semiannual report shall be filed with the director prior to 20997
the first day of February of each year with respect to all sales 20998
that the person made during the period from the first day of July 20999
to the thirty-first day of December of the preceding year. The 21000
second semiannual report shall be filed prior to the first day of 21001
August of each year with respect to all sales that the person made 21002
during the period from the first day of January to the thirtieth 21003
day of June of that year. 21004

(B) A person who holds a valid seed labeler permit shall 21005
include with each semiannual report a seed fee based on the amount 21006
of the seed that the person sold during that reporting period as 21007
follows: 21008

(1) For soybeans and small grains, including barley, oats, 21009
rye, wheat, triticale, and spelt, four cents per one hundred 21010
pounds; 21011

(2) For corn and grain sorghum, five cents per one hundred 21012
pounds; 21013

(3)(a) For any of the following seed sold at wholesale or 21014
retail or on consignment or commission, two per cent of the 21015
wholesale value of the containers of seed or, if the seed is not 21016

sold wholesale, two per cent of the retail value of the containers 21017
of seed: 21018

(i) Vegetable and flower seed sold in containers, other than 21019
hermetically sealed containers, of eight ounces or less; 21020

(ii) Flower seed sold in hermetically sealed containers that 21021
contain fewer than three hundred seeds; 21022

(iii) Vegetable seed sold in hermetically sealed containers 21023
that contain fewer than one thousand seeds. 21024

(b) The fees established pursuant to divisions (B)(3)(a)(ii) 21025
and (iii) of this section apply to both of the following: 21026

(i) Seed sold in hermetically sealed containers that contain 21027
the amount of seeds specified in division (B)(3)(a)(ii) or (iii) 21028
of this section, as applicable; 21029

(ii) Seed sold in hermetically sealed containers that do not 21030
clearly state the number of seeds that they contain. 21031

(c) Except as otherwise provided in division (B)(3)(b)(ii) of 21032
this section, if the weight of seed in a container, or the 21033
quantity of seed in a container, exceeds the applicable weight or 21034
quantity specified in division (B)(3)(a)(i), (ii), or (iii) of 21035
this section, the fee established in division (B)(4) of this 21036
section applies. 21037

(4) For alfalfa, clover, grass, native grass, mixtures 21038
containing any of these, and all agricultural, vegetable, and 21039
flower seeds not specified in divisions (B)(1) to (3) of this 21040
section, ten cents per one hundred pounds. 21041

If the total amount of the seed fee that is due is less than 21042
five dollars, the person shall pay the minimum seed fee, which is 21043
five dollars. 21044

(C) For each failure to report in full the amount of seed 21045
sold or to submit the required seed fees in full by the due date, 21046

a person who holds a valid seed labeler permit shall pay a penalty 21047
of ten per cent of the amount due or fifty dollars, whichever is 21048
greater. Failure to pay either the fee or the penalty within 21049
thirty days after the due date is cause for suspension or 21050
revocation by the director of the seed labeler permit or refusal, 21051
without a hearing, to issue a subsequent seed labeler permit for 21052
which the person applies. 21053

(D) This section does not apply to governmental entities that 21054
donate seed for conservation purposes. 21055

(E) All money collected under this section shall be credited 21056
to the commercial feed and seed fund created in section 923.46 of 21057
the Revised Code. 21058

Sec. 907.30. (A) No person shall apply legume inoculants to 21059
seed for sale in ~~Ohio~~, this state for others or to a customer's 21060
order unless ~~he shall have~~ the person has obtained from the 21061
director of agriculture a legume inoculator's license for each 21062
such place of business where seed is inoculated. Application for 21063
such a license shall be made on a form obtainable from the 21064
director and shall be accompanied by a fee of five dollars. ~~Said~~ 21065
The application shall include the name of the brand, or brands of 21066
legume inoculant to be used together with the name of the 21067
manufacturer, and the name of the process or technique used to 21068
apply the inoculant to the seed. All such licenses shall expire 21069
each year on the thirty-first day of January and shall be renewed 21070
according to the standard renewal procedure of sections 4745.01 to 21071
4745.03, ~~inclusive~~, of the Revised Code. 21072

(B) The legume inoculator shall keep for a period of eighteen 21073
months, ~~records which~~ that shall include complete data concerning 21074
the source and lot number of the inoculant material used, the rate 21075
and date of application, and the lot identity by owner and lot 21076
number, if any, of the seed to which the material was applied. 21077

(C) All money collected under this section shall be credited to the commercial feed and seed fund created in section 923.46 of the Revised Code. 21078
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Sec. 907.31. Any person who submits an application for the registration of a brand of legume inoculant shall pay annually, prior to the first day of January, a registration and inspection fee in the amount of fifty dollars per brand. 21081
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The registration shall be renewed according to the standard renewal procedure established in Chapter 4745. of the Revised Code. 21085
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21087

All money collected under this section shall be credited to the commercial feed and seed fund created in section 923.46 of the Revised Code. 21088
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Sec. 915.24. (A) There is hereby created in the state treasury the food safety fund. All of the following moneys shall be credited to the fund: 21091
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(1) Bakery registration fees and fines received under sections 911.02 to 911.20 of the Revised Code; 21094
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(2) Cannery license fees and renewal fees received under sections 913.01 to 913.05 of the Revised Code; 21096
21097

(3) Moneys received under sections 913.22 to 913.28 of the Revised Code; 21098
21099

(4) License fees, fines, and penalties recovered for the violation of sections 915.01 to 915.12 of the Revised Code; 21100
21101

(5) License fees collected under sections 915.14 to 915.23 of the Revised Code; 21102
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~~(6) License fees, other fees, and fines collected by or for the director of agriculture under Chapter 3717. of the Revised Code;~~ 21104
21105
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(7) Fees collected under section 3715.04 of the Revised Code for the issuance of certificates of health and freesale.	21107 21108
(B) The director of agriculture shall use the moneys deposited into the food safety fund to administer and enforce the laws pursuant to which the moneys were collected.	21109 21110 21111
Sec. 921.02. (A) No person shall distribute a pesticide within this state unless the pesticide is registered with the director of agriculture under this chapter. Registrations shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule. Registration is not required if a pesticide is shipped from one plant or warehouse to another plant or warehouse operated by the same person and used solely at that plant or warehouse as a constituent part to make a pesticide that is registered under this chapter, or if the pesticide is distributed under the provisions of an experimental use permit issued under section 921.03 of the Revised Code or an experimental use permit issued by the United States environmental protection agency.	21112 21113 21114 21115 21116 21117 21118 21119 21120 21121 21122 21123 21124
(B) The applicant for registration of a pesticide shall file a statement with the director on a form provided by the director, which shall include all of the following:	21125 21126 21127
(1) The name and address of the applicant and the name and address of the person whose name will appear on the label, if other than the applicant's name;	21128 21129 21130
(2) The brand and product name of the pesticide;	21131
(3) Any necessary information required for completion of the department of agriculture's application for registration, including the agency registration number;	21132 21133 21134
(4) A complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it,	21135 21136

including the directions for use and the use classification as 21137
provided for in the federal act. 21138

(C) The director, when the director considers it necessary in 21139
the administration of this chapter, may require the submission of 21140
the complete formula of any pesticide including the active and 21141
inert ingredients. 21142

(D) The director may require a full description of the tests 21143
made and the results thereof upon which the claims are based for 21144
any pesticide. The director shall not consider any data submitted 21145
in support of an application, without permission of the applicant, 21146
in support of any other application for registration unless the 21147
other applicant first has offered to pay reasonable compensation 21148
for producing the test data to be relied upon and the data are not 21149
protected from disclosure by section 921.04 of the Revised Code. 21150
In the case of a renewal of registration, a statement shall be 21151
required only with respect to information that is different from 21152
that furnished when the pesticide was registered or last 21153
registered. 21154

(E) The director may require any other information to be 21155
submitted with an application. 21156

Any applicant may designate any portion of the required 21157
registration information as a trade secret or confidential 21158
business information. Upon receipt of any required registration 21159
information designated as a trade secret or confidential business 21160
information, the director shall consider the designated 21161
information as confidential and shall not reveal or cause to be 21162
revealed any such designated information without the consent of 21163
the applicants, except to persons directly involved in the 21164
registration process described in this section or as required by 21165
law. 21166

(F) Beginning January 1, 2007, each applicant shall pay a 21167

registration and inspection fee of one hundred fifty dollars for 21168
each product name and brand registered for the company whose name 21169
appears on the label. If an applicant files for a renewal of 21170
registration after the deadline established by rule, the applicant 21171
shall pay a penalty fee of seventy-five dollars for each product 21172
name and brand registered for the applicant. The penalty fee shall 21173
be added to the original fee and paid before the renewal 21174
registration is issued. In addition to any other remedy available 21175
under this chapter, if a pesticide that is not registered pursuant 21176
to this section is distributed within this state, the person 21177
required to register the pesticide shall do so and shall pay a 21178
penalty fee of seventy-five dollars for each product name and 21179
brand registered for the applicant. The penalty fee shall be added 21180
to the original fee of one hundred fifty dollars and paid before 21181
the registration is issued. 21182

(G) Provided that the state is authorized by the 21183
administrator of the United States environmental protection agency 21184
to register pesticides to meet special local needs, the director 21185
shall require the information set forth under divisions (B), (C), 21186
(D), and (E) of this section and shall register any such pesticide 21187
after determining that all of the following conditions are met: 21188

(1) Its composition is such as to warrant the proposed claims 21189
for it. 21190

(2) Its labeling and other material required to be submitted 21191
comply with the requirements of the federal act and of this 21192
chapter, and rules adopted thereunder. 21193

(3) It will perform its intended function without 21194
unreasonable adverse effects on the environment. 21195

(4) When used in accordance with widespread and commonly 21196
recognized practice, it will not generally cause unreasonable 21197
adverse effects on the environment. 21198

(5) The classification for general or restricted use is in conformity with the federal act. 21199
21200

The director shall not make any lack of essentiality a criterion for denying the registration of any pesticide. When two pesticides meet the requirements of division (G) of this section, the director shall not register one in preference to the other. 21201
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(H)(1) The director may refuse to register a pesticide if the application for registration fails to comply with this section. 21205
21206

(2) The director may suspend or revoke a pesticide registration after a hearing in accordance with Chapter 119. of the Revised Code for a pesticide that fails to meet the claims made for it on its label. 21207
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(3) The director may immediately suspend a pesticide registration, prior to a hearing, when the director believes that the pesticide poses an immediate hazard to human or animal health or a hazard to the environment. Not later than fifteen days after suspending the registration, the director shall determine whether the pesticide poses such a hazard. If the director determines that no hazard exists, the director shall lift the suspension of the registration. If the director determines that a hazard exists, the director shall revoke the registration in accordance with Chapter 119. of the Revised Code. 21211
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(I) All money collected under this section shall be credited to the pesticide, fertilizer, and lime program fund created in section 921.22 of the Revised Code. 21221
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Sec. 921.06. (A)(1) No individual shall do any of the following without having a commercial applicator license issued by the director of agriculture: 21224
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(a) Apply pesticides for a pesticide business without direct supervision; 21227
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(b) Apply pesticides as part of the individual's duties while acting as an employee of the United States government, a state, county, township, or municipal corporation, or a park district, port authority, or sanitary district created under Chapter 1545., 4582., or 6115. of the Revised Code, respectively;

(c) Apply restricted use pesticides. Division (A)(1)(c) of this section does not apply to a private applicator or an immediate family member or a subordinate employee of a private applicator who is acting under the direct supervision of that private applicator.

(d) If the individual is the owner of a business other than a pesticide business or an employee of such an owner, apply pesticides at any of the following publicly accessible sites that are located on the property:

(i) Food service operations that are licensed under Chapter 3717. of the Revised Code;

(ii) Retail food establishments that are licensed under Chapter 3717. of the Revised Code;

(iii) Golf courses;

(iv) Rental properties of more than four apartment units at one location;

(v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;

(vi) Child day-care centers or school child day-care centers as defined in section 5104.01 of the Revised Code;

(vii) Facilities owned or operated by a school district established under Chapter 3311. of the Revised Code, including an education service center, a community school established under Chapter 3314. of the Revised Code, or a chartered or nonchartered nonpublic school that meets minimum standards established by the

state board of education;	21259
(viii) Colleges as defined in section 3365.01 of the Revised Code;	21260 21261
(ix) Food processing establishments as defined in section 3715.021 of the Revised Code;	21262 21263
(x) Any other site designated by rule.	21264
(e) Conduct authorized diagnostic inspections.	21265
(2) Divisions (A)(1)(a) to (d) of this section do not apply to an individual who is acting as a trained serviceperson under the direct supervision of a commercial applicator.	21266 21267 21268
(3) Licenses shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule. The fee for each such license shall be established by rule. If a license is not issued or renewed, the application fee shall be retained by the state as payment for the reasonable expense of processing the application. The director shall by rule classify by pesticide-use category licenses to be issued under this section. A single license may include more than one pesticide-use category. No individual shall be required to pay an additional license fee if the individual is licensed for more than one category.	21269 21270 21271 21272 21273 21274 21275 21276 21277 21278 21279
The fee for each license or renewal does not apply to an applicant who is an employee of the department of agriculture whose job duties require licensure as a commercial applicator as a condition of employment.	21280 21281 21282 21283
(B) Application for a commercial applicator license shall be made on a form prescribed by the director. Each application for a license shall state the pesticide-use category or categories of license for which the applicant is applying and other information that the director determines essential to the administration of	21284 21285 21286 21287 21288

this chapter. 21289

(C) If the director finds that the applicant is competent to 21290
apply pesticides and conduct diagnostic inspections and that the 21291
applicant has passed both the general examination and each 21292
applicable pesticide-use category examination as required under 21293
division (A) of section 921.12 of the Revised Code, the director 21294
shall issue a commercial applicator license limited to the 21295
pesticide-use category or categories for which the applicant is 21296
found to be competent. If the director rejects an application, the 21297
director may explain why the application was rejected, describe 21298
the additional requirements necessary for the applicant to obtain 21299
a license, and return the application. The applicant may resubmit 21300
the application without payment of any additional fee. 21301

(D)(1) A person who is a commercial applicator shall be 21302
deemed to hold a private applicator's license for purposes of 21303
applying pesticides on agricultural commodities that are produced 21304
by the commercial applicator. 21305

(2) A commercial applicator shall apply pesticides only in 21306
the pesticide-use category or categories in which the applicator 21307
is licensed under this chapter. 21308

(E) All money collected under this section shall be credited 21309
to the pesticide, fertilizer, and lime program fund created in 21310
section 921.22 of the Revised Code. 21311

Sec. 921.09. (A)(1) No person shall own or operate a 21312
pesticide business without obtaining a license from the director 21313
of agriculture. Licenses shall be issued for a period of time 21314
established by rule and shall be renewed in accordance with 21315
deadlines established by rule. 21316

(2) A person applying for a pesticide business license shall 21317
register each location that is owned by the person and used for 21318

the purpose of engaging in the pesticide business. 21319

(B) Any person who owns or operates a pesticide business 21320
outside of this state, but engages in the business of applying 21321
pesticides to properties of another for hire in this state, shall 21322
obtain a license for the person's principal out-of-state location 21323
from the director. In addition, the person shall register each 21324
location that is owned by the person in this state and used for 21325
the purpose of engaging in the pesticide business. 21326

(C)(1) The person applying for a pesticide business license 21327
shall file a statement with the director, on a form provided by 21328
the director, that shall include all of the following: 21329

(a) The address of the principal place of business of the 21330
pesticide business; 21331

(b) The address of each location that the person intends to 21332
register under division (A)(2) or (B) of this section; 21333

(c) Any other information that the director determines 21334
necessary and that the director requires by rule. 21335

(2) Each applicant shall pay a license fee established by 21336
rule for the pesticide business plus an additional fee established 21337
by rule for each pesticide business registered location specified 21338
in the application. The license may be renewed upon payment of a 21339
renewal fee established by rule plus an additional fee established 21340
by rule for each pesticide business registered location. A copy of 21341
the license shall be maintained and conspicuously displayed at 21342
each such location. 21343

(3) The issuance of a pesticide business license constitutes 21344
registration of any pesticide business location identified in the 21345
application under division (C)(1) of this section. 21346

(4) The owner or operator of a pesticide business shall 21347
notify the director not later than fifteen days after any change 21348

occurs in the information required under division (C)(1)(a) or (b) 21349
of this section. 21350

(D) The owner or operator of a pesticide business shall 21351
employ at least one commercial applicator for each pesticide 21352
business registered location the owner or operator owns or 21353
operates. 21354

(E) The owner or operator of a pesticide business is 21355
responsible for the acts of each employee in the handling, 21356
application, and use of pesticides and in the conducting of 21357
diagnostic inspections. The pesticide business license is subject 21358
to denial, modification, suspension, or revocation after a hearing 21359
for any violation of this chapter or any rule adopted or order 21360
issued under it. The director may levy against the owner or 21361
operator any civil penalties authorized by division (B) of section 21362
921.16 of the Revised Code for any violation of this chapter or 21363
any rule adopted or order issued under it that is committed by the 21364
owner or operator or by the owner's or operator's officer, 21365
employee, or agent. 21366

(F) The director may modify a license issued under this 21367
section by one of the following methods: 21368

(1) Revoking a licensee's authority to operate out of a 21369
particular pesticide business registered location listed under 21370
division (C)(1)(b) of this section; 21371

(2) Preventing a licensee from operating within a specific 21372
pesticide-use category. 21373

(G) The director may deny a pesticide business license to any 21374
person whose pesticide business license has been revoked within 21375
the previous thirty-six months. 21376

(H) Each pesticide business registered location that is owned 21377
by a pesticide business is subject to inspection by the director. 21378

(I) All money collected under this section shall be credited 21379
to the pesticide, fertilizer, and lime program fund created in 21380
section 921.22 of the Revised Code. 21381

Sec. 921.11. (A)(1) No individual shall apply restricted use 21382
pesticides unless the individual is one of the following: 21383

(a) Licensed under section 921.06 of the Revised Code; 21384

(b) Licensed under division (B) of this section; 21385

(c) A trained serviceperson who is acting under the direct 21386
supervision of a commercial applicator; 21387

(d) An immediate family member or a subordinate employee of a 21388
private applicator who is acting under the direct supervision of 21389
that private applicator. 21390

(2) No individual shall directly supervise the application of 21391
a restricted use pesticide unless the individual is one of the 21392
following: 21393

(a) Licensed under section 921.06 of the Revised Code; 21394

(b) Licensed under division (B) of this section. 21395

(B) The director of agriculture shall adopt rules to 21396
establish standards and procedures for the licensure of private 21397
applicators. An individual shall apply for a private applicator 21398
license to the director, on forms prescribed by the director. The 21399
individual shall include in the application the pesticide-use 21400
category or categories of the license for which the individual is 21401
applying and any other information that the director determines is 21402
essential to the administration of this chapter. The fee for each 21403
license shall be established by rule. Licenses shall be issued for 21404
a period of time established by rule and shall be renewed in 21405
accordance with deadlines established by rule. If a license is not 21406
issued or renewed, the state shall retain any fee submitted as 21407
payment for reasonable expenses of processing the application. 21408

(C) An individual who is licensed under this section shall use or directly supervise the use of a restricted use pesticide only for the purpose of producing agricultural commodities on property that is owned or rented by the individual or the individual's employer.

(D) All money collected under this section shall be credited to the pesticide, fertilizer, and lime program fund created in section 921.22 of the Revised Code.

Sec. 921.13. (A) Any person who is acting in the capacity of a pesticide dealer or who advertises or assumes to act as a pesticide dealer at any time shall obtain a pesticide dealer license from the director of agriculture. Licenses shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule. A license is required for each location or outlet within this state from which the person distributes pesticides.

Any pesticide dealer who has no pesticide dealer outlets in this state and who distributes restricted use pesticides directly into this state shall obtain a pesticide dealer license from the director for the pesticide dealer's principal out-of-state location or outlet and for each sales person operating in the state.

The applicant shall include a license fee established by rule with the application for a license. The application shall be made on a form prescribed by the director.

Each pesticide dealer shall submit records to the director of all of the restricted use pesticides the pesticide dealer has distributed, as specified by the director, and duplicate records shall be retained by the pesticide dealer for a period of time established by rules.

(B) This section does not apply to any federal, state, county, or municipal agency that provides pesticides for its own programs.

(C) Each licensed pesticide dealer is responsible for the acts of each employee in the solicitation and sale of pesticides and all claims and recommendations for use of pesticides. The pesticide dealer's license is subject to denial, suspension, or revocation after a hearing for any violation of this chapter whether committed by the pesticide dealer or by the pesticide dealer's officer, agent, or employee.

(D) All money collected under this section shall be credited to the pesticide, fertilizer, and lime program fund created in section 921.22 of the Revised Code.

Sec. 921.16. (A) The director of agriculture shall adopt rules the director determines necessary for the effective enforcement and administration of this chapter. The rules may relate to, but are not limited to, the time, place, manner, and methods of application, materials, and amounts and concentrations of application of pesticides, may restrict or prohibit the use of pesticides in designated areas during specified periods of time, and shall encompass all reasonable factors that the director determines necessary to minimize or prevent damage to the environment. In addition, the rules shall establish the deadlines and time periods for registration, registration renewal, late registration renewal, and failure to register under section 921.02 of the Revised Code; the fees for registration, registration renewal, late registration renewal, and failure to register under section 921.02 of the Revised Code that shall apply until the fees that are established under that section take effect on January 1, 2007; and the fees, deadlines, and time periods for licensure and license renewal under sections 921.06, 921.09, 921.11, and 921.13

of the Revised Code. 21470

(B) The director shall adopt rules that establish a schedule 21471
of civil penalties for violations of this chapter, or any rule or 21472
order adopted or issued under it, provided that the civil penalty 21473
for a first violation shall not exceed five thousand dollars and 21474
the civil penalty for each subsequent violation shall not exceed 21475
ten thousand dollars. In determining the amount of a civil penalty 21476
for a violation, the director shall consider factors relevant to 21477
the severity of the violation, including past violations and the 21478
amount of actual or potential damage to the environment or to 21479
human beings. All money collected under this division shall be 21480
credited to the pesticide, fertilizer, and lime program fund 21481
created in section 921.22 of the Revised Code. 21482

(C) The director shall adopt rules that set forth the 21483
conditions under which the director: 21484

(1) Requires that notice or posting be given of a proposed 21485
application of a pesticide; 21486

(2) Requires inspection, condemnation, or repair of equipment 21487
used to apply a pesticide; 21488

(3) Will suspend, revoke, or refuse to issue any pesticide 21489
registration for a violation of this chapter; 21490

(4) Requires safe handling, transportation, storage, display, 21491
distribution, and disposal of pesticides and their containers; 21492

(5) Ensures the protection of the health and safety of 21493
agricultural workers storing, handling, or applying pesticides, 21494
and all residents of agricultural labor camps, as that term is 21495
defined in section 3733.41 of the Revised Code, who are living or 21496
working in the vicinity of pesticide-treated areas; 21497

(6) Requires a record to be kept of all pesticide 21498
applications made by each commercial applicator and by any trained 21499

serviceperson acting under the commercial applicator's direct supervision and of all restricted use pesticide applications made by each private applicator and by any immediate family member or subordinate employee of that private applicator who is acting under the private applicator's direct supervision as required under section 921.14 of the Revised Code;

(7) Determines the pesticide-use categories of diagnostic inspections that must be conducted by a commercial applicator;

(8) Requires a record to be kept of all diagnostic inspections conducted by each commercial applicator and by any trained service person.

(D) The director shall prescribe standards for the licensure of applicators of pesticides consistent with those prescribed by the federal act and the regulations adopted under it or prescribe standards that are more restrictive than those prescribed by the federal act and the regulations adopted under it. The standards may relate to the use of a pesticide or to an individual's pesticide-use category.

The director shall take into consideration standards of the United States environmental protection agency.

(E) The director may adopt rules setting forth the conditions under which the director will:

(1) Collect and examine samples of pesticides or devices;

(2) Specify classes of devices that shall be subject to this chapter;

(3) Prescribe other necessary registration information.

(F) The director may adopt rules that do either or both of the following:

(1) Designate, in addition to those restricted uses so classified by the administrator of the United States environmental

protection agency, restricted uses of pesticides for the state or 21530
for designated areas within the state and, if the director 21531
considers it necessary, to further restrict such use; 21532

(2) Define what constitutes "acting under the instructions 21533
and control of a commercial applicator" as used in the definition 21534
of "direct supervision" in division (Q)(1) of section 921.01 of 21535
the Revised Code. In adopting a rule under division (F)(2) of this 21536
section, the director shall consider the factors associated with 21537
the use of pesticide in the various pesticide-use categories. 21538
Based on consideration of the factors, the director may define 21539
"acting under the instructions and control of a commercial 21540
applicator" to include communications between a commercial 21541
applicator and a trained serviceperson that are conducted via 21542
landline telephone or a means of wireless communication. Any rules 21543
adopted under division (F)(2) of this section shall be drafted in 21544
consultation with representatives of the pesticide industry. 21545

(G) Except as provided in division (D) of this section, the 21546
director shall not adopt any rule under this chapter that is 21547
inconsistent with the requirements of the federal act and 21548
regulations adopted thereunder. 21549

(H) The director, after notice and opportunity for hearing, 21550
may declare as a pest any form of plant or animal life, other than 21551
human beings and other than bacteria, viruses, and other 21552
microorganisms on or in living human beings or other living 21553
animals, that is injurious to health or the environment. 21554

(I) The director may make reports to the United States 21555
environmental protection agency, in the form and containing the 21556
information the agency may require. 21557

(J) The director shall adopt rules for the application, use, 21558
storage, and disposal of pesticides if, in the director's 21559
judgment, existing programs of the United States environmental 21560

protection agency necessitate such rules or pesticide labels do 21561
not sufficiently address issues or situations identified by the 21562
department of agriculture or interested state agencies. 21563

(K) The director shall adopt rules establishing all of the 21564
following: 21565

(1) Standards, requirements, and procedures for the 21566
examination and re-examination of commercial applicators and 21567
private applicators; 21568

(2) With respect to training programs that the director may 21569
require commercial applicators and private applicators to 21570
complete: 21571

(a) Standards and requirements that a training program must 21572
satisfy in order to be offered by the director or the director's 21573
representative or in order to be approved by the director if a 21574
third party wishes to offer it; 21575

(b) Eligibility standards and requirements that must be 21576
satisfied by third parties who wish to provide the training 21577
programs; 21578

(c) Procedures that third parties must follow in order to 21579
submit a proposed training program to the director for approval; 21580

(d) Criteria that the director must consider when determining 21581
whether to authorize a commercial applicator or private applicator 21582
to participate in a training program instead of being required to 21583
pass a re-examination. 21584

(3) Training requirements for a trained serviceperson. 21585

(L) The director shall adopt all rules under this chapter in 21586
accordance with Chapter 119. of the Revised Code. 21587

Sec. 921.22. The pesticide, fertilizer, and lime program fund 21588
is hereby created in the state treasury. ~~The portion of the money~~ 21589

~~in the fund that is collected under this chapter shall be used to~~ 21590
~~carry out the purposes of this chapter. The portion of the money~~ 21591
~~in the fund that is collected under section 927.53 of the Revised~~ 21592
~~Code shall be used to carry out the purposes specified in that~~ 21593
~~section, the portion of the money in the fund that is collected~~ 21594
~~under section 927.69 of the Revised Code shall be used to carry~~ 21595
~~out the purposes specified in that section, and the portion of the~~ 21596
~~money in the fund that is collected under section 927.701 of the~~ 21597
~~Revised Code shall be used to carry out the purposes of that~~ 21598
~~section. The fund shall consist of fees collected under sections~~ 21599
~~921.01 to 921.15, division (F) of section 927.53, and section~~ 21600
~~927.69 of the Revised Code, money collected under section 927.701~~ 21601
~~money credited to it under this chapter and Chapter 905. of the~~ 21602
~~Revised Code, and rules adopted under them and all fines,~~ 21603
penalties, costs, and damages, except court costs, that are 21604
collected by either the director of agriculture or the attorney 21605
general in consequence of any violation of ~~this chapter~~ those 21606
chapters or rules adopted under them. The director shall use money 21607
in the fund to administer and enforce those chapters and rules 21608
adopted under them. 21609

The director shall keep accurate records of all receipts into 21610
and disbursements from the fund and shall prepare, and provide 21611
upon request, an annual report classifying the receipts and 21612
disbursements that pertain to pesticides, fertilizers, or lime. 21613

Sec. 921.27. (A) If the director of agriculture has 21614
reasonable cause to believe that a pesticide or device is being 21615
distributed, stored, transported, or used in violation of this 21616
chapter or of any rules, it shall be subject to seizure on 21617
complaint of the director to a court of competent jurisdiction in 21618
the locality in which the pesticide or device is located. 21619

(B) If the article is condemned, it shall, after entry or 21620

decree, be disposed of by destruction or sale as the court may 21621
direct and the proceeds, if the article is sold, less legal costs, 21622
shall be paid to the pesticide, fertilizer, and lime program fund 21623
created in section 921.22 of the Revised Code. The article shall 21624
not be sold contrary to this section. Upon payment of costs and 21625
execution and delivery of a good and sufficient bond conditioned 21626
that the article shall not be disposed of unlawfully, the court 21627
may direct that the article be delivered to the owner thereof for 21628
relabeling or reprocessing. 21629

Sec. 921.29. Fines, penalties, costs, and damages assessed 21630
against a person in consequence of violations of this chapter, as 21631
provided in this chapter or any other section of the Revised Code, 21632
shall be a lien in favor of the state upon the real and personal 21633
property of the person, upon the filing of a judgment or an order 21634
of the director of agriculture with the county in which the real 21635
and personal property is located. The real and personal property 21636
of the person shall be liable to execution for the fines, 21637
penalties, costs, and damages by the attorney general, who shall 21638
deposit any proceeds from an execution upon the property in the 21639
pesticide, fertilizer, and lime program fund created in section 21640
921.22 of the Revised Code. 21641

Sec. 923.44. (A)(1) Except as otherwise provided in divisions 21642
(A)(2), (3), and (4) of this section, the first distributor of a 21643
commercial feed shall pay the director of agriculture a semiannual 21644
inspection fee at the rate of twenty-five cents per ton, with a 21645
minimum payment of twenty-five dollars, on all commercial feeds 21646
distributed by the first distributor in this state. 21647

(2) The semiannual inspection fee required under division 21648
(A)(1) of this section shall not be paid by the first distributor 21649
of a commercial feed if the distribution is made to an exempt 21650
21651

buyer who shall be responsible for the fee. The director shall 21652
establish an exempt list consisting of those buyers who are 21653
responsible for the fee. 21654

(3) The semiannual inspection fee shall not be paid on a 21655
commercial feed if the fee has been paid by a previous 21656
distributor. 21657

(4) The semiannual inspection fee shall not be paid on 21658
customer-formula feed if the fee has been paid on the commercial 21659
feeds that are used as components in that customer-formula feed. 21660

(B) Each distributor or exempt buyer who is required to pay a 21661
fee under division (A)(1) or (2) of this section shall file a 21662
semiannual statement with the director that includes the number of 21663
net tons of commercial feed distributed by the distributor or 21664
exempt buyer in this state, within thirty days after the thirtieth 21665
day of June and within thirty days after the thirty-first day of 21666
December, respectively, of each calendar year. 21667

The inspection fee at the rate stated in division (A)(1) of 21668
this section shall accompany the statement. For a tonnage report 21669
that is not filed or payment of inspection fees that is not made 21670
within fifteen days after the due date, a penalty of ten per cent 21671
of the amount due, with a minimum penalty of fifty dollars shall 21672
be assessed against the distributor or exempt buyer. The amount of 21673
fees due, plus penalty, shall constitute a debt and become the 21674
basis of a judgment against the distributor or exempt buyer. 21675

(C) No information furnished under this section shall be 21676
disclosed by an employee of the department of agriculture in such 21677
a way as to divulge the operation of any person required to make 21678
such a report. 21679

(D) All money collected under this section shall be credited 21680
to the commercial feed and seed fund created in section 923.46 of 21681
the Revised Code. 21682

~~Sec. 923.46. All moneys collected by the director of~~ 21683
~~agriculture under sections 923.41 to 923.55 of the Revised Code~~ 21684
~~shall be deposited into the state treasury to the credit of the~~ 21685
The commercial feed, fertilizer, and seed, and lime inspection and 21686
laboratory fund is hereby created in section 905.38 the state 21687
treasury. The fund shall consist of money credited to it under 21688
this chapter and Chapter 907. of the Revised Code. 21689

The director shall ~~prepare and provide a report concerning~~ 21690
~~the fund in accordance with section 905.381 of the Revised Code~~ 21691
keep accurate records of all receipts into and disbursements from 21692
the fund and shall prepare, and provide upon request, an annual 21693
report classifying the receipts and disbursements that pertain to 21694
commercial feed or seed. 21695

Sec. 927.51. As used in sections 927.51 to ~~927.74~~ 927.73 of 21696
the Revised Code: 21697

(A) "Collected plant" means any plant dug or gathered from 21698
any wood lot, field, forest, or any other location in which such a 21699
plant is found growing in its native habitat. 21700

(B) "Collector" means any person who collects, for sale, 21701
plants from wood lots, fields, forests, or other native habitat. 21702

(C) "Dealer" means any person other than a nurseryman who 21703
offers for sale, sells, or distributes nursery stock, either 21704
exclusively or in connection with other merchandise, in or from 21705
any nursery, store, sales ground, stand, lot, truck, railway car, 21706
or other vehicle. "Dealer" includes any landscaper who sells or 21707
offers for sale nursery stock as a part of a grounds improvement 21708
project ~~which~~ that may involve the installation of such plants. 21709

(D) "Hardy," when applied to plants and bulbs, whether wild 21710
or cultivated, means capable of surviving the normal winter 21711
temperatures of this state. 21712

(E) "Host" means any plant or plant product from which any pest derives its food supply, or upon which it depends for its well being or to complete any part of its life cycle.	21713 21714 21715
(F) "Infested" means containing or harboring one or more pests or infected with one or more pests.	21716 21717
(G) "Nursery" means any grounds or premises on or in which nursery stock is propagated or grown for sale.	21718 21719
(H) "Nurseryman" means a person who owns, leases, manages, or is in charge of a nursery.	21720 21721
(I) "Nursery stock" means:	21722
(1) Any hardy tree, shrub, plant, or bulb, whether wild or cultivated, except turfgrass, and any cutting, graft, scion, or bud thereof;	21723 21724 21725
(2) Any nonhardy plant, or plant part, which <u>that</u> is to be offered for sale in any state which <u>that</u> requires inspection and certification of such <u>the</u> plant or plant part as a condition of entrance therein.	21726 21727 21728 21729
(J) "Person" means any corporation, company, society, association, partnership, individual or combination of individuals, institution, park, or any public agency administered by the state or any subdivision of the state.	21730 21731 21732 21733
(K) "Pest" means any insect, mite, nematode, bacteria, fungus, virus, parasitic plant, or any other organism or any stage of any such organism which <u>that</u> causes, or is capable of causing, injury, disease, or damage to any plant, plant part, or plant product.	21734 21735 21736 21737 21738
(L) "Place of business" means each separate location from which nursery stock is sold, offered for sale, or distributed.	21739 21740
(M) "Intensive production area" means a place where nursery stock is propagated or grown using greenhouses, liner beds, lath	21741 21742

beds, or containers.	21743
(N) "Nonintensive production area" means any place where nursery stock is propagated or grown as field stock.	21744 21745
(O) "Forced floral plants" means plants with desirable flower characteristics in which the bloom is artificially induced at an unnatural time of the year.	21746 21747 21748
Sec. 927.52. (A) The director of agriculture shall adopt and enforce any rules that are necessary to carry out sections 927.51 to 927.74 <u>927.73</u> of the Revised Code.	21749 21750 21751
(B) The director may revoke, suspend, or refuse to issue any nursery certificate or dealer's license for any violation of sections 927.51 to 927.71 of the Revised Code, or of any rules adopted under those sections.	21752 21753 21754 21755
(C) The director may publish reports describing nursery inspection and pest control operations authorized by sections 927.51 to 927.71 of the Revised Code.	21756 21757 21758
Sec. 927.53. (A) Each collector or dealer who sells, offers, or exposes for sale, or distributes nursery stock within this state, or ships nursery stock to other states, shall pay an annual license fee of fifty <u>one hundred twenty-five</u> dollars to the director of agriculture for each place of business the collector or dealer operates.	21759 21760 21761 21762 21763 21764
(B)(1) Each dealer shall furnish the director, annually, an affidavit that the dealer will buy and sell only nursery stock which has been inspected and certified by an official state or federal inspector.	21765 21766 21767 21768
(2) Each dealer's license expires on the thirty-first day of December of each year. Each licensed dealer shall apply for renewal of the dealer's license prior to the first day of January	21769 21770 21771

of each year and in accordance with the standard renewal procedure 21772
of sections 4745.01 to 4745.03 of the Revised Code. 21773

(C) Each licensed nurseryperson shall post conspicuously in 21774
the nurseryperson's principal place of business, the certificate 21775
which is issued to the nurseryperson in accordance with section 21776
927.61 of the Revised Code. 21777

(D) Each licensed nurseryperson, or dealer, shall post 21778
conspicuously in each place of business, each certificate or 21779
license which is issued to the nurseryperson or dealer in 21780
compliance with this section or section 927.61 of the Revised 21781
Code. 21782

(E)(1) Each nurseryperson who produces, sells, offers for 21783
sale, or distributes woody nursery stock within the state, or 21784
ships woody nursery stock to other states, shall pay to the 21785
director an annual inspection fee of ~~fifty~~ one hundred dollars 21786
plus ~~four~~ eleven dollars per acre, or fraction thereof, of growing 21787
nursery stock in intensive production areas and ~~two~~ seven dollars 21788
per acre, or fraction thereof, of growing nursery stock in 21789
nonintensive production areas, as applicable. 21790

(2) Each nurseryperson who limits production and sales of 21791
nursery stock to brambles, herbaceous, perennial, and other 21792
nonwoody plants, shall pay to the director an inspection fee of 21793
~~thirty~~ one hundred dollars, plus ~~four~~ eleven dollars per acre, or 21794
fraction thereof, of growing nursery stock in intensive and 21795
nonintensive production areas. 21796

(F) ~~On and after the effective date of this amendment, the~~ 21797
~~following additional fees shall be assessed:~~ 21798

~~(1) Each collector or dealer who pays a fee under division~~ 21799
~~(A) of this section shall pay an additional fee of twenty five~~ 21800
~~dollars.~~ 21801

~~(2) Each nurseryperson who pays fees under division (E)(1) of~~ 21802

~~this section shall pay additional fees as follows:~~ 21803

~~(a) Fifteen dollars for the inspection fee;~~ 21804

~~(b) Fifty cents per acre, or fraction thereof, of growing
nursery stock in intensive production areas;~~ 21805
21806

~~(c) One dollar and fifty cents per acre, or fraction thereof,
of growing nursery stock in nonintensive production areas.~~ 21807
21808

~~(3) Each nursery person who pays fees under division (E)(2)
of this section shall pay additional fees as follows:~~ 21809
21810

~~(a) Thirty five dollars for the inspection fee;~~ 21811

~~(b) Fifty cents per acre, or fraction thereof, of growing
stock in intensive and nonintensive production areas. The~~ 21812
21813

~~The fees collected under division (F) of this section shall
be deposited into the state treasury credited to the credit of the
pesticide plant pest program fund created in Chapter 921, section
927.54 of the Revised Code. ~~Moneys so credited to the fund shall~~
~~be used to pay the costs incurred by the department of agriculture~~
~~in administering this chapter, including employing a minimum of~~
~~two additional inspectors.~~ 21814
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Sec. 927.54. The plant pest program fund is hereby created in 21821
the state treasury. The fund shall consist of money credited to it 21822
under this chapter and any rules adopted under it. The director of 21823
agriculture shall use money in the fund to administer this 21824
chapter. 21825

The director shall keep accurate records of all receipts into 21826
and disbursements from the fund and shall prepare, and provide 21827
upon request, an annual report classifying the receipts and 21828
disbursements that pertain to plant pests. 21829

Sec. 927.56. (A) Each nurseryman, dealer, or collector of 21830
nursery stock, who resides in or has his principal place of 21831

business in another state and who sends nursery stock into this 21832
state without having a bona fide order in advance for all such 21833
nursery stock, shall obtain the same license ~~which~~ that is 21834
required by section 927.53 of the Revised Code. 21835

(B) The director of agriculture may enter into such 21836
reciprocal contracts and agreements as ~~he~~ the director determines 21837
proper and expedient, with the proper authorities of other states 21838
or of the federal government to regulate the shipment, sale, and 21839
distribution of nursery stock in this state by persons residing in 21840
or located in another state, in accordance with sections 927.51 to 21841
~~927.74, inclusive,~~ 927.73 of the Revised Code. 21842

Sec. 927.69. To effect the purpose of sections 927.51 to 21843
~~927.74~~ 927.73 of the Revised Code, the director of agriculture or 21844
the director's authorized representative may: 21845

(A) Make reasonable inspection of any premises in this state 21846
and any property therein or thereon; 21847

(B) Stop and inspect in a reasonable manner, any means of 21848
conveyance moving within this state upon probable cause to believe 21849
it contains or carries any pest, host, commodity, or other article 21850
that is subject to sections 927.51 to 927.72 of the Revised Code; 21851

(C) Conduct inspections of agricultural products that are 21852
required by other states, the United States department of 21853
agriculture, other federal agencies, or foreign countries to 21854
determine whether the products are infested. If, upon making such 21855
an inspection, the director or the director's authorized 21856
representative determines that an agricultural product is not 21857
infested, the director or the director's authorized representative 21858
may issue a certificate, as required by other states, the United 21859
States department of agriculture, other federal agencies, or 21860
foreign countries, indicating that the product is not infested. 21861

If the director charges fees for any of the certificates, 21862
agreements, or inspections specified in this section, the fees 21863
shall be as follows: 21864

(1) Phyto sanitary certificates, twenty-five dollars for 21865
those collectors or dealers that are licensed under section 927.53 21866
of the Revised Code; 21867

(2) Phyto sanitary certificates, one hundred dollars for all 21868
others; 21869

(3) Compliance agreements, twenty forty dollars; 21870

~~(3) Solid wood packing certificates, twenty dollars;~~ 21871

(4) Agricultural products and their conveyances inspections, 21872
an amount equal to the hourly rate of pay in the highest step in 21873
the pay range, including fringe benefits, of a plant pest control 21874
specialist multiplied by the number of hours worked by such a 21875
specialist in conducting an inspection. 21876

The director may adopt rules under section 927.52 of the 21877
Revised Code that define the certificates, agreements, and 21878
inspections. 21879

The fees shall be ~~deposited into the state treasury credited~~ 21880
~~to the credit of the pesticide plant pest program fund created in~~ 21881
~~Chapter 921. section 927.54 of the Revised Code. Money credited to~~ 21882
~~the fund shall be used to pay the costs incurred by the department~~ 21883
~~of agriculture in administering this chapter, including employing~~ 21884
~~a minimum of two additional inspectors.~~ 21885

Sec. 927.70. (A) No person shall knowingly permit any plant 21886
pest ~~which~~ that has been determined to be destructive or 21887
dangerously harmful by the director of agriculture, in compliance 21888
with procedures required by division (A) of section 927.52 of the 21889
Revised Code, to exist in or on ~~his~~ the person's premises. 21890

(B) Whenever the director or ~~his~~ the director's authorized 21891

representative finds any article or commodity to be infested or 21892
has reason to believe it to be infested, or finds that a host or 21893
pest exists on any premises, or is in transit in this state, ~~he~~ 21894
the director may: 21895

(1) Upon giving notice to the owner or ~~his~~ the owner's agent 21896
in possession thereof, seize, quarantine, treat, or otherwise 21897
dispose of ~~such~~ the pest, host, article, or commodity in such 21898
manner as ~~he~~ the director determines necessary to suppress, 21899
control, eradicate, or to prevent or retard the spread of a pest; 21900

(2) Order ~~such~~ the owner or agent to so treat or otherwise 21901
dispose of the pest, host, article, or commodity. 21902

(C) If the owner or person in charge of ~~such~~ the premises 21903
refuses or neglects to carry out the orders of the director within 21904
seven days after receiving written notice, the director may treat 21905
the premises; treat or destroy the infested plants or plant 21906
material; or apply any other preventive or remedial measure ~~which~~ 21907
~~he~~ that the director determines necessary. The expense of any such 21908
preventative or remedial measures shall be assessed, collected, 21909
and enforced, as taxes are assessed, collected, and enforced, 21910
against the premises upon which ~~such~~ the expense was incurred. The 21911
amount of ~~such~~ the expense when collected shall be ~~paid to the~~ 21912
~~director and by him deposited with the treasurer of state credited~~ 21913
to the plant pest program fund created in section 927.54 of the 21914
Revised Code. 21915

Sec. 927.701. (A) As used in this section, "gypsy moth" means 21916
the live insect, *Lymantria dispar*, in any stage of development. 21917
21918

(B) The director of agriculture may establish a voluntary 21919
gypsy moth suppression program under which a landowner may request 21920
that the department of agriculture have the landowner's property 21921
aerially sprayed to suppress the presence of gypsy moths in 21922

exchange for payment from the landowner of a portion of the cost 21923
of the spraying. To determine the ~~amount of payment that is due~~ 21924
~~from a landowner~~ total cost per acre, the department ~~first~~ shall 21925
~~determine the projected cost per acre to the department of gypsy~~ 21926
~~moth suppression activities for the year in which the landowner's~~ 21927
~~request is made. The cost shall be calculated by determining the~~ 21928
~~total expense of aerial spraying for gypsy moths to be incurred by~~ 21929
~~the department in that year divided by the total number of acres~~ 21930
~~proposed to be sprayed in that year. With respect to a landowner~~ 21931
add the per-acre cost of the product selected by the landowner to 21932
suppress gypsy moths and the per-acre cost of applying the product 21933
as determined by the director in rules. To determine the aggregate 21934
total cost, the department shall multiply the total cost per acre 21935
by the number of acres that the landowner requests to be sprayed. 21936
The department shall add to that amount any administrative costs 21937
that it incurs in billing the landowner and collecting payment. 21938
~~The amount that the landowner shall pay to the department shall~~ 21939
~~not exceed fifty per cent of the resulting amount. The portion of~~ 21940
~~the cost that is assessed to the landowner, if any, shall be~~ 21941
~~determined by the funding that is allocated to the department by~~ 21942
~~the federal and state gypsy moth suppression programs.~~ 21943

(C) The director shall adopt rules under Chapter 119. of the 21944
Revised Code to establish procedures under which a landowner may 21945
make a request under division (B) of this section, to establish 21946
the per-acre cost of applying product to suppress gypsy moths, and 21947
to establish provisions governing agreements between the 21948
department and landowners concerning gypsy moth suppression 21949
together with any other provisions that the director considers 21950
appropriate to administer this section. 21951

(D) The director shall deposit all money collected under this 21952
section ~~into the state treasury~~ to the credit of the pesticide 21953
plant pest program fund created in ~~Chapter 921. section 927.54~~ of 21954

the Revised Code. Money credited to the fund under this section 21955
shall be used for the suppression of gypsy moths in accordance 21956
with this section. 21957

Sec. 927.71. (A) The director of agriculture, in accordance 21958
with Chapter 119. of the Revised Code, may quarantine: 21959

(1) This state or any portion thereof when ~~he~~ the director 21960
determines that such action is necessary to prevent or retard the 21961
spread of a pest into, within, or from this state; 21962

(2) Any other state or portion thereof when ~~he~~ the director 21963
determines that a pest exists therein and that such action is 21964
necessary to prevent or retard its spread into this state. 21965

(B) The director may limit the application of a quarantine to 21966
the infested portions of the quarantined area and appropriate 21967
environs, to be known as the regulated area, and may, without 21968
further hearing, extend the regulated area to include additional 21969
portions of the quarantined area either: 21970

(1) Upon publication of a notice to that effect in such 21971
newspapers in the quarantined area as ~~he~~ the director may select; 21972

(2) Upon written notice to those concerned. 21973

(C) Following establishment of a quarantine, no person shall 21974
move any regulated article described in the quarantine, or move 21975
the pest against which the quarantine is established, within, 21976
from, into, or through this state contrary to ~~regulations~~ 21977
~~promulgated~~ rules adopted by the director without prior permission 21978
or order of the director. 21979

(D) A ~~regulation~~ rule may restrict the movement of a pest and 21980
any regulated article from the quarantined or regulated area in 21981
this state into or through other parts of this state or other 21982
states and from the quarantine or regulated area in other states 21983
into or through this state and may impose such inspection, 21984

disinfection, certification, permit, or other requirements as the 21985
director determines necessary to effectuate the purpose of 21986
sections 927.51 to ~~927.74, inclusive,~~ 927.73 of the Revised Code. 21987

Sec. 955.201. (A) As used in this section and in section 21988
955.202 of the Revised Code, "Ohio pet fund" means a nonprofit 21989
corporation organized by that name under Chapter 1702. of the 21990
Revised Code that consists of humane societies, veterinarians, 21991
animal shelters, companion animal breeders, dog wardens, ~~and~~ or 21992
similar individuals and entities. 21993

(B) The Ohio pet fund shall do all of the following: 21994

(1) Establish eligibility criteria for organizations that may 21995
receive financial assistance from the pets program funding board 21996
created in section 955.202 of the Revised Code. Those 21997
organizations may include any of the following: 21998

(a) An animal shelter as defined in section 4729.01 of the 21999
Revised Code; 22000

(b) A local nonprofit veterinary association that operates a 22001
program for the sterilization of dogs and cats; 22002

(c) A charitable organization that is exempt from federal 22003
income taxation under subsection 501(c)(3) of the Internal Revenue 22004
Code and ~~the primary~~ a purpose of which is to support programs for 22005
the sterilization of dogs and cats and educational programs 22006
concerning the proper veterinary care of those animals. 22007

(2) Establish procedures for applying for financial 22008
assistance from the pets program funding board. Application 22009
procedures shall require eligible organizations to submit detailed 22010
proposals that outline the intended uses of the moneys sought. 22011

(3) Establish eligibility criteria for sterilization and 22012
educational programs for which moneys from the pets program 22013
funding board may be used and, consistent with division (C) of 22014

this section, establish eligibility criteria for individuals who 22015
seek sterilization for their dogs and cats from eligible 22016
organizations; 22017

(4) Establish procedures for the disbursement of moneys the 22018
pets program funding board receives from license plate 22019
contributions pursuant to division (C) of section 4503.551 of the 22020
Revised Code; 22021

(5) Advertise or otherwise provide notification of the 22022
availability of financial assistance from the pets program funding 22023
board for eligible organizations; 22024

(6) Design markings to be inscribed on "pets" license plates 22025
under section 4503.551 of the Revised Code. 22026

(C)(1) The owner of a dog or cat is eligible for dog or cat 22027
sterilization services from an eligible organization when those 22028
services are subsidized in whole or in part by money from the pets 22029
program funding board if any of the following applies: 22030

(a) The income of the owner's family does not exceed one 22031
hundred fifty per cent of the federal poverty guideline. 22032

(b) The owner, or any member of the owner's family who 22033
resides with the owner, is a recipient or beneficiary of one of 22034
the following government assistance programs: 22035

(i) Low-income housing assistance under the "United States 22036
Housing Act of 1937," 42 U.S.C.A. 1437f, as amended, known as the 22037
federal section 8 housing program; 22038

(ii) The Ohio works first program established by Chapter 22039
5107. of the Revised Code; 22040

(iii) Title XIX of the "Social Security Act," 49 Stat. 620 22041
(1935), 42 U.S.C.A. 301, as amended, known as the medical 22042
assistance program or medicaid, provided by the department of job 22043
and family services under Chapter 5111. of the Revised Code; 22044

(iv) A program or law administered by the United States	22045
department of veterans' affairs or veterans' administration for	22046
any service-connected disability;	22047
(v) The food stamp <u>supplemental nutrition assistance</u> program	22048
established under the " Food Stamp and Nutrition Act of 1977," 91	22049
Stat. 958 , <u>2008</u> (<u>7 U.S.C.A. 2011</u> , as amended , <u>et seq.</u>)	22050
administered by the department of job and family services under	22051
section 5101.54 of the Revised Code;	22052
(vi) The "special supplemental nutrition program for women,	22053
infants, and children" established under the "Child Nutrition Act	22054
of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended, administered	22055
by the department of health under section 3701.132 of the Revised	22056
Code;	22057
(vii) Supplemental security income under Title XVI of the	22058
"Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as	22059
amended;	22060
(viii) Social security disability insurance benefits provided	22061
under Title II of the "Social Security Act," 49 Stat. 620 (1935),	22062
42 U.S.C.A. 401, as amended.	22063
(c) The owner of the dog or cat submits to the eligible	22064
organization operating the sterilization program either of the	22065
following:	22066
(i) A certificate of adoption showing that the dog or cat was	22067
adopted from a licensed animal shelter, a municipal, county, or	22068
regional pound, or a holding and impoundment facility that	22069
contracts with a municipal corporation;	22070
(ii) A certificate of adoption showing that the dog or cat	22071
was adopted through a nonprofit corporation operating an animal	22072
adoption referral service whose holding facility, if any, is	22073
licensed in accordance with state law or a municipal ordinance.	22074

(2) The Ohio pet fund shall determine the type of documentary 22075
evidence that must be presented by the owner of a dog or cat to 22076
show that the income of the owner's family does not exceed one 22077
hundred fifty per cent of the federal poverty guideline or that 22078
the owner is eligible under division (C)(1)(b) of this section. 22079

(D) As used in division (C) of this section, "federal poverty 22080
guideline" means the official poverty guideline as revised 22081
annually by the United States department of health and human 22082
services in accordance with section 673(2) of the "Omnibus Budget 22083
Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as 22084
amended, for a family size equal to the size of the family of the 22085
person whose income is being determined. 22086

Sec. 1322.03. (A) An application for a certificate of 22087
registration as a mortgage broker shall be in writing, under oath, 22088
and in the form prescribed by the superintendent of financial 22089
institutions. The application shall be accompanied by a 22090
nonrefundable application fee of ~~three~~ five hundred ~~fifty~~ dollars 22091
for each location of an office to be maintained by the applicant 22092
in accordance with division (A) of section 1322.02 of the Revised 22093
Code; ~~however, an applicant that is registered under sections~~ 22094
~~1321.51 to 1321.60 of the Revised Code shall not be required to~~ 22095
~~pay an application fee.~~ The application shall provide all of the 22096
following: 22097

(1) The location or locations where the business is to be 22098
transacted and whether any location is a residence. If any 22099
location where the business is to be transacted is a residence, 22100
the application shall be accompanied by a certified copy of a 22101
zoning permit authorizing the use of the residence for commercial 22102
purposes, or shall be accompanied by a written opinion or other 22103
document issued by the county or political subdivision where the 22104
residence is located certifying that the use of the residence to 22105

transact business as a mortgage broker is not prohibited by the 22106
county or political subdivision. The application also shall be 22107
accompanied by a photograph of each location at which the business 22108
will be transacted. 22109

(2)(a) In the case of a sole proprietor, the name and address 22110
of the sole proprietor; 22111

(b) In the case of a partnership, the name and address of 22112
each partner; 22113

(c) In the case of a corporation, the name and address of 22114
each shareholder owning five per cent or more of the corporation; 22115

(d) In the case of any other entity, the name and address of 22116
any person that owns five per cent or more of the entity that will 22117
transact business as a mortgage broker. 22118

(3) If the applicant is a partnership, corporation, limited 22119
liability company, or any other business entity or association, 22120
the applicant shall designate an employee or owner of the 22121
applicant as the applicant's operations manager. While acting as 22122
the operations manager, the employee or owner shall not be 22123
employed by any other mortgage broker. 22124

(4) Evidence that the sole proprietor or the person 22125
designated on the application pursuant to division (A)(3) of this 22126
section, as applicable, possesses at least three years of 22127
experience in the mortgage and lending field, which experience may 22128
include employment with or as a mortgage broker or with a 22129
financial institution, mortgage lending institution, or other 22130
lending institution, or possesses at least three years of other 22131
experience related specifically to the business of mortgage loans 22132
that the superintendent determines meets the requirements of 22133
division (A)(4) of this section; 22134

(5) On or after January 1, 2007, evidence that the sole 22135
proprietor or the person designated on the application pursuant to 22136

division (A)(3) of this section has successfully completed either	22137
of the following:	22138
(a) At least twenty-four hours of live classroom instruction	22139
in a course or program of study approved by the superintendent	22140
that consists of at least all of the following:	22141
(i) Four hours of instruction concerning state and federal	22142
mortgage lending laws, which shall include no less than two hours	22143
on this chapter;	22144
(ii) Four hours of instruction concerning the Ohio consumer	22145
sales practices act, Chapter 1345. of the Revised Code, as it	22146
applies to registrants and licensees;	22147
(iii) Four hours of instruction concerning the loan	22148
application process;	22149
(iv) Two hours of instruction concerning the underwriting	22150
process;	22151
(v) Two hours of instruction concerning the secondary market	22152
for mortgage loans;	22153
(vi) Four hours of instruction concerning the loan closing	22154
process;	22155
(vii) Two hours of instruction covering basic mortgage	22156
financing concepts and terms;	22157
(viii) Two hours of instruction concerning the ethical	22158
responsibilities of a registrant, including with respect to	22159
confidentiality, consumer counseling, and the duties and standards	22160
of care created in section 1322.081 of the Revised Code.	22161
(b) Other post-secondary education related specifically to	22162
the business of mortgage loans that the superintendent determines	22163
meets the requirements of division (A)(5)(a) of this section.	22164
Division (A)(5) of this section does not apply to any	22165
applicant who has an application on file with the division of	22166

financial institutions prior to January 1, 2007.	22167
The evidence submitted by the applicant pursuant to division	22168
(A)(5) of this section may be in the form of transcripts or a	22169
statement indicating that the applicant has, and will maintain,	22170
transcripts at the applicant's place of business for a period of	22171
five years for inspection by the superintendent at the	22172
superintendent's request.	22173
(6) Evidence of compliance with the surety bond requirements	22174
of section 1322.05 of the Revised Code and with sections 1322.01	22175
to 1322.12 of the Revised Code;	22176
(7) In the case of a foreign business entity, evidence that	22177
it maintains a license or registration pursuant to Chapter 1703.,	22178
1705., 1775., 1776., 1777., 1782., or 1783. of the Revised Code to	22179
transact business in this state;	22180
(8) A statement as to whether the applicant or, to the best	22181
of the applicant's knowledge, any shareholder, member, partner,	22182
operations manager, or employee of the applicant has been	22183
convicted of or pleaded guilty to any criminal offense involving	22184
theft, receiving stolen property, embezzlement, forgery, fraud,	22185
passing bad checks, money laundering, or drug trafficking, or any	22186
criminal offense involving money or securities;	22187
(9) A statement as to whether the applicant or, to the best	22188
of the applicant's knowledge, any shareholder, member, partner,	22189
operations manager, or employee of the applicant has been subject	22190
to any adverse judgment for conversion, embezzlement,	22191
misappropriation of funds, fraud, misfeasance or malfeasance, or	22192
breach of fiduciary duty;	22193
(10) Evidence that the applicant's operations manager has	22194
successfully completed the examination required under division (A)	22195
of section 1322.051 of the Revised Code;	22196
(11) Any further information that the superintendent	22197

requires. 22198

(B) Upon the filing of the application and payment of the 22199
application fee, the superintendent of financial institutions 22200
shall investigate the applicant as set forth in division (B) of 22201
this section. 22202

(1) The superintendent shall request the superintendent of 22203
the bureau of criminal identification and investigation, or a 22204
vendor approved by the bureau, to conduct a criminal records check 22205
based on the applicant's fingerprints in accordance with division 22206
(A)(11) of section 109.572 of the Revised Code. Notwithstanding 22207
division (K) of section 121.08 of the Revised Code, the 22208
superintendent of financial institutions shall request that 22209
criminal record information from the federal bureau of 22210
investigation be obtained as part of the criminal records check. 22211
Any fee required under division (C)(3) of section 109.572 of the 22212
Revised Code shall be paid by the applicant. 22213

(2) The superintendent shall conduct a civil records check. 22214

(3) If, in order to issue a certificate of registration to an 22215
applicant, additional investigation by the superintendent outside 22216
this state is necessary, the superintendent may require the 22217
applicant to advance sufficient funds to pay the actual expenses 22218
of the investigation, if it appears that these expenses will 22219
exceed ~~three~~ five hundred ~~fifty~~ dollars. The superintendent shall 22220
provide the applicant with an itemized statement of the actual 22221
expenses that the applicant is required to pay. 22222

(C) The superintendent shall pay all funds advanced and 22223
application and renewal fees and penalties the superintendent 22224
receives pursuant to this section and section 1322.04 of the 22225
Revised Code to the treasurer of state to the credit of the 22226
consumer finance fund created in section 1321.21 of the Revised 22227
Code. 22228

(D) If an application for a certificate of registration does not contain all of the information required under division (A) of this section, and if that information is not submitted to the superintendent within ninety days after the superintendent requests the information in writing, the superintendent may consider the application withdrawn.

(E) A certificate of registration and the authority granted under that certificate is not transferable or assignable and cannot be franchised by contract or any other means.

(F) The registration requirements of this chapter apply to any person acting as a mortgage broker, and no person is exempt from the requirements of this chapter on the basis of prior work or employment as a mortgage broker.

Sec. 1322.031. (A) An application for a license as a loan officer shall be in writing, under oath, and in the form prescribed by the superintendent of financial institutions. The application shall be accompanied by a nonrefundable application fee of one hundred fifty dollars and shall provide all of the following:

(1) The name and address of the applicant;

(2) A statement as to whether the applicant has been convicted of or pleaded guilty to any criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities;

(3) A statement as to whether the applicant has been subject to an adverse judgment for conversion, embezzlement, misappropriation of funds, fraud, misfeasance or malfeasance, or breach of fiduciary duty;

(4) For loan officer applications submitted on or after

January 1, 2007, proof, as determined by the superintendent, that 22259
the applicant has successfully completed at least twenty-four 22260
hours of live classroom instruction in a course or program of 22261
study approved by the superintendent that consists of at least all 22262
of the following: 22263

(a) Four hours of instruction concerning state and federal 22264
mortgage lending laws, which shall include no less than two hours 22265
on this chapter; 22266

(b) Four hours of instruction concerning the Ohio consumer 22267
sales practices act, Chapter 1345. of the Revised Code, as it 22268
applies to registrants and licensees; 22269

(c) Four hours of instruction concerning the loan application 22270
process; 22271

(d) Two hours of instruction concerning the underwriting 22272
process; 22273

(e) Two hours of instruction concerning the secondary market 22274
for mortgage loans; 22275

(f) Four hours of instruction concerning the loan closing 22276
process; 22277

(g) Two hours of instruction covering basic mortgage 22278
financing concepts and terms; 22279

(h) Two hours of instruction concerning the ethical 22280
responsibilities of a licensee, including with respect to 22281
confidentiality, consumer counseling, and the duties and standards 22282
of care created in section 1322.081 of the Revised Code. 22283

Division (A)(4) of this section does not apply to any 22284
applicant who has an application on file with the division of 22285
financial institutions prior to January 1, 2007. 22286

The proof submitted by the applicant pursuant to division 22287
(A)(4) of this section may be in the form of transcripts or a 22288

statement indicating that the applicant has, and will maintain, 22289
transcripts at the applicant's place of business for a period of 22290
five years for inspection by the superintendent at the 22291
superintendent's request. 22292

(5) Any further information that the superintendent requires. 22293

(B) Upon the filing of the application and payment of the 22294
application fee, the superintendent of financial institutions 22295
shall investigate the applicant as set forth in division (B) of 22296
this section. 22297

(1) The superintendent shall request the superintendent of 22298
the bureau of criminal identification and investigation, or a 22299
vendor approved by the bureau, to conduct a criminal records check 22300
based on the applicant's fingerprints in accordance with division 22301
(A)(11) of section 109.572 of the Revised Code. Notwithstanding 22302
division (K) of section 121.08 of the Revised Code, the 22303
superintendent of financial institutions shall request that 22304
criminal record information from the federal bureau of 22305
investigation be obtained as part of the criminal records check. 22306
Any fee required under division (C)(3) of section 109.572 of the 22307
Revised Code shall be paid by the applicant. 22308

(2) The superintendent shall conduct a civil records check. 22309

(3) If, in order to issue a license to an applicant, 22310
additional investigation by the superintendent outside this state 22311
is necessary, the superintendent may require the applicant to 22312
advance sufficient funds to pay the actual expenses of the 22313
investigation, if it appears that these expenses will exceed one 22314
hundred fifty dollars. The superintendent shall provide the 22315
applicant with an itemized statement of the actual expenses that 22316
the applicant is required to pay. 22317

(C) The superintendent shall pay all funds advanced and 22318
application and renewal fees and penalties the superintendent 22319

receives pursuant to this section and section 1322.041 of the Revised Code to the treasurer of state to the credit of the consumer finance fund created in section 1321.21 of the Revised Code.

(D) If an application for a license does not contain all of the information required under division (A) of this section, and if that information is not submitted to the superintendent within ninety days after the superintendent requests the information in writing, the superintendent may consider the application withdrawn.

(E)(1) The business of a loan officer shall principally be transacted at an office of the employing mortgage broker, which office is registered in accordance with division (A) of section 1322.02 of the Revised Code. Each original license shall be deposited with and maintained by the employing mortgage broker at the mortgage broker's main office. A copy of the license shall be maintained and displayed at the office where the loan officer principally transacts business.

(2) If a loan officer's employment is terminated, the mortgage broker shall return the original license to the superintendent within five business days after the termination. The licensee may request the transfer of the license to another mortgage broker by submitting a relocation application, along with a fifteen dollar fee, to the superintendent or may request the superintendent in writing to hold the license in escrow for a period not to exceed one year. Any licensee whose license is held in escrow shall cease activity as a loan officer.

A mortgage broker may employ a loan officer on a temporary basis pending the transfer of the loan officer's license to the mortgage broker, if the mortgage broker receives written confirmation from the superintendent that the loan officer is licensed under sections 1322.01 to 1322.12 of the Revised Code.

(F) A license, or the authority granted under that license, 22352
is not assignable and cannot be franchised by contract or any 22353
other means. 22354

Sec. 1322.04. (A) Upon the conclusion of the investigation 22355
required under division (B) of section 1322.03 of the Revised 22356
Code, the superintendent of financial institutions shall issue a 22357
certificate of registration to the applicant if the superintendent 22358
finds that the following conditions are met: 22359

(1) ~~Except as otherwise provided in division (A) of section~~ 22360
~~1322.03 of the Revised Code, the~~ The application is accompanied by 22361
the application fee. If a check or other draft instrument is 22362
returned to the superintendent for insufficient funds, the 22363
superintendent shall notify the registrant by certified mail, 22364
return receipt requested, that the certificate of registration 22365
issued in reliance on the check or other draft instrument will be 22366
canceled unless the registrant, within thirty days after receipt 22367
of the notice, submits the application fee and a 22368
one-hundred-dollar penalty to the superintendent. If the 22369
registrant does not submit the application fee and penalty within 22370
that time period, or if any check or other draft instrument used 22371
to pay the fee or penalty is returned to the superintendent for 22372
insufficient funds, the certificate of registration shall be 22373
canceled immediately without a hearing, and the registrant shall 22374
cease activity as a mortgage broker. 22375

(2) If the application is for a location that is a residence, 22376
that the applicant has obtained a valid zoning permit authorizing 22377
the use of the residence for commercial purposes, or has obtained 22378
a valid written opinion or other document issued by the county or 22379
political subdivision where the residence is located certifying 22380
that the use of the residence to transact business as a mortgage 22381
broker is not prohibited by the county or political subdivision. 22382

The application also is accompanied by a photograph of each 22383
location at which the mortgage broker's business will be 22384
transacted. 22385

(3) The sole proprietor or the person designated on the 22386
application pursuant to division (A)(3) of section 1322.03 of the 22387
Revised Code, as applicable, meets the experience requirements 22388
provided in division (A)(4) of section 1322.03 of the Revised Code 22389
and the education requirements set forth in division (A)(5) of 22390
section 1322.03 of the Revised Code. 22391

(4) The applicant maintains all licenses and registrations 22392
required by the secretary of state. 22393

(5) The applicant complies with the surety bond requirements 22394
of section 1322.05 of the Revised Code. 22395

(6) The applicant complies with sections 1322.01 to 1322.12 22396
of the Revised Code. 22397

(7) Neither the applicant nor any shareholder, member, 22398
partner, operations manager, or employee of the applicant has 22399
pleaded guilty to or been convicted of any criminal offense 22400
described in division (A)(8) of section 1322.03 of the Revised 22401
Code or any violation of an existing or former law of this state, 22402
any other state, or the United States that substantially is 22403
equivalent to a criminal offense described in that division. 22404
However, if the applicant or any of those other persons has 22405
pleaded guilty to or been convicted of any such offense other than 22406
theft, the superintendent shall not consider the offense if the 22407
applicant has proven to the superintendent, by a preponderance of 22408
the evidence, that the applicant's or other person's activities 22409
and employment record since the conviction show that the applicant 22410
or other person is honest, truthful, and of good reputation, and 22411
there is no basis in fact for believing that the applicant or 22412
other person will commit such an offense again. 22413

(8) Neither the applicant nor any shareholder, member, partner, operations manager, or employee of the applicant has been subject to any adverse judgment for conversion, embezzlement, misappropriation of funds, fraud, misfeasance or malfeasance, or breach of fiduciary duty, or, if the applicant or any of those other persons has been subject to such a judgment, the applicant has proven to the superintendent, by a preponderance of the evidence, that the applicant's or other person's activities and employment record since the judgment show that the applicant or other person is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant or other person will be subject to such a judgment again.

(9) The applicant's operations manager successfully completed the examination required under division (A) of section 1322.051 of the Revised Code.

(10) The applicant's financial responsibility, experience, character, and general fitness command the confidence of the public and warrant the belief that the business will be operated honestly and fairly in compliance with the purposes of sections 1322.01 to 1322.12 of the Revised Code.

For purposes of determining whether an applicant that is a partnership, corporation, or other business entity or association has met the conditions set forth in divisions (A)(7), (A)(8), and (A)(10) of this section, the superintendent shall determine which partners, shareholders, or persons named in the application pursuant to division (A)(2) of section 1322.03 of the Revised Code must meet the conditions set forth in divisions (A)(7), (A)(8), and (A)(10) of this section. This determination shall be based on the extent and nature of the partner's, shareholder's, or person's ownership interest in the partnership, corporation, or other business entity or association that is the applicant.

(B) The certificate of registration issued pursuant to

division (A) of this section may be renewed annually on or before 22446
the thirtieth day of April if the superintendent finds that all of 22447
the following conditions are met: 22448

(1) The renewal application is accompanied by a nonrefundable 22449
renewal fee of ~~three~~ five hundred ~~fifty~~ dollars for each location 22450
of an office to be maintained by the applicant in accordance with 22451
division (A) of section 1322.02 of the Revised Code; ~~however, an~~ 22452
~~applicant that is registered under sections 1321.51 to 1321.60 of~~ 22453
~~the Revised Code shall not be required to pay a renewal fee.~~ If a 22454
check or other draft instrument is returned to the superintendent 22455
for insufficient funds, the superintendent shall notify the 22456
registrant by certified mail, return receipt requested, that the 22457
certificate of registration renewed in reliance on the check or 22458
other draft instrument will be canceled unless the registrant, 22459
within thirty days after receipt of the notice, submits the 22460
renewal fee and a one-hundred-dollar penalty to the 22461
superintendent. If the registrant does not submit the renewal fee 22462
and penalty within that time period, or if any check or other 22463
draft instrument used to pay the fee or penalty is returned to the 22464
superintendent for insufficient funds, the certificate of 22465
registration shall be canceled immediately without a hearing and 22466
the registrant shall cease activity as a mortgage broker. 22467

(2) On and after January 1, 2003, the operations manager 22468
designated under division (A)(3) of section 1322.03 of the Revised 22469
Code has completed, during the immediately preceding calendar 22470
year, at least six hours of continuing education as required under 22471
section 1322.052 of the Revised Code. 22472

(3) The applicant meets the conditions set forth in divisions 22473
(A)(2) to (10) of this section. 22474

(4) The applicant's certificate of registration is not 22475
subject to an order of suspension or revocation by the 22476
superintendent. 22477

(C)(1) Subject to division (C)(2) of this section, if a
renewal fee is received by the superintendent after the thirtieth
day of April, the certificate of registration shall not be
considered renewed, and the applicant shall cease activity as a
mortgage broker and apply for a certificate of registration as a
mortgage broker.

(2) Division (C)(1) of this section shall not apply if the
applicant, no later than the thirty-first day of May, submits the
renewal fee and a one-hundred-dollar penalty to the
superintendent.

(D) If the person designated as the operations manager
pursuant to division (A)(3) of section 1322.03 of the Revised Code
is no longer the operations manager, the registrant shall do all
of the following:

(1) Designate another person as the operations manager;

(2) Within ten days after the designation described in
division (D)(1) of this section, notify the superintendent in
writing of the designation;

(3) Submit any additional information that the superintendent
requires to establish that the newly designated operations manager
complies with the experience requirements set forth in division
(A)(4) of section 1322.03 of the Revised Code.

Sec. 1322.041. (A) Upon the conclusion of the investigation
required under division (B) of section 1322.031 of the Revised
Code, the superintendent of financial institutions shall issue a
loan officer license to the applicant if the superintendent finds
that the following conditions are met:

(1) The application is accompanied by the application fee. If
a check or other draft instrument is returned to the
superintendent for insufficient funds, the superintendent shall

notify the licensee by certified mail, return receipt requested, 22508
that the license issued in reliance on the check or other draft 22509
instrument will be canceled unless the licensee, within thirty 22510
days after receipt of the notice, submits the application fee and 22511
a one-hundred-dollar penalty to the superintendent. If the 22512
licensee does not submit the application fee and penalty within 22513
that time period, or if any check or other draft instrument used 22514
to pay the fee or penalty is returned to the superintendent for 22515
insufficient funds, the license shall be canceled immediately 22516
without a hearing, and the licensee shall cease activity as a loan 22517
officer. 22518

(2) The applicant complies with sections 1322.01 to 1322.12 22519
of the Revised Code. 22520

(3) The applicant has not been convicted of or pleaded guilty 22521
to any criminal offense described in division (A)(2) of section 22522
1322.031 of the Revised Code and the applicant has not pleaded 22523
guilty to or been convicted of a violation of an existing or 22524
former law of this state, any other state, or the United States 22525
that substantially is equivalent to a criminal offense described 22526
in that division. However, if the applicant has been convicted of 22527
or pleaded guilty to any such offense other than theft, the 22528
superintendent shall not consider the offense if the applicant has 22529
proven to the superintendent, by a preponderance of the evidence, 22530
that the applicant's activities and employment record since the 22531
conviction show that the applicant is honest, truthful, and of 22532
good reputation, and there is no basis in fact for believing that 22533
the applicant will commit such an offense again. 22534

(4) The applicant has not been subject to an adverse judgment 22535
for conversion, embezzlement, misappropriation of funds, fraud, 22536
misfeasance or malfeasance, or breach of fiduciary duty, or, if 22537
the applicant has been subject to such a judgment, the applicant 22538
has proven to the superintendent, by a preponderance of the 22539

evidence, that the applicant's activities and employment record 22540
since the judgment show that the applicant is honest, truthful, 22541
and of good reputation, and there is no basis in fact for 22542
believing that the applicant will be subject to such a judgment 22543
again. 22544

(5) The applicant successfully completed the examination 22545
required under division (B) of section 1322.051 of the Revised 22546
Code and the education requirements set forth in division (A)(4) 22547
of section 1322.031 of the Revised Code. 22548

(6) The applicant's character and general fitness command the 22549
confidence of the public and warrant the belief that the business 22550
will be operated honestly and fairly in compliance with the 22551
purposes of sections 1322.01 to 1322.12 of the Revised Code. 22552

(B) The license issued under division (A) of this section may 22553
be renewed annually on or before the thirtieth day of April if the 22554
superintendent finds that all of the following conditions are met: 22555

(1) The renewal application is accompanied by a nonrefundable 22556
renewal fee of one hundred fifty dollars. If a check or other 22557
draft instrument is returned to the superintendent for 22558
insufficient funds, the superintendent shall notify the licensee 22559
by certified mail, return receipt requested, that the license 22560
renewed in reliance on the check or other draft instrument will be 22561
canceled unless the licensee, within thirty days after receipt of 22562
the notice, submits the renewal fee and a one-hundred-dollar 22563
penalty to the superintendent. If the licensee does not submit the 22564
renewal fee and penalty within that time period, or if any check 22565
or other draft instrument used to pay the fee or penalty is 22566
returned to the superintendent for insufficient funds, the license 22567
shall be canceled immediately without a hearing, and the licensee 22568
shall cease activity as a loan officer. 22569

(2) On and after January 1, 2003, the loan officer has 22570

completed, during the immediately preceding calendar year, at 22571
least six hours of continuing education as required under section 22572
1322.052 of the Revised Code. 22573

(3) The applicant meets the conditions set forth in divisions 22574
(A)(2) to (6) of this section. 22575

(4) The applicant's license is not subject to an order of 22576
suspension or revocation by the superintendent. 22577

(C)(1) Subject to division (C)(2) of this section, if a 22578
license renewal application or renewal fee is received by the 22579
superintendent after the thirtieth day of April, the license shall 22580
not be considered renewed, and the applicant shall cease activity 22581
as a loan officer. 22582

(2) Division (C)(1) of this section shall not apply if the 22583
applicant, no later than the thirty-first day of May, submits the 22584
renewal application and fee and a one-hundred-dollar penalty to 22585
the superintendent. 22586

Sec. 1332.24. (A)(1) In accordance with section 1332.25 of 22587
the Revised Code, the director of commerce may issue to any 22588
person, or renew, a video service authorization, which 22589
authorization confers on the person the authority, subject to 22590
sections 1332.21 to 1332.34 of the Revised Code, to provide video 22591
service in its video service area; construct and operate a video 22592
service network in, along, across, or on public rights-of-way for 22593
the provision of video service; and, when necessary to provide 22594
that service, exercise the power of a telegraph company under 22595
section 4931.04 of the Revised Code. The term of a video service 22596
authorization or authorization renewal shall be ten years. 22597

(2) For the purposes of the "Cable Communications Policy Act 22598
of 1984," Pub. L. No. 98-549, 98 Stat. 2779, 47 U.S.C. 521 et 22599
seq., a video service authorization shall constitute a franchise 22600

under that law, and the director shall be the sole franchising 22601
authority under that law for video service authorizations in this 22602
state. 22603

(3) The director may impose upon and collect an annual 22604
assessment on video service providers. All money collected under 22605
division (A)(3) of this section shall be deposited to the credit 22606
of the video service authorization fund created under section 22607
1332.25 of the Revised Code. The total amount assessed in a fiscal 22608
year shall not exceed the lesser of three hundred fifty thousand 22609
dollars or, as shall be determined annually by the director, the 22610
department's actual, current fiscal year administrative costs in 22611
carrying out its duties under sections 1332.21 to 1332.34 of the 22612
Revised Code. The director shall allocate that total amount 22613
proportionately among the video service providers to be assessed, 22614
using a formula based on subscriber counts as of the thirty-first 22615
day of December of the preceding calendar year, which counts shall 22616
be submitted to the director not later than October 9, 2009, 22617
initially and by the thirty-first day of January of each 22618
subsequent year, via a notarized statement signed by an authorized 22619
officer. Any information submitted by a video service provider to 22620
the director for the purpose of determining subscriber counts 22621
shall be considered trade secret information, shall not be 22622
disclosed except by court order, and shall not constitute a public 22623
record under section 149.43 of the Revised Code. By October 16, 22624
2009, initially and on or about the first day of June of each 22625
subsequent year, the director shall send to each video service 22626
provider to be assessed written notice of its proportional amount 22627
of the total assessment. The provider shall pay that amount on a 22628
quarterly basis not later than forty-five days after the end of 22629
each calendar quarter. 22630

(B)(1) The director may investigate alleged violations of or 22631
failures to comply with division (A) of section 1332.23, division 22632

(A) of this section, division (C) of section 1332.25, division (C) 22633
or (D) of section 1332.26, division (A), (B), or (C) of section 22634
1332.27, division (A) of section 1332.28, division (A) or (B) of 22635
section 1332.29, or section 1332.30 or 1332.31 of the Revised 22636
Code, or complaints concerning any such violation or failure. 22637
Except as provided in this section, the director has no authority 22638
to regulate video service in this state, including, but not 22639
limited to, the rates, terms, or conditions of that service. 22640

(2) In conducting an investigation under division (B)(1) of 22641
this section, the director, by subpoena, may compel witnesses to 22642
testify in relation to any matter over which the director has 22643
jurisdiction and may require the production of any book, record, 22644
or other document pertaining to that matter. If a person fails to 22645
file any statement or report, obey any subpoena, give testimony, 22646
produce any book, record, or other document as required by a 22647
subpoena, or permit photocopying of any book, record, or other 22648
document subpoenaed, the court of common pleas of any county in 22649
this state, upon application made to it by the director, shall 22650
compel obedience by attachment proceedings for contempt, as in the 22651
case of disobedience of the requirements of a subpoena issued from 22652
the court or a refusal to testify. 22653

(C)(1) If the director finds that a person has violated or 22654
failed to comply with division (A) of section 1332.23, division 22655
(A) of this section, division (C) of section 1332.25, division (C) 22656
or (D) of section 1332.26, division (A), (B), or (C) of section 22657
1332.27, division (A) of section 1332.28, division (A) or (B) of 22658
section 1332.29, or section 1332.30 or 1332.31 of the Revised 22659
Code, and the person has failed to cure the violation or failure 22660
after reasonable, written notice and reasonable time to cure, the 22661
director may do any of the following: 22662

(a) Apply to the court of common pleas of any county in this 22663
state for an order enjoining the activity or requiring compliance. 22664

Such an action shall be commenced not later than three years after 22665
the date the alleged violation or failure occurred or was 22666
reasonably discovered. Upon a showing by the director that the 22667
person has engaged in a violation or failure to comply, the court 22668
shall grant an injunction, restraining order, or other appropriate 22669
relief. 22670

(b) Enter into a written assurance of voluntary compliance 22671
with the person; 22672

(c) Pursuant to an adjudication under Chapter 119. of the 22673
Revised Code, assess a civil penalty in an amount determined by 22674
the director, including for any failure to comply with an 22675
assurance of voluntary compliance under division (C)(1)(b) of this 22676
section. The amount shall be not more than one thousand dollars 22677
for each day of violation or noncompliance, not to exceed a total 22678
of ten thousand dollars, counting all subscriber impacts as a 22679
single violation or act of noncompliance. In determining whether a 22680
civil penalty is appropriate under division (C)(1)(c) of this 22681
section, the director shall consider all of the following factors: 22682

(i) The seriousness of the noncompliance; 22683

(ii) The good faith efforts of the person to comply; 22684

(iii) The person's history of noncompliance; 22685

(iv) The financial resources of the person; 22686

(v) Any other matter that justice requires. 22687

Civil penalties collected pursuant to division (C)(1)(c) of 22688
this section shall be deposited to the credit of the video service 22689
enforcement fund in the state treasury, which is hereby created, 22690
to be used by the department of commerce in carrying out its 22691
duties under this section. 22692

(2) Pursuant to an adjudication under Chapter 119. of the 22693
Revised Code, the director may revoke, in whole or in part, the 22694

video service authorization of any person that has repeatedly and 22695
knowingly violated or failed to comply with division (A) of 22696
section 1332.23, division (A) of this section, division (C) of 22697
section 1332.25, division (C) or (D) of section 1332.26, division 22698
(A), (B), or (C) of section 1332.27, division (A) of section 22699
1332.28, division (A) or (B) of section 1332.29, or section 22700
1332.30 or 1332.31 of the Revised Code and that has failed to cure 22701
the violations or noncompliances after reasonable written notice 22702
and reasonable time to cure. Such person acts knowingly, 22703
regardless of the person's purpose, when the person is aware that 22704
the person's conduct will probably cause a certain result or will 22705
probably be of a certain nature. A person has knowledge of 22706
circumstances when the person is aware that such circumstances 22707
probably exist. 22708

(3) The court shall conduct a de novo review in any appeal 22709
from an adjudication under division (C)(1)(c) or (C)(2) of this 22710
section. 22711

(D) The public utilities commission has no authority over a 22712
video service provider in its offering of video service or a cable 22713
operator in its offering of cable or video service, or over any 22714
person in its offering of video service pursuant to a competitive 22715
video service agreement. 22716

Sec. 1332.25. (A) An application made to the director of 22717
commerce for a video service authorization under section 1332.24 22718
of the Revised Code shall require and contain only the following: 22719

(1) Specification of the location of the applicant's 22720
principal place of business and the names of the applicant's 22721
principal executive officers; 22722

(2) Specification of the geographic and political boundaries 22723
of the applicant's proposed video service area; 22724

(3) A general description of the type or types of technologies the applicant will use to deliver the video programming, which may include wireline, wireless, or any other alternative technology, subject, as applicable, to section 1332.29 of the Revised Code;	22725 22726 22727 22728 22729
(4) An attestation that the applicant has filed or will timely file with the federal communications commission all forms required by that agency in advance of offering video service in this state;	22730 22731 22732 22733
(5) An attestation that the applicant will comply with applicable federal, state, and local laws;	22734 22735
(6) An attestation that the applicant is legally, financially, and technically qualified to provide video service;	22736 22737
(7) A description of the applicant's customer complaint handling process, including policies on addressing customer service issues, billing adjustments, and communication with government officials regarding customer complaints, and a local or toll-free telephone number at which a customer may contact the applicant.	22738 22739 22740 22741 22742 22743
(B) For the purpose of division (A)(2) of this section:	22744
(1) The video service areas of video service providers may overlap.	22745 22746
(2) A specified video service area shall be coextensive with municipal, township unincorporated area, or county boundaries, except as authorized under division (B)(3) or (4) of this section, but nothing in sections 1332.21 to 1332.34 of the Revised Code shall require a video service provider to provide access to video service within the entire video service area.	22747 22748 22749 22750 22751 22752
(3) The specified video service area of a person using telecommunications facilities to provide video service on the	22753 22754

~~effective date of this section September 24, 2007,~~ or of any other 22755
person later so using telecommunications facilities shall be the 22756
geographic area in which the person offers basic local exchange 22757
service. 22758

(4) Subject to division (C)(2) of section 1332.27 of the 22759
Revised Code, the specified video service area of an applicant 22760
cable operator that offers service under a franchise in effect on 22761
~~the effective date of this section September 24, 2007,~~ initially 22762
shall be, at minimum, the franchise area established under that 22763
franchise. 22764

(C) A video service provider shall immediately file an 22765
application to amend its video service authorization with the 22766
director to reflect any change in the information required under 22767
division (A)(1), (2), or (3) of this section. An amendment 22768
pursuant to division (A)(2) of this section shall include any new 22769
delivery technology information required by division (A)(3) of 22770
this section. 22771

(D) Within thirty days after its filing or within thirty days 22772
after the filing of supplemental information necessary to make it 22773
complete, the director shall determine the completeness of an 22774
application filed under division (A) or (C) of this section 22775
relative to the respective requirements of divisions (A), (B), and 22776
(C) of this section and, as applicable, shall notify the applicant 22777
of an incompleteness determination, state the bases for that 22778
determination, and inform the applicant that it may resubmit a 22779
corrected application. The director shall issue a video service 22780
authorization, authorization renewal, or amended authorization 22781
within fifteen days after the director's determination that the 22782
filed application is complete. 22783

If the director does not notify the applicant regarding the 22784
completeness of the application within the time period specified 22785
in this division or does not issue the authorization requested by 22786

a completed application within the applicable time period, the 22787
application shall be deemed complete, and the authorization or 22788
amended authorization deemed issued on the forty-fifth day after 22789
the application's filing date. 22790

(E) An applicant shall pay a two thousand dollar 22791
nonrefundable fee for each application filed under division (A) of 22792
this section and a one hundred dollar nonrefundable fee for each 22793
application to amend filed under division (C) of this section. 22794
Fees collected under this division shall be deposited to the 22795
credit of the video service authorization fund in the state 22796
treasury, which is hereby created, to be used by the department of 22797
commerce in carrying out its duties under ~~this section~~ sections
1332.21 to 1332.34 of the Revised Code. 22798
22799

(F) No video service provider shall identify or make 22800
reference to an application fee under division (E) of this section 22801
on any subscriber bill or in conjunction with charging any fee to 22802
the subscriber. 22803

(G) An applicant may identify any information in its 22804
application as trade secret information, and if, upon its written 22805
request to the director, the director reasonably affirms all or 22806
part of that information as trade secret information, the 22807
information so affirmed does not constitute a public record for 22808
the purpose of section 149.43 of the Revised Code. 22809

Sec. 1349.20. As used in sections 1349.20 to 1349.22 of the 22810
Revised Code: 22811

(A) "Banking day" means any day on which the federal reserve 22812
bank is open to the public for carrying on substantially all of 22813
its functions. 22814

(B) "Check" means a negotiable instrument that is drawn on a 22815
federally insured bank, savings and loan association, credit 22816

union, or savings bank and contains an unconditional order to pay, 22817
on demand, a specified sum in money. 22818

(C) "Escrow account" means a checking account with a 22819
federally insured bank, savings and loan association, credit 22820
union, or savings bank, which is used exclusively for the deposit 22821
of funds transferred electronically or otherwise, cash, money 22822
orders, or negotiable instruments that are received by the escrow 22823
or closing agent to effect an escrow transaction, but excludes an 22824
account of an attorney that is used to hold client funds and an 22825
account maintained by a real estate broker under division (A)(26) 22826
of section 4735.18 of the Revised Code. 22827

(D) "Escrow or closing agent" means a person who controls and 22828
effects, in an escrow transaction, the delivery described in 22829
division (E) of this section, but excludes a federally insured 22830
bank, savings and loan association, credit union, or savings bank 22831
that makes a loan as part of a residential real property 22832
transaction and excludes a real estate broker who, in a fiduciary 22833
capacity, receives and deposits, in an account maintained under 22834
division (A)(26) of section 4735.18 of the Revised Code, cash, 22835
funds, checks, or negotiable instruments for earnest money or good 22836
faith or other purposes. 22837

(E) "Escrow transaction" means a transaction in which a 22838
person, for the purpose of effecting and closing the sale, 22839
purchase, exchange, transfer, encumbrance, or lease of an interest 22840
in commercial or residential real property to another person, 22841
provides a written instrument or document, money, negotiable 22842
instrument, check, evidence of title to real property, or any 22843
other thing of value to an escrow or closing agent, to be held by 22844
the agent until a specified event occurs or until the performance 22845
of a prescribed condition, when it is to be delivered to a 22846
specific person by the agent in compliance with applicable 22847
instructions, whether by filing such written instrument or 22848

document in the public records or by direct tender to the 22849
appropriate person. 22850

(F) "Negotiable instrument" has the same meaning as in 22851
section 1303.03 of the Revised Code. 22852

(G) "Residential real property" means any real property 22853
improved or to be improved with a one- to four-family dwelling. 22854

Sec. 1349.22. Nothing in section 1349.21 of the Revised Code 22855
prohibits an escrow or closing agent from advancing funds not 22856
exceeding one thousand dollars from an escrow account or otherwise 22857
on behalf of a party to an escrow transaction for the purpose of 22858
paying incidental fees, such as conveyance and recording fees, in 22859
order to effect and close the sale, purchase, exchange, transfer, 22860
encumbrance, or lease of commercial or residential real property 22861
that is the subject of the escrow transaction. 22862

Sec. 1501.01. (A) Except where otherwise expressly provided, 22863
the director of natural resources shall formulate and institute 22864
all the policies and programs of the department of natural 22865
resources. The chief of any division of the department shall not 22866
enter into any contract, agreement, or understanding unless it is 22867
approved by the director. No appointee or employee of the 22868
director, other than the assistant director, may bind the director 22869
in a contract except when given general or special authority to do 22870
so by the director. 22871

(B) The director shall correlate and coordinate the work and 22872
activities of the divisions in the department to eliminate 22873
unnecessary duplications of effort and overlapping of functions. 22874
The chiefs of the various divisions of the department shall meet 22875
with the director at least once each month at a time and place 22876
designated by the director. 22877

The director may create advisory boards to any of those 22878

divisions in conformity with section 121.13 of the Revised Code. 22879

(C) The director may accept and expend gifts, devises, and 22880
bequests of money, lands, and other properties on behalf of the 22881
department or any division thereof under the terms set forth in 22882
section 9.20 of the Revised Code. Any political subdivision of 22883
this state may make contributions to the department for the use of 22884
the department or any division therein according to the terms of 22885
the contribution. 22886

(D) The director may publish and sell or otherwise distribute 22887
data, reports, and information. 22888

(E) The director may identify and develop the geographic 22889
information system needs for the department, which may include, 22890
but not be limited to, all of the following: 22891

(1) Assisting in the training and education of department 22892
resource managers, administrators, and other staff in the 22893
application and use of geographic information system technology; 22894

(2) Providing technical support to the department in the 22895
design, preparation of data, and use of appropriate geographic 22896
information system applications in order to help solve resource 22897
related problems and to improve the effectiveness and efficiency 22898
of department delivered services; 22899

(3) Creating, maintaining, and documenting spatial digital 22900
data bases; 22901

(4) Providing information to and otherwise assisting 22902
government officials, planners, and resource managers in 22903
understanding land use planning and resource management; 22904

(5) Providing continuing assistance to local government 22905
officials and others in natural resource digital data base 22906
development and in applying and utilizing the geographic 22907
information system for land use planning, current agricultural use 22908

<u>value assessment, development reviews, coastal management, and</u>	22909
<u>other resource management activities;</u>	22910
<u>(6) Coordinating and administering the remote sensing needs</u>	22911
<u>of the department, including the collection and analysis of aerial</u>	22912
<u>photography, satellite data, and other data pertaining to land,</u>	22913
<u>water, and other resources of the state;</u>	22914
<u>(7) Preparing and publishing maps and digital data relating</u>	22915
<u>to the state's land use and land cover over time on a local,</u>	22916
<u>regional, and statewide basis;</u>	22917
<u>(8) Locating and distributing hard copy maps, digital data,</u>	22918
<u>aerial photography, and other resource data and information to</u>	22919
<u>government agencies and the public;</u>	22920
<u>(9) Preparing special studies and executing any other related</u>	22921
<u>duties, functions, and responsibilities identified by the</u>	22922
<u>director;</u>	22923
<u>(10) Entering into contracts or agreements with any agency of</u>	22924
<u>the United States government, any other public agency, or any</u>	22925
<u>private agency or organization for the performance of the duties</u>	22926
<u>specified in division (E) of this section or for accomplishing</u>	22927
<u>cooperative projects within those duties;</u>	22928
<u>(11) Entering into agreements with local government agencies</u>	22929
<u>for the purposes of land use inventories, Ohio capability analysis</u>	22930
<u>data layers, and other duties related to resource management.</u>	22931
	22932
<u>(F) The director shall adopt rules in accordance with Chapter</u>	22933
<u>119. of the Revised Code to permit the department to accept by</u>	22934
<u>means of a credit card the payment of fees, charges, and rentals</u>	22935
<u>at those facilities described in section 1501.07 of the Revised</u>	22936
<u>Code that are operated by the department, for any data, reports,</u>	22937
<u>or information sold by the department, and for any other goods or</u>	22938
<u>services provided by the department.</u>	22939

(G) Whenever authorized by the governor to do so, the 22940
director may appropriate property for the uses and purposes 22941
authorized to be performed by the department and on behalf of any 22942
division within the department. This authority shall be exercised 22943
in the manner provided in sections 163.01 to 163.22 of the Revised 22944
Code for the appropriation of property by the director of 22945
administrative services. This authority to appropriate property is 22946
in addition to the authority provided by law for the appropriation 22947
of property by divisions of the department. The director of 22948
natural resources also may acquire by purchase, lease, or 22949
otherwise such real and personal property rights or privileges in 22950
the name of the state as are necessary for the purposes of the 22951
department or any division therein. The director, with the 22952
approval of the governor and the attorney general, may sell, 22953
lease, or exchange portions of lands or property, real or 22954
personal, of any division of the department or grant easements or 22955
licenses for the use thereof, or enter into agreements for the 22956
sale of water from lands and waters under the administration or 22957
care of the department or any of its divisions, when the sale, 22958
lease, exchange, easement, agreement, or license for use is 22959
advantageous to the state, provided that such approval is not 22960
required for leases and contracts made under section 1501.07, 22961
1501.09, or 1520.03 or Chapter 1523. of the Revised Code. Water 22962
may be sold from a reservoir only to the extent that the reservoir 22963
was designed to yield a supply of water for a purpose other than 22964
recreation or wildlife, and the water sold is in excess of that 22965
needed to maintain the reservoir for purposes of recreation or 22966
wildlife. 22967

Money received from such sales, leases, easements, exchanges, 22968
agreements, or licenses for use, except revenues required to be 22969
set aside or paid into depositories or trust funds for the payment 22970
of bonds issued under sections 1501.12 to 1501.15 of the Revised 22971
Code, and to maintain the required reserves therefor as provided 22972

in the orders authorizing the issuance of such bonds or the trust 22973
agreements securing such bonds, revenues required to be paid and 22974
credited pursuant to the bond proceeding applicable to obligations 22975
issued pursuant to section 154.22, and revenues generated under 22976
section 1520.05 of the Revised Code, shall be deposited in the 22977
state treasury to the credit of the fund of the division of the 22978
department having prior jurisdiction over the lands or property. 22979
If no such fund exists, the money shall be credited to the general 22980
revenue fund. All such money received from lands or properties 22981
administered by the division of wildlife shall be credited to the 22982
wildlife fund. 22983

(H) The director shall provide for the custody, safekeeping, 22984
and deposit of all moneys, checks, and drafts received by the 22985
department or its employees prior to paying them to the treasurer 22986
of state under section 113.08 of the Revised Code. 22987

(I) The director shall cooperate with the nature conservancy, 22988
other nonprofit organizations, and the United States fish and 22989
wildlife service in order to secure protection of islands in the 22990
Ohio river and the wildlife and wildlife habitat of those islands. 22991

(J) Any instrument by which real property is acquired 22992
pursuant to this section shall identify the agency of the state 22993
that has the use and benefit of the real property as specified in 22994
section 5301.012 of the Revised Code. 22995

Sec. 1501.05. All chiefs of divisions in the department of 22996
natural resources shall be appointed by the director of natural 22997
resources. The chiefs of those divisions may be removed by the 22998
director. 22999

The chief engineer of the department of natural resources 23000
shall be a ~~registered~~ professional engineer registered under 23001
Chapter 4733. of the Revised Code or a professional architect 23002
certified and registered under Chapter 4703. of the Revised Code. 23003

The chief of each division and the chief engineer, with the 23004
advice and consent of the director, may employ such number of 23005
technical and administrative assistants as are necessary. 23006

All employees of the department, unless specifically exempted 23007
by law, shall be employed subject to the classified civil service 23008
laws in force at the time of their employment. 23009

Sec. 1501.07. The department of natural resources through the 23010
division of parks and recreation may plan, supervise, acquire, 23011
construct, enlarge, improve, erect, equip, and furnish public 23012
service facilities such as inns, lodges, hotels, cottages, camping 23013
sites, scenic trails, picnic sites, restaurants, commissaries, 23014
golf courses, boating and bathing facilities, and other similar 23015
facilities in state parks reasonably necessary and useful in 23016
promoting the public use of state parks under its control and may 23017
purchase lands or interests in lands in the name of the state 23018
necessary for those purposes. 23019

The chief of the division of parks and recreation shall 23020
administer state parks, establish rules, fix fees and charges for 23021
admission to parks and for the use of public service facilities 23022
therein, establish rentals for the lease of lands or interests 23023
therein within a state park the chief is authorized by law to 23024
lease, and exercise all powers of the chief, in conformity with 23025
all covenants of the director of natural resources in or with 23026
respect to state park revenue bonds and trust agreements securing 23027
such bonds and all terms, provisions, and conditions of such bonds 23028
and trust agreements. In the administration of state parks with 23029
respect to which state park revenue bonds are issued and 23030
outstanding, or any part of the moneys received from fees and 23031
charges for admission to or the use of facilities, from rentals 23032
for the lease of lands or interests or facilities therein, or for 23033
the lease of public service facilities are pledged for any such 23034

bonds, the chief shall exercise the powers and perform the duties 23035
of the chief subject to the control and approval of the director. 23036
The acquisition of such lands or interests therein and facilities 23037
shall be planned with regard to the needs of the people of the 23038
state and with regard to the purposes and uses of such state parks 23039
and, except for facilities constructed in consideration of a lease 23040
under section 1501.012 of the Revised Code, shall be paid for from 23041
the state park fund created in section 1541.22 of the Revised Code 23042
or from the proceeds of the sale of bonds issued under sections 23043
1501.12 to 1501.15 of the Revised Code. Sections 125.81 and 153.04 23044
of the Revised Code, insofar as they require a certification by 23045
the chief of the division of capital planning and improvement, do 23046
not apply to the acquisition of lands or interests therein and 23047
public service facilities to be paid for from the proceeds of 23048
bonds issued under sections 1501.12 to 1501.15 of the Revised 23049
Code. 23050

As used in sections 1501.07 to 1501.14 of the Revised Code, 23051
state parks are all of the following: 23052

(A) State reservoirs described and identified in section 23053
1541.06 of the Revised Code; 23054

(B) All lands or interests therein that are denominated as 23055
state parks in section 1541.083 of the Revised Code; 23056

(C) All lands or interests therein of the state identified as 23057
administered by the division of parks and recreation in the 23058
"inventory of state owned lands administered by department of 23059
natural resources as of June 1, 1963," as recorded in the journal 23060
of the director, which inventory was prepared by the real estate 23061
section of the department and is supported by maps on file ~~in~~ with 23062
the division of ~~real estate and land management~~; 23063

(D) All lands or interests in lands of the state hereafter 23064
designated as state parks in the journal of the director with the 23065

approval of the recreation and resources council. 23066

All such state parks shall be exclusively under the control 23067
and administration of the division of parks and recreation. With 23068
the approval of the council, the director by order may remove from 23069
the classification as state parks any of the lands or interests 23070
therein so classified by divisions (C) and (D) of this section, 23071
subject to the limitations, provisions, and conditions in any 23072
order authorizing state park revenue bonds or in any trust 23073
agreement securing such bonds. Lands or interests therein so 23074
removed shall be transferred to other divisions of the department 23075
for administration or may be sold as provided by law. Proceeds of 23076
any sale shall be used or transferred as provided in the order 23077
authorizing state park revenue bonds or in the trust agreement 23078
and, if no such provision is made, shall be transferred to the 23079
state park fund. State parks do not include any lands or interest 23080
in lands of the state administered jointly by two or more 23081
divisions of the department. The designation of lands as state 23082
parks under divisions (A) to (D) of this section shall be 23083
conclusive, and those lands shall be under the control of and 23084
administered by the division of parks and recreation. No order or 23085
proceeding designating lands as state parks or park purchase areas 23086
shall be subject to any appeal or review by any officer, board, 23087
commission, or court. 23088

Sec. 1501.30. (A) As used in sections 1501.30 to 1501.35 of 23089
the Revised Code: 23090

(1) "Consumptive use" means a use of water resources, other 23091
than a diversion, that results in a loss of that water to the 23092
basin from which it is withdrawn and includes, but is not limited 23093
to, evaporation, evapotranspiration, and incorporation of water 23094
into a product or agricultural crop. 23095

(2) "Diversion" means a withdrawal of water resources from 23096

either the Lake Erie or Ohio river drainage basin and transfer to 23097
another basin without return. "Diversion" does not include 23098
evaporative loss within the basin of withdrawal. 23099

(3) "Other great lakes states and provinces" means states 23100
other than this state that are parties to the great lakes basin 23101
compact under Chapter 6161. of the Revised Code and the Canadian 23102
provinces of Ontario and Quebec. 23103

(4) "Person" has the same meaning as in section 1.59 of the 23104
Revised Code and also includes any state, any political 23105
subdivision of a state, and any department, division, board, 23106
commission, agency, or instrumentality of a state or political 23107
subdivision of a state. 23108

(5) "Water resources" means any waters of the state that are 23109
available or may be made available to agricultural, industrial, 23110
commercial, and domestic users. 23111

(6) "Waters of the state" includes all streams, lakes, ponds, 23112
marshes, watercourses, waterways, wells, springs, irrigation 23113
systems, drainage systems, and other bodies or accumulations of 23114
water, surface and underground, natural or artificial, regardless 23115
of the depth of the strata in which underground water is located, 23116
that are situated wholly or partly within or border upon this 23117
state or are within its jurisdiction. 23118

(B) The chief of the division of soil and water resources of 23119
the department of natural resources shall define "Lake Erie 23120
drainage basin" and "Ohio river drainage basin" for the purposes 23121
of sections 1501.30 to 1501.35 of the Revised Code. 23122

Sec. 1501.50. (A) As used in this section: 23123

(1) "State agency" means an organized body, office, or agency 23124
that is established by the laws of the state for the exercise of 23125
any function of state government. 23126

(2) "Lease annual payments" means the state's share of the annual royalties from the annual production of oil or natural gas from a well pursuant to a lease entered into under this section. 23127
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(3) "Lease bonus payments" means the amount of money paid to the state for the award of an oil or natural gas lease under this section. 23130
23131
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(B)(1) The department of natural resources has exclusive authority to lease lands that are owned by the state and administered by a state agency for the purpose of the exploration for, development of, and production of oil or natural gas. The extraction of oil or natural gas pursuant to a lease entered into under this section shall not unreasonably interfere with the primary use of the state land or unreasonably impact the scenic, aesthetic, and environmental quality of land on which drilling takes place as determined by the director of natural resources. 23133
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(2) Notwithstanding division (B)(1) of this section, the department shall not enter into any lease for the purpose of the exploration for, development of, and production of oil or natural gas from and under the bed of Lake Erie unless such leases are authorized by federal law. 23142
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(3) Notwithstanding division (B)(1) of this section, the department shall not enter into any lease for the purpose of the exploration for, development of, and production of oil or natural gas from any land that is owned or maintained by the state or a state agency if the state or state agency does not own, control, or have an interest in the mineral rights in that land. 23147
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(C) The director of natural resources shall adopt rules in accordance with Chapter 119. of the Revised Code that establish all of the following: 23153
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(1) Procedures for the submission of a nomination of a parcel of land that is owned or controlled by a state agency for the 23156
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purpose of the exploration for, development of, and production of 23158
oil or natural gas under this section. In addition, the rules 23159
shall require, not later than ninety days after the receipt of a 23160
nomination, the director to either approve the nomination by 23161
initiating the process for the submission of competitive bids for 23162
the development or production of oil or natural gas on the 23163
nominated parcel or deny the nomination. The rules shall require 23164
that before the director makes a determination concerning a 23165
nomination, the director consider all feasible drilling methods, 23166
including directional drilling, and whether the nominated parcel 23167
will comply with the requirements established in rules adopted 23168
under division (C) of this section. The rules also shall require 23169
the director if the director denies a nomination, to notify the 23170
person that submitted the nomination of the denial and provide a 23171
written explanation of the director's denial. 23172

(2) Procedures for the submission and selection of 23173
competitive bids, by drilling locations or acreage, after the 23174
director approves a nomination by initiating the process for 23175
submission of such bids to conduct drilling for the purpose of the 23176
exploration for, development of, and production of oil or natural 23177
gas under this section; 23178

(3) Procedures and standards for establishing the terms and 23179
conditions of leases entered into under this section. In addition, 23180
the rules shall require that the terms and conditions of leases 23181
entered into under this section ensure that the scenic, aesthetic, 23182
and environmental quality of land on which drilling takes place is 23183
maintained while maximizing revenue to the state. The rules also 23184
shall establish guidelines for determining the amount of lease 23185
annual payments and lease bonus payments under the terms and 23186
conditions of a lease. 23187

(4) Requirements applicable to drilling conducted in 23188
accordance with a lease entered into under this section that are 23189

<u>necessary to maintain the scenic, aesthetic, and environmental</u>	23190
<u>quality of land on which drilling takes place;</u>	23191
<u>(5) Procedures in accordance with which a person may request</u>	23192
<u>to be on a notification list for the purpose of receiving</u>	23193
<u>notifications of the director's determinations under this section</u>	23194
<u>and rules adopted under it. In addition, the rules shall require</u>	23195
<u>the director to notify all persons on the notification list of the</u>	23196
<u>director's determinations concerning nominations and the</u>	23197
<u>submission and selection of competitive bids under this section</u>	23198
<u>and rules adopted under it. The rules shall authorize the director</u>	23199
<u>to provide the notice electronically or via other means as</u>	23200
<u>determined by the director.</u>	23201
<u>(6) Procedures and requirements for maximization of revenue</u>	23202
<u>to the state;</u>	23203
<u>(7) Any other procedures and requirements that the director</u>	23204
<u>determines are necessary to implement this section and are</u>	23205
<u>consistent with the purposes of this section.</u>	23206
<u>(D) A lease entered into under this section shall be</u>	23207
<u>conditioned on the lessee's satisfying all applicable state and</u>	23208
<u>federal laws and regulations. The conditions shall include a</u>	23209
<u>requirement that the lessee comply with Chapter 1509. of the</u>	23210
<u>Revised Code and rules adopted under it.</u>	23211
<u>(E) A lease that is entered into under this section may be</u>	23212
<u>assigned by the lessee with the approval of the director.</u>	23213
<u>(F) All money received by the director in payment for leases</u>	23214
<u>entered into under this section shall be paid by the director into</u>	23215
<u>the state treasury to the credit of the oil and natural gas lease</u>	23216
<u>fund created in section 1501.51 of the Revised Code.</u>	23217
<u>Sec. 1501.51. (A) There is created in the state treasury the</u>	23218
<u>oil and natural gas lease fund consisting of money credited to it</u>	23219

under section 1501.50 of the Revised Code. Any investment proceeds 23220
earned on money in the fund shall be credited to the fund and used 23221
as required in division (B) of this section. 23222

(B) The director of natural resources shall use money in the 23223
oil and natural gas lease fund to pay the costs of capital 23224
projects for and improvements to state parks as described in 23225
section 1501.07 of the Revised Code. 23226

Sec. 1502.12. (A) There is hereby created in the state 23227
treasury the scrap tire grant fund, consisting of moneys 23228
transferred to the fund under section 3734.82 of the Revised Code. 23229
The chief of the division of recycling and litter prevention, with 23230
the approval of the director of natural resources, may make grants 23231
from the fund for the ~~purpose of supporting~~ following purposes: 23232

(1) Supporting market development activities for scrap tires 23233
and synthetic rubber from tire manufacturing processes and tire 23234
recycling processes; 23235

(2) Supporting scrap tire amnesty and cleanup events 23236
sponsored by solid waste management districts. ~~The grants~~ 23237

Grants awarded under division (A)(1) of this section may be 23238
awarded to individuals, businesses, and entities certified under 23239
division (A) of section 1502.04 of the Revised Code. 23240

(B) Projects and activities that are eligible for grants 23241
under division (A)(1) of this section shall be evaluated for 23242
funding using, at a minimum, the following criteria: 23243

(1) The degree to which a proposed project contributes to the 23244
increased use of scrap tires generated in this state; 23245

(2) The degree of local financial support for a proposed 23246
project; 23247

(3) The technical merit and quality of a proposed project. 23248

Sec. 1505.07. Subject to the limitation set forth in section 23249
1505.08 of the Revised Code, the director of natural resources, 23250
with the approval of the director of environmental protection, the 23251
attorney general, and the governor, may issue permits and make 23252
leases to parties making application for permission to take and 23253
remove sand, gravel, stone, and other minerals or substances from 23254
and under the bed of Lake Erie other than oil or gas, either upon 23255
a royalty or rental basis, as ~~he~~ the director of natural resources 23256
determines to be best for the state. Permits shall be issued for 23257
terms of not less than one year nor more than ten years, and 23258
leases shall be for a term of years or until the economic 23259
extraction of the mineral or other substance covered thereby has 23260
been completed. Such taking and removal shall be within certain 23261
fixed boundaries that do not conflict with the rights of littoral 23262
owners. Upon request from the holder of a permit, it shall be 23263
canceled, but in the case of any permit or lease, any equipment or 23264
buildings owned by the permittee or lessee shall be held as 23265
security by the director ~~of natural resources~~ for payment of all 23266
rentals or royalties due the state at the time of cancellation. 23267
23268

No person shall remove sand, gravel, stone, or other minerals 23269
or substances from and under the bed of Lake Erie without first 23270
obtaining a permit or lease therefor from the director. 23271

The director ~~of natural resources~~ may, in accordance with 23272
Chapter 119. of the Revised Code, adopt, amend, and rescind rules 23273
for the administration, implementation, and enforcement of this 23274
section. 23275

Sec. 1506.01. As used in this chapter: 23276

(A) "Coastal area" means the waters of Lake Erie, the islands 23277
in the lake, and the lands under and adjacent to the lake, 23278

including transitional areas, wetlands, and beaches. The coastal 23279
area extends in Lake Erie to the international boundary line 23280
between the United States and Canada and landward only to the 23281
extent necessary to include shorelands, the uses of which have a 23282
direct and significant impact on coastal waters as determined by 23283
the director of natural resources. 23284

(B) "Coastal management program" means the comprehensive 23285
action of the state and its political subdivisions cooperatively 23286
to preserve, protect, develop, restore, or enhance the resources 23287
of the coastal area and to ensure wise use of the land and water 23288
resources of the coastal area, giving attention to natural, 23289
cultural, historic, and aesthetic values; agricultural, 23290
recreational, energy, and economic needs; and the national 23291
interest. "Coastal management program" includes the establishment 23292
of objectives, policies, standards, and criteria concerning, 23293
without limitation, protection of air, water, wildlife, rare and 23294
endangered species, wetlands and natural areas, and other natural 23295
resources in the coastal area; management of coastal development 23296
and redevelopment; preservation and restoration of historic, 23297
cultural, and aesthetic coastal features; and public access to the 23298
coastal area for recreation purposes. 23299

(C) "Coastal management program document" means a 23300
comprehensive statement consisting of, without limitation, text, 23301
maps, and illustrations that is adopted by the director in 23302
accordance with this chapter, describes the objectives, policies, 23303
standards, and criteria of the coastal management program for 23304
guiding public and private uses of lands and waters in the coastal 23305
area, lists the governmental agencies, including, without 23306
limitation, state agencies, involved in implementing the coastal 23307
management program, describes their applicable policies and 23308
programs, and cites the statutes and rules under which they may 23309
adopt and implement those policies and programs. 23310

(D) "Person" means any agency of this state, any political subdivision of this state or of the United States, and any legal entity defined as a person under section 1.59 of the Revised Code.	23311 23312 23313
(E) "Director" means the director of natural resources or the director's designee.	23314 23315
(F) "Permanent structure" means any residential, commercial, industrial, institutional, or agricultural building, any mobile home as defined in division (O) of section 4501.01 of the Revised Code, any manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code, and any septic system that receives sewage from a single-family, two-family, or three-family dwelling, but does not include any recreational vehicle as defined in section 4501.01 of the Revised Code.	23316 23317 23318 23319 23320 23321 23322 23323
(G) "State agency" or "agency of the state" has the same meaning as "agency" as defined in section 111.15 of the Revised Code.	23324 23325 23326
(H) "Coastal flood hazard area" means any territory within the coastal area that has been identified as a flood hazard area under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 42 U.S.C.A. 4002, as amended.	23327 23328 23329 23330
(I) "Coastal erosion area" means any territory included in Lake Erie coastal erosion areas identified by the director under section 1506.06 of the Revised Code.	23331 23332 23333
(J) "Conservancy district" means a conservancy district that is established under Chapter 6101. of the Revised Code.	23334 23335
(K) "Park board" means the board of park commissioners of a park district that is created under Chapter 1545. of the Revised Code.	23336 23337 23338
(L) "Erosion control structure" means a structure that is designed solely and specifically to reduce or control erosion of	23339 23340

the shore along or near Lake Erie, including, without limitation, 23341
revetments, seawalls, bulkheads, certain breakwaters, and similar 23342
structures. 23343

(M) "Shore structure" includes, but is not limited to, 23344
beaches; groins; revetments; bulkheads; seawalls; breakwaters; 23345
certain dikes designated by the chief of the division of soil and 23346
water resources; piers; docks; jetties; wharves; marinas; boat 23347
ramps; any associated fill or debris used as part of the 23348
construction of shore structures that may affect shore erosion, 23349
wave action, or inundation; and fill or debris that is placed 23350
along or near the shore, including bluffs, banks, or beach ridges, 23351
for the purpose of stabilizing slopes. 23352

Sec. 1507.01. There is hereby created in the department of 23353
natural resources the division of engineering to be administered 23354
by the chief engineer of the department, who shall be a 23355
professional engineer registered under Chapter 4733. of the 23356
Revised Code or a professional architect certified and registered 23357
under Chapter 4703. of the Revised Code. The With the approval of 23358
the director of natural resources, the chief engineer shall do all 23359
of the following: 23360

(A) Administer this chapter; 23361

(B) Provide engineering, architectural, land surveying, and 23362
related administrative and maintenance support services to the 23363
other divisions in the department; 23364

(C) ~~Upon request of the director of natural resources,~~ 23365
~~implement~~ Implement the department's capital improvement program 23366
and facility maintenance projects, including all associated 23367
~~engineering, architectural,~~ planning, design, contracting, 23368
surveying, inspection, and management responsibilities and 23369
requirements; 23370

(D) With the approval of the director, act <u>Act</u> as contracting officer in departmental engineering, architectural, surveying, and construction matters regarding capital improvements except for those matters otherwise specifically provided for in law;	23371 23372 23373 23374
(E) Provide engineering support for the coastal management program established under Chapter 1506. of the Revised Code;	23375 23376
(F) Coordinate the department's roadway maintenance program with the department of transportation pursuant to section 5511.05 of the Revised Code and maintain the roadway inventory of the department of natural resources;	23377 23378 23379 23380
(G) (F) Coordinate the department's projects, programs, policies, procedures, and activities with the United States army corps of engineers;	23381 23382 23383
(H) Subject to the approval of the director, employ (G) <u>Employ</u> professional and technical assistants and such other employees as are necessary for the performance of the activities required or authorized under this chapter, other work of the division, and any other work agreed to under working agreements or contractual arrangements; prescribe their duties; and fix their compensation in accordance with such schedules as are provided by law for the compensation of state employees-;	23384 23385 23386 23387 23388 23389 23390 23391
<u>(H) Except as otherwise provided in the Revised Code, coordinate and conduct all real estate functions for the department of natural resources, including at least acquisitions by purchase, lease, gift, devise, bequest, appropriation, or otherwise; grants through sales, leases, exchanges, easements, and licenses; inventories of land; and other related general management duties;</u>	23392 23393 23394 23395 23396 23397 23398
<u>(I) Coordinate such environmental matters concerning the department and the state as are necessary to comply with the "National Environmental Policy Act of 1969," 83 Stat. 852, 42</u>	23399 23400 23401

U.S.C. 4321, as amended, the "Intergovernmental Cooperation Act of 1968," 82 Stat. 1098, 31 U.S.C. 6506, and the "Federal Water Pollution Control Act," 91 Stat. 1566 (1977), 33 U.S.C. 1251, as amended, and regulations adopted under those acts;

(J) Coordinate and administer compensatory mitigation grant programs and other programs for streams and wetlands as approved in accordance with certifications and permits issued under sections 401 and 404 of the "Federal Water Pollution Control Act," 91 Stat. 1566 (1977), 33 U.S.C. 1251, as amended, by the environmental protection agency and the United States army corps of engineers;

(K) Coordinate all department activities associated with the completion of drainage ditch improvements in accordance with Chapters 6131. and 6133. of the Revised Code;

(L) Assist the department and its divisions by providing department-wide planning, including at least master planning, comprehensive planning, capital improvements planning, and special purpose planning.

Sec. 1511.01. For the purposes of this chapter:

(A) "Conservation" means the wise use and management of natural resources.

(B) "Critical natural resource area" means an area identified by the director of natural resources in which occurs a natural resource that requires special management because of its importance to the well-being of the surrounding communities, the region, or the state.

(C) "Pollution abatement practice" means any erosion control or animal waste pollution abatement facility, structure, or procedure and the operation and management associated with it as contained in operation and management plans developed or approved

by the chief of the division of soil and water ~~conservation~~ 23432
resources or by soil and water conservation districts established 23433
under Chapter 1515. of the Revised Code. 23434

(D) "Agricultural pollution" means failure to use management 23435
or conservation practices in farming or silvicultural operations 23436
to abate wind or water erosion of the soil or to abate the 23437
degradation of the waters of the state by animal waste or soil 23438
sediment, including substances attached thereto. 23439

(E) "Waters of the state" means all streams, lakes, ponds, 23440
wetlands, watercourses, waterways, wells, springs, irrigation 23441
systems, drainage systems, and all other bodies or accumulations 23442
of water, surface and underground, natural or artificial, 23443
regardless of the depth of the strata in which underground water 23444
is located, that are situated wholly or partly within, or border 23445
upon, this state or are within its jurisdiction, except those 23446
private waters that do not combine or effect a junction with 23447
natural surface or underground waters. 23448

(F) "Operation and management plan" means a written record, 23449
developed or approved by the district board of supervisors or the 23450
chief, for the owner or operator of agricultural land or a 23451
concentrated animal feeding ~~operations~~ operation that contains 23452
implementation schedules and operational procedures for a level of 23453
management and pollution abatement practices that will abate the 23454
degradation of the waters of the state by animal waste and by soil 23455
sediment including attached pollutants. 23456

(G) "Animal waste" means animal excreta, discarded products, 23457
bedding, wash waters, waste feed, and silage drainage. "Animal 23458
waste" also includes the compost products resulting from the 23459
composting of dead animals in operations subject to section 23460
1511.022 of the Revised Code when either of the following applies: 23461

(1) The composting is conducted by the person who raises the 23462

animals and the compost product is used in agricultural operations 23463
owned or operated by that person, regardless of whether the person 23464
owns the animals; 23465

(2) The composting is conducted by the person who owns the 23466
animals, but does not raise them and the compost product is used 23467
in agricultural operations either by a person who raises the 23468
animals or by a person who raises grain that is used to feed them 23469
and that is supplied by the owner of the animals. 23470

(H) "Composting" means the controlled decomposition of 23471
organic solid material consisting of dead animals that stabilizes 23472
the organic fraction of the material. 23473

Sec. 1511.02. The chief of the division of soil and water 23474
~~conservation~~ resources, subject to the approval of the director of 23475
natural resources, shall do all of the following: 23476

(A) Provide administrative leadership to local soil and water 23477
conservation districts in planning, budgeting, staffing, and 23478
administering district programs and the training of district 23479
supervisors and personnel in their duties, responsibilities, and 23480
authorities as prescribed in this chapter and Chapter 1515. of the 23481
Revised Code; 23482

(B) Administer this chapter and Chapter 1515. of the Revised 23483
Code pertaining to state responsibilities and provide staff 23484
assistance to the Ohio soil and water conservation commission in 23485
exercising its statutory responsibilities; 23486

(C) Assist in expediting state responsibilities for watershed 23487
development and other natural resource conservation works of 23488
improvement; 23489

(D) Coordinate the development and implementation of 23490
cooperative programs and working agreements between local soil and 23491
water conservation districts and divisions or sections of the 23492

department of natural resources, or other agencies of local, 23493
state, and federal government; 23494

(E) Subject to the approval of the Ohio soil and water 23495
conservation commission, adopt, amend, or rescind rules pursuant 23496
to Chapter 119. of the Revised Code. Rules adopted pursuant to 23497
this section: 23498

(1) Shall establish technically feasible and economically 23499
reasonable standards to achieve a level of management and 23500
conservation practices in farming or silvicultural operations that 23501
will abate wind or water erosion of the soil or abate the 23502
degradation of the waters of the state by animal waste or by soil 23503
sediment including substances attached thereto, and establish 23504
criteria for determination of the acceptability of such management 23505
and conservation practices; 23506

(2) Shall establish technically feasible and economically 23507
reasonable standards to achieve a level of management and 23508
conservation practices that will abate wind or water erosion of 23509
the soil or abate the degradation of the waters of the state by 23510
soil sediment in conjunction with land grading, excavating, 23511
filling, or other soil-disturbing activities on land used or being 23512
developed for nonfarm commercial, industrial, residential, or 23513
other nonfarm purposes, and establish criteria for determination 23514
of the acceptability of such management and conservation 23515
practices. The standards shall be designed to implement applicable 23516
areawide waste treatment management plans prepared under section 23517
208 of the "Federal Water Pollution Control Act," 86 Stat. 816 23518
(1972), 33 U.S.C.A. 1288, as amended. The standards and criteria 23519
shall not apply in any municipal corporation or county that adopts 23520
ordinances or rules pertaining to sediment control, nor to lands 23521
being used in a strip mine operation as defined in section 1513.01 23522
of the Revised Code, nor to lands being used in a surface mining 23523
operation as defined in section 1514.01 of the Revised Code. 23524

(3) May recommend criteria and procedures for the approval of 23525
urban sediment pollution abatement plans and issuance of permits 23526
prior to any grading, excavating, filling, or other whole or 23527
partial disturbance of five or more contiguous acres of land owned 23528
by one person or operated as one development unit and require 23529
implementation of such a plan. Areas of less than five contiguous 23530
acres are not exempt from compliance with other provisions of this 23531
chapter and rules adopted under them. 23532

(4) Shall establish procedures for administration of rules 23533
for agricultural pollution abatement and urban sediment pollution 23534
abatement and for enforcement of rules for agricultural pollution 23535
abatement; 23536

(5) Shall specify the pollution abatement practices eligible 23537
for state cost sharing and determine the conditions for 23538
eligibility, the construction standards and specifications, the 23539
useful life, the maintenance requirements, and the limits of cost 23540
sharing for those practices. Eligible practices shall be limited 23541
to practices that address agricultural or silvicultural operations 23542
and that require expenditures that are likely to exceed the 23543
economic returns to the owner or operator and that abate soil 23544
erosion or degradation of the waters of the state by animal waste 23545
or soil sediment including pollutants attached thereto. 23546

~~(6) Until June 1, 1996, shall specify the multiflora rose 23547
control practices eligible for state cost sharing, the conditions 23548
of eligibility for state cost sharing, the limits of cost sharing 23549
for those practices, specifications for carrying out those 23550
practices to ensure effective control of the multiflora rose and 23551
to safeguard the health and safety of human beings and domestic 23552
animals and the environment, and the contract provisions to be 23553
included in cost sharing agreements with landowners; 23554~~

~~(7) Until June 1, 1996, shall establish procedures for 23555
administering grants to soil and water conservation districts for 23556~~

control of multiflora rose;	23557
(8) Shall establish procedures for administering grants to owners or operators of agricultural land or concentrated animal feeding operations for the implementation of operation and management plans;	23558 23559 23560 23561
(9) <u>(7)</u> Shall establish procedures for administering grants to soil and water conservation districts for urban sediment pollution abatement programs, specify the types of projects eligible for grants, establish limits on the availability of grants, and establish requirements governing the execution of projects to encourage the reduction of erosion and sedimentation associated with soil-disturbing activities;	23562 23563 23564 23565 23566 23567 23568
(10) <u>(8)</u> Shall do all of the following with regard to composting conducted in conjunction with agricultural operations:	23569 23570
(a) Provide for the distribution of educational material concerning composting to the offices of the Ohio cooperative extension service for the purposes of section 1511.022 of the Revised Code;	23571 23572 23573 23574
(b) Establish methods, techniques, or practices for composting dead animals, or particular types of dead animals, that are to be used at such operations, as the chief considers to be necessary or appropriate;	23575 23576 23577 23578
(c) Establish requirements and procedures governing the review and approval or disapproval of composting plans by the supervisors of soil and water conservation districts under division (U) <u>(Q)</u> of section 1515.08 of the Revised Code.	23579 23580 23581 23582
(11) <u>(9)</u> Shall be adopted, amended, or rescinded after the chief does all of the following:	23583 23584
(a) Mails notice to each statewide organization that the chief determines represents persons or local governmental agencies	23585 23586

who would be affected by the proposed rule, amendment thereto, or 23587
rescission thereof at least thirty-five days before any public 23588
hearing thereon; 23589

(b) Mails a copy of each proposed rule, amendment thereto, or 23590
rescission thereof to any person who requests a copy, within five 23591
days after receipt of the request; 23592

(c) Consults with appropriate state and local governmental 23593
agencies or their representatives, including statewide 23594
organizations of local governmental officials, industrial 23595
representatives, and other interested persons; 23596

(d) If the rule relates to agricultural pollution abatement, 23597
develops an economic impact statement concerning the effect of the 23598
proposed rule or amendment. 23599

~~(12)~~(10) Shall not conflict with air or water quality 23600
standards adopted pursuant to section 3704.03 or 6111.041 of the 23601
Revised Code. Compliance with rules adopted pursuant to this 23602
section does not affect liability for noncompliance with air or 23603
water quality standards adopted pursuant to section 3704.03 or 23604
6111.041 of the Revised Code. The application of a level of 23605
management and conservation practices recommended under this 23606
section to control windblown soil from farming operations creates 23607
a presumption of compliance with section 3704.03 of the Revised 23608
Code as that section applies to windblown soil. 23609

~~(13)~~(11) Insofar as the rules relate to urban sediment 23610
pollution, shall not be applicable in a municipal corporation or 23611
county that adopts ordinances or rules for urban sediment control, 23612
except that a municipal corporation or county that adopts such 23613
ordinances or rules may receive moneys for urban sediment control 23614
that are disbursed by the board of supervisors of the applicable 23615
soil and water conservation district under division ~~(R)~~(N) of 23616
section 1515.08 of the Revised Code. The rules shall not exempt 23617

any person from compliance with municipal ordinances enacted 23618
pursuant to Section 3 of Article XVIII, Ohio Constitution. 23619

(F) Cost share with landowners on practices established 23620
pursuant to division (E)(5) of this section as moneys are 23621
appropriated and available for that purpose. Any practice for 23622
which cost share is provided shall be maintained for its useful 23623
life. Failure to maintain a cost share practice for its useful 23624
life shall subject the landowner to full repayment to the 23625
division. 23626

(G) Issue orders requiring compliance with any rule adopted 23627
under division (E)(1) of this section or with section 1511.022 of 23628
the Revised Code. Before the chief issues an order, the chief 23629
shall afford each person allegedly liable an adjudication hearing 23630
under Chapter 119. of the Revised Code. The chief may require in 23631
an order that a person who has caused agricultural pollution by 23632
failure to comply with the standards established under division 23633
(E)(1) of this section operate under an operation and management 23634
plan approved by the chief under this section. The chief shall 23635
require in an order that a person who has failed to comply with 23636
division (A) of section 1511.022 of the Revised Code prepare a 23637
composting plan in accordance with rules adopted under division 23638
(E)(10)(c) of this section and operate in accordance with that 23639
plan or that a person who has failed to operate in accordance with 23640
such a plan begin to operate in accordance with it. Each order 23641
shall be issued in writing and contain a finding by the chief of 23642
the facts upon which the order is based and the standard that is 23643
not being met. 23644

(H) Employ field assistants and such other employees as are 23645
necessary for the performance of the work prescribed by Chapter 23646
1515. of the Revised Code, for performance of work of the 23647
division, and as agreed to under working agreements or contractual 23648
arrangements with local soil and water conservation districts, 23649

prescribe their duties, and fix their compensation in accordance 23650
with such schedules as are provided by law for the compensation of 23651
state employees. 23652

All employees of the division, unless specifically exempted 23653
by law, shall be employed subject to the classified civil service 23654
laws in force at the time of employment. 23655

(I) In connection with new or relocated projects involving 23656
highways, underground cables, pipelines, railroads, and other 23657
improvements affecting soil and water resources, including surface 23658
and subsurface drainage: 23659

(1) Provide engineering service as is mutually agreeable to 23660
the Ohio soil and water conservation commission and the director 23661
to aid in the design and installation of soil and water 23662
conservation practices as a necessary component of such projects; 23663

(2) Maintain close liaison between the owners of lands on 23664
which the projects are executed, local soil and water conservation 23665
districts, and authorities responsible for such projects; 23666

(3) Review plans for such projects to ensure their compliance 23667
with standards developed under division (E) of this section in 23668
cooperation with the department of transportation or with any 23669
other interested agency that is engaged in soil or water 23670
conservation projects in the state in order to minimize adverse 23671
impacts on soil and water resources adjacent to or otherwise 23672
affected by these projects; 23673

(4) Recommend measures to retard erosion and protect soil and 23674
water resources through the installation of water impoundment or 23675
other soil and water conservation practices; 23676

(5) Cooperate with other agencies and subdivisions of the 23677
state to protect the agricultural status of rural lands adjacent 23678
to such projects and control adverse impacts on soil and water 23679
resources. 23680

(J) Collect, analyze, inventory, and interpret all available information pertaining to the origin, distribution, extent, use, and conservation of the soil resources of the state;	23681 23682 23683
(K) Prepare and maintain up-to-date reports, maps, and other materials pertaining to the soil resources of the state and their use and make that information available to governmental agencies, public officials, conservation entities, and the public;	23684 23685 23686 23687
(L) Provide soil and water conservation districts with technical assistance including on-site soil investigations and soil interpretation reports on the suitability or limitations of soil to support a particular use or to plan soil conservation measures. The assistance shall be upon such terms as are mutually agreeable to the districts and the department of natural resources.	23688 23689 23690 23691 23692 23693 23694
(M) Assist local government officials in utilizing land use planning and zoning, current agricultural use value assessment, development reviews, and land management activities;	23695 23696 23697
(N) When necessary for the purposes of this chapter or Chapter 1515. of the Revised Code, develop or approve operation and management plans.	23698 23699 23700
This section does not restrict the excrement of domestic or farm animals defecated on land outside a concentrated animal feeding operation or runoff therefrom into the waters of the state.	23701 23702 23703 23704
Sec. 1511.021. (A) Any person who owns or operates agricultural land or a concentrated animal feeding operation may develop and operate under an operation and management plan approved by the chief of the division of soil and water conservation <u>resources</u> under section 1511.02 of the Revised Code or by the supervisors of the local soil and water conservation	23705 23706 23707 23708 23709 23710

district under section 1515.08 of the Revised Code. 23711

(B) Any person who wishes to make a complaint regarding 23712
nuisances involving agricultural pollution may do so orally or by 23713
submitting a written, signed, and dated complaint to the chief or 23714
to the chief's designee. After receiving an oral complaint, the 23715
chief or the chief's designee may cause an investigation to be 23716
conducted to determine whether agricultural pollution has occurred 23717
or is imminent. After receiving a written, signed, and dated 23718
complaint, the chief or the chief's designee shall cause such an 23719
investigation to be conducted. 23720

(C) In a private civil action for nuisances involving 23721
agricultural pollution, it is an affirmative defense if the person 23722
owning, operating, or otherwise responsible for agricultural land 23723
or a concentrated animal feeding operation is operating under and 23724
in substantial compliance with an approved operation and 23725
management plan developed under division (A) of this section, with 23726
an operation and management plan developed by the chief under 23727
section 1511.02 of the Revised Code or by the supervisors of the 23728
local soil and water conservation district under section 1515.08 23729
of the Revised Code, or with an operation and management plan 23730
required by an order issued by the chief under division (G) of 23731
section 1511.02 of the Revised Code. Nothing in this section is in 23732
derogation of the authority granted to the chief in division (E) 23733
of section 1511.02 and in section 1511.07 of the Revised Code. 23734

Sec. 1511.022. (A) Any person who owns or operates an 23735
agricultural operation, or owns the animals raised by the owner or 23736
operator of an agricultural operation, and who wishes to conduct 23737
composting of dead animals resulting from the agricultural 23738
operation shall do both of the following: 23739

(1) Participate in an educational course concerning 23740

composting conducted by the Ohio cooperative extension service and 23741
obtain a certificate of completion for the course; 23742

(2) Use the appropriate method, technique, or practice of 23743
composting established in rules adopted under division (E)~~(10)~~(8) 23744
of section 1511.02 of the Revised Code. 23745

(B) Any person who fails to comply with division (A) of this 23746
section shall prepare and operate under a composting plan in 23747
accordance with an order issued by the chief of the division of 23748
soil and water ~~conservation~~ resources under division (G) of 23749
section 1511.02 of the Revised Code. If the person's proposed 23750
composting plan is disapproved by the board of supervisors of the 23751
appropriate soil and water conservation district under division 23752
~~(U)~~(Q)(3) of section 1515.08 of the Revised Code, the person may 23753
appeal the plan disapproval to the chief, who shall afford the 23754
person a hearing. Following the hearing, the chief shall uphold 23755
the plan disapproval or reverse it. If the chief reverses the 23756
disapproval, the plan shall be deemed approved. 23757

Sec. 1511.03. The chief of the division of soil and water 23758
~~conservation~~ resources may enter into contracts or agreements, 23759
with the approval of the director of natural resources, with any 23760
agency of the United States government, or any other public or 23761
private agency, or organization, for the performance of the 23762
prescribed duties of the division, or for accomplishing 23763
cooperative projects within the designated duties of the division. 23764

Sec. 1511.04. The chief of the division of soil and water 23765
~~conservation~~ resources may accept, on behalf of the department of 23766
natural resources, donations, grants and contributions in money, 23767
service, or equipment to enlarge or expedite the prescribed work 23768
of the division. 23769

Sec. 1511.05. The chief of the division of soil and water 23770

~~conservation~~ resources, subject to approval of the terms of the 23771
agreement by the soil and water conservation commission, shall 23772
enter into cooperative agreements with the board of supervisors of 23773
any soil and water conservation district desiring to enter into 23774
such agreements pursuant to section 1515.08 of the Revised Code. 23775
Such agreements shall be entered into to obtain compliance with 23776
rules and orders of the chief pertaining to agricultural pollution 23777
abatement and urban sediment pollution abatement. 23778

The chief or any person designated by the chief may upon 23779
obtaining agreement with the owner, tenant, or manager of any 23780
land, public or private, enter thereon to make inspections to 23781
determine whether or not there is compliance with the rules 23782
adopted under division (E)(1) of section 1511.02 of the Revised 23783
Code. Upon reason to believe there is a violation, the chief or 23784
~~his~~ the chief's designee may apply for and a judge of the court of 23785
common pleas for the county where the land is located may issue an 23786
appropriate inspection warrant as necessary to achieve the 23787
purposes of this chapter. 23788

Sec. 1511.06. The chief of the division of soil and water 23789
~~conservation~~ resources may enter into agreements with local 23790
government agencies for the purpose of soil surveys, land use 23791
inventories, and other soil-related duties. 23792

Sec. 1511.07. (A)(1) No person shall fail to comply with an 23793
order of the chief of the division of soil and water ~~conservation~~ 23794
resources issued pursuant to division (G) of section 1511.02 of 23795
the Revised Code. 23796

(2) In addition to the remedies provided and irrespective of 23797
whether an adequate remedy at law exists, the chief may apply to 23798
the court of common pleas in the county where a violation of a 23799
standard established under division (E)(1) or ~~(10)~~(8)(b) of 23800

section 1511.02 of the Revised Code causes pollution of the waters 23801
of the state for an order to compel the violator to cease the 23802
violation and to remove the agricultural pollutant or to comply 23803
with the rules adopted under division (E)~~(10)~~(8)(b) of that 23804
section, as appropriate. 23805

(3) In addition to the remedies provided and irrespective of 23806
whether an adequate remedy at law exists, whenever the chief 23807
officially determines that an emergency exists because of an 23808
unauthorized release, spill, or discharge of animal waste, or a 23809
violation of a rule adopted under division (E)~~(10)~~(8)(b) of 23810
section 1511.02 of the Revised Code, that causes pollution of the 23811
waters of the state, the chief may, without notice or hearing, 23812
issue an order reciting the existence of the emergency and 23813
requiring that necessary action be taken to meet the emergency. 23814
The order shall be effective immediately. Any person to whom the 23815
order is directed shall comply with the order immediately, but on 23816
application to the chief shall be afforded a hearing as soon as 23817
possible, but not later than twenty days after making the 23818
application. On the basis of the hearing, the chief shall continue 23819
the order in effect, revoke it, or modify it. No emergency order 23820
shall remain in effect for more than sixty days after its 23821
issuance. If a person to whom an order is issued does not comply 23822
with the order within a reasonable period, as determined by the 23823
chief, the chief or the chief's designee may enter upon private or 23824
public lands and take action to mitigate, minimize, remove, or 23825
abate the release, spill, discharge, or conditions caused by the 23826
violation of the rule. 23827

(B) The attorney general, upon the written request of the 23828
chief, shall bring appropriate legal action in Franklin county 23829
against any person who fails to comply with an order of the chief 23830
issued pursuant to division (G) of section 1511.02 of the Revised 23831
Code. 23832

Sec. 1511.071. There is hereby created in the state treasury 23833
the agricultural pollution abatement fund, which shall be 23834
administered by the chief of the division of soil and water 23835
~~conservation~~ resources. The fund may be used to pay costs incurred 23836
by the division under division (A)(3) of section 1511.07 of the 23837
Revised Code in investigating, mitigating, minimizing, removing, 23838
or abating any pollution of the waters of the state caused by an 23839
unauthorized release, spill, or discharge of animal waste into or 23840
upon the environment that requires emergency action to protect the 23841
public health. 23842

Any person responsible for causing or allowing an 23843
unauthorized release, spill, or discharge is liable to the chief 23844
for any costs incurred by the division and soil and water 23845
conservation districts in investigating, mitigating, minimizing, 23846
removing, or abating the release, spill, or discharge, regardless 23847
of whether those costs were paid out of the agricultural pollution 23848
abatement fund or any other fund of the division or a district. 23849
Upon the request of the chief, the attorney general shall bring a 23850
civil action against the responsible person to recover those 23851
costs. Moneys recovered under this section shall be paid into the 23852
agricultural pollution abatement fund. 23853

Sec. 1511.08. Any person claiming to be deprived of a right 23854
or protection afforded ~~him~~ the person by law by an order of the 23855
chief of the division of soil and water ~~conservation~~ resources, 23856
except an order which adopts a rule, may appeal to the court of 23857
common pleas of Franklin county or the court of common pleas of 23858
the county in which the alleged violation exists. 23859

If the court finds that the order of the chief appealed from 23860
was lawful and reasonable, it shall affirm such order. If the 23861
court finds that such order was unreasonable or unlawful, it shall 23862
vacate such order and make the order which it finds the chief 23863

should have made. The judgment of the court is final unless 23864
reversed, vacated, or modified on appeal. 23865

Sec. 1514.08. (A) The chief of the division of mineral 23866
resources management may adopt, amend, and rescind rules in 23867
accordance with Chapter 119. of the Revised Code in order to 23868
prescribe procedures for submitting applications for permits, 23869
amendments to permits, and amendments to plans of mining and 23870
reclamation; filing annual reports and final reports; requesting 23871
inspection and approval of reclamation; paying permit and filing 23872
fees; and filing and obtaining the release of performance bonds 23873
deposited with the state. For the purpose of preventing damage to 23874
adjoining property or achieving one or more of the performance 23875
standards established in division (A)(10) of section 1514.02 of 23876
the Revised Code, the chief may establish classes of mining 23877
industries, based upon industrial categories, combinations of 23878
minerals produced, and geological conditions in which surface or 23879
in-stream mining operations occur, and may prescribe different 23880
rules consistent with the performance standards for each class. 23881
For the purpose of apportioning the workload of the division of 23882
mineral resources management among the quarters of the year, the 23883
rules may require that applications for permits and annual reports 23884
be filed in different quarters of the year, depending upon the 23885
county in which the operation is located. 23886

(B) The chief shall adopt rules under this section that do 23887
all of the following: 23888

(1) With respect to in-stream mining, and in consultation 23889
with the chief of the division of soil and water resources, 23890
determine periods of low flow, which are the only time periods 23891
during which in-stream mining is allowed, and develop and 23892
implement any criteria, in addition to the criteria established in 23893
section 1514.02 of the Revised Code, that the chief determines are 23894

necessary for the permitting of in-stream mining;	23895
(2) Establish criteria and procedures for approving or disapproving the transfer of a surface or in-stream mining permit under division (F) of section 1514.02 of the Revised Code;	23896 23897 23898
(3) Define when any of the following may be considered to be "significant" for purposes of section 1514.022 of the Revised Code:	23899 23900 23901
(a) An amendment to a permit issued under section 1514.02 of the Revised Code for a surface or in-stream mining operation;	23902 23903
(b) An amendment to the plan of mining and reclamation that must be filed with an application for either permit under section 1514.02 of the Revised Code;	23904 23905 23906
(c) Changes to that plan of mining and reclamation that are proposed in a permit renewal application filed under section 1514.021 of the Revised Code.	23907 23908 23909
In defining "significant," the chief shall focus on changes that increase the likelihood that the mining operation may have a negative impact on the public.	23910 23911 23912
(4) Establish a framework and procedures under which the amount of any bond required to be filed under this chapter to ensure the satisfactory performance of the reclamation measures required under this chapter may be reduced by subtracting a credit based on the operator's past compliance with this chapter and rules adopted and orders issued under it. The rules also shall apply to cash, an irrevocable letter of credit, or a certificate of deposit that is on deposit in lieu of a bond. In establishing the amount of credit that an operator or applicant may receive based on past compliance, the chief may consider past compliance with respect to any permit for a surface or in-stream mining operation that has been issued in this state to the operator or applicant.	23913 23914 23915 23916 23917 23918 23919 23920 23921 23922 23923 23924 23925

(5) Establish criteria and procedures for granting a variance 23926
from compliance with the prohibitions established in divisions 23927
(E)(3) and (F)(3) of section 1514.10 of the Revised Code. The 23928
criteria shall ensure that an operator may obtain a variance only 23929
if compliance with the applicable prohibition is not necessary to 23930
prevent damage to the watercourse or surrounding areas. 23931

Sec. 1514.13. (A) The chief of the division of mineral 23932
resources management shall use the compilation of data for ground 23933
water modeling submitted under section 1514.02 of the Revised Code 23934
to establish a projected cone of depression for any surface mining 23935
operation that may result in dewatering. The chief shall consult 23936
with the chief of the division of soil and water resources when 23937
projecting a cone of depression. An applicant for a surface mining 23938
permit for such an operation may submit ground water modeling that 23939
shows a projected cone of depression for that operation to the 23940
chief, provided that the modeling complies with rules adopted by 23941
the chief regarding ground water modeling. However, the chief 23942
shall establish the projected cone of depression for the purposes 23943
of this section. 23944

The chief shall adopt, and may amend and rescind, rules in 23945
accordance with Chapter 119. of the Revised Code establishing 23946
requirements and standards governing both of the following: 23947

(1) Ground water modeling for establishing a projected cone 23948
of depression. A ground water model shall be generally accepted in 23949
the scientific community. 23950

(2) Replacement of water supplies. 23951

(B)(1) If an owner of real property who obtains all or part 23952
of the owner's water supply for domestic, agricultural, 23953
industrial, or other legitimate use from ground water has a 23954
diminution, contamination, or interruption of that water supply 23955
and the owner's real property is located within the projected cone 23956

of depression of a surface mining operation established under this 23957
section, the owner may submit a written complaint to the operator 23958
of that operation or to the chief informing the operator or the 23959
chief that there is a diminution, contamination, or interruption 23960
of the owner's water supply. The complaint shall include the 23961
owner's name, address, and telephone number. 23962

If the chief receives a written complaint, the chief 23963
immediately shall send a copy of the complaint to the operator, 23964
and the operator immediately shall respond by sending the chief a 23965
statement that explains how the operator resolved or will resolve 23966
the complaint. If the operator receives a written complaint, the 23967
operator immediately shall send to the chief a copy of the 23968
complaint and include a statement that explains how the operator 23969
resolved or will resolve the complaint. Not later than seventy-two 23970
hours after receipt of the complaint, the operator shall provide 23971
the owner a supply of water that is comparable, in quantity and 23972
quality, to the owner's water supply prior to the diminution, 23973
contamination, or interruption of the owner's water supply. The 23974
operator shall maintain that water supply until the operator 23975
provides a permanent replacement water supply to the owner under 23976
division (B)(3) of this section or until the division of mineral 23977
resources management completes the evaluation under division 23978
(B)(2) of this section, whichever is applicable. 23979

(2) A rebuttable presumption exists that the operation caused 23980
the diminution, contamination, or interruption of the owner's 23981
water supply. However, not later than fourteen days after receipt 23982
of the complaint, the operator may submit to the division 23983
information showing that the operation is not the proximate cause 23984
of the diminution, contamination, or interruption of the owner's 23985
water supply. The division shall evaluate the information 23986
submitted by the operator to determine if the presumption is 23987
rebutted. If the operator fails to rebut the presumption, the 23988

division immediately shall notify the operator that the operator 23989
failed to rebut the presumption. Not later than fourteen days 23990
after receipt of that notice, the operator shall provide the owner 23991
a permanent replacement water supply that is comparable, in 23992
quantity and quality, to the owner's water supply prior to the 23993
diminution, contamination, or interruption of the owner's water 23994
supply. If the operator rebuts the presumption, the division 23995
immediately shall notify the operator that the operator rebutted 23996
the presumption, and, upon receipt of that notice, the operator 23997
may cease providing a supply of water to the owner under division 23998
(B)(1) of this section. 23999

(3) If, within fourteen days after receipt of the complaint, 24000
the operator does not submit to the division information showing 24001
that the operation is not the proximate cause of the diminution, 24002
contamination, or interruption of the owner's water supply, the 24003
operator shall provide the owner, not later than twenty-eight days 24004
after receipt of the complaint, a permanent replacement water 24005
supply that is comparable, in quantity and quality, to the owner's 24006
water supply prior to the diminution, contamination, or 24007
interruption of the owner's water supply. 24008

(4) The division may investigate a complaint under division 24009
(B) of this section. 24010

(C) If an owner of real property who obtains all or part of 24011
the owner's water supply for domestic, agricultural, industrial, 24012
or other legitimate use from ground water has a diminution, 24013
contamination, or interruption of that water supply and the 24014
owner's real property is not located within the projected cone of 24015
depression of a surface mining operation established under this 24016
section, the owner may submit a written complaint to the operator 24017
of that operation or to the chief informing the operator or the 24018
chief that there is a diminution, contamination, or interruption 24019
of the owner's water supply. The complaint shall include the 24020

owner's name, address, and telephone number. 24021

If the operator receives a written complaint, the operator 24022
immediately shall send the chief a copy of the complaint. If the 24023
chief receives a written complaint, the chief immediately shall 24024
send the operator a copy of the complaint. The chief shall 24025
investigate any complaint submitted under this division and, upon 24026
completion of the investigation, immediately shall send the 24027
results of the investigation to the operator and to the owner that 24028
filed the complaint. 24029

An owner that submits a written complaint under this division 24030
may resolve the diminution, contamination, or interruption of the 24031
owner's water supply with the operator of that operation or may 24032
commence a civil action for that purpose. 24033

(D) An operator may request the chief to amend the plan of 24034
mining and reclamation filed with the application under section 24035
1514.02 of the Revised Code when a ground water user may affect 24036
the projected cone of depression established for the operation 24037
under division (A) of this section. The operator shall submit 24038
additional data that reflect the ground water user's impact on the 24039
ground water. The chief shall perform ground water modeling using 24040
the additional data and may establish a revised projected cone of 24041
depression for that operation. 24042

(E) This section shall not be construed as creating, 24043
modifying, or affecting any right, liability, or remedy of surface 24044
riparian owners. 24045

Sec. 1515.08. The supervisors of a soil and water 24046
conservation district have the following powers in addition to 24047
their other powers: 24048

(A) To conduct surveys, investigations, and research relating 24049
to the character of soil erosion, floodwater and sediment damages, 24050

and the preventive and control measures and works of improvement 24051
for flood prevention and the conservation, development, 24052
utilization, and disposal of water needed within the district, and 24053
to publish the results of those surveys, investigations, or 24054
research, provided that no district shall initiate any research 24055
program except in cooperation or after consultation with the Ohio 24056
agricultural research and development center; 24057

(B) To develop plans for the conservation of soil resources, 24058
for the control and prevention of soil erosion, and for works of 24059
improvement for flood prevention and the conservation, 24060
development, utilization, and disposal of water within the 24061
district, and to publish those plans and information; 24062

(C) To implement, construct, repair, maintain, and operate 24063
preventive and control measures and other works of improvement for 24064
natural resource conservation and development and flood 24065
prevention, and the conservation, development, utilization, and 24066
disposal of water within the district on lands owned or controlled 24067
by this state or any of its agencies and on any other lands within 24068
the district, which works may include any facilities authorized 24069
under state or federal programs, and to acquire, by purchase or 24070
gift, to hold, encumber, or dispose of, and to lease real and 24071
personal property or interests in such property for those 24072
purposes; 24073

(D) To cooperate or enter into agreements with any occupier 24074
of lands within the district in the carrying on of natural 24075
resource conservation operations and works of improvement for 24076
flood prevention and the conservation, development, utilization, 24077
and management of natural resources within the district, subject 24078
to such conditions as the supervisors consider necessary; 24079

(E) To accept donations, gifts, grants, and contributions in 24080
money, service, materials, or otherwise, and to use or expend them 24081
according to their terms; 24082

(F) To adopt, amend, and rescind rules to carry into effect 24083
the purposes and powers of the district; 24084

(G) To sue and plead in the name of the district, and be sued 24085
and impleaded in the name of the district, with respect to its 24086
contracts and, as indicated in section 1515.081 of the Revised 24087
Code, certain torts of its officers, employees, or agents acting 24088
within the scope of their employment or official responsibilities, 24089
or with respect to the enforcement of its obligations and 24090
covenants made under this chapter; 24091

(H) To make and enter into all contracts, leases, and 24092
agreements and execute all instruments necessary or incidental to 24093
the performance of the duties and the execution of the powers of 24094
the district under this chapter, provided that all of the 24095
following apply: 24096

(1) Except as provided in section 307.86 of the Revised Code 24097
regarding expenditures by boards of county commissioners, when the 24098
cost under any such contract, lease, or agreement, other than 24099
compensation for personal services or rental of office space, 24100
involves an expenditure of more than the amount established in 24101
that section regarding expenditures by boards of county 24102
commissioners, the supervisors shall make a written contract with 24103
the lowest and best bidder after advertisement, for not less than 24104
two nor more than four consecutive weeks preceding the day of the 24105
opening of bids, in a newspaper of general circulation within the 24106
district and in such other publications as the supervisors 24107
determine. The notice shall state the general character of the 24108
work and materials to be furnished, the place where plans and 24109
specifications may be examined, and the time and place of 24110
receiving bids. 24111

(2) Each bid for a contract shall contain the full name of 24112
every person interested in it. 24113

(3) Each bid for a contract for the construction, demolition, alteration, repair, or reconstruction of an improvement shall meet the requirements of section 153.54 of the Revised Code.	24114 24115 24116
(4) Each bid for a contract, other than a contract for the construction, demolition, alteration, repair, or reconstruction of an improvement, at the discretion of the supervisors, may be accompanied by a bond or certified check on a solvent bank in an amount not to exceed five per cent of the bid, conditioned that, if the bid is accepted, a contract shall be entered into.	24117 24118 24119 24120 24121 24122
(5) The supervisors may reject any and all bids.	24123
(I) To make agreements with the department of natural resources giving it control over lands of the district for the purpose of construction of improvements by the department under section 1501.011 of the Revised Code;	24124 24125 24126 24127
(J) To charge, alter, and collect rentals and other charges for the use or services of any works of the district;	24128 24129
(K) To enter, either in person or by designated representatives, upon lands, private or public, in the necessary discharge of their duties;	24130 24131 24132
(L) To enter into agreements or contracts with the department for the determination, implementation, inspection, and funding of agricultural pollution abatement and urban sediment pollution abatement measures whereby landowners, operators, managers, and developers may meet adopted state standards for a quality environment, except that failure of a district board of supervisors to negotiate an agreement or contract with the department shall authorize the division of soil and water conservation <u>resources</u> to implement the required program;	24133 24134 24135 24136 24137 24138 24139 24140 24141
(M) To conduct demonstrations and provide information to the public regarding practices and methods for natural resource conservation, development, and utilization;	24142 24143 24144

~~(N) Until June 1, 1996, to conduct surveys and investigations relating to the incidence of the multiflora rose within the district and of the nature and extent of the adverse effects of the multiflora rose on agriculture, forestry, recreation, and other beneficial land uses;~~

~~(O) Until June 1, 1996, to develop plans for the control of the multiflora rose within the district and to publish those plans and information related to control of the multiflora rose;~~

~~(P) Until June 1, 1996, to enter into contracts or agreements with the chief of the division of soil and water conservation to implement and administer a program for control of the multiflora rose and to receive and expend funds provided by the chief for that purpose;~~

~~(Q) Until June 1, 1996, to enter into cost sharing agreements with landowners for control of the multiflora rose. Before entering into any such agreement, the board of supervisors shall determine that the landowner's application meets the eligibility criteria established under division (E)(6) of section 1511.02 of the Revised Code. The cost sharing agreements shall contain the contract provisions required by the rules adopted under that division and such other provisions as the board of supervisors considers appropriate to ensure effective control of the multiflora rose.~~

~~(R) To enter into contracts or agreements with the chief of the division of soil and water resources to implement and administer a program for urban sediment pollution abatement and to receive and expend moneys provided by the chief for that purpose;~~

~~(S)(O) To develop operation and management plans, as defined in section 1511.01 of the Revised Code, as necessary;~~

~~(T)(P) To determine whether operation and management plans developed under division (A) of section 1511.021 of the Revised~~

Code comply with the standards established under division (E)(1) 24176
of section 1511.02 of the Revised Code and to approve or 24177
disapprove the plans, based on such compliance. If an operation 24178
and management plan is disapproved, the board shall provide a 24179
written explanation to the person who submitted the plan. The 24180
person may appeal the plan disapproval to the chief, who shall 24181
afford the person a hearing. Following the hearing, the chief 24182
shall uphold the plan disapproval or reverse it. If the chief 24183
reverses the plan disapproval, the plan shall be deemed approved 24184
under this division. In the event that any person operating or 24185
owning agricultural land or a concentrated animal feeding 24186
operation in accordance with an approved operation and management 24187
plan who, in good faith, is following that plan, causes 24188
agricultural pollution, the plan shall be revised in a fashion 24189
necessary to mitigate the agricultural pollution, as determined 24190
and approved by the board of supervisors of the soil and water 24191
conservation district. 24192

~~(U)~~(Q) With regard to composting conducted in conjunction 24193
with agricultural operations, to do all of the following: 24194

(1) Upon request or upon their own initiative, inspect 24195
composting at any such operation to determine whether the 24196
composting is being conducted in accordance with section 1511.022 24197
of the Revised Code; 24198

(2) If the board determines that composting is not being so 24199
conducted, request the chief to issue an order under division (G) 24200
of section 1511.02 of the Revised Code requiring the person who is 24201
conducting the composting to prepare a composting plan in 24202
accordance with rules adopted under division (E)~~(10)~~(8)(c) of that 24203
section and to operate in accordance with that plan or to operate 24204
in accordance with a previously prepared plan, as applicable; 24205

(3) In accordance with rules adopted under division 24206
(E)~~(10)~~(8)(c) of section 1511.02 of the Revised Code, review and 24207

approve or disapprove any such composting plan. If a plan is 24208
disapproved, the board shall provide a written explanation to the 24209
person who submitted the plan. 24210

As used in division ~~(U)~~(O) of this section, "composting" has 24211
the same meaning as in section 1511.01 of the Revised Code. 24212

~~(V)~~(R) With regard to conservation activities that are 24213
conducted in conjunction with agricultural operations, to assist 24214
the county auditor, upon request, in determining whether a 24215
conservation activity is a conservation practice for purposes of 24216
Chapter 929. or sections 5713.30 to 5713.37 and 5715.01 of the 24217
Revised Code. 24218

As used in this division, "conservation practice" has the 24219
same meaning as in section 5713.30 of the Revised Code. 24220

~~(W)~~(S) To do all acts necessary or proper to carry out the 24221
powers granted in this chapter. 24222

The director of natural resources shall make recommendations 24223
to reduce the adverse environmental effects of each project that a 24224
soil and water conservation district plans to undertake under 24225
division (A), (B), (C), or (D) of this section and that will be 24226
funded in whole or in part by moneys authorized under section 24227
1515.16 of the Revised Code and shall disapprove any such project 24228
that the director finds will adversely affect the environment 24229
without equal or greater benefit to the public. The director's 24230
disapproval or recommendations, upon the request of the district 24231
filed in accordance with rules adopted by the Ohio soil and water 24232
conservation commission, shall be reviewed by the commission, 24233
which may confirm the director's decision, modify it, or add 24234
recommendations to or approve a project the director has 24235
disapproved. 24236

Any instrument by which real property is acquired pursuant to 24237
this section shall identify the agency of the state that has the 24238

use and benefit of the real property as specified in section 24239
5301.012 of the Revised Code. 24240

Sec. 1515.14. Within the limits of funds appropriated to the 24241
department of natural resources and the soil and water 24242
conservation district assistance fund created in this section, 24243
there shall be paid in each calendar year to each local soil and 24244
water conservation district an amount not to exceed one dollar for 24245
each one dollar received in accordance with section 1515.10 of the 24246
Revised Code, received from tax levies in excess of the ten-mill 24247
levy limitation approved for the benefit of local soil and water 24248
conservation districts, or received from an appropriation by a 24249
municipal corporation or a township to a maximum of eight thousand 24250
dollars, provided that the Ohio soil and water conservation 24251
commission may approve payment to a district in an amount in 24252
excess of eight thousand dollars in any calendar year upon receipt 24253
of a request and justification from the district. The county 24254
auditor shall credit such payments to the special fund established 24255
pursuant to section 1515.10 of the Revised Code for the local soil 24256
and water conservation district. The department may make advances 24257
at least quarterly to each district on the basis of the estimated 24258
contribution of the state to each district. Moneys received by 24259
each district shall be expended for the purposes of the district. 24260

For the purpose of providing money to soil and water 24261
conservation districts under this section, there is hereby created 24262
in the state treasury the soil and water conservation district 24263
assistance fund consisting of money credited to it under section 24264
3714.073 of the Revised Code. 24265

Sec. 1515.183. Upon acceptance of a petition requesting the 24266
construction of an improvement, the supervisors of a soil and 24267
water conservation district shall begin to prepare, as a guide to 24268
the board of county commissioners and the petitioners, a 24269

preliminary report regarding the proposed improvement. The 24270
supervisors shall present the completed preliminary report at the 24271
hearing that is held on the proposed improvement. 24272

The preliminary report shall include a preliminary estimate 24273
of cost, comments on the feasibility of the project, and a 24274
statement of the supervisors' opinion as to whether the benefits 24275
from the project are likely to exceed the estimated cost. The 24276
preliminary report shall identify all factors that are apparent to 24277
the supervisors, both favorable and unfavorable to the proposed 24278
improvement, so that the petitioners may be informed concerning 24279
what is involved with the construction of the improvement. 24280

In addition to reporting on the improvement as petitioned, 24281
the supervisors may submit alternate proposals to accomplish the 24282
intent of the petition. The preliminary report and all alternate 24283
proposals shall be reviewed and receive concurrence from an 24284
engineer who is employed by the division of soil and water 24285
~~conservation~~ resources or by the natural resources conservation 24286
service in the United States department of agriculture and who is 24287
responsible for providing technical assistance to the district or 24288
from any other registered professional engineer whom the 24289
supervisors choose. 24290

Sec. 1519.03. The director of natural resources, through the 24291
chief of the division of ~~real-estate~~ parks and ~~land-management~~ 24292
recreation, shall prepare and maintain a current inventory of 24293
trails, abandoned or unmaintained roads, streets, and highways, 24294
abandoned railroad rights-of-way, utility easements, canals, and 24295
other scenic or historic corridors or rights-of-way that are 24296
suitable for recreational use. The director shall prepare and 24297
publish a comprehensive plan for development of a statewide trails 24298
system to serve present and future trail recreation needs of the 24299
state. Any state department, agency, political subdivision, or 24300

planning commission shall furnish available maps, descriptions, 24301
and other pertinent information to the director or provide access 24302
to ~~his~~ the director's representatives for inspection and 24303
duplication, upon request by the director, for trail inventory and 24304
planning purposes. 24305

Sec. 1520.02. (A) The director of natural resources has 24306
exclusive authority to administer, manage, and establish policies 24307
governing canal lands. 24308

(B)(1) The director may sell, lease, exchange, give, or grant 24309
all or part of the state's interest in any canal lands in 24310
accordance with section 1501.01 of the Revised Code. The director 24311
may stipulate that an appraisal or survey need not be conducted 24312
for, and may establish any terms or conditions that the director 24313
determines appropriate for, any such conveyance. 24314

Prior to proposing the conveyance of any canal lands, the 24315
director shall consider the local government needs and economic 24316
development potential with respect to the canal lands and the 24317
recreational, ecological, and historical value of the canal lands. 24318
In addition, the conveyance of canal lands shall be conducted in 24319
accordance with the director's policies governing the protection 24320
and conservation of canal lands established under this section. 24321

(2) With regard to canal lands, the chief of the division of 24322
~~water parks and recreation~~, with the approval of the director, may 24323
sell, lease, or transfer minerals or mineral rights when the 24324
chief, with the approval of the director, determines that the 24325
sale, lease, or transfer is in the best interest of the state. 24326
Consideration for minerals and mineral rights shall be by rental 24327
or on a royalty basis as prescribed by the chief, with the 24328
approval of the director, and payable as prescribed by contract. 24329
Moneys collected under division (B)(2) of this section shall be 24330
paid into the state treasury to the credit of the canal lands fund 24331

created in section 1520.05 of the Revised Code. 24332

(C) The director may transfer to the Ohio historical society 24333
any equipment, maps, and records used on or related to canal lands 24334
that are of historical interest and that are not needed by the 24335
director to administer this chapter. 24336

(D) If the director determines that any canal lands are a 24337
necessary part of a county's drainage or ditch system and are not 24338
needed for any purpose of the department of natural resources, the 24339
director may sell, grant, or otherwise convey those canal lands to 24340
that county in accordance with division (B) of this section. The 24341
board of county commissioners shall accept the transfer of canal 24342
lands. 24343

(E) Notwithstanding any other section of the Revised Code, 24344
the county auditor shall transfer any canal lands conveyed under 24345
this section, and the county recorder shall record the deed for 24346
those lands in accordance with section 317.12 of the Revised Code. 24347

Sec. 1520.03. (A) The director of natural resources may 24348
appropriate real property in accordance with Chapter 163. of the 24349
Revised Code for the purpose of administering this chapter. 24350

(B)(1) The director shall operate and maintain all canals and 24351
canal reservoirs owned by the state except those canals that are 24352
operated by the Ohio historical society on July 1, 1989. 24353

(2) On behalf of the director, the division of ~~water parks~~ 24354
and recreation shall have the care and control of all canals and 24355
canal reservoirs owned by the state, the water in them, and canal 24356
lands and shall protect, operate, and maintain them and keep them 24357
in repair. The chief of the division of ~~water parks and recreation~~ 24358
may remove obstructions from or on them and shall make any 24359
alterations or changes in or to them and construct any feeders, 24360
dikes, reservoirs, dams, locks, or other works, devices, or 24361

improvements in or on them that are necessary in the discharge of 24362
the chief's duties. 24363

In accordance with Chapter 119. of the Revised Code, the 24364
chief may adopt, amend, and rescind rules that are necessary for 24365
the administration of this division. 24366

(C) The director may sell or lease water from any canal or 24367
canal reservoir that the director operates and maintains only to 24368
the extent that the water is in excess of the quantity that is 24369
required for navigation, recreation, and wildlife purposes. ~~The~~ 24370
With the approval of the director, the chief may adopt, amend, and 24371
rescind rules in accordance with Chapter 119. of the Revised Code 24372
necessary to administer this division. 24373

The withdrawal of water from any canal or canal reservoir for 24374
domestic use is exempt from this division. However, the director 24375
may require water conservation measures for water that is 24376
withdrawn from any canal or canal reservoir for domestic use 24377
during drought conditions or other emergencies declared by the 24378
governor. 24379

(D) No person shall take or divert water from any canal or 24380
canal reservoir operated and maintained by the director except in 24381
accordance with division (C) of this section. 24382

(E) At the request of the director, the attorney general may 24383
commence a civil action for civil penalties and injunctions, in a 24384
court of common pleas, against any person who has violated or is 24385
violating division (D) of this section. The court of common pleas 24386
in which an action for injunctive relief is filed has jurisdiction 24387
to and shall grant preliminary and permanent injunctive relief 24388
upon a showing that the person against whom the action is brought 24389
has violated or is violating that division. 24390

Upon a finding of a violation, the court shall assess a civil 24391
penalty of not more than one thousand dollars for each day of each 24392

violation if the violator is an individual who took or diverted 24393
the water in question for residential or agricultural use. The 24394
court shall assess a civil penalty of not more than five thousand 24395
dollars for each day of each violation if the violator is any 24396
other person who took or diverted the water in question for 24397
industrial or commercial use excluding agricultural use. Moneys 24398
from civil penalties assessed under this division shall be paid 24399
into the state treasury to the credit of the canal lands fund 24400
created in section 1520.05 of the Revised Code. 24401

Any action under this division is a civil action, governed by 24402
the rules of civil procedure and other rules of practice and 24403
procedure applicable to civil actions. 24404

(F) As used in this section, "person" means any agency of 24405
this state, any political subdivision of this state or of the 24406
United States, or any legal entity defined as a person under 24407
section 1.59 of the Revised Code. 24408

Sec. 1521.03. The chief of the division of soil and water 24409
resources shall do all of the following: 24410

(A) Assist in an advisory capacity any properly constituted 24411
watershed district, conservancy district, or soil and water 24412
conservation district or any county, municipal corporation, or 24413
other government agency of the state in the planning of works for 24414
ground water recharge, flood mitigation, floodplain management, 24415
flood control, flow capacity and stability of streams, rivers, and 24416
watercourses, or the establishment of water conservation 24417
practices, within the limits of the appropriations for those 24418
purposes; 24419

(B) Have authority to conduct basic inventories of the water 24420
and related natural resources in each drainage basin in the state; 24421
to develop a plan on a watershed basis that will recognize the 24422
variety of uses to which water may be put and the need for its 24423

management for those uses; with the approval of the director of 24424
natural resources and the controlling board, to transfer 24425
appropriated or other funds, authorized for those inventories and 24426
plan, to any division of the department of natural resources or 24427
other state agencies for the purpose of developing pertinent data 24428
relating to the plan of water management; and to accept and expend 24429
moneys contributed by any person for implementing the development 24430
of the plan; 24431

(C) Have authority to make detailed investigations of all 24432
factors relating to floods, floodplain management, and flood 24433
control in the state with particular attention to those factors 24434
bearing upon the hydraulic and hydrologic characteristics of 24435
rivers, streams, and watercourses, recognizing the variety of uses 24436
to which water and watercourses may be put; 24437

(D) Cooperate with the United States or any agency thereof 24438
and with any political subdivision of the state in planning and 24439
constructing flood control works; 24440

(E) Hold meetings or public hearings, whichever is considered 24441
appropriate by the chief, to assist in the resolution of conflicts 24442
between ground water users. Such meetings or hearings shall be 24443
called upon written request from boards of health of city or 24444
general health districts created by or under the authority of 24445
Chapter 3709. of the Revised Code or authorities having the duties 24446
of a board of health as authorized by section 3709.05 of the 24447
Revised Code, boards of county commissioners, boards of township 24448
trustees, legislative authorities of municipal corporations, or 24449
boards of directors of conservancy districts and may be called by 24450
the chief upon the request of any other person or at the chief's 24451
discretion. The chief shall collect and present at such meetings 24452
or hearings the available technical information relevant to the 24453
conflicts and to the ground water resource. The chief shall 24454
prepare a report, and may make recommendations, based upon the 24455

available technical data and the record of the meetings or 24456
hearings, about the use of the ground water resource. In making 24457
the report and any recommendations, the chief also may consider 24458
the factors listed in division (B) of section 1521.17 of the 24459
Revised Code. The technical information presented, the report 24460
prepared, and any recommendations made under this division shall 24461
be presumed to be prima-facie authentic and admissible as evidence 24462
in any court pursuant to Evidence Rule 902. 24463

(F) Perform stream or ground water gauging and may contract 24464
with the United States government or any other agency for the 24465
gauging of any streams or ground water within the state; 24466

(G) Primarily with regard to water quantity, have authority 24467
to collect, study, map, and interpret all available information, 24468
statistics, and data pertaining to the availability, supply, use, 24469
conservation, and replenishment of the ground and surface waters 24470
in the state in coordination with other agencies of this state; 24471

(H) Primarily with regard to water quantity and availability, 24472
be authorized to cooperate with and negotiate for the state with 24473
any agency of the United States government, of this state, or of 24474
any other state pertaining to the water resources of the state; 24475

(I) Provide engineering support for the coastal management 24476
program established under Chapter 1506. of the Revised Code. 24477

Sec. 1521.031. There is hereby created in the department of 24478
natural resources the Ohio water advisory council. The council 24479
shall consist of seven members appointed by the governor with the 24480
advice and consent of the senate. No more than four of the members 24481
shall be of the same political party. Members shall be persons who 24482
have a demonstrated interest in water management and whose 24483
expertise reflects the various responsibilities of the division of 24484
soil and water resources under this chapter and Chapter 1523. of 24485
the Revised Code, including, but not limited to, dam safety, 24486

surface water, groundwater, and flood plain management. The chief 24487
of the division of soil and water resources may participate in the 24488
deliberations of the council, but shall not vote. 24489

Terms of office of members shall be for two years commencing 24490
on the second day of February and ending on the first day of 24491
February. Each member shall hold office from the date of 24492
appointment until the end of the term for which ~~he was~~ appointed. 24493
The governor may remove any member at any time for inefficiency, 24494
neglect of duty, or malfeasance in office. In the event of the 24495
death, removal, resignation, or incapacity of any member, the 24496
governor, with the advice and consent of the senate, shall appoint 24497
a successor to hold office for the remainder of the term for which 24498
~~his~~ the member's predecessor was appointed. Any member shall 24499
continue in office following the expiration date of ~~his~~ the 24500
member's term until ~~his~~ the member's successor takes office or 24501
until sixty days have elapsed, whichever occurs first. Membership 24502
on the council does not constitute holding a public office or 24503
position of employment under the Revised Code and is not grounds 24504
for removal of public officers or employees from their offices or 24505
positions of employment. 24506

The council annually shall select from its members a ~~chairman~~ 24507
chairperson and a ~~vice-chairman~~ vice-chairperson. The council 24508
shall hold at least one meeting each calendar quarter and shall 24509
keep a record of its proceedings, which shall be open to the 24510
public for inspection. Special meetings may be called by the 24511
~~chairman~~ chairperson and shall be called upon the written request 24512
of two or more members. A majority of the members constitutes a 24513
quorum. The division shall furnish clerical, technical, legal, and 24514
other services required by the council in the performance of its 24515
duties. 24516

Members shall receive no compensation, but shall be 24517
reimbursed from the appropriations for the division for the actual 24518

and necessary expenses incurred by them in the performance of 24519
their official duties. 24520

The council shall: 24521

(A) Advise the chief of the division of soil and water 24522
resources in carrying out the duties of the division under this 24523
chapter and Chapter 1523. of the Revised Code; 24524

(B) Recommend such policy and legislation with respect to 24525
water management and conservation as will promote the economic, 24526
industrial, and social development of the state while minimizing 24527
threats to the state's natural environment; 24528

(C) Review and make recommendations on the development of 24529
plans and programs for long-term, comprehensive water management 24530
throughout the state; and 24531

(D) Recommend ways to enhance cooperation among governmental 24532
agencies having an interest in water to encourage wise use and 24533
protection of the state's ground and surface waters. To this end, 24534
the council shall request nonvoting representation from 24535
appropriate governmental agencies. 24536

Sec. 1521.04. The chief of the division of soil and water 24537
resources, with the approval of the director of natural resources, 24538
may make loans and grants from the water management fund created 24539
in section 1501.32 of the Revised Code to governmental agencies 24540
for water management, water supply improvements, and planning and 24541
may administer grants from the federal government and from other 24542
public or private sources for carrying out those functions and for 24543
the performance of any acts that may be required by the United 24544
States or by any agency or department thereof as a condition for 24545
the participation by any governmental agency in any federal 24546
financial or technical assistance program. Direct and indirect 24547
costs of administration may be paid from the fund. 24548

The chief may use the water management fund for the purposes 24549
of administering the water diversion and consumptive use permit 24550
programs established in sections 1501.30 to 1501.35 of the Revised 24551
Code; to perform watershed and water resources studies for the 24552
purposes of water management planning; and to acquire, construct, 24553
reconstruct, improve, equip, maintain, operate, and dispose of 24554
water management improvements. The chief may fix, alter, charge, 24555
and collect rates, fees, rentals, and other charges to be paid 24556
into the fund by governmental agencies and persons who are 24557
supplied with water by facilities constructed or operated by the 24558
department of natural resources in order to amortize and defray 24559
the cost of the construction, maintenance, and operation of those 24560
facilities. 24561

Sec. 1521.05. (A) As used in this section: 24562

(1) "Construct" or "construction" includes drilling, boring, 24563
digging, deepening, altering, and logging. 24564

(2) "Altering" means changing the configuration of a well, 24565
including, without limitation, deepening a well, extending or 24566
replacing any portion of the inside or outside casing or wall of a 24567
well that extends below ground level, plugging a portion of a well 24568
back to a certain depth, and reaming out a well to enlarge its 24569
original diameter. 24570

(3) "Logging" means describing the lithology, grain size, 24571
color, and texture of the formations encountered during the 24572
drilling, boring, digging, deepening, or altering of a well. 24573

(4) "Grouting" means neat cement; bentonite products in 24574
slurry, granular, or pelletized form, excluding drilling mud or 24575
fluids; or any combination of neat cement and bentonite products 24576
that is placed within a well to seal the annular space or to seal 24577
an abandoned well and that is impervious to and capable of 24578
preventing the movement of water. 24579

(5) "Abandoned well" means a well whose use has been 24580
permanently discontinued and that poses potential health and 24581
safety hazards or that has the potential to transmit surface 24582
contaminants into the aquifer in which the well has been 24583
constructed. 24584

(6) "Sealing" means the complete filling of an abandoned well 24585
with grouting or other approved materials in order to permanently 24586
prevent the vertical movement of water in the well and thus 24587
prevent the contamination of ground water or the intermixing of 24588
water between aquifers. 24589

(B) Any person that constructs a well shall keep a careful 24590
and accurate log of the construction of the well. The log shall 24591
show all of the following: 24592

(1) The character, including, without limitation, the 24593
lithology, color, texture, and grain size, the name, if known, and 24594
the depth of all formations passed through or encountered; 24595

(2) The depths at which water is encountered; 24596

(3) The static water level of the completed well; 24597

(4) A copy of the record of all pumping tests and analyses 24598
related to those tests, if any; 24599

(5) Construction details, including lengths, diameters, and 24600
thicknesses of casing and screening and the volume, type of 24601
material, and method of introducing gravel packing and grouting 24602
into the well; 24603

(6) The type of pumping equipment installed, if any; 24604

(7) The name of the owner of the well, the address of the 24605
location where the well was constructed, and either the state 24606
plane coordinates or the latitude and longitude of the well; 24607

(8) The signature of the individual who constructed the well 24608
and filed the well log; 24609

(9) Any other information required by the chief of the 24610
division of soil and water resources. 24611

The log shall be ~~furnished to~~ filed with the division of soil 24612
and water resources within thirty days after the completion of 24613
construction of the well on forms prescribed and prepared by the 24614
division. The log shall be kept on file by the division. 24615

(C) Any person that seals a well shall keep a careful and 24616
accurate report of the sealing of the well. The sealing report 24617
shall show all of the following: 24618

(1) The name of the owner of the well, the address of the 24619
location where the well was constructed, and either the state 24620
plane coordinates or the latitude and longitude of the well; 24621

(2) The depth of the well, the size and length of its casing, 24622
and the static water level of the well; 24623

(3) The sealing procedures, including the volume and type of 24624
sealing material or materials and the method and depth of 24625
placement of each material; 24626

(4) The date on which the sealing was performed; 24627

(5) The signature of the individual who sealed the well and 24628
filed the sealing report; 24629

(6) Any other information required by the chief. 24630

The sealing report shall be ~~furnished to~~ filed with the 24631
division within thirty days after the completion of the sealing of 24632
the well on forms prescribed and prepared by the division. 24633

(D) In accordance with Chapter 119. of the Revised Code, the 24634
chief may adopt, amend, and rescind rules requiring other persons 24635
that are involved in the construction or subsequent development of 24636
a well to submit well logs under division (B) of this section 24637
containing any or all of the information specified in divisions 24638
(B)(1) to (9) of this section and specifying additional 24639

information to be included in sealing reports required under 24640
division (C) of this section. The chief shall adopt rules 24641
establishing procedures and requirements governing the payment and 24642
collection of water well log filing fees, including the amount of 24643
any filing fee to be imposed as an alternative to the 24644
twenty-dollar filing fee established in division (G) of this 24645
section and including procedures for the quarterly transfer of 24646
filing fees by boards of health and the director of environmental 24647
protection under that division. 24648

(E)(1) No person shall fail to keep and ~~submit~~ file a well 24649
log or a sealing report as required by this section. 24650

(2) No person shall make a false statement in any well log or 24651
sealing report required to be kept and ~~submitted~~ filed under this 24652
section. Violation of division (E)(2) of this section is 24653
falsification under section 2921.13 of the Revised Code. 24654

(F) For the purposes of prosecution of a violation of 24655
division (E)(1) of this section, a prima-facie case is established 24656
when the division obtains either of the following: 24657

(1) A certified copy of a permit for a private water system 24658
issued in accordance with rules adopted under section 3701.344 of 24659
the Revised Code, or a certified copy of the invoice or a canceled 24660
check from the owner of a well indicating the construction or 24661
sealing services performed; 24662

(2) A certified copy of any permit issued under Chapter 3734. 24663
or 6111. of the Revised Code or plan approval granted under 24664
Chapter 6109. of the Revised Code for any activity that includes 24665
the construction or sealing of a well as applicable. 24666

(G) In accordance with rules adopted under this section, a 24667
person or entity that constructs a well for the purpose of 24668
extracting potable water as part of a private water system that is 24669
subject to rules adopted under section 3701.344 of the Revised 24670

Code or a public water system that is required to be licensed 24671
under Chapter 6109. of the Revised Code shall pay a well log 24672
filing fee of twenty dollars per well log or, if the chief has 24673
adopted rules establishing an alternative fee amount, the fee 24674
amount established under rules. The fee shall be collected by a 24675
board of health under section 3701.344 of the Revised Code or the 24676
environmental protection agency under section 6109.22 of the 24677
Revised Code, as applicable. 24678

Each calendar quarter, a board of health or the environmental 24679
protection agency, as applicable, shall forward all well log 24680
filing fees collected during the previous calendar quarter to the 24681
division of soil and water resources. The fees shall be forwarded 24682
in accordance with procedures established in rules adopted under 24683
this section. 24684

Proceeds of well log filing fees shall be used by the 24685
division of soil and water resources for the purposes of 24686
acquiring, maintaining, and dispensing digital and paper records 24687
of well logs that are filed with the division. 24688

Sec. 1521.06. (A) No dam may be constructed for the purpose 24689
of storing, conserving, or retarding water, or for any other 24690
purpose, nor shall any levee be constructed for the purpose of 24691
diverting or retaining flood water, unless the person or 24692
governmental agency desiring the construction has a construction 24693
permit for the dam or levee issued by the chief of the division of 24694
soil and water resources. 24695

A construction permit is not required under this section for: 24696

(1) A dam that is or will be less than ten feet in height and 24697
that has or will have a storage capacity of not more than fifty 24698
acre-feet at the elevation of the top of the dam, as determined by 24699
the chief. For the purposes of this section, the height of a dam 24700
shall be measured from the natural stream bed or lowest ground 24701

elevation at the downstream or outside limit of the dam to the 24702
elevation of the top of the dam. 24703

(2) A dam, regardless of height, that has or will have a 24704
storage capacity of not more than fifteen acre-feet at the 24705
elevation of the top of the dam, as determined by the chief; 24706

(3) A dam, regardless of storage capacity, that is or will be 24707
six feet or less in height, as determined by the chief; 24708

(4) A dam or levee that belongs to a class exempted by the 24709
chief; 24710

(5) The repair, maintenance, improvement, alteration, or 24711
removal of a dam or levee that is subject to section 1521.062 of 24712
the Revised Code, unless the construction constitutes an 24713
enlargement or reconstruction of the structure as determined by 24714
the chief; 24715

(6) A dam or impoundment constructed under Chapter 1513. of 24716
the Revised Code. 24717

(B) Before a construction permit may be issued, three copies 24718
of the plans and specifications, including a detailed cost 24719
estimate, for the proposed construction, prepared by a registered 24720
professional engineer, together with the filing fee specified by 24721
this section and the bond or other security required by section 24722
1521.061 of the Revised Code, shall be filed with the chief. The 24723
detailed estimate of the cost shall include all costs associated 24724
with the construction of the dam or levee, including supervision 24725
and inspection of the construction by a registered professional 24726
engineer. The filing fee shall be based on the detailed cost 24727
estimate for the proposed construction as filed with and approved 24728
by the chief, and shall be determined by the following schedule 24729
unless otherwise provided by rules adopted under this section: 24730

(1) For the first one hundred thousand dollars of estimated 24731
cost, a fee of four per cent; 24732

(2) For the next four hundred thousand dollars of estimated cost, a fee of three per cent;	24733 24734
(3) For the next five hundred thousand dollars of estimated cost, a fee of two per cent;	24735 24736
(4) For all costs in excess of one million dollars, a fee of one-half of one per cent.	24737 24738
In no case shall the filing fee be less than one thousand dollars or more than one hundred thousand dollars. If the actual cost exceeds the estimated cost by more than fifteen per cent, an additional filing fee shall be required equal to the fee determined by the preceding schedule less the original filing fee. All fees collected pursuant to this section, and all fines collected pursuant to section 1521.99 of the Revised Code, shall be deposited in the state treasury to the credit of the dam safety fund, which is hereby created. Expenditures from the fund shall be made by the chief for the purpose of administering this section and sections 1521.061 and 1521.062 of the Revised Code.	24739 24740 24741 24742 24743 24744 24745 24746 24747 24748 24749
(C) The chief shall, within thirty days from the date of the receipt of the application, fee, and bond or other security, issue or deny a construction permit for the construction or may issue a construction permit conditioned upon the making of such changes in the plans and specifications for the construction as the chief considers advisable if the chief determines that the construction of the proposed dam or levee, in accordance with the plans and specifications filed, would endanger life, health, or property.	24750 24751 24752 24753 24754 24755 24756 24757
(D) The chief may deny a construction permit after finding that a dam or levee built in accordance with the plans and specifications would endanger life, health, or property, because of improper or inadequate design, or for such other reasons as the chief may determine.	24758 24759 24760 24761 24762
In the event the chief denies a permit for the construction	24763

of the dam or levee, or issues a permit conditioned upon a making 24764
of changes in the plans or specifications for the construction, 24765
the chief shall state the reasons therefor and so notify, in 24766
writing, the person or governmental agency making the application 24767
for a permit. If the permit is denied, the chief shall return the 24768
bond or other security to the person or governmental agency making 24769
application for the permit. 24770

The decision of the chief conditioning or denying a 24771
construction permit is subject to appeal as provided in Chapter 24772
119. of the Revised Code. A dam or levee built substantially at 24773
variance from the plans and specifications upon which a 24774
construction permit was issued is in violation of this section. 24775
The chief may at any time inspect any dam or levee, or site upon 24776
which any dam or levee is to be constructed, in order to determine 24777
whether it complies with this section. 24778

(E) A registered professional engineer shall inspect the 24779
construction for which the permit was issued during all phases of 24780
construction and shall furnish to the chief such regular reports 24781
of the engineer's inspections as the chief may require. When the 24782
chief finds that construction has been fully completed in 24783
accordance with the terms of the permit and the plans and 24784
specifications approved by the chief, the chief shall approve the 24785
construction. When one year has elapsed after approval of the 24786
completed construction, and the chief finds that within this 24787
period no fact has become apparent to indicate that the 24788
construction was not performed in accordance with the terms of the 24789
permit and the plans and specifications approved by the chief, or 24790
that the construction as performed would endanger life, health, or 24791
property, the chief shall release the bond or other security. No 24792
bond or other security shall be released until one year after 24793
final approval by the chief, unless the dam or levee has been 24794
modified so that it will not retain water and has been approved as 24795

nonhazardous after determination by the chief that the dam or 24796
levee as modified will not endanger life, health, or property. 24797

(F) When inspections required by this section are not being 24798
performed, the chief shall notify the person or governmental 24799
agency to which the permit has been issued that inspections are 24800
not being performed by the registered professional engineer and 24801
that the chief will inspect the remainder of the construction. 24802
Thereafter, the chief shall inspect the construction and the cost 24803
of inspection shall be charged against the owner. Failure of the 24804
registered professional engineer to submit required inspection 24805
reports shall be deemed notice that the engineer's inspections are 24806
not being performed. 24807

(G) The chief may order construction to cease on any dam or 24808
levee that is being built in violation of this section, and may 24809
prohibit the retention of water behind any dam or levee that has 24810
been built in violation of this section. The attorney general, 24811
upon written request of the chief, may bring an action for an 24812
injunction against any person who violates this section or to 24813
enforce an order or prohibition of the chief made pursuant to this 24814
section. 24815

(H) The chief may adopt rules in accordance with Chapter 119. 24816
of the Revised Code, for the design and construction of dams and 24817
levees for which a construction permit is required by this section 24818
or for which periodic inspection is required by section 1521.062 24819
of the Revised Code, for establishing a filing fee schedule in 24820
lieu of the schedule established under division (B) of this 24821
section, for deposit and forfeiture of bonds and other securities 24822
required by section 1521.061 of the Revised Code, for the periodic 24823
inspection, operation, repair, improvement, alteration, or removal 24824
of all dams and levees, as specified in section 1521.062 of the 24825
Revised Code, and for establishing classes of dams or levees that 24826
are exempt from the requirements of this section and section 24827

1521.062 of the Revised Code as being of a size, purpose, or 24828
situation that does not present a substantial hazard to life, 24829
health, or property. The chief may, by rule, limit the period 24830
during which a construction permit issued under this section is 24831
valid. The rules may allow for the extension of the period during 24832
which a permit is valid upon written request, provided that the 24833
written request includes a revised construction cost estimate, and 24834
may require the payment of an additional filing fee for the 24835
requested extension. If a construction permit expires without an 24836
extension before construction is completed, the person or agency 24837
shall apply for a new permit, and shall not continue construction 24838
until the new permit is issued. 24839

Sec. 1521.061. Except as otherwise provided in this section, 24840
a construction permit shall not be issued under section 1521.06 of 24841
the Revised Code unless the person or governmental agency applying 24842
for the permit executes and files a surety bond conditioned on 24843
completion of the dam or levee in accordance with the terms of the 24844
permit and the plans and specifications approved by the chief of 24845
the division of soil and water resources, in an amount equal to 24846
fifty per cent of the estimated cost of the project. 24847

If a permittee requests an extension of the time period 24848
during which a construction permit is valid in accordance with 24849
rules adopted under section 1521.06 of the Revised Code, the chief 24850
shall determine whether the revised construction cost estimate 24851
provided with the request exceeds the original construction cost 24852
estimate that was filed with the chief by more than twenty-five 24853
per cent. If the revised construction cost estimate exceeds the 24854
original construction cost estimate by more than twenty-five per 24855
cent, the chief may require an additional surety bond to be filed 24856
so that the total amount of the surety bonds equals at least fifty 24857
per cent of the revised construction cost estimate. 24858

The chief shall not approve any bond until it is personally signed and acknowledged by both principal and surety, or as to either by the attorney in fact thereof, with a certified copy of the power of attorney attached. The chief shall not approve the bond unless there is attached a certificate of the superintendent of insurance that the company is authorized to transact a fidelity and surety business in this state.

All bonds shall be given in a form prescribed by the chief and shall run to the state as obligee.

The applicant may deposit, in lieu of a bond, cash in an amount equal to the amount of the bond or United States government securities or negotiable certificates of deposit issued by any bank organized or transacting business in this state having a par value equal to or greater than the amount of the bond. Such cash or securities shall be deposited upon the same terms as bonds. If one or more certificates of deposit are deposited in lieu of a bond, the chief shall require the bank that issued any such certificate to pledge securities of the aggregate market value equal to the amount of the certificate that is in excess of the amount insured by the federal deposit insurance corporation. The securities to be pledged shall be those designated as eligible under section 135.18 of the Revised Code. The securities shall be security for the repayment of the certificate of deposit.

Immediately upon a deposit of cash, securities, or certificates of deposit, the chief shall deliver them to the treasurer of state, who shall hold them in trust for the purposes for which they have been deposited. The treasurer of state is responsible for the safekeeping of such deposits. An applicant making a deposit of cash, securities, or certificates of deposit may withdraw and receive from the treasurer of state, on the written order of the chief, all or any portion of the cash, securities, or certificates of deposit, upon depositing with the

treasurer of state cash, other United States government 24891
securities, or negotiable certificates of deposit issued by any 24892
bank organized or transacting business in this state equal in par 24893
value to the par value of the cash, securities, or certificates of 24894
deposit withdrawn. An applicant may demand and receive from the 24895
treasurer of state all interest or other income from any such 24896
securities or certificates as it becomes due. If securities so 24897
deposited with and in the possession of the treasurer of state 24898
mature or are called for payment by the issuer thereof, the 24899
treasurer of state, at the request of the applicant who deposited 24900
them, shall convert the proceeds of the redemption or payment of 24901
the securities into such other United States government 24902
securities, negotiable certificates of deposit issued by any bank 24903
organized or transacting business in this state, or cash as the 24904
applicant designates. 24905

When the chief finds that a person or governmental agency has 24906
failed to comply with the conditions of the person's or agency's 24907
bond, the chief shall make a finding of that fact and declare the 24908
bond, cash, securities, or certificates of deposit forfeited in 24909
the amount set by rule of the chief. The chief shall thereupon 24910
certify the total forfeiture to the attorney general, who shall 24911
proceed to collect that amount. 24912

In lieu of total forfeiture, the surety, at its option, may 24913
cause the dam or levee to be completed as required by section 24914
1521.06 of the Revised Code and rules of the chief, or otherwise 24915
rendered nonhazardous, or pay to the treasurer of state the cost 24916
thereof. 24917

All moneys collected on account of forfeitures of bonds, 24918
cash, securities, and certificates of deposit under this section 24919
shall be credited to the dam safety fund created in section 24920
1521.06 of the Revised Code. The chief shall make expenditures 24921
from the fund to complete dams and levees for which bonds have 24922

been forfeited or to otherwise render them nonhazardous. 24923

Expenditures from the fund for those purposes shall be made 24924
pursuant to contracts entered into by the chief with persons who 24925
agree to furnish all of the materials, equipment, work, and labor 24926
as specified and provided in the contract. 24927

A surety bond shall not be required for a permit for a dam or 24928
levee that is to be designed and constructed by an agency of the 24929
United States government, if the agency files with the chief 24930
written assurance of the agency's financial responsibility for the 24931
structure during the one-year period following the chief's 24932
approval of the completed construction provided for under division 24933
(E) of section 1521.06 of the Revised Code. 24934

Sec. 1521.062. (A) All dams and levees constructed in this 24935
state and not exempted by this section or by the chief of the 24936
division of soil and water resources under section 1521.06 of the 24937
Revised Code shall be inspected periodically by the chief, except 24938
for classes of dams that, in accordance with rules adopted under 24939
this section, are required to be inspected by registered 24940
professional engineers who have been approved for that purpose by 24941
the chief. The inspection shall ensure that continued operation 24942
and use of the dam or levee does not constitute a hazard to life, 24943
health, or property. Periodic inspections shall not be required of 24944
the following structures: 24945

(1) A dam that is less than ten feet in height and has a 24946
storage capacity of not more than fifty acre-feet at the elevation 24947
of the top of the dam, as determined by the chief. For the 24948
purposes of this section, the height of a dam shall be measured 24949
from the natural stream bed or lowest ground elevation at the 24950
downstream or outside limit of the dam to the elevation of the top 24951
of the dam. 24952

(2) A dam, regardless of height, that has a storage capacity 24953

of not more than fifteen acre-feet at the elevation of the top of the dam, as determined by the chief; 24954
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(3) A dam, regardless of storage capacity, that is six feet or less in height, as determined by the chief; 24956
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(4) A dam or levee belonging to a class exempted by the chief; 24958
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(5) A dam or levee that has been exempted in accordance with rules adopted under section 1521.064 of the Revised Code. 24960
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(B) In accordance with rules adopted under this section, the owner of a dam that is in a class of dams that is designated in the rules for inspection by registered professional engineers shall obtain the services of a registered professional engineer who has been approved by the chief to conduct the periodic inspection of dams pursuant to schedules and other standards and procedures established in the rules. The registered professional engineer shall prepare a report of the inspection in accordance with the rules and provide the inspection report to the dam owner who shall submit it to the chief. A dam that is designated under the rules for inspection by a registered professional engineer, but that is not inspected within a five-year period may be inspected by the chief at the owner's expense. 24962
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(C) Intervals between periodic inspections shall be determined by the chief, but shall not exceed five years. 24975
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(D) In the case of a dam or levee that the chief inspects, the chief shall furnish a report of the inspection to the owner of the dam or levee. With regard to a dam or levee that has been inspected, either by the chief or by a registered professional engineer, and that is the subject of an inspection report prepared or received by the chief, the chief shall inform the owner of any required repairs, maintenance, investigations, and other remedial and operational measures. The chief shall order the owner to 24977
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perform such repairs, maintenance, investigations, or other 24985
remedial or operational measures as the chief considers necessary 24986
to safeguard life, health, or property. The order shall permit the 24987
owner a reasonable time in which to perform the needed repairs, 24988
maintenance, investigations, or other remedial measures, and the 24989
cost thereof shall be borne by the owner. All orders of the chief 24990
are subject to appeal as provided in Chapter 119. of the Revised 24991
Code. The attorney general, upon written request of the chief, may 24992
bring an action for an injunction against any person who violates 24993
this section or to enforce an order of the chief made pursuant to 24994
this section. 24995

(E) The owner of a dam or levee shall monitor, maintain, and 24996
operate the structure and its appurtenances safely in accordance 24997
with state rules, terms and conditions of permits, orders, and 24998
other requirements issued pursuant to this section or section 24999
1521.06 of the Revised Code. The owner shall fully and promptly 25000
notify the division of soil and water resources and other 25001
responsible authorities of any condition that threatens the safety 25002
of the structure and shall take all necessary actions to safeguard 25003
life, health, and property. 25004

(F) Before commencing the repair, improvement, alteration, or 25005
removal of a dam or levee, the owner shall file an application 25006
including plans, specifications, and other required information 25007
with the division and shall secure written approval of the 25008
application by the chief. Emergency actions by the owner required 25009
to safeguard life, health, or property are exempt from this 25010
requirement. The chief may, by rule, define maintenance, repairs, 25011
or other remedial measures of a routine nature that are exempt 25012
from this requirement. 25013

(G) The chief may remove or correct, at the expense of the 25014
owner, any unsafe structures found to be constructed or maintained 25015
in violation of this section or section 1521.06 of the Revised 25016

Code. In the case of an owner other than a governmental agency, 25017
the cost of removal or correction of any unsafe structure, 25018
together with a description of the property on which the unsafe 25019
structure is located, shall be certified by the chief to the 25020
county auditor and placed by the county auditor upon the tax 25021
duplicate. This cost is a lien upon the lands from the date of 25022
entry and shall be collected as other taxes and returned to the 25023
division. In the case of an owner that is a governmental agency, 25024
the cost of removal or correction of any unsafe structure shall be 25025
recoverable from the owner by appropriate action in a court of 25026
competent jurisdiction. 25027

(H) If the condition of any dam or levee is found, in the 25028
judgment of the chief, to be so dangerous to the safety of life, 25029
health, or property as not to permit time for the issuance and 25030
enforcement of an order relative to repair, maintenance, or 25031
operation, the chief shall employ any of the following remedial 25032
means necessary to protect life, health, and property: 25033

(1) Lower the water level of the lake or reservoir by 25034
releasing water; 25035

(2) Completely drain the lake or reservoir; 25036

(3) Take such other measures or actions as the chief 25037
considers necessary to safeguard life, health, and property. 25038

The chief shall continue in full charge and control of the 25039
dam or levee until the structure is rendered safe. The cost of the 25040
remedy shall be recoverable from the owner of the structure by 25041
appropriate action in a court of competent jurisdiction. 25042

(I) The chief may accept and expend gifts, bequests, and 25043
grants from the United States government or from any other public 25044
or private source and may contract with the United States 25045
government or any other agency or entity for the purpose of 25046
carrying out the dam safety functions set forth in this section 25047

and section 1521.06 of the Revised Code. 25048

(J) In accordance with Chapter 119. of the Revised Code, the 25049
chief may adopt, and may amend or rescind, rules that do all of 25050
the following: 25051

(1) Designate classes of dams for which dam owners must 25052
obtain the services of a registered professional engineer to 25053
periodically inspect the dams and to prepare reports of the 25054
inspections for submittal to the chief; 25055

(2) Establish standards in accordance with which the chief 25056
must approve or disapprove registered professional engineers to 25057
inspect dams together with procedures governing the approval 25058
process; 25059

(3) Establish schedules, standards, and procedures governing 25060
periodic inspections and standards and procedures governing the 25061
preparation and submittal of inspection reports; 25062

(4) Establish provisions regarding the enforcement of this 25063
section and rules adopted under it. 25064

(K) The owner of a dam or levee shall notify the chief in 25065
writing of a change in ownership of the dam or levee prior to the 25066
exchange of the property. 25067

Sec. 1521.063. (A) Except for the federal government, the 25068
owner of ~~any a dam, that is classified as a class I, class II, or~~ 25069
class III dam under rules adopted under section 1521.06 of the 25070
Revised Code and subject to section 1521.062 of the Revised Code 25071
shall pay an annual fee, based upon the height of the dam, the 25072
linear foot length of the dam, and the per-acre foot of volume of 25073
water impounded by the dam. The fee shall be paid to the division 25074
of soil and water on or before June 30, 1988, and resources on or 25075
before the thirtieth day of June of each ~~succeeding~~ year. The 25076
annual fee shall be as follows until otherwise provided by rules 25077

adopted under this section: 25078

(1) For any dam classified as a class I dam under rules 25079
adopted by the chief of the division of soil and water resources 25080
under section 1521.06 of the Revised Code, ~~thirty three hundred~~ 25081
dollars plus ten dollars per foot of height of dam, five cents per 25082
foot of length of the dam and five cents per-acre foot of water 25083
impounded by the dam; 25084

(2) For any dam classified as a class II dam under those 25085
rules, ~~thirty ninety~~ dollars plus ~~one dollar~~ six dollars per foot 25086
of height of dam, five cents per foot of length of the dam and 25087
five cents per-acre foot of water impounded by the dam; 25088

(3) For any dam classified as a class III dam under those 25089
rules, ~~thirty ninety~~ dollars plus four dollars per foot of height 25090
of the dam, five cents per foot of length of the dam, and five 25091
cents per-acre foot of volume of water impounded by the dam. 25092

For purposes of this section, the height of a dam is the 25093
vertical height, to the nearest foot, as determined by the 25094
division under section 1521.062 of the Revised Code. 25095

All fees collected under this section shall be deposited in 25096
the dam safety fund created in section 1521.06 of the Revised 25097
Code. Any owner who fails to pay any annual fee required by this 25098
section within sixty days after the due date shall be assessed a 25099
penalty of ten per cent of the annual fee plus interest at the 25100
rate of one-half per cent per month from the due date until the 25101
date of payment. 25102

There is hereby created the compliant dam discount program to 25103
be administered by the chief. Under the program, the chief may 25104
reduce the amount of the annual fee that an owner of a dam is 25105
required to pay under division (A)(1), (2), or (3) of this section 25106
if the owner is in compliance with section 1521.062 of the Revised 25107
Code and has developed an emergency action plan pursuant to 25108

standards established in rules adopted under this section. The 25109
chief shall not discount an annual fee by more than twenty-five 25110
per cent of the total annual fee that is due. In addition, the 25111
chief shall not discount the annual fee that is due from the owner 25112
of a dam who has been assessed a penalty under this section. 25113
25114

(B) The chief shall, in accordance with Chapter 119. of the 25115
Revised Code and subject to the prior approval of the director of 25116
natural resources, adopt, and may amend or rescind, rules for the 25117
collection of fees and the administration, implementation, and 25118
enforcement of this section and for the establishment of an annual 25119
fee schedule in lieu of the schedule established ~~under~~ in division 25120
(A) of this section. 25121

(C)(1) No person, political subdivision, or state 25122
governmental agency shall violate or fail to comply with this 25123
section or any rule or order adopted or issued under it. 25124

(2) The attorney general, upon written request of the chief, 25125
may commence an action against any such violator. Any action under 25126
division (C)(2) of this section is a civil action. 25127

(D) As used in this section, "political subdivision" includes 25128
townships, municipal corporations, counties, school districts, 25129
municipal universities, park districts, sanitary districts, and 25130
conservancy districts and subdivisions thereof. 25131

Sec. 1521.064. The chief of the division of soil and water 25132
resources, in accordance with Chapter 119. of the Revised Code, 25133
shall adopt, and may amend and rescind, rules establishing a 25134
program under which dams and levees may be exempted from 25135
inspections under section 1521.062 of the Revised Code if the 25136
continued operation and use of, and any rupturing of or other 25137
structural damage to, the dams and levees will not constitute a 25138
hazard to life, health, or property. The rules shall establish, 25139

without limitation, all of the following:	25140
(A) A procedure by which the owner of such a dam or levee may apply for an exemption under this section;	25141 25142
(B) The standards that a dam or levee shall meet in order to be exempted under this section;	25143 25144
(C) A procedure by which the chief shall periodically review the status of a dam or levee that has been exempted under this section to determine if the exemption should be rescinded;	25145 25146 25147
(D) A requirement that the owner of any dam or levee exempted under this section shall agree, in writing, to accept liability for any injury, death, or loss to persons or property caused by the rupturing of or other structural damage to the dam or levee.	25148 25149 25150 25151
Sec. 1521.07. The chief of the division of <u>soil and water resources</u> or any employee in the service of the division may enter upon lands to make surveys and inspections in accordance with this chapter, when necessary in the discharge of the duties enumerated in this chapter.	25152 25153 25154 25155 25156
Sec. 1521.10. In order to be entitled to the compensation provided for in section 1521.09 of the Revised Code, the landowner must <u>shall</u> have prepared and submit to the division of <u>soil and water resources</u> complete plans for the dam provided for in such section. The plans shall have the approval of the chief of the division of <u>soil and water resources</u> and the dam shall be constructed in accordance with such plans before compensation can be claimed.	25157 25158 25159 25160 25161 25162 25163 25164
Sec. 1521.11. Upon the completion of the dam referred to in section 1521.09 of the Revised Code to the satisfaction of the division of <u>soil and water resources</u> , it shall certify the completion and the capacity thereof to the county auditor who	25165 25166 25167 25168

shall thereupon make such reduction in the assessed valuation of 25169
the contiguous landowner as ~~he~~ the contiguous landowner is 25170
entitled to receive under sections 1521.09 to 1521.12, ~~inclusive,~~ 25171
of the Revised Code. 25172

Sec. 1521.12. In the event that any dam is constructed before 25173
plans are submitted to and approved by the division of soil and 25174
water resources as required by section 1521.10 of the Revised 25175
Code, the landowner may submit plans of the dam ~~he~~ the landowner 25176
has built, showing the area of the drainage basin above the dam, a 25177
cross section of the dam site, a cross section, plan, and 25178
elevation of the dam, a map of the spillway, a topographic map of 25179
the reservoir basin, and such other data and information as the 25180
division requires. If the plans receive the approval of the 25181
division, and upon examination the dam is found to be 25182
satisfactorily completed in accordance with such plans, ~~said the~~ 25183
division shall certify the completion and capacity thereof to the 25184
county auditor. If the plans fail to meet the requirements of the 25185
division, the owner may submit revised plans, and when such 25186
revised plans have been approved and the dam rebuilt to conform to 25187
such plans, the completion of the dam and its capacity shall then 25188
be certified to the auditor who shall thereupon make such 25189
reduction in the assessed valuation of the contiguous land as such 25190
owner is entitled to receive under sections 1521.09 to 1521.12, ~~inclusive,~~ 25191
of the Revised Code. 25192

Sec. 1521.13. (A) Development in one-hundred-year floodplain 25193
areas shall be protected to at least the one-hundred-year flood 25194
level, and flood water conveyance shall be maintained, at a 25195
minimum, in accordance with standards established under the 25196
national flood insurance program. This division does not preclude 25197
a state agency or political subdivision from establishing flood 25198
protection standards that are more restrictive than this division. 25199

(B) Prior to the expenditure of money for or the construction of buildings, structures, roads, bridges, or other facilities in locations that may be subject to flooding or flood damage, all state agencies and political subdivisions shall notify and consult with the division of soil and water resources and shall furnish information that the division reasonably requires in order to avoid the uneconomic, hazardous, or unnecessary use of floodplains in connection with such facilities.

(C) The chief of the division of soil and water resources shall do all of the following:

(1) Coordinate the floodplain management activities of state agencies and political subdivisions with the floodplain management activities of the United States, including the national flood insurance program;

(2) Collect, prepare, and maintain technical data and information on floods and floodplain management and make the data and information available to the public, state agencies, political subdivisions, and agencies of the United States;

(3) Cooperate and enter into agreements with persons for the preparation of studies and reports on floods and floodplain management;

(4) Assist any county, municipal corporation, or state agency in developing comprehensive floodplain management programs;

(5) Provide technical assistance to any county, municipal corporation, or state agency through engineering assistance, data collection, preparation of model laws, training, and other activities relating to floodplain management;

(6) For the purpose of reducing damages and the threat to life, health, and property in the event of a flood, cooperate with state agencies, political subdivisions, and the United States in the development of flood warning systems, evacuation plans, and

flood emergency preparedness plans;	25231
(7) Upon request, assist the emergency management agency established by section 5502.22 of the Revised Code in the preparation of flood hazard mitigation reports required as a condition for receiving federal disaster aid under the "Disaster Relief Act of 1974," 88 Stat. 143, 42 U.S.C.A. 5121, as amended, and regulations adopted under it;	25232 25233 25234 25235 25236 25237
(8) Adopt, and may amend or rescind, rules in accordance with Chapter 119. of the Revised Code for the administration, implementation, and enforcement of this section and sections 1521.14 and 1521.18 of the Revised Code;	25238 25239 25240 25241
(9) Establish, by rule, technical standards for the delineation and mapping of floodplains and for the conduct of engineering studies to determine the vertical and horizontal limits of floodplains and for the assessment of development impacts on flood heights and flood conveyance. The standards established in rules adopted under this division shall be consistent with and no more stringent than the analogous standards established under the national flood insurance program.	25242 25243 25244 25245 25246 25247 25248 25249
(10) On behalf of the director of natural resources, administer section 1506.04 of the Revised Code.	25250 25251
In addition to the duties imposed in divisions (C)(1) to (10) of this section, and with respect to existing publicly owned facilities that have suffered flood damage or that may be subject to flood damage, the chief may conspicuously mark past and probable flood heights in order to assist in creating public awareness of and knowledge about flood hazards.	25252 25253 25254 25255 25256 25257
(D)(1) Development that is funded, financed, undertaken, or preempted by state agencies shall comply with division (A) of this section and with rules adopted under division (C)(9) of this section.	25258 25259 25260 25261

(2) State agencies shall apply floodproofing measures in order to reduce potential additional flood damage of existing publicly owned facilities that have suffered flood damage.

(3) Before awarding funding or financing or granting a license, permit, or other authorization for a development that is or is to be located within a one-hundred-year floodplain, a state agency shall require the applicant to demonstrate to the satisfaction of the agency that the development will comply with division (A) of this section, rules adopted under division (C)(9) of this section, and any applicable local floodplain management resolution or ordinance.

(4) Prior to the disbursement of any state disaster assistance money in connection with any incident of flooding to or within a county or municipal corporation that is not listed by the chief as being in compliance under division (D)(1) of section 1521.18 of the Revised Code, a state agency that has authority to disburse such money shall require the county or municipal corporation to establish or reestablish compliance as provided in that division.

(E)(1) Subject to section 1521.18 of the Revised Code, a county or a municipal corporation may do all of the following:

(a) Adopt floodplain maps that reflect the best available data and that indicate the areas to be regulated under a floodplain management resolution or ordinance, as applicable;

(b) Develop and adopt a floodplain management resolution or ordinance, as applicable;

(c) Adopt floodplain management standards that exceed the standards that are established under the national flood insurance program.

(2) A county or municipal corporation shall examine and apply, where economically feasible, floodproofing measures in

order to reduce potential additional flood damage of existing 25293
publicly owned facilities that have suffered flood damage. 25294

(3) A county that adopts a floodplain management resolution 25295
shall do so in accordance with the procedures established in 25296
section 307.37 of the Revised Code. The county may enforce the 25297
resolution by issuing stop work orders, seeking injunctive relief, 25298
or pursuing other civil actions that the county considers 25299
necessary to ensure compliance with the resolution. In addition, 25300
failure to comply with the floodplain management resolution 25301
constitutes a violation of division (D) of section 307.37 of the 25302
Revised Code. 25303

(4) No action challenging the validity of a floodplain 25304
management resolution adopted by a county or a floodplain 25305
management ordinance adopted by a municipal corporation, or an 25306
amendment to such a resolution or ordinance, because of a 25307
procedural error in the adoption of the resolution, ordinance, or 25308
amendment shall be brought more than two years after the adoption 25309
of the resolution, ordinance, or amendment. 25310

Sec. 1521.14. Upon the written request of the director of 25311
natural resources, the attorney general shall bring an action for 25312
appropriate relief in a court of competent jurisdiction against 25313
any development that is not in compliance with the standards of 25314
the national flood insurance program and that is one of the 25315
following: 25316

(A) Located in a county or municipal corporation that is not 25317
listed by the chief of the division of soil and water resources as 25318
being in compliance under division (D)(1) of section 1521.18 of 25319
the Revised Code; 25320

(B) Funded, financed, undertaken, or preempted by a state 25321
agency. 25322

Sec. 1521.15. (A) The chief of the division of soil and water resources shall develop and maintain, in cooperation with local, state, federal, and private agencies and entities, a water resources inventory for the collection, interpretation, storage, retrieval, exchange, and dissemination of information concerning the water resources of this state, including, but not limited to, information on the location, type, quantity, and use of those resources and the location, type, and quantity of consumptive use and diversion of the water resources. The water resources inventory also shall include, without limitation, information to assist in determining the reasonableness of water use and sharing under common law, promoting reasonable use and development of water resources, and resolving water use conflicts.

All agencies of the state shall cooperate with the chief in the development and maintenance of the inventory.

(B) The chief shall cooperate with the other great lakes states and provinces to develop a common base of data regarding the management of the water resources of the Lake Erie drainage basin and to establish systematic arrangements for the exchange of those data.

~~(C) The chief shall prepare and present to the governor no later than September 1, 1998, a long term water resources plan for the protection, conservation, and management of the water resources of the Lake Erie drainage basin. The plan shall include, without limitation, all of the following:~~

~~(1) An inventory of surface and ground water resources;~~

~~(2) Identification and assessment of existing uses and future demand for all of the following:~~

~~(a) Withdrawal of water resources for domestic, agricultural, manufacturing, mining, navigation, power production, recreation,~~

fish and wildlife, and other uses;	25353
(b) Diversion;	25354
(c) Consumptive use.	25355
(3) Guidelines to minimize consumptive use;	25356
(4) Guidelines and procedures to coordinate, conserve,	25357
develop, protect, use, and manage the water resources of the Lake	25358
Erie drainage basin.	25359

Sec. 1521.16. (A) Any person who owns a facility that has the capacity to withdraw waters of the state in an amount greater than one hundred thousand gallons per day from all sources and whose construction is completed before January 1, 1990, shall register the facility by January 1, 1991, with the chief of the division of soil and water resources, and any person who owns a facility that has the capacity to withdraw waters of the state in such an amount and whose construction is completed on or after January 1, 1990, shall register the facility with the chief within three months after the facility is completed. The person shall register the facility using a form prescribed by the chief that shall include, without limitation, the name and address of the registrant and date of registration; the locations and sources of the facility's water supply; the facility's withdrawal capacity per day and the amount withdrawn from each source; the uses made of the water, places of use, and places of discharge; and such other information as the chief may require by rule.

The registration date of any facility whose construction was completed prior to January 1, 1990, and that is registered under this division prior to January 1, 1991, shall be January 1, 1990. The registration date of any facility whose construction was completed prior to January 1, 1990, and that is required to register under this division prior to January 1, 1991, but that is

not registered prior to that date, and the registration date of 25383
any facility whose construction was completed after January 1, 25384
1990, and that is required to register under this division shall 25385
be the date on which the registration is received by the chief. 25386

(B) In accordance with division (D) of this section, the 25387
chief shall adopt rules establishing standards and criteria for 25388
determining when an area of ground water is a ground water stress 25389
area, the geographic limits of such an area, and a threshold 25390
withdrawal capacity for the area below which registration under 25391
this division shall not be required. At any time following the 25392
adoption of those rules, the chief may by order designate an area 25393
of ground water as a ground water stress area and shall establish 25394
in any such order a threshold withdrawal capacity for the area 25395
below which registration under this division shall not be 25396
required. 25397

Following the designation of a ground water stress area, the 25398
chief immediately shall give notice by publication in a newspaper 25399
of general circulation in the designated area that shall include a 25400
map delineating the designated ground water stress area and a 25401
statement of the threshold withdrawal capacity established for the 25402
area below which registration under this division shall not be 25403
required. The notice shall not appear in the legal notices section 25404
of the newspaper. Any person who owns a facility in the designated 25405
ground water stress area that is not registered under division (A) 25406
of this section and that has the capacity to withdraw waters of 25407
the state in an amount greater than the threshold withdrawal 25408
capacity for the area from all sources shall register ~~his~~ the 25409
facility with the chief not later than thirty days after 25410
publication of the notice. A person registering a facility under 25411
this division shall do so using a form prescribed by the chief. 25412
The form shall include the information specified in division (A) 25413
of this section. 25414

(C) Any person who owns a facility registered under division 25415
(A) or (B) of this section shall file a report annually with the 25416
chief listing the amount of water withdrawn per day by the 25417
facility, the return flow per day, and any other information the 25418
chief may require by rule. Any person who, under Chapter 6109. of 25419
the Revised Code, provides such information to the Ohio 25420
environmental protection agency is exempt from reporting under 25421
this division. The director of environmental protection shall 25422
provide the chief any such reported information upon ~~his~~ request. 25423

(D) The chief shall adopt, and may amend or rescind, rules in 25424
accordance with Chapter 119. of the Revised Code to carry out this 25425
section. 25426

(E)(1) No person knowingly shall fail to register a facility 25427
or file a report as required under this section. 25428

(2) No person shall file a false report under this section. 25429
Violation of division (E)(2) of this section is falsification 25430
under section 2921.13 of the Revised Code. 25431

(F) At the request of the director of natural resources, the 25432
attorney general may commence a civil action to compel compliance 25433
with this section, in a court of common pleas, against any person 25434
who has violated or is violating division (E)(1) of this section. 25435
The court of common pleas in which a civil action is commenced 25436
under this division has jurisdiction to and shall compel 25437
compliance with this section upon a showing that the person 25438
against whom the action is brought has violated or is violating 25439
that division. 25440

Any action under this division is a civil action, governed by 25441
the rules of civil procedure and other rules of practice and 25442
procedure applicable to civil actions. 25443

Sec. 1521.18. (A) For the purposes of this section, a 25444

one-hundred-year floodplain is limited to an area identified as a 25445
one-hundred-year floodplain in accordance with the "National Flood 25446
Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as 25447
amended. 25448

(B) Each municipal corporation or county that has within its 25449
boundaries a one-hundred-year floodplain and that adopts a 25450
floodplain management ordinance or resolution or any amendments to 25451
such an ordinance or resolution on or after April 11, 1991, after 25452
adopting the ordinance, resolution, or amendments and before 25453
submitting the ordinance, resolution, or amendments to the federal 25454
emergency management agency for final approval for compliance with 25455
applicable standards adopted under the "National Flood Insurance 25456
Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended, shall 25457
submit the ordinance, resolution, or amendments to the chief of 25458
the division of soil and water resources for the chief's review 25459
for compliance with those standards. Within forty-five days after 25460
receiving any such ordinance, resolution, or amendments, the chief 25461
shall complete the review and notify the municipal corporation or 25462
county as to whether the ordinance, resolution, or amendments 25463
comply with those standards. If the chief finds that the 25464
ordinance, resolution, or amendments comply with those standards, 25465
the chief shall forward it or them to the federal emergency 25466
management agency for final approval. 25467

(C)(1) If the chief determines that a county or municipal 25468
corporation that has adopted a floodplain management resolution or 25469
ordinance fails to administer or enforce the resolution or 25470
ordinance, the chief shall send a written notice by certified mail 25471
to the board of county commissioners of the county or the chief 25472
executive officer of the municipal corporation stating the nature 25473
of the noncompliance. 25474

(2) In order to maintain its compliance status in accordance 25475
with division (D) of this section, a county or municipal 25476

corporation that has received a notice of noncompliance under 25477
division (C)(1) of this section may submit information to the 25478
chief not later than thirty days after receiving the notice that 25479
demonstrates compliance or indicates the actions that the county 25480
or municipal corporation is taking to administer or enforce the 25481
resolution or ordinance. The chief shall review the information 25482
and shall issue a final determination by certified mail to the 25483
county or municipal corporation of the compliance or noncompliance 25484
status of the county or municipal corporation. If the chief issues 25485
a final determination of noncompliance, the chief shall send a 25486
copy of that determination to the federal emergency management 25487
agency concurrently with mailing the notice to the municipal 25488
corporation or county. 25489

(D)(1) A county or municipal corporation is considered to be 25490
in compliance for the purposes of this section if either of the 25491
following applies: 25492

(a) The county or municipal corporation has adopted a 25493
floodplain management resolution or ordinance that the chief has 25494
determined complies with applicable standards adopted under the 25495
"National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 25496
4001, as amended, and is adequately administering and enforcing it 25497
as determined under division (C) of this section. 25498

(b) The county or municipal corporation is participating in 25499
the national flood insurance program and has not received a notice 25500
of noncompliance under division (B) or (C) of this section. 25501

(2) The chief shall maintain a list of all counties and 25502
municipal corporations that have one-hundred-year floodplains 25503
within their boundaries. The list shall indicate whether each such 25504
county or municipal corporation is in compliance or noncompliance 25505
as provided in division (D)(1) of this section and whether each 25506
such county or municipal corporation is participating in the 25507
national flood insurance program. The chief shall provide a copy 25508

of the list to the general assembly and all state agencies 25509
annually and shall notify the general assembly and the agencies of 25510
any changes at least quarterly. 25511

(E) Any county or municipal corporation that is adversely 25512
affected by any determination of the chief under this section may 25513
appeal it in accordance with Chapter 119. of the Revised Code not 25514
later than thirty days after the final determination. 25515

Sec. 1521.19. (A) There is hereby created the Ohio water 25516
resources council consisting of the directors of agriculture, 25517
development, environmental protection, health, natural resources, 25518
transportation, and the Ohio public works commission, the 25519
chairperson of the public utilities commission of Ohio, the 25520
executive director of the Ohio water development authority, and an 25521
executive assistant in the office of the governor appointed by the 25522
governor. The governor shall appoint one of the members of the 25523
council to serve as its chairperson. The council may adopt bylaws 25524
that are necessary for the implementation of this section. The 25525
council shall provide a forum for policy development, 25526
collaboration and coordination among state agencies, and strategic 25527
direction with respect to state water resource programs. The 25528
council shall be assisted in its functions by a state agency 25529
coordinating group and an advisory group as provided in this 25530
section. 25531

(B) The state agency coordinating group shall consist of the 25532
executive director of the Ohio Lake Erie commission and a member 25533
or members from each state agency, commission, and authority 25534
represented on the council, to be appointed by the applicable 25535
director, chairperson, or executive director. However, the 25536
environmental protection agency shall be represented on the group 25537
by the chiefs of the divisions within that agency having 25538
responsibility for surface water programs and drinking and ground 25539

water programs, and the department of natural resources shall be 25540
represented on the group by the chief of the division of ~~water and~~ 25541
~~the chief of the division of~~ soil and water ~~conservation~~ 25542
resources. The chairperson of the council shall appoint a leader 25543
of the state agency coordinating group. The group shall provide 25544
assistance to and perform duties on behalf of the council as 25545
directed by the council. 25546

(C) The advisory group shall consist of not more than 25547
twenty-four members, each representing an organization or entity 25548
with an interest in water resource issues. The council shall 25549
appoint the members of the advisory group. Of the initial 25550
appointments, not more than ten members shall be appointed for 25551
one-year terms, and not more than ten members shall be appointed 25552
for two-year terms. Of the four initial appointments made after 25553
~~the effective date of this amendment~~ April 6, 2007, two of the 25554
members shall be appointed for one-year terms, and two of the 25555
members shall be appointed for two-year terms. Thereafter, all 25556
advisory group members shall serve two-year terms. Members may be 25557
reappointed. Each member shall hold office from the date of the 25558
member's appointment until the end of the member's term. A member 25559
shall continue in office subsequent to the expiration date of the 25560
member's term until the member's successor takes office or until a 25561
period of sixty days has elapsed, whichever occurs first. The 25562
council may remove a member for misfeasance, nonfeasance, or 25563
malfeasance in office. The council shall appoint members to fill 25564
any vacancies on the group. A member appointed to fill a vacancy 25565
shall hold office for the remainder of the term for which that 25566
member was appointed. 25567

The chairperson of the council shall appoint a chairperson of 25568
the advisory group. The advisory group shall advise the council on 25569
water resources issues addressed by the council. 25570

(D) There is hereby created in the state treasury the Ohio 25571

water resources council fund. The department of natural resources 25572
shall serve as the fiscal agent for the fund. The departments of 25573
agriculture, development, environmental protection, health, 25574
natural resources, and transportation shall transfer moneys to the 25575
fund in equal amounts via intrastate transfer voucher. The public 25576
utilities commission of Ohio, Ohio public works commission, and 25577
Ohio water development authority may transfer moneys to the fund. 25578
If a voluntary transfer of moneys is made to the fund, the portion 25579
that is required to be transferred by the departments of 25580
agriculture, development, environmental protection, health, 25581
natural resources, and transportation may be equally reduced. 25582
Moneys in the fund shall be used to pay the operating expenses of 25583
the Ohio water resources council, including those specified in 25584
division (E) of this section. 25585

(E) The Ohio water resources council may hire staff to 25586
support its activities. The council may enter into contracts and 25587
agreements with federal agencies, state agencies, political 25588
subdivisions, and private entities to assist in accomplishing its 25589
objectives. Advisory group members shall be reimbursed for 25590
expenses necessarily incurred in the performance of their duties 25591
pursuant to section 126.31 of the Revised Code and any applicable 25592
rules pertaining to travel reimbursement adopted by the office of 25593
budget and management. 25594

Sec. 1523.01. In addition to all other powers granted to and 25595
duties devolving upon the chief of the division of soil and water 25596
resources, when in the chief's judgment it is for the public 25597
welfare and the best interests of the citizens of the state that 25598
the surplus, flood, and other waters of any of the watersheds, 25599
rivers, streams, watercourses, or public waters should be 25600
conserved, impounded, and stored in order to insure and promote 25601
the public health, welfare, and safety and to encourage and 25602
promote agriculture, commerce, manufacturing, and other public 25603

purposes, such chief shall proceed in furtherance of the purposes 25604
of sections 1523.01 to 1523.13 of the Revised Code, and for the 25605
preservation of the use of such waters for navigation, in case 25606
such waters are required for navigation, to construct such 25607
reservoirs, dams, storage basins, dikes, canals, raceways, and 25608
other improvements as are necessary for such purposes, or the 25609
chief may make additions to, enlarge, and make alterations in and 25610
upon such reservoirs, dams, storage basins, dikes, canals, 25611
raceways, and other improvements already in existence and 25612
constituting a part of the public works, as are necessary for such 25613
purposes. Any rights or privileges granted by sections 1523.01 to 25614
1523.13 of the Revised Code, shall not interfere with the control 25615
and maintenance of the state reservoirs or public parks which have 25616
been dedicated to the public for purposes of recreation and 25617
pleasure. 25618

~~Said~~ The chief, subject to the written approval of the 25619
director of natural resources and the governor, may acquire by 25620
gift, purchase, or by appropriation proceedings, in the name of 25621
and on behalf of the state, such real and personal property, 25622
rights, privileges, and appurtenances as are necessary in the 25623
chief's judgment for the construction of such reservoirs, dams, 25624
storage basins, dikes, canals, raceways, and other improvements, 25625
or for the alteration, enlargement, or maintenance of existing 25626
reservoirs, dams, and other improvements, together with such 25627
rights of way, drives, and roadways as are necessary for 25628
convenient access thereto. The appropriation proceedings referred 25629
to in this section shall be restricted to private property only. 25630

Before proceeding to purchase or appropriate any such 25631
property or rights, the cost of which, together with the land or 25632
real estate necessary upon which to locate and construct such 25633
improvements, including damages to remaining property, is in 25634
excess of one thousand dollars, the chief shall prepare plans, 25635

specifications, and estimates of such cost, including all material 25636
and labor therefor, together with the cost of such land or real 25637
estate and damages, and shall thereupon submit such plans, 25638
specifications, and estimates to the director, who in turn shall 25639
submit them to the governor for approval. 25640

The governor shall thereupon publish written notice once a 25641
week for two consecutive weeks in a newspaper published in and of 25642
general circulation in the counties where any such improvements 25643
are proposed to be constructed, setting forth the location and 25644
character of the proposed improvements, that the plans, 25645
specifications, and estimates therefor are on file in the 25646
governor's office, and that objections thereto will be heard by 25647
the governor on a day to be named in ~~said~~ the notice, which day 25648
shall be not less than ten nor more than twenty days after the 25649
first publication thereof. Within thirty days after the date fixed 25650
for ~~said~~ the hearing, the governor shall return such plans, 25651
specifications, and estimates to the director, with the governor's 25652
written approval or rejection thereof indorsed thereon. The 25653
director shall immediately return such plans, specifications, and 25654
estimates, together with the governor's indorsement thereon, to 25655
the chief. 25656

Any instrument by which real property is acquired pursuant to 25657
this section shall identify the agency of the state that has the 25658
use and benefit of the real property as specified in section 25659
5301.012 of the Revised Code. 25660

Sec. 1523.02. If the governor approves the plans, 25661
specifications, and estimates authorized by section 1523.01 of the 25662
Revised Code, the chief of the division of soil and water 25663
resources shall thereupon proceed, as provided in sections 1523.02 25664
to 1523.13 of the Revised Code, to construct the improvements or 25665
to make alterations in or to enlarge those already existing, in 25666

such manner and form as is shown by such plans and specifications. 25667
In order to provide the funds for such construction, alteration, 25668
or enlargement, the chief shall issue and sell bonds of the state, 25669
not in excess of the estimated cost of such improvements. The 25670
bonds shall be issued in denominations of not less than one 25671
hundred dollars payable as a whole or in series on or before fifty 25672
years from the date thereof, with interest not to exceed the rate 25673
provided in section 9.95 of the Revised Code, payable either 25674
annually or semiannually. 25675

The bonds shall show on their face the purpose for which 25676
issued and shall create no liability upon or be considered an 25677
indebtedness of the state, but both the principal and interest 25678
shall be paid solely out of the proceeds arising from the 25679
improvements constructed, altered, or enlarged by the chief, or 25680
from the proceeds of the sale or foreclosure of the lien securing 25681
the bonds on such improvement or such part thereof as is 25682
constructed from the money realized from the sale of the bonds. 25683

The form of the bonds shall be approved by the attorney 25684
general, and they shall be signed by the governor and attested by 25685
the director of natural resources and the chief. The bonds may be 25686
issued as coupon bonds, payable to bearer only, or upon demand of 25687
the owner or holder thereof as registered bonds. 25688

Such bonds shall be sold by the chief to the highest bidder 25689
therefor, but for not less than the par value thereof, with 25690
accrued interest thereon, after thirty days' notice in at least 25691
two newspapers of general circulation in the county where such 25692
improvements are to be constructed, altered, or enlarged, setting 25693
forth the nature, amount, rate of interest, and length of time the 25694
bonds have to run, with the time and place of sale. 25695

The treasurer of state shall be the treasurer of the fund 25696
realized from the sale of such bonds, and the auditor of state 25697
shall be the auditor of such fund. The proceeds of such sale shall 25698

be turned over to the treasurer of state and shall be deposited by 25699
the treasurer of state in a solvent bank, located either in 25700
Columbus or in the county in which such improvements are located. 25701
Such proceeds shall be kept by such bank in a fund to be known as 25702
the water conservation improvement fund. Such fund shall be used 25703
to acquire the necessary real estate and to construct such new 25704
improvements and for no other purpose, except that the treasurer 25705
of state may pay the interest on the bonds during the period of 25706
condemnation and the construction, alteration, or enlargement of 25707
such improvements out of the proceeds arising from the sale of the 25708
bonds for a term not exceeding three years from the date on which 25709
the bonds are issued. The bank shall give bond to the state in 25710
such amount as the treasurer of state considers advisable, and 25711
with surety to the satisfaction of the treasurer of state, for the 25712
benefit of the holders of the bonds, and for the benefit of any 25713
contractors performing labor or furnishing material for such 25714
improvements, as provided by law, conditioned that it will safely 25715
keep the money and will make no payments or disbursements 25716
therefrom except as provided in sections 1523.01 to 1523.13 of the 25717
Revised Code. 25718

The treasurer of state shall hold such fund as trustee for 25719
the holders of the bonds and for all persons performing labor or 25720
furnishing material for the construction, alteration, or 25721
enlargement of any improvement made under such sections. Such 25722
funds shall not be turned into the state treasury, but shall be 25723
deposited and disbursed by the treasurer of state as provided in 25724
such sections. The interest coupons attached to such bonds shall 25725
bear the signature of the treasurer of state, executed by the 25726
treasurer of state or printed or lithographed thereon. 25727

Both the interest and principal of such bonds shall be made 25728
payable at the office of the treasurer of state in Columbus, and 25729
shall be paid by the treasurer of state, without warrant or 25730

authority of the director of budget and management, to the owner 25731
or holder of such bonds upon presentation by the owner or holder 25732
of matured interest coupons or bonds. 25733

Sec. 1523.03. Immediately after the sale of the bonds 25734
authorized by section 1523.02 of the Revised Code and the payment 25735
of the proceeds thereof to the treasurer of state as provided in 25736
such section, the chief of the division of soil and water 25737
resources shall make a written contract for the construction of 25738
the improvements or for the making of additions to or alterations 25739
in existing improvements with the lowest responsive and 25740
responsible bidder, in accordance with section 9.312 of the 25741
Revised Code, after advertisements once a week for four 25742
consecutive weeks in one newspaper in each of the cities of 25743
Columbus, Cleveland, and Cincinnati having a general circulation 25744
therein, one trade paper having a circulation among contractors 25745
engaged in the construction of public improvement work of like 25746
character, and two newspapers having a general circulation within 25747
the county in which the dam, reservoir, storage basin, or other 25748
improvement is located or is to be located. 25749

All bids shall be filed with the chief, within the time fixed 25750
for the filing of such bids in ~~said~~ the advertisement. The bids 25751
shall be opened and publicly read by the chief at twelve noon on 25752
the last day for filing them. Each bid shall contain the full 25753
names of every person or company interested in it, shall 25754
separately state the price of both the labor and material to be 25755
furnished under it, and shall meet the requirements of section 25756
153.54 of the Revised Code. 25757

The chief may reject any bids. If the chief rejects all bids, 25758
the chief shall within sixty days thereafter readvertise for bids 25759
for the construction of such improvements, as provided in this 25760
section, and may continue to readvertise for bids every sixty days 25761

until bids are received which are made to the chief's satisfaction 25762
and in conformity to sections 1523.01 to 1523.13 of the Revised 25763
Code. 25764

The chief may award separate contracts to bidders for each 25765
part of the labor to be done or material to be furnished for the 25766
construction of such improvements, provided that the amount of the 25767
contract, if awarded as a whole, or the aggregate of ~~said the~~ 25768
several contracts, if awarded separately, shall not, together with 25769
the cost of the land necessary for such improvements and the 25770
estimated damages to remaining property, be in excess of the 25771
estimated cost of the construction thereof, including such land 25772
and damages. Such contracts shall provide that all payments 25773
thereunder shall be made only from the proceeds of the sale of the 25774
bonds issued for the construction of such improvements. No 25775
contractor shall receive payment for any work or labor performed 25776
or material furnished for such improvements unless the contract 25777
therefor was, at the time of its execution, approved by the 25778
governor by the governor's written indorsement on such contract. 25779

Sec. 1523.04. When estimates or statements for either 25780
material theretofore furnished or labor theretofore performed 25781
under a contract entered into as provided in section 1523.03 of 25782
the Revised Code are presented to the chief of the division of 25783
~~soil and water of the department of natural~~ resources by the 25784
contractor, certified as to the correctness thereof under oath by 25785
~~him~~ the contractor or ~~his~~ the contractor's authorized agent and 25786
approved in writing by the chief, the chief shall pay the amount 25787
of such estimates or statements from the water conservation 25788
improvement fund. 25789

Sec. 1523.05. The chief of the division of soil and water 25790
resources shall by contract in writing sell or lease for 25791
agricultural, commercial, manufacturing, or other lawful purposes, 25792

for any term not exceeding fifty years, the water, or any part 25793
thereof, conserved and stored by the improvements then existing, 25794
or that will be conserved and stored by any improvements 25795
thereafter to be constructed by ~~him~~ the chief. The chief may lease 25796
the land surrounding ~~said~~ the water for a term not exceeding fifty 25797
years, as shown by the plans and specifications prepared by ~~him~~ 25798
the chief and approved by the governor as provided in section 25799
1523.01 of the Revised Code. Such agreements shall be for a 25800
certain price or rental for the water or lands furnished to or 25801
used by the grantees, lessees, or their assigns, to be paid 25802
quarterly, semiannually, or annually as the chief deems advisable. 25803

~~Said~~ The chief may, for a term not exceeding fifty years, 25804
sell or lease power generated by any head of water raised or 25805
maintained by any such improvement, or ~~he~~ the chief may sell or 25806
lease the right to use such head of water for generating power or 25807
other hydraulic purposes. 25808

All such contracts of sale or lease, whether for water or 25809
power, shall contain such reservations or restrictions as the 25810
chief deems necessary and proper in furtherance of the purposes of 25811
sections 1523.01 to 1523.13, ~~inclusive~~, of the Revised Code, and 25812
the preservation of the use of such waters for navigation in case 25813
they are required therefor. 25814

Such contracts or leases ~~must~~ shall be approved by the 25815
attorney general as to their general form and legality and, before 25816
becoming binding obligations on the state, they shall be approved 25817
by the governor by ~~his~~ the governor's written indorsement thereon. 25818

Sec. 1523.06. (A) The chief of the division of soil and water 25819
resources before selling bonds as provided in section 1523.02 of 25820
the Revised Code or before receiving bids for the construction of 25821
improvements as authorized by section 1523.03 of the Revised Code 25822
may enter into tentative agreements for the sale or lease of water 25823

or power to:	25824
(1) Ascertain whether the public interest and welfare	25825
reasonably require the proposed improvements in the proposed	25826
locality;	25827
(2) Determine whether the revenues which the state may derive	25828
from the lease of lands and the lease and sale of the waters which	25829
are estimated will be conserved, impounded, and stored, or from	25830
the sale or lease of the power generated by such improvements,	25831
will be sufficient:	25832
(a) To pay the interest on bonds issued under section 1523.02	25833
of the Revised Code;	25834
(b) To create a sinking fund to retire said <u>the</u> bonds at	25835
their maturity;	25836
(c) To maintain and keep said <u>the</u> improvements in repair.	25837
(B) The performance and carrying out of such tentative	25838
agreements shall be conditioned upon the ability of such chief to:	25839
(1) Sell said <u>the</u> proposed bonds at not less than par and	25840
accrued interest;	25841
(2) Secure bids for the furnishing of all the labor and	25842
material necessary in the construction of such improvements,	25843
including all real estate required and damages incurred, at such a	25844
price that the rentals or compensation to be paid will provide	25845
during the terms of such contracts or leases a sum sufficient to	25846
pay said <u>the</u> interest, retire said <u>the</u> bonds, and maintain and	25847
keep said <u>the</u> improvements in repair.	25848
Sec. 1523.07. The treasurer of state shall be treasurer and	25849
the auditor of state shall be auditor of all moneys derived from	25850
the use of the improvements authorized by sections 1523.01 to	25851
1523.13, inclusive, of the Revised Code. The treasurer of state	25852
shall hold said <u>the</u> moneys as trustee for the maintenance of any	25853

improvements constructed under such sections, and for the holders 25854
of any bonds issued in accordance with section 1523.02 of the 25855
Revised Code. ~~Said~~ The moneys shall not be turned into the state 25856
treasury, but shall be deposited and disbursed by the treasurer of 25857
state in the manner provided in this section. All such moneys 25858
shall be collected by the treasurer of state on statements to be 25859
furnished by the chief of the division of soil and water resources 25860
and when so collected shall be deposited in solvent banks in the 25861
state upon the same terms as state funds are now loaned. ~~Said~~ The 25862
funds shall be kept by such banks in a fund known as the "water 25863
conservation fund" and shall be used, first, to maintain and keep 25864
in repair the dams, reservoirs, storage basins, and other 25865
improvements, and, second, to pay the interest upon and principal 25866
of the bonds issued and sold pursuant to section 1523.02 of the 25867
Revised Code, as such interest falls due or ~~said~~ the bonds mature. 25868

The banks in which the treasurer of state deposits any of the 25869
moneys belonging either to the water conservation improvement fund 25870
provided for in section 1523.02 of the Revised Code or the water 25871
conservation fund provided for in this section shall be state 25872
depository banks as provided for in sections 135.01 to 135.21~~7~~ 25873
~~inclusive~~, of the Revised Code. An amount not to exceed fifty 25874
thousand dollars of the money on deposit at any one time in the 25875
water conservation improvement fund, and an amount not to exceed 25876
ten thousand dollars in the water conservation fund shall be held 25877
by any of ~~said~~ the banks as an active deposit, and ~~said~~ the banks 25878
shall pay the treasurer of state on such deposits, both active and 25879
inactive, the same rate of interest then being paid by them upon 25880
the funds of the state then deposited with them by the treasurer 25881
of state. All such payments of interest shall be credited to the 25882
respective funds upon which such interest is paid. 25883

Sec. 1523.08. When the cost of any repairs to the 25884
improvements authorized by section 1523.01 of the Revised Code 25885

does not exceed one thousand dollars, the chief of the division of 25886
soil and water of ~~the department of natural~~ resources either may 25887
make such repairs ~~himself~~ or may let a contract therefor without 25888
advertising for bids. If the cost of any such repairs is in excess 25889
of one thousand dollars, the chief shall advertise for bids for 25890
the making of such repairs and let a contract therefor as provided 25891
in section 1523.03 of the Revised Code. 25892

When itemized statements are presented to the chief showing 25893
the amount of labor performed and material furnished in the making 25894
of such repairs, verified by the person making them and approved 25895
in writing by the chief, the chief shall pay the amount of such 25896
statement from the water conservation fund. 25897

Sec. 1523.09. If a reservoir, dam, storage basin, or other 25898
improvement constructed or enlarged by the chief of the division 25899
of soil and water resources as provided in sections 1523.01 to 25900
1523.13 of the Revised Code constitutes a part of the canal system 25901
of the state or is located upon any river, stream, or body of 25902
water formerly used as a feeder for the canal system, no water 25903
shall be sold or leased from the improvement ~~by the chief~~ except 25904
in accordance with section 1520.03 of the Revised Code. 25905

Sec. 1523.10. The funds derived from the sale, use, or lease 25906
of the water impounded and conserved or the power generated by the 25907
improvements constructed pursuant to sections 1523.01 to 1523.13~~7~~ 25908
~~inclusive~~, of the Revised Code, or from the lease of the lands and 25909
improvements adjacent thereto are hereby expressly pledged for the 25910
purpose of maintaining and keeping ~~said~~ the improvements in repair 25911
and for the payment of the interest on and principal of the bonds 25912
issued under section 1523.02 of the Revised Code, as the same fall 25913
due and mature. The owners of such bonds are hereby given a lien 25914
for the payment of the principal and interest of such bonds upon 25915
any dam, reservoir, storage basin, or other improvements, or any 25916

part thereof, with the appurtenances belonging thereto, 25917
constructed by the chief of the division of soil and water 25918
resources with the funds derived from the sale of such bonds. 25919

If default is made in the payment of the interest on any of 25920
~~said the~~ bonds for three or more successive years, or if bonds, 25921
aggregating in par value not less than ten per cent of the total 25922
amount of such bonds then outstanding are not paid at maturity, 25923
then all of ~~said the~~ bonds, both principal and interest, shall 25924
become due and payable, and the owners of any of ~~said the~~ bonds, 25925
aggregating in par value not less than ten per cent of the total 25926
amount of such bonds then outstanding, may institute proceedings 25927
to foreclose such lien against the state in the court of common 25928
pleas of the county in which is located any of ~~said the~~ 25929
improvements, constructed, altered, or enlarged out of the 25930
proceeds of the sale of such bonds. 25931

~~Said The~~ court shall have jurisdiction of such action with 25932
full power to foreclose such lien and to make an order to the 25933
sheriff of ~~said the~~ county, acting as a master commissioner, 25934
directing ~~him~~ the sheriff to make a sale of such improvements or 25935
part thereof at not less than two-thirds of the appraised value 25936
thereof, and upon such terms and in manner and form as provided 25937
for in ~~said the~~ order, and to pay the proceeds of such sale to the 25938
clerk of the court of common pleas. Upon motion of the purchaser 25939
of such improvements at such sale, the court, if such sale is 25940
found to be regular in all respects and according to law, shall 25941
confirm the sale and order the sheriff to execute a deed to such 25942
purchaser and ~~his~~ the purchaser's assigns, conveying to ~~him~~ the 25943
purchaser and the purchaser's assigns all the right, title, and 25944
interest of the holders of ~~said the~~ bonds in and to ~~said the~~ 25945
improvements, and all the right, title, and interest of the state, 25946
for a period of not more than fifty years from the date of such 25947
conveyance, in the same, with full right and franchise, for ~~said~~ 25948

the period of not to exceed fifty years, to operate ~~said~~ the 25949
improvements and dispose of the water conserved or the power 25950
generated thereby, with the further right, for ~~said~~ the period of 25951
fifty years, to flow, transport, and convey ~~said~~ the water from 25952
~~said~~ the improvements, or to conduct and transmit power generated 25953
thereby through, over, and upon any of the lands of the state or 25954
channels or beds of any of its reservoirs, lakes, canals, races, 25955
aqueducts, or watercourses. In the exercise of such rights, such 25956
purchaser or ~~his~~ the purchaser's assigns shall at all times during 25957
the term of ~~said~~ the grant maintain the improvements so conveyed 25958
to them in a good state of repair and shall not interfere with the 25959
navigation of the canals of the state or with the control and 25960
maintenance thereof or with the sale of water by the state from 25961
its dams, reservoirs, and improvements other than those so 25962
constructed. The state does not incur any liability by reason of 25963
such sale and the rights granted thereunder to continue to 25964
maintain such canals, races, channels, or watercourses, or to 25965
continue the use thereof. Such conveyance or grant by the sheriff 25966
as such master commissioner shall contain a clause giving the 25967
chief such control of waste gates and wickets as to regulate the 25968
flow of water in the state reservoirs or canals, in such manner as 25969
to maintain the proper level therein and to prevent the flowing 25970
into such reservoirs and canals of such quantities of water as 25971
might impair any of the property of the state or its lessees, 25972
except as otherwise provided in section 1520.03 of the Revised 25973
Code. 25974

Upon the foreclosure of ~~said~~ the lien and the sale of ~~said~~ 25975
the improvements, all contracts or leases for the sale, use, or 25976
lease of water, the lands and improvements adjacent thereto, or 25977
power rights then outstanding shall become void, and the rights of 25978
the state and the several lessees thereunder, shall cease. 25979

Upon the making of an order by the court for the sale of such 25980

improvements, and before they are offered for sale by the sheriff, 25981
the court shall appoint three disinterested appraisers, one of 25982
whom shall be a water-works or hydraulic engineer with at least 25983
five years' experience in the practice of ~~his~~ the engineer's 25984
profession, and two of whom shall be freeholders residing in the 25985
county in which any of such improvements are located. ~~Said~~ The 25986
appraisers shall appraise ~~said~~ the improvements and shall, within 25987
the time fixed by the court, file such appraisal in writing with 25988
the clerk. If the lien given by this section as security for the 25989
payment of ~~said~~ the bonds covers a part only of ~~said~~ the 25990
improvements, ~~said~~ the appraisers shall appraise ~~said~~ the 25991
improvements as an entirety, and shall also appraise separately 25992
the part constructed from the proceeds of the sale of ~~said~~ the 25993
bonds, the lien of which is being foreclosed in such proceeding. 25994

In making such appraisal and fixing the value of ~~said~~ the 25995
improvements or of such part thereof, ~~said~~ the appraisers shall 25996
have access to all papers and documents on file in the office of 25997
the chief relating to such improvements, including the plans and 25998
specifications therefor, and the bids made and contracts entered 25999
into for the construction thereof, and all leases and contracts 26000
for the sale of water impounded therein and power generated 26001
thereby. The order of the court shall direct the sale only of such 26002
part of ~~said~~ the improvements as have been constructed from the 26003
proceeds of the sale of ~~said~~ the bonds. The purchaser at such 26004
sale, in the operation of such improvements during the term of the 26005
franchise granted to ~~him~~ the purchaser by this section, shall draw 26006
from the dam or reservoir impounding such water only such portion 26007
thereof as the appraised value of that part of such improvements, 26008
constructed from the proceeds of the sale of such bonds and sold 26009
to ~~him~~ the purchaser under the order of the court, bears to the 26010
entire appraised value of such improvements. 26011

If at any time during the term of the franchise granted to 26012

the purchaser of such improvements at such foreclosure sale any 26013
controversy arises between ~~him~~ the purchaser or ~~his~~ the 26014
purchaser's assigns and the chief as to the operation of such 26015
improvements, or as to the amount of water which ~~said~~ the 26016
purchaser is drawing or is entitled to draw therefrom, either ~~said~~ 26017
the purchaser or ~~said~~ the chief may file a petition in ~~said~~ the 26018
court, setting forth the facts connected with such controversy. 26019

Notice in writing of the filing of such petition shall be 26020
given to the opposite party to ~~said~~ the controversy within thirty 26021
days from the date of the filing thereof, either by service of 26022
such notice personally upon such opposite party by the sheriff of 26023
such county or by service by mail by the clerk. Such notice shall 26024
be mailed to the name and address which the purchaser filed with 26025
~~said~~ the clerk at the time of the delivery to the purchaser by the 26026
sheriff of the deed. Within thirty days from the serving or 26027
mailing of such notice, the opposite party to ~~said~~ the controversy 26028
shall file ~~his~~ an answer in ~~said~~ the court, and thereupon the 26029
court shall hear and determine ~~said~~ the controversy and make such 26030
order in regard to it as is just and proper, which order shall be 26031
binding upon all the parties to ~~said~~ the controversy. 26032

At the termination of ~~said~~ the period of not to exceed fifty 26033
years, all of the rights and privileges conveyed to ~~said~~ the 26034
purchaser by the deed and grant of such sheriff as master 26035
commissioner shall cease and ~~said~~ the improvements, with all the 26036
appurtenances belonging thereto, shall revert to and become the 26037
property of the state, free and clear of any claims whatever 26038
against them. 26039

The clerk shall distribute and pay the money received by ~~him~~ 26040
the clerk from the sheriff as such master commissioner from the 26041
sale of such improvements to the holders of ~~said~~ the bonds pro 26042
rata, and upon such payment to any of ~~said~~ the bondholders, they 26043
shall surrender to the ~~said~~ the clerk their bonds, with all unpaid 26044

interest coupons thereon. The clerk shall thereupon cancel the 26045
same and deliver them, so canceled, to the treasurer of the water 26046
conservation improvement fund. 26047

Sec. 1523.11. All appropriations of property made by the 26048
chief of the division of soil and water resources in carrying out 26049
sections 1523.01 to 1523.13,~~inclusive~~, of the Revised Code, shall 26050
be made in accordance with sections 163.01 to 163.22,~~inclusive~~, 26051
of the Revised Code, provided that possession of any property so 26052
appropriated shall not be taken by the state or the chief before 26053
the compensation and damages awarded therefor in the appropriation 26054
proceedings have been paid into court. 26055

Sec. 1523.12. Sections 1523.01 to 1523.13,~~inclusive~~, of the 26056
Revised Code do not authorize any reduction in the quantity or any 26057
impairment in the quality of the water in any watershed, stream, 26058
or basin, developed or undeveloped, from which any political 26059
subdivision is, at the time the chief of the division of soil and 26060
water resources proposes and is proceeding to construct in such 26061
watershed, stream, or basin any of the improvements authorized by 26062
such sections, taking water for the use of itself or its 26063
inhabitants, or has plans under way, or has made or begun 26064
appropriation of any property or rights in such watershed, stream, 26065
or basin for the purpose of acquiring a water supply for itself or 26066
its inhabitants for either domestic, industrial, or other uses. 26067
Such sections do not authorize the chief to sell or lease the 26068
right to use water at any time for any purpose or to such an 26069
extent as to prejudice, abrogate, or supersede any of the water 26070
rights granted by the state to the city of Akron as provided in 26071
volume 102, Ohio Laws, page 175, sections 1 to 3,~~inclusive~~. 26072

Sec. 1523.13. If by reason of severe drought or other causes 26073
the water supply of any political subdivision is, in the judgment 26074

of the chief of the division of soil and water resources, at any 26075
time so reduced or impaired as to endanger the property of such 26076
political subdivision, or the health, safety, or property of the 26077
inhabitants thereof, then the chief, under such regulations as ~~he~~ 26078
the chief prescribes, may grant to such political subdivision the 26079
right, during the continuance of such emergency, to draw or take 26080
such quantity of water as is necessary to protect the property of 26081
such political subdivision and the health, safety, or property of 26082
its inhabitants from any improvement constructed under sections 26083
1523.01 to 1523.13, ~~inclusive~~, of the Revised Code, before any of 26084
the lessees or grantees of the state using the water for 26085
industrial purposes take water therefrom. Such political 26086
subdivision shall pay such price per thousand gallons for the 26087
water so taken by it as is fixed by the chief and the governor. 26088
The price so fixed shall not exceed the maximum price then being 26089
paid for water to the state by any of its lessees or grantees. 26090
Such grant by the chief to such political subdivision shall not 26091
modify the terms or impair the validity of any leases then 26092
existing between the state and other persons, firms, or 26093
corporations, except as expressly provided in this section. 26094

Sec. 1523.14. The director of transportation in constructing 26095
highways, bridges, and culverts as provided by law; the board of 26096
county commissioners in constructing highways, bridges, and 26097
culverts as provided by law; the board of township trustees of any 26098
township in constructing highways, bridges, and culverts as 26099
provided by law; and any municipal corporation constructing or 26100
improving viaducts, bridges, and culverts under section 717.01 of 26101
the Revised Code, either severally or jointly, upon request of the 26102
chief of the division of soil and water resources and with the 26103
approval of the director of transportation, may construct and 26104
maintain slack-water dams in connection with ~~said~~ the highway, 26105
highway bridge, or culvert so as to create reservoirs, ponds, 26106

water parks, basins, lakes, or other incidental works to conserve 26107
the water supply of the state. 26108

Sec. 1523.15. The chief of the division of soil and water ~~of~~ 26109
~~the department of natural~~ resources may request the public 26110
authority having charge of the construction of state, county, or 26111
township highways, highway bridges, and culverts, or municipal 26112
streets, for the construction of slack-water dams in connection 26113
with the construction of any such highway, street, highway bridge, 26114
or culvert whenever, in ~~his~~ the chief's opinion, the construction 26115
of such dam is desirable and feasible for the economical creation 26116
and construction of reservoirs, ponds, water parks, basins, lakes, 26117
or other incidental works for the conservation of the water supply 26118
of the state. 26119

The public authority having charge of such construction may 26120
approve such request when, in its opinion, the construction of 26121
such dams will not unnecessarily delay or hinder the construction 26122
of the highway, street, highway bridge, or culvert, or will not 26123
interfere with its value or use for highway purposes. 26124

If such request is approved, the chief, in cooperation with 26125
the department of transportation and the public authority 26126
participating in the project, shall make a survey and prepare 26127
plans, specifications, and estimates for the construction of such 26128
dams and the reservoir, pond, water park, basin, lake, or other 26129
incidental works in connection therewith. 26130

Upon approval of the plans and specifications and 26131
determination to proceed with the project, the chief shall enter 26132
into an agreement with the public authority on the distribution of 26133
the cost and expense of the construction of such dams and 26134
incidental works in connection therewith. The portion of the cost 26135
to be paid by the division of soil and water resources shall be 26136
paid from any funds appropriated for or paid into the division and 26137

available for such purpose. 26138

Such dams shall be constructed under and subject to any laws 26139
governing the construction of state, county, or township highways, 26140
bridges, or culverts. Any public authority undertaking 26141
construction under sections 1523.14 to 1523.20 of the Revised Code 26142
shall proceed in the same manner as provided for the construction 26143
of highway or street improvements. 26144

Sec. 1523.16. Any department or division of the state 26145
government, or any county, township, municipal corporation, park 26146
board, or district, or any organization, club, corporation, or 26147
private person may petition the chief of the division of soil and 26148
water resources for the construction of dams and reservoir 26149
projects in connection with the construction of any highway, 26150
highway bridge, or culvert. 26151

Upon receipt of such a petition and its approval by the 26152
chief, ~~he~~ the chief shall proceed as authorized by section 1523.15 26153
of the Revised Code. If the public authority having charge of the 26154
construction of such highway, street, highway bridge, or culvert 26155
approves the request, then the chief shall enter into an agreement 26156
with the public authority, organization, or person petitioning for 26157
the construction of such dam or reservoir on the apportionment of 26158
the cost and expense of construction. The cost and expense of such 26159
dam project shall include the cost of clearing and grubbing and 26160
the cost of property and damages incidental thereto. Such 26161
agreement shall also contain provisions for the proper maintenance 26162
and repair of such projects after completion, and also apportion 26163
the revenue derived therefrom between the division of soil and 26164
water resources and the petitioner. 26165

Sec. 1523.17. In all cases in which a public authority, 26166
private organization, or person petitions for the construction of 26167

a dam and reservoir project as authorized by ~~section~~ sections 26168
1523.14 to 1523.20 of the Revised Code, the chief of the division 26169
of soil and water ~~of the department of natural~~ resources, as a 26170
condition precedent to the construction of such project, shall 26171
require the petitioning authority, organization, or person to pay 26172
~~his~~ the petitioning authority's, organization's, or person's share 26173
of the cost and expense of such project. 26174

Any deficiency shall be made up by the parties bearing the 26175
cost before any further work is done. If the deficiency is not 26176
made up within sixty days after it is known, the amount paid in, 26177
less the expense incurred by the chief and the cooperating public 26178
authorities, shall be refunded to the donor. After completion of 26179
the work, any amount remaining to the credit of the project shall 26180
likewise be refunded. 26181

Sec. 1523.18. In the construction of dams, reservoirs, and 26182
other incidental works under sections 1523.14 to 1523.20 of the 26183
Revised Code, the chief of the division of soil and water 26184
resources shall proceed as provided by law, and shall enter into 26185
contracts therefor as provided in sections 153.01 to 153.29 of the 26186
Revised Code. The director of transportation, the chief of the 26187
division of wildlife with the approval of the director of natural 26188
resources, and any county, township, municipal corporation, and 26189
public park board or district may proceed with the letting of 26190
contracts for the construction of such dams or reservoir projects, 26191
approved by the chief of the division of soil and water resources, 26192
under any laws regulating the letting of contracts applicable to 26193
their respective departments, divisions, districts, or political 26194
subdivisions, and the authority of sections 1523.14 to 1523.20 of 26195
the Revised Code. 26196

Sec. 1523.19. The chief of the division of soil and water 26197
resources shall have the supervision, care, and control of all 26198

dams, reservoirs, ponds, water parks, basins, lakes, or other 26199
incidental works constructed under sections 1523.14 to 1523.20~~7~~ 26200
~~inclusive~~, of the Revised Code, and shall maintain and keep them 26201
in repair. The cost of such maintenance and repair shall be paid 26202
from any funds appropriated to the division of soil and water 26203
resources for that purpose or paid into the state treasury as 26204
agreed upon with the public or contracting authorities 26205
co-operating in the construction of such projects. 26206

Such projects may also be maintained by any department or 26207
division of state government or other public authorities leasing 26208
or operating the projects, through agreements made with ~~said~~ the 26209
chief. All rentals derived from the lessees of such projects shall 26210
be used by ~~said~~ the chief in the maintenance or repair of all such 26211
projects constructed under such sections. The costs and expenses 26212
of the reconstruction of any such projects shall be distributed, 26213
unless otherwise agreed, on the same basis and pro-rata share of 26214
the costs and expenses as was paid by the contracting authorities 26215
contributing to the cost of the original project. 26216

Sec. 1523.20. When the chief of the division of soil and 26217
water resources and the owners of the lands, waters, or riparian 26218
rights are unable to agree upon the terms, purchase price, and 26219
sale thereof, the chief may acquire the lands by appropriation 26220
proceedings in the manner provided by sections 163.01 to 163.22 of 26221
the Revised Code. 26222

The title or lease to any such lands, waters, or riparian 26223
rights shall be taken by the chief, subject to the approval of the 26224
governor and the attorney general, in the name of the state. The 26225
lease rentals or purchase price of any such lands, waters, or 26226
riparian rights, as well as all costs and expenses of constructing 26227
any such reservoirs, ponds, water parks, basins, lakes, or other 26228
incidental works on those lands, may be paid for from any funds 26229

appropriated for the use of or paid into the division of soil and 26230
water resources and available for that purpose. The chief may 26231
accept contributions to those funds from individuals, 26232
associations, clubs, organizations, and corporations. 26233

Sec. 1531.01. As used in this chapter and Chapter 1533. of 26234
the Revised Code: 26235

(A) "Person" means a person as defined in section 1.59 of the 26236
Revised Code or a company; an employee, agent, or officer of such 26237
a person or company; a combination of individuals; the state; a 26238
political subdivision of the state; an interstate body created by 26239
a compact; or the federal government or a department, agency, or 26240
instrumentality of it. 26241

(B) "Resident" means any individual who has resided in this 26242
state for not less than six months next preceding the date of 26243
making application for a license. 26244

(C) "Nonresident" means any individual who does not qualify 26245
as a resident. 26246

(D) "Division rule" or "rule" means any rule adopted by the 26247
chief of the division of wildlife under section 1531.10 of the 26248
Revised Code unless the context indicates otherwise. 26249

(E) "Closed season" means that period of time during which 26250
the taking of wild animals protected by this chapter and Chapter 26251
1533. of the Revised Code is prohibited. 26252

(F) "Open season" means that period of time during which the 26253
taking of wild animals protected by this chapter and Chapter 1533. 26254
of the Revised Code is permitted. 26255

(G) "Take or taking" includes pursuing, shooting, hunting, 26256
killing, trapping, angling, fishing with a trotline, or netting 26257
any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, 26258
wild bird, or wild quadruped, and any lesser act, such as 26259

wounding, or placing, setting, drawing, or using any other device 26260
for killing or capturing any wild animal, whether it results in 26261
killing or capturing the animal or not. "Take or taking" includes 26262
every attempt to kill or capture and every act of assistance to 26263
any other person in killing or capturing or attempting to kill or 26264
capture a wild animal. 26265

(H) "Possession" means both actual and constructive 26266
possession and any control of things referred to. 26267

(I) "Bag limit" means the number, measurement, or weight of 26268
any kind of crayfish, aquatic insects, fish, frogs, turtles, wild 26269
birds, and wild quadrupeds permitted to be taken. 26270

(J) "Transport and transportation" means carrying or moving 26271
or causing to be carried or moved. 26272

(K) "Sell and sale" means barter, exchange, or offer or 26273
expose for sale. 26274

(L) "Whole to include part" means that every provision 26275
relating to any wild animal protected by this chapter and Chapter 26276
1533. of the Revised Code applies to any part of the wild animal 26277
with the same effect as it applies to the whole. 26278

(M) "Angling" means fishing with not more than two hand 26279
lines, not more than two units of rod and line, or a combination 26280
of not more than one hand line and one rod and line, either in 26281
hand or under control at any time while fishing. The hand line or 26282
rod and line shall have attached to it not more than three baited 26283
hooks, not more than three artificial fly rod lures, or one 26284
artificial bait casting lure equipped with not more than three 26285
sets of three hooks each. 26286

(N) "Trotline" means a device for catching fish that consists 26287
of a line having suspended from it, at frequent intervals, 26288
vertical lines with hooks attached. 26289

(O) "Fish" means a cold-blooded vertebrate having fins.	26290
(P) "Measurement of fish" means length from the end of the nose to the longest tip or end of the tail.	26291 26292
(Q) "Wild birds" includes game birds and nongame birds.	26293
(R) "Game" includes game birds, game quadrupeds, and fur-bearing animals.	26294 26295
(S) "Game birds" includes mourning doves, ringneck pheasants, bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated grouse, wild turkey, Hungarian partridge, Chukar partridge, woodcocks, black-breasted plover, golden plover, Wilson's snipe or jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, duck, geese, brant, and crows.	26296 26297 26298 26299 26300 26301
(T) "Nongame birds" includes all other wild birds not included and defined as game birds or migratory game birds.	26302 26303
(U) "Wild quadrupeds" includes game quadrupeds and fur-bearing animals.	26304 26305
(V) "Game quadrupeds" includes cottontail rabbits, gray squirrels, black squirrels, fox squirrels, red squirrels, flying squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, wild boar, and black bears.	26306 26307 26308 26309
(W) "Fur-bearing animals" includes minks, weasels, raccoons, skunks, opossums, muskrats, fox, beavers, badgers, otters, coyotes, and bobcats.	26310 26311 26312
(X) "Wild animals" includes mollusks, crustaceans, aquatic insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, and all other wild mammals, but does not include domestic deer.	26313 26314 26315
(Y) "Hunting" means pursuing, shooting, killing, following after or on the trail of, lying in wait for, shooting at, or wounding wild birds or wild quadrupeds while employing any device commonly used to kill or wound wild birds or wild quadrupeds	26316 26317 26318 26319

whether or not the acts result in killing or wounding. "Hunting" 26320
includes every attempt to kill or wound and every act of 26321
assistance to any other person in killing or wounding or 26322
attempting to kill or wound wild birds or wild quadrupeds. 26323

(Z) "Trapping" means securing or attempting to secure 26324
possession of a wild bird or wild quadruped by means of setting, 26325
placing, drawing, or using any device that is designed to close 26326
upon, hold fast, confine, or otherwise capture a wild bird or wild 26327
quadruped whether or not the means results in capture. "Trapping" 26328
includes every act of assistance to any other person in capturing 26329
wild birds or wild quadrupeds by means of the device whether or 26330
not the means results in capture. 26331

(AA) "Muskrat spear" means any device used in spearing 26332
muskrats. 26333

(BB) "Channels and passages" means those narrow bodies of 26334
water lying between islands or between an island and the mainland 26335
in Lake Erie. 26336

(CC) "Island" means a rock or land elevation above the waters 26337
of Lake Erie having an area of five or more acres above water. 26338

(DD) "Reef" means an elevation of rock, either broken or in 26339
place, or gravel shown by the latest United States chart to be 26340
above the common level of the surrounding bottom of the lake, 26341
other than the rock bottom, or in place forming the base or 26342
foundation rock of an island or mainland and sloping from the 26343
shore of it. "Reef" also means all elevations shown by that chart 26344
to be above the common level of the sloping base or foundation 26345
rock of an island or mainland, whether running from the shore of 26346
an island or parallel with the contour of the shore of an island 26347
or in any other way and whether formed by rock, broken or in 26348
place, or from gravel. 26349

(EE) "Fur farm" means any area used exclusively for raising 26350

fur-bearing animals or in addition thereto used for hunting game, 26351
the boundaries of which are plainly marked as such. 26352

(FF) "Waters" includes any lake, pond, reservoir, stream, 26353
channel, lagoon, or other body of water, or any part thereof, 26354
whether natural or artificial. 26355

(GG) "Crib" or "car" refers to that particular compartment of 26356
the net from which the fish are taken when the net is lifted. 26357

(HH) "Commercial fish" means those species of fish permitted 26358
to be taken, possessed, bought, or sold unless otherwise 26359
restricted by the Revised Code or division rule and are alewife 26360
(*Alosa pseudoharengus*), American eel (*Anguilla rostrata*), bowfin 26361
(*Amia calva*), burbot (*Lota lota*), carp (*Cyprinus carpio*), 26362
smallmouth buffalo (*Ictiobus bubalus*), bigmouth buffalo (*Ictiobus* 26363
cyprinellus), black bullhead (*Ictalurus melas*), yellow bullhead 26364
(*Ictalurus natalis*), brown bullhead (*Ictalurus nebulosus*), channel 26365
catfish (*Ictalurus punctatus*), flathead catfish (*Pylodictis* 26366
olivaris), whitefish (*Coregonus sp.*), cisco (*Coregonus sp.*), 26367
freshwater drum or sheepshead (*Aplodinotus grunniens*), gar 26368
(*Lepisosteus sp.*), gizzard shad (*Dorosoma cepedianum*), goldfish 26369
(*Carassius auratus*), lake trout (*Salvelinus namaycush*), mooneye 26370
(*Hiodon tergisus*), quillback (*Carpiodes cyprinus*), smelt 26371
(*Allosmerus elongatus*, *Hypomesus sp.*, *Osmerus sp.*, *Spirinchus* 26372
sp.), sturgeon (*Acipenser sp.*, *Scaphirhynchus sp.*), sucker other 26373
than buffalo and quillback (*Carpiodes sp.*, *Catostomus sp.*, 26374
Hypentelium sp., *Minytrema sp.*, *Moxostoma sp.*), white bass (*Morone* 26375
chrysops), white perch (*Roccus americanus*), and yellow perch 26376
(*Perca flavescens*). When the common name of a fish is used in this 26377
chapter or Chapter 1533. of the Revised Code, it refers to the 26378
fish designated by the scientific name in this definition. 26379

(II) "Fishing" means taking or attempting to take fish by any 26380
method, and all other acts such as placing, setting, drawing, or 26381
using any device commonly used to take fish whether resulting in a 26382

taking or not.	26383
(JJ) "Fillet" means the pieces of flesh taken or cut from both sides of a fish, joined to form one piece of flesh.	26384 26385
(KK) "Part fillet" means a piece of flesh taken or cut from one side of a fish.	26386 26387
(LL) "Round" when used in describing fish means with head and tail intact.	26388 26389
(MM) "Migrate" means the transit or movement of fish to or from one place to another as a result of natural forces or instinct and includes, but is not limited to, movement of fish induced or caused by changes in the water flow.	26390 26391 26392 26393
(NN) "Spreader bar" means a brail or rigid bar placed across the entire width of the back, at the top and bottom of the cars in all trap, crib, and fyke nets for the purpose of keeping the meshes hanging squarely while the nets are fishing.	26394 26395 26396 26397
(OO) "Fishing guide" means any person who, for consideration or hire, operates a boat, rents, leases, or otherwise furnishes angling devices, ice fishing shanties or shelters of any kind, or other fishing equipment, and accompanies, guides, directs, or assists any other person in order for the other person to engage in fishing.	26398 26399 26400 26401 26402 26403
(PP) "Net" means fishing devices with meshes composed of twine or synthetic material and includes, but is not limited to, trap nets, fyke nets, crib nets, carp aprons, dip nets, and seines, except minnow seines and minnow dip nets.	26404 26405 26406 26407
(QQ) "Commercial fishing gear" means seines, trap nets, fyke nets, dip nets, carp aprons, trotlines, other similar gear, and any boat used in conjunction with that gear, but does not include gill nets.	26408 26409 26410 26411
(RR) "Native wildlife" means any species of the animal	26412

kingdom indigenous to this state. 26413

(SS) "Gill net" means a single section of fabric or netting 26414
seamed to a float line at the top and a lead line at the bottom, 26415
which is designed to entangle fish in the net openings as they 26416
swim into it. 26417

(TT) "Tag fishing tournament" means a contest in which a 26418
participant pays a fee, or gives other valuable consideration, for 26419
a chance to win a prize by virtue of catching a tagged or 26420
otherwise specifically marked fish within a limited period of 26421
time. 26422

(UU) "Tenant" means an individual who resides on land for 26423
which the individual pays rent and whose annual income is 26424
primarily derived from agricultural production conducted on that 26425
land, as "agricultural production" is defined in section 929.01 of 26426
the Revised Code. 26427

(VV) "Nonnative wildlife" means any wild animal not 26428
indigenous to this state, but does not include domestic deer. 26429

(WW) "Reptiles" includes common musk turtle (*sternotherus* 26430
odoratus), common snapping turtle (*Chelydra serpentina* 26431
serpentina), spotted turtle (*Clemmys guttata*), eastern box turtle 26432
(*Terrapene carolina carolina*), Blanding's turtle (*Emydoidea* 26433
blandingii), common map turtle (*Graptemys geographica*), ouachita 26434
map turtle (*Graptemys pseudogeographica ouachitensis*), midland 26435
painted turtle (*Chrysemys picta marginata*), red-eared slider 26436
(*Trachemys scripta elegans*), eastern spiny softshell turtle 26437
(*Apalone spinifera spinifera*), midland smooth softshell turtle 26438
(*Apalone mutica mutica*), northern fence lizard (*Sceloporus* 26439
undulatus hyacinthinus), ground skink (*Scincella lateralis*), 26440
five-lined skink (*Eumeces fasciatus*), broadhead skink (*Eumeces* 26441
laticeps), northern coal skink (*Eumeces anthracinus anthracinus*), 26442
European wall lizard (*Podarcis muralis*), queen snake (*Regina* 26443

septemvittata), Kirtland's snake (<i>Clonophis kirtlandii</i>), northern	26444
water snake (<i>Nerodia sipedon sipedon</i>), Lake Erie watersnake	26445
(<i>Nerodia sipedon insularum</i>), copperbelly water snake (<i>Nerodia</i>	26446
<i>erythrogaster neglecta</i>), northern brown snake (<i>Storeria dekayi</i>	26447
<i>dekayi</i>), midland brown snake (<i>Storeria dekayi wrightorum</i>),	26448
northern redbelly snake (<i>Storeria occipitomaculata</i>	26449
<i>occipitomaculata</i>), eastern garter snake (<i>Thamnophis sirtalis</i>	26450
<i>sirtalis</i>), eastern plains garter snake (<i>Thamnophis radix radix</i>),	26451
Butler's garter snake (<i>Thamnophis butleri</i>), shorthead garter snake	26452
(<i>Thamnophis brachystoma</i>), eastern ribbon snake (<i>Thamnophis</i>	26453
<i>sauritus sauritus</i>), northern ribbon snake (<i>Thamnophis sauritus</i>	26454
<i>septentrionalis</i>), eastern hognose snake (<i>Heterodon platirhinos</i>),	26455
eastern smooth earth snake (<i>Virginia valeriae valeriae</i>), northern	26456
ringneck snake (<i>Diadophis punctatus edwardsii</i>), midwest worm snake	26457
(<i>Carphophis amoenus helenae</i>), eastern worm snake (<i>Carphophis</i>	26458
<i>amoenus amoenus</i>), black racer (<i>Coluber constrictor constrictor</i>),	26459
blue racer (<i>Coluber constrictor foxii</i>), rough green snake	26460
(<i>opheodrys aestivus</i>), smooth green snake (<i>opheodrys vernalis</i>	26461
<i>vernalis</i>), black rat snake (<i>Elaphe obsoleta obsoleta</i>), eastern fox	26462
snake (<i>Elaphe vulpina gloydi</i>), black kingsnake (<i>Lampropeltis</i>	26463
<i>getula nigra</i>), eastern milk snake (<i>Lampropeltis triangulum</i>	26464
<i>triangulum</i>), northern copperhead (<i>Agkistrodon contortrix mokasen</i>),	26465
eastern massasauga (<i>Sistrurus catenatus catenatus</i>), and timber	26466
rattlesnake (<i>Crotalus horridus horridus</i>).	26467
(XX) "Amphibians" includes eastern hellbender (<i>Cryptobranchus</i>	26468
<i>alleganiensis alleganiensis</i>), mudpuppy (<i>Necturus maculosus</i>	26469
<i>maculosus</i>), red-spotted newt (<i>Notophthalmus viridescens</i>	26470
<i>viridescens</i>), Jefferson salamander (<i>Ambystoma jeffersonianum</i>),	26471
spotted salamander (<i>Ambystoma maculatum</i>), blue-spotted salamander	26472
(<i>Ambystoma laterale</i>), smallmouth salamander (<i>Ambystoma texanum</i>),	26473
streamside salamander (<i>Ambystoma barbouri</i>), marbled salamander	26474
(<i>Ambystoma opacum</i>), eastern tiger salamander (<i>Ambystoma tigrinum</i>	26475
<i>tigrinum</i>), northern dusky salamander (<i>Desmognathus fuscus fuscus</i>),	26476

mountain dusky salamander (<i>Desmognathus ochrophaeus</i>), redback	26477
salamander (<i>Plethodon cinereus</i>), ravine salamander (<i>Plethodon</i>	26478
<i>richmondi</i>), northern slimy salamander (<i>Plethodon glutinosus</i>),	26479
Wehrle's salamander (<i>Plethodon wehrlei</i>), four-toed salamander	26480
(<i>Hemidactylium scutatum</i>), Kentucky spring salamander (<i>Gyrinophilus</i>	26481
<i>porphyriticus duryi</i>), northern spring salamander (<i>Gyrinophilus</i>	26482
<i>porphyriticus porphyriticus</i>), mud salamander (<i>Pseudotriton</i>	26483
<i>montanus</i>), northern red salamander (<i>Pseudotriton ruber ruber</i>),	26484
green salamander (<i>Aneides aeneus</i>), northern two-lined salamander	26485
(<i>Eurycea bislineata</i>), longtail salamander (<i>Eurycea longicauda</i>	26486
<i>longicauda</i>), cave salamander (<i>Eurycea lucifuga</i>), southern	26487
two-lined salamander (<i>Eurycea cirrigera</i>), Fowler's toad (<i>Bufo</i>	26488
<i>woodhousii fowleri</i>), American toad (<i>Bufo americanus</i>), eastern	26489
spadefoot (<i>Scaphiopus holbrookii</i>), Blanchard's cricket frog (<i>Acris</i>	26490
<i>crepitans blanchardi</i>), northern spring peeper (<i>Pseudacris crucifer</i>	26491
<i>crucifer</i>), gray treefrog (<i>Hyla versicolor</i>), Cope's gray treefrog	26492
(<i>Hyla chrysoscelis</i>), western chorus frog (<i>Pseudacris triseriata</i>	26493
<i>triseriata</i>), mountain chorus frog (<i>Pseudacris brachyphona</i>),	26494
bullfrog (<i>Rana catesbeiana</i>), green frog (<i>Rana clamitans melanota</i>),	26495
northern leopard frog (<i>Rana pipiens</i>), pickerel frog (<i>Rana</i>	26496
<i>palustris</i>), southern leopard frog (<i>Rana utricularia</i>), and wood	26497
frog (<i>Rana sylvatica</i>).	26498
(YY) "Deer" means white-tailed deer (<i>Odocoileus</i>	26499
<i>virginianus</i>).	26500
(ZZ) "Domestic deer" means nonnative deer that have been	26501
legally acquired or their offspring and that are held in private	26502
ownership for primarily agricultural purposes.	26503
(AAA) "Migratory game bird" includes waterfowl (<i>Anatidae</i>);	26504
doves (<i>Columbidae</i>); cranes (<i>Gruidae</i>); cormorants	26505
(<i>Phalacrocoracidae</i>); rails, coots, and gallinules (<i>Rallidae</i>); and	26506
woodcock and snipe (<i>Scolopacidae</i>).	26507
(BBB) "Accompany" means to go along with another person while	26508

staying within a distance from the person that enables 26509
uninterrupted, unaided visual and auditory communication. 26510

(CCC) "Electric-powered all-purpose vehicle" means any 26511
battery-powered self-propelled electric vehicle that is designed 26512
primarily for cross-country travel on land, water, or land and 26513
water and that is steered by wheels, caterpillar treads, or a 26514
combination of wheels and caterpillar treads and includes vehicles 26515
that operate on a cushion of air, vehicles commonly known as 26516
all-terrain vehicles, all-season vehicles, mini-bikes, and trail 26517
bikes. "Electric-powered all-purpose vehicle" does not include a 26518
utility vehicle as defined in section 4501.01 of the Revised Code, 26519
any vehicle that is principally used in playing golf, any motor 26520
vehicle or aircraft that is required to be registered under 26521
Chapter 4503. or 4561. of the Revised Code, or any vehicle that is 26522
excluded from the definition of "motor vehicle" as provided in 26523
division (B) of section 4501.01 of the Revised Code. 26524

(DDD) "Children" means biological or adopted sons or 26525
daughters and adopted stepsons or stepdaughters. 26526

(EEE) "Grandchildren" means the children of one's child. 26527

Sec. 1531.06. (A) The chief of the division of wildlife, with 26528
the approval of the director of natural resources, may acquire by 26529
gift, lease, purchase, or otherwise lands or surface rights upon 26530
lands and waters or surface rights upon waters for wild animals, 26531
fish or game management, preservation, propagation, and 26532
protection, outdoor and nature activities, public fishing and 26533
hunting grounds, and flora and fauna preservation. The chief, with 26534
the approval of the director, may receive by grant, devise, 26535
bequest, donation, or assignment evidences of indebtedness, the 26536
proceeds of which are to be used for the purchase of such lands or 26537
surface rights upon lands and waters or surface rights upon 26538
waters. 26539

(B)(1) The chief shall adopt rules for the protection of 26540
state-owned or leased lands and waters and property under the 26541
control of the division of wildlife against wrongful use or 26542
occupancy that will ensure the carrying out of the intent of this 26543
section, protect those lands, waters, and property from 26544
depredations, and preserve them from molestation, spoilation, 26545
destruction, or any improper use or occupancy thereof, including 26546
rules with respect to recreational activities and for the 26547
government and use of such lands, waters, and property. 26548

(2) The chief may adopt rules benefiting wild animals, fish 26549
or game management, preservation, propagation, and protection, 26550
outdoor and nature activities, public fishing and hunting grounds, 26551
and flora and fauna preservation, and regulating the taking and 26552
possession of wild animals on any lands or waters owned or leased 26553
or under the division's supervision and control and, for a 26554
specified period of years, may prohibit or recall the taking and 26555
possession of any wild animal on any portion of such lands or 26556
waters. The division clearly shall define and mark the boundaries 26557
of the lands and waters owned or leased or under its supervision 26558
and control upon which the taking of any wild animal is 26559
prohibited. 26560

(C) The chief, with the approval of the director, may acquire 26561
by gift, lease, or purchase land for the purpose of establishing 26562
state fish hatcheries and game farms and may erect on it buildings 26563
or structures that are necessary. 26564

The title to or lease of such lands and waters shall be taken 26565
by the chief in the name of the state. The lease or purchase price 26566
of all such lands and waters may be paid from hunting and trapping 26567
and fishing licenses and any other funds. 26568

(D) To provide more public recreation, stream and lake 26569
agreements for public fishing only may be obtained under rules 26570
adopted by the chief. 26571

(E) The chief, with the approval of the director, may 26572
establish user fees for the use of special public facilities or 26573
participation in special activities on lands and waters 26574
administered by the division. The special facilities and 26575
activities may include hunting or fishing on special designated 26576
public lands and waters intensively managed or stocked with 26577
artificially propagated game birds or fish, field trial 26578
facilities, wildlife nature centers, firearm ranges, boat mooring 26579
facilities, camping sites, and other similar special facilities 26580
and activities. The chief shall determine whether the user fees 26581
are refundable and shall ensure that that information is provided 26582
at the time the user fees are paid. 26583

(F) The chief, with the approval of the director, may enter 26584
into lease agreements for rental of concessions or other special 26585
projects situated on state-owned or leased lands or waters or 26586
other property under the division's control. The chief shall set 26587
and collect the fees for concession rentals or other special 26588
projects; regulate through contracts between the division and 26589
concessionaires the sale of tangible objects at concessions or 26590
other special projects; and keep a record of all such fee payments 26591
showing the amount received, from whom received, and for what 26592
purpose the fee was collected. 26593

(G) The chief may sell or donate conservation-related items 26594
or items that promote wildlife conservation, including, but not 26595
limited to, stamps, pins, badges, books, bulletins, maps, 26596
publications, calendars, and any other educational article or 26597
artifact pertaining to wild animals; sell confiscated or forfeited 26598
items; and sell surplus structures and equipment, and timber or 26599
crops from lands owned, administered, leased, or controlled by the 26600
division. The chief, with the approval of the director, also may 26601
engage in campaigns and special events that promote wildlife 26602
conservation by selling or donating wildlife-related materials, 26603

memberships, and other items of promotional value. 26604

(H) The chief may sell, lease, or transfer minerals or 26605
mineral rights, with the approval of the director, when the chief 26606
and the director determine it to be in the best interest of the 26607
state. Upon approval of the director, the chief may make, execute, 26608
and deliver contracts, including leases, to mine, drill, or 26609
excavate iron ore, stone, coal, ~~petroleum, gas,~~ salt, and other 26610
minerals, other than oil or gas, upon and under lands owned by the 26611
state and administered by the division to any person who complies 26612
with the terms of such a contract. No such contract shall be valid 26613
for more than fifty years from its effective date. Consideration 26614
for minerals and mineral rights shall be by rental or royalty 26615
basis as prescribed by the chief and payable as prescribed by 26616
contract. Moneys collected under this division shall be paid into 26617
the state treasury to the credit of the wildlife habitat fund 26618
created in section 1531.33 of the Revised Code. Contracts entered 26619
into under this division also may provide for consideration for 26620
minerals or mineral rights in the form of acquisition of lands as 26621
provided under divisions (A) and (C) of this section. 26622

(I) All moneys received under divisions (E), (F), and (G) of 26623
this section shall be paid into the state treasury to the credit 26624
of a fund that shall be used for the purposes outlined in section 26625
1533.15 of the Revised Code and for the management of other wild 26626
animals for their ecological and nonconsumptive recreational value 26627
or benefit. 26628

(J) The chief, with the approval of the director, may barter 26629
or sell wild animals to other states, state or federal agencies, 26630
and conservation or zoological organizations. Moneys received from 26631
the sale of wild animals shall be deposited into the wild animal 26632
fund created in section 1531.34 of the Revised Code. 26633

(K) The chief shall adopt rules establishing standards and 26634
guidelines for the administration of contraceptive chemicals to 26635

noncaptive wild animals. The rules may specify chemical delivery 26636
methods and devices and monitoring requirements. 26637

The chief shall establish criteria for the issuance of and 26638
shall issue permits for the administration of contraceptive 26639
chemicals to noncaptive wild animals. No person shall administer 26640
contraceptive chemicals to noncaptive wild animals without a 26641
permit issued by the chief. 26642

(L) All fees set by the chief under this section shall be 26643
approved by the wildlife council. 26644

(M) Information contained in the wildlife diversity database 26645
that is established pursuant to division (B)(2) of this section 26646
and section 1531.25 of the Revised Code may be made available to 26647
any individual or public or private agency for research, 26648
educational, environmental, land management, or other similar 26649
purposes that are not detrimental to the conservation of a species 26650
or feature. Information regarding sensitive site locations of 26651
species that are listed pursuant to section 1531.25 of the Revised 26652
Code and of features that are included in the wildlife diversity 26653
database is not subject to section 149.43 of the Revised Code if 26654
the chief determines that the release of the information could be 26655
detrimental to the conservation of a species or feature. 26656

Sec. 1533.10. Except as provided in this section or division 26657
(A)(2) of section 1533.12 of the Revised Code, no person shall 26658
hunt any wild bird or wild quadruped without a hunting license. 26659
Each day that any person hunts within the state without procuring 26660
such a license constitutes a separate offense. Except as otherwise 26661
provided in this section, every applicant for a hunting license 26662
who is a resident of the state and eighteen years of age or more 26663
shall procure a resident hunting license or an apprentice resident 26664
hunting license, the fee for which shall be eighteen dollars 26665
unless the rules adopted under division (B) of section 1533.12 of 26666

the Revised Code provide for issuance of a resident hunting 26667
license to the applicant free of charge. Except as provided in 26668
rules adopted under division (B)(2) of that section, each 26669
applicant who is a resident of this state and who at the time of 26670
application is sixty-six years of age or older shall procure a 26671
special senior hunting license, the fee for which shall be 26672
one-half of the regular hunting license fee. Every applicant who 26673
is under the age of eighteen years shall procure a special youth 26674
hunting license or an apprentice youth hunting license, the fee 26675
for which shall be one-half of the regular hunting license fee. 26676
The owner of lands in the state and the owner's children of any 26677
age and grandchildren ~~under eighteen years~~ of any age may hunt on 26678
the lands without a hunting license. The tenant and children of 26679
the tenant, residing on lands in the state, may hunt on them 26680
without a hunting license. Except as otherwise provided in 26681
division (A)(1) of section 1533.12 of the Revised Code, every 26682
applicant for a hunting license who is a nonresident of the state 26683
and who is eighteen years of age or older shall procure a 26684
nonresident hunting license or an apprentice nonresident hunting 26685
license, the fee for which shall be one hundred twenty-four 26686
dollars unless the applicant is a resident of a state that is a 26687
party to an agreement under section 1533.91 of the Revised Code, 26688
in which case the fee shall be eighteen dollars. Apprentice 26689
resident hunting licenses, apprentice youth hunting licenses, and 26690
apprentice nonresident hunting licenses are subject to the 26691
requirements established under section 1533.102 of the Revised 26692
Code and rules adopted pursuant to it. 26693

The chief of the division of wildlife may issue a small game 26694
hunting license expiring three days from the effective date of the 26695
license to a nonresident of the state, the fee for which shall be 26696
thirty-nine dollars. No person shall take or possess deer, wild 26697
turkeys, fur-bearing animals, ducks, geese, brant, or any nongame 26698
animal while possessing only a small game hunting license. A small 26699

game hunting license or an apprentice nonresident hunting license 26700
does not authorize the taking or possessing of ducks, geese, or 26701
brant without having obtained, in addition to the small game 26702
hunting license or the apprentice nonresident hunting license, a 26703
wetlands habitat stamp as provided in section 1533.112 of the 26704
Revised Code. A small game hunting license or an apprentice 26705
nonresident hunting license does not authorize the taking or 26706
possessing of deer, wild turkeys, or fur-bearing animals. A 26707
nonresident of the state who wishes to take or possess deer, wild 26708
turkeys, or fur-bearing animals in this state shall procure, 26709
respectively, a deer or wild turkey permit as provided in section 26710
1533.11 of the Revised Code or a fur taker permit as provided in 26711
section 1533.111 of the Revised Code in addition to a nonresident 26712
hunting license, an apprentice nonresident hunting license, a 26713
special youth hunting license, or an apprentice youth hunting 26714
license, as applicable, as provided in this section. 26715

No person shall procure or attempt to procure a hunting 26716
license by fraud, deceit, misrepresentation, or any false 26717
statement. 26718

This section does not authorize the taking and possessing of 26719
deer or wild turkeys without first having obtained, in addition to 26720
the hunting license required by this section, a deer or wild 26721
turkey permit as provided in section 1533.11 of the Revised Code 26722
or the taking and possessing of ducks, geese, or brant without 26723
first having obtained, in addition to the hunting license required 26724
by this section, a wetlands habitat stamp as provided in section 26725
1533.112 of the Revised Code. 26726

This section does not authorize the hunting or trapping of 26727
fur-bearing animals without first having obtained, in addition to 26728
a hunting license required by this section, a fur taker permit as 26729
provided in section 1533.111 of the Revised Code. 26730

No hunting license shall be issued unless it is accompanied 26731

by a written explanation of the law in section 1533.17 of the Revised Code and the penalty for its violation, including a description of terms of imprisonment and fines that may be imposed.

No hunting license, other than an apprentice hunting license, shall be issued unless the applicant presents to the agent authorized to issue the license a previously held hunting license or evidence of having held such a license in content and manner approved by the chief, a certificate of completion issued upon completion of a hunter education and conservation course approved by the chief, or evidence of equivalent training in content and manner approved by the chief. A previously held apprentice hunting license does not satisfy the requirement concerning the presentation of a previously held hunting license or evidence of it.

No person shall issue a hunting license, except an apprentice hunting license, to any person who fails to present the evidence required by this section. No person shall purchase or obtain a hunting license, other than an apprentice hunting license, without presenting to the issuing agent the evidence required by this section. Issuance of a hunting license in violation of the requirements of this section is an offense by both the purchaser of the illegally obtained hunting license and the clerk or agent who issued the hunting license. Any hunting license issued in violation of this section is void.

The chief, with approval of the wildlife council, shall adopt rules prescribing a hunter education and conservation course for first-time hunting license buyers, other than buyers of apprentice hunting licenses, and for volunteer instructors. The course shall consist of subjects including, but not limited to, hunter safety and health, use of hunting implements, hunting tradition and ethics, the hunter and conservation, the law in section 1533.17 of

the Revised Code along with the penalty for its violation, 26764
including a description of terms of imprisonment and fines that 26765
may be imposed, and other law relating to hunting. Authorized 26766
personnel of the division or volunteer instructors approved by the 26767
chief shall conduct such courses with such frequency and at such 26768
locations throughout the state as to reasonably meet the needs of 26769
license applicants. The chief shall issue a certificate of 26770
completion to each person who successfully completes the course 26771
and passes an examination prescribed by the chief. 26772

Sec. 1533.11. (A) Except as provided in this section, no 26773
person shall hunt deer on lands of another without first obtaining 26774
an annual deer permit. Except as provided in this section, no 26775
person shall hunt wild turkeys on lands of another without first 26776
obtaining an annual wild turkey permit. Each applicant for a deer 26777
or wild turkey permit shall pay an annual fee of twenty-three 26778
dollars for each permit unless the rules adopted under division 26779
(B) of section 1533.12 of the Revised Code provide for issuance of 26780
a deer or wild turkey permit to the applicant free of charge. 26781
Except as provided in rules adopted under division (B)(2) of that 26782
section, each applicant who is a resident of this state and who at 26783
the time of application is sixty-six years of age or older shall 26784
procure a senior deer or wildturkey permit, the fee for which 26785
shall be one-half of the regular deer or wild turkey permit fee. 26786
Each applicant who is under the age of eighteen years shall 26787
procure a youth deer or wild turkey permit, the fee for which 26788
shall be one-half of the regular deer or wild turkey permit fee. 26789
Except as provided in division (A)(2) of section 1533.12 of the 26790
Revised Code, a deer or wild turkey permit shall run concurrently 26791
with the hunting license. The money received shall be paid into 26792
the state treasury to the credit of the wildlife fund, created in 26793
section 1531.17 of the Revised Code, exclusively for the use of 26794
the division of wildlife in the acquisition and development of 26795

land for deer or wild turkey management, for investigating deer or 26796
wild turkey problems, and for the stocking, management, and 26797
protection of deer or wild turkey. Every person, while hunting 26798
deer or wild turkey on lands of another, shall carry the person's 26799
deer or wild turkey permit and exhibit it to any enforcement 26800
officer so requesting. Failure to so carry and exhibit such a 26801
permit constitutes an offense under this section. The chief of the 26802
division of wildlife shall adopt any additional rules the chief 26803
considers necessary to carry out this section and section 1533.10 26804
of the Revised Code. 26805

The owner and the children of the owner of lands in this 26806
state may hunt deer or wild turkey thereon without a deer or wild 26807
turkey permit. The tenant and children of the tenant may hunt deer 26808
or wild turkey on lands where they reside without a deer or wild 26809
turkey permit. 26810

(B) A deer or wild turkey permit is not transferable. No 26811
person shall carry a deer or wild turkey permit issued in the name 26812
of another person. 26813

(C) The wildlife refunds fund is hereby created in the state 26814
treasury. The fund shall consist of money received from 26815
application fees for deer permits that are not issued. Money in 26816
the fund shall be used to make refunds of such application fees. 26817

(D) If the division establishes a system for the electronic 26818
submission of information regarding deer or wild turkey that are 26819
taken, the division shall allow the owner and the children of the 26820
owner of lands in this state to use the owner's name or address 26821
for purposes of submitting that information electronically via 26822
that system. 26823

Sec. 1533.12. (A)(1) Except as otherwise provided in division 26824
(A)(2) of this section, every person on active duty in the armed 26825
forces of the United States who is stationed in this state and who 26826

wishes to engage in an activity for which a license, permit, or stamp is required under this chapter first shall obtain the requisite license, permit, or stamp. Such a person is eligible to obtain a resident hunting or fishing license regardless of whether the person qualifies as a resident of this state. To obtain a resident hunting or fishing license, the person shall present a card or other evidence identifying the person as being on active duty in the armed forces of the United States and as being stationed in this state.

(2) Every person on active duty in the armed forces of the United States, while on leave or furlough, may take or catch fish of the kind lawfully permitted to be taken or caught within the state, may hunt any wild bird or wild quadruped lawfully permitted to be hunted within the state, and may trap fur-bearing animals lawfully permitted to be trapped within the state, without procuring a fishing license, a hunting license, a fur taker permit, or a wetlands habitat stamp required by this chapter, provided that the person shall carry on the person when fishing, hunting, or trapping, a card or other evidence identifying the person as being on active duty in the armed forces of the United States, and provided that the person is not otherwise violating any of the hunting, fishing, and trapping laws of this state.

In order to hunt deer or wild turkey, any such person shall obtain a deer or wild turkey permit, as applicable, under section 1533.11 of the Revised Code. However, the person need not obtain a hunting license in order to obtain such a permit.

(B) The chief of the division of wildlife shall provide by rule adopted under section 1531.10 of the Revised Code all of the following:

(1) Every resident of this state with a disability that has been determined by the veterans administration to be permanently and totally disabling, who receives a pension or compensation from

the veterans administration, and who received an honorable 26859
discharge from the armed forces of the United States, and every 26860
veteran to whom the registrar of motor vehicles has issued a set 26861
of license plates under section 4503.41 of the Revised Code, shall 26862
be issued a fishing license, hunting license, fur taker permit, 26863
deer or wild turkey permit, or wetlands habitat stamp, or any 26864
combination of those licenses, permits, and stamp, free of charge 26865
on an annual, multi-year, or lifetime basis as determined 26866
appropriate by the chief when application is made to the chief in 26867
the manner prescribed by and on forms provided by the chief. 26868

(2) Every resident of the state who was born on or before 26869
December 31, 1937, shall be issued an annual fishing license, 26870
hunting license, fur taker permit, deer or wild turkey permit, or 26871
wetlands habitat stamp, or any combination of those licenses, 26872
permits, and stamp, free of charge when application is made to the 26873
chief in the manner prescribed by and on forms provided by the 26874
chief. 26875

(3) Every resident of state or county institutions, 26876
charitable institutions, and military homes in this state shall be 26877
issued an annual fishing license free of charge when application 26878
is made to the chief in the manner prescribed by and on forms 26879
provided by the chief. 26880

(4) Any mobility impaired or blind person, as defined in 26881
section 955.011 of the Revised Code, who is a resident of this 26882
state and who is unable to engage in fishing without the 26883
assistance of another person shall be issued an annual fishing 26884
license free of charge when application is made to the chief in 26885
the manner prescribed by and on forms provided by the chief. The 26886
person who is assisting the mobility impaired or blind person may 26887
assist in taking or catching fish of the kind permitted to be 26888
taken or caught without procuring the license required under 26889
section 1533.32 of the Revised Code, provided that only one line 26890

is used by both persons. 26891

(5) As used in division (B)(5) of this section, "prisoner of 26892
war" means any regularly appointed, enrolled, enlisted, or 26893
inducted member of the military forces of the United States who 26894
was captured, separated, and incarcerated by an enemy of the 26895
United States. 26896

Any person who has been a prisoner of war, was honorably 26897
discharged from the military forces, and is a resident of this 26898
state shall be issued a fishing license, hunting license, fur 26899
taker permit, or wetlands habitat stamp, or any combination of 26900
those licenses, permits, and stamp, free of charge on an annual, 26901
multi-year, or lifetime basis as determined appropriate by the 26902
chief when application is made to the chief in the manner 26903
prescribed by and on forms provided by the chief. 26904

(6) Every member of the Ohio national guard shall be issued 26905
an annual fishing license, hunting license, or combination of 26906
those licenses free of charge when application is made to the 26907
chief in the manner prescribed by and on forms provided by the 26908
chief. 26909

(C) The chief shall adopt rules pursuant to section 1531.08 26910
of the Revised Code designating not more than two days, which need 26911
not be consecutive, in each year as "free sport fishing days" on 26912
which any resident may exercise the privileges accorded the holder 26913
of a fishing license issued under section 1533.32 of the Revised 26914
Code without procuring such a license, provided that the person is 26915
not otherwise violating any of the fishing laws of this state. 26916

Sec. 1541.03. All lands and waters dedicated and set apart 26917
for state park purposes shall be under the control and management 26918
of the division of parks and recreation, which shall protect, 26919
maintain, and keep them in repair. The division shall have the 26920
following powers over all such lands and waters: 26921

(A) To make alterations and improvements;	26922
(B) To construct and maintain dikes, wharves, landings, docks, dams, and other works;	26923 26924
(C) To construct and maintain roads and drives in, around, upon, and to the lands and waters to make them conveniently accessible and useful to the public;	26925 26926 26927
(D) Except as otherwise provided in this section, to adopt, amend, and rescind, in accordance with Chapter 119. of the Revised Code, rules necessary for the proper management of state parks, bodies of water, and the lands adjacent to them under its jurisdiction and control, including the following:	26928 26929 26930 26931 26932
(1) Governing opening and closing times and dates of the parks;	26933 26934
(2) Establishing fees and charges for use of facilities in state parks;	26935 26936
(3) Governing camps, camping, and fees for camps and camping;	26937
(4) Governing the application for and rental of, rental fees for, and the use of cottages;	26938 26939
(5) Relating to public use of state park lands, and governing the operation of motor vehicles, including speeds, and parking on those lands;	26940 26941 26942
(6) Governing all advertising within state parks and the requirements for the operation of places selling tangible personal property and control of food service sales on lands and waters under the control of the division, which rules shall establish uniform requirements;	26943 26944 26945 26946 26947
(7) Providing uniform standards relating to the size, type, location, construction, and maintenance of structures and devices used for fishing or moorage of watercraft, rowboats, sailboats, and powercraft, as those terms are defined in section 1547.01 of	26948 26949 26950 26951

the Revised Code, over waters under the control of the division 26952
and establishing reasonable fees for the construction of and 26953
annual use permits for those structures and devices; 26954

(8) Governing state beaches, swimming, inflatable devices, 26955
and fees for them; 26956

(9) Governing the removal and disposition of any watercraft, 26957
rowboat, sailboat, or powercraft, as those terms are defined in 26958
section 1547.01 of the Revised Code, left unattended for more than 26959
seven days on any lands or waters under the control of the 26960
division; 26961

(10) Governing the establishment and collection of check 26962
collection charges for checks that are returned to the division or 26963
dishonored for any reason. 26964

(E) To coordinate and plan trails in accordance with section 26965
1519.03 of the Revised Code; 26966

(F) To cooperate with the United States and agencies of it 26967
and with political subdivisions in administering federal 26968
recreation moneys under the "Land and Water Conservation Fund Act 26969
of 1965," 78 Stat. 897, 16 U.S.C. 4601-8, as amended; prepare and 26970
distribute the statewide comprehensive outdoor recreation plan; 26971
and administer the state recreational vehicle fund created in 26972
section 4519.11 of the Revised Code; 26973

(G) To administer any state or federally funded grant program 26974
that is related to natural resources and recreation as considered 26975
necessary by the director of natural resources; 26976

(H) To assist the department of natural resources and its 26977
divisions by providing department-wide planning, capital 26978
improvements planning, and special purpose planning. 26979

With the approval of the director, the chief of the division 26980
of parks and recreation may enter into contracts or agreements 26981

with any agency of the United States government, any other public agency, or any private entity or organization for the performance of the duties of the division. 26982
26983
26984

The division shall adopt rules under this section 26985
establishing a discount program for all persons who are issued a 26986
golden buckeye card under section 173.06 of the Revised Code. The 26987
discount program shall provide a discount for all park services 26988
and rentals, but shall not provide a discount for the purchase of 26989
merchandise. 26990

The division shall not adopt rules establishing fees or 26991
charges for parking a motor vehicle in a state park or for 26992
admission to a state park. 26993

Every resident of this state with a disability that has been 26994
determined by the veterans administration to be permanently and 26995
totally disabling, who receives a pension or compensation from the 26996
veterans administration, and who received an honorable discharge 26997
from the armed forces of the United States, and every veteran to 26998
whom the registrar of motor vehicles has issued a set of license 26999
plates under section 4503.41 of the Revised Code, shall be exempt 27000
from the fees for camping, provided that the resident or veteran 27001
carries in the state park such evidence of the resident's or 27002
veteran's disability as the chief ~~of the division of parks and~~ 27003
~~recreation~~ prescribes by rule. 27004

Unless otherwise provided by division rule, every resident of 27005
this state who is sixty-five years of age or older or who is 27006
permanently and totally disabled and who furnishes evidence of 27007
that age or disability in a manner prescribed by division rule 27008
shall be charged one-half of the regular fee for camping, except 27009
on the weekends and holidays designated by the division, and shall 27010
not be charged more than ninety per cent of the regular charges 27011
for state recreational facilities, equipment, services, and food 27012
service operations utilized by the person at any time of year, 27013

whether maintained or operated by the state or leased for 27014
operation by another entity. 27015

As used in this section, "food service operations" means 27016
restaurants that are owned by the department of natural resources 27017
at Hocking Hills, Lake Hope, Malabar Farm, and Rocky Fork state 27018
parks or are part of a state park lodge. "Food service operations" 27019
does not include automatic vending machines, concession stands, or 27020
snack bars. 27021

As used in this section, "prisoner of war" means any 27022
regularly appointed, enrolled, enlisted, or inducted member of the 27023
military forces of the United States who was captured, separated, 27024
and incarcerated by an enemy of the United States. Any person who 27025
has been a prisoner of war, was honorably discharged from the 27026
military forces, and is a resident of this state is exempt from 27027
the fees for camping. To claim this exemption, the person shall 27028
present written evidence in the form of a record of separation, a 27029
letter from one of the military forces of the United States, or 27030
such other evidence as the chief prescribes by rule that satisfies 27031
the eligibility criteria established by this section. 27032

Sec. 1545.073. (A) A board of park commissioners of a park 27033
district may create a building department and employ the personnel 27034
it determines necessary to administer and enforce this section. 27035
The building department may enforce the state nonresidential 27036
building code adopted pursuant to Chapter 3781. of the Revised 27037
Code regarding any building existing or constructed on the park 27038
district's property if the building department is certified 27039
pursuant to section 3781.10 of the Revised Code to enforce that 27040
code. 27041

(B) The board may direct the building department, upon 27042
certification, to exercise enforcement authority and to accept and 27043
approve plans regarding any building existing or constructed on 27044

the park district's property pursuant to sections 3781.10 and 3791.04 of the Revised Code for the class of building for which the department and personnel are certified. 27045
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(C) Where a municipal, township, or county building department is located within the same jurisdiction of a park district building department certified to exercise enforcement authority pursuant to sections 3781.10 and 3791.04 of the Revised Code, the municipal, township, or county building department shall not exercise its enforcement authority regarding any buildings existing or constructed on the park district's property. 27048
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Sec. 1548.10. (A) The clerk of the court of common pleas shall charge and retain fees as follows: 27055
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(1) Fifteen dollars for each duplicate copy of a certificate of title. The clerk shall retain that entire fee. 27057
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(2) Fifteen dollars for each certificate of title, which shall include any notation or indication of any lien or security interest on a certificate of title and any memorandum certificate of title or non-negotiable evidence of ownership requested at the time the certificate of title is issued. The clerk shall retain ten dollars and fifty cents of that fee when there is a notation of a lien or security interest on the certificate of title and twelve dollars when there is no lien or security interest noted on the certificate of title. 27059
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(3) Five dollars for each certificate of title with no security interest noted that is issued to a licensed watercraft dealer for resale purposes. The clerk shall retain two dollars of that fee. 27068
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(4) Five dollars for each memorandum certificate of title or non-negotiable evidence of ownership that is applied for separately. The clerk shall retain that entire fee. 27072
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(B) The fees charged for a certificate of title and the notation or indication of any lien or security interest on a certificate of title that are not retained by the clerk shall be paid to the chief of the division of watercraft by monthly returns, which shall be forwarded to the chief not later than the fifth day of the month next succeeding that in which the certificate is forwarded, or that in which the chief is notified of a lien or security interest or cancellation of a lien or security interest.

The chief shall deposit one dollar of the amount the chief receives for each certificate of title in the automated title processing fund created in section 4505.09 of the Revised Code. Moneys deposited in that fund under this section shall be used for the purpose specified in division (B)(3)(b) of that section.

Sec. 1707.17. (A)(1) The license of every dealer in and salesperson of securities shall expire on the thirty-first day of December of each year, and may be renewed upon the filing with the division of securities of an application for renewal, and the payment of the fee prescribed in this section. The division shall give notice, without unreasonable delay, of its action on any application for renewal of a dealer's or salesperson's license.

(2) The license of every investment adviser and investment adviser representative licensed under section 1707.141 or 1707.161 of the Revised Code shall expire on the thirty-first day of December of each year. The licenses may be renewed upon the filing with the division of an application for renewal, and the payment of the fee prescribed in division (B) of this section. The division shall give notice, without unreasonable delay, of its action on any application for renewal.

(3) An investment adviser required to make a notice filing under division (B) of section 1707.141 of the Revised Code

annually shall file with the division the notice filing and the 27106
fee prescribed in division (B) of this section, no later than the 27107
thirty-first day of December of each year. 27108

(4) The license of every state retirement system investment 27109
officer licensed under section 1707.163 of the Revised Code and 27110
the license of a bureau of workers' compensation chief investment 27111
officer issued under section 1707.165 of the Revised Code shall 27112
expire on the thirtieth day of June of each year. The licenses may 27113
be renewed on the filing with the division of an application for 27114
renewal, and the payment of the fee prescribed in division (B) of 27115
this section. The division shall give notice, without unreasonable 27116
delay, of its action on any application for renewal. 27117

(B)(1) The fee for each dealer's license, and for each annual 27118
renewal thereof, shall be ~~one~~ two hundred dollars. 27119

(2) The fee for each salesperson's license, and for each 27120
annual renewal thereof, shall be ~~fifty~~ sixty dollars. 27121

(3) The fee for each investment adviser's license, and for 27122
each annual renewal thereof, shall be ~~fifty~~ one hundred dollars. 27123

(4) The fee for each investment adviser notice filing 27124
required by division (B) of section 1707.141 of the Revised Code 27125
shall be ~~fifty~~ one hundred dollars. 27126

(5) The fee for each investment adviser representative's 27127
license, and for each annual renewal thereof, shall be thirty-five 27128
dollars. 27129

(6) The fee for each state retirement system investment 27130
officer's license, and for each annual renewal thereof, shall be 27131
fifty dollars. 27132

(7) The fee for a bureau of workers' compensation chief 27133
investment officer's license, and for each annual renewal thereof, 27134
shall be fifty dollars. 27135

(C) A dealer's, salesperson's, investment adviser's, 27136
investment adviser representative's, bureau of workers' 27137
compensation chief investment officer's, or state retirement 27138
system investment officer's license may be issued at any time for 27139
the remainder of the calendar year. In that event, the annual fee 27140
shall not be reduced. 27141

Sec. 1710.02. (A) A special improvement district may be 27142
created within the boundaries of any one municipal corporation, 27143
any one township, or any combination of contiguous municipal 27144
corporations and townships by a petition of the property owners 27145
within the proposed district, for the purpose of developing and 27146
implementing plans for public improvements and public services 27147
that benefit the district. All territory in a district shall be 27148
contiguous. 27149

The district shall be governed by the board of trustees of a 27150
nonprofit corporation. This board shall be known as the board of 27151
directors of the special improvement district. No special 27152
improvement district shall include any church property, or 27153
property of the federal or state government or a county, township, 27154
or municipal corporation, unless the church or the county, 27155
township, or municipal corporation specifically requests in 27156
writing that the property be included within the district. More 27157
than one district may be created within a participating political 27158
subdivision, but no real property may be included within more than 27159
one district unless the owner of the property files a written 27160
consent with the clerk of the legislative authority, the township 27161
fiscal officer, or the village clerk, as appropriate. The area of 27162
each district shall be contiguous. 27163

(B) Except as provided in division (C) of this section, a 27164
district created under this chapter is not a political 27165
subdivision. A district created under this chapter shall be 27166

considered a public agency under section 102.01 and a public 27167
authority under section 4115.03 of the Revised Code. Each member 27168
of the board of directors of a district, each member's designee or 27169
proxy, and each officer and employee of a district shall be 27170
considered a public official or employee under section 102.01 of 27171
the Revised Code and a public official and public servant under 27172
section 2921.42 of the Revised Code. Districts created under this 27173
chapter are not subject to section ~~121.24~~ 121.251 of the Revised 27174
Code. Districts created under this chapter are subject to sections 27175
121.22 and 121.23 of the Revised Code. 27176

(C) Each district created under this chapter shall be 27177
considered a political subdivision for purposes of section 4905.34 27178
of the Revised Code. 27179

Membership on the board of directors of the district shall 27180
not be considered as holding a public office. Directors and their 27181
designees shall be entitled to the immunities provided by Chapter 27182
1702. and to the same immunity as an employee under division 27183
(A)(6) of section 2744.03 of the Revised Code, except that 27184
directors and their designees shall not be entitled to the 27185
indemnification provided in section 2744.07 of the Revised Code 27186
unless the director or designee is an employee or official of a 27187
participating political subdivision of the district and is acting 27188
within the scope of the director's or designee's employment or 27189
official responsibilities. 27190

District officers and district members and directors and 27191
their designees or proxies shall not be required to file a 27192
statement with the Ohio ethics commission under section 102.02 of 27193
the Revised Code. All records of the district shall be treated as 27194
public records under section 149.43 of the Revised Code, except 27195
that records of organizations contracting with a district shall 27196
not be considered to be public records under section 149.43 or 27197
section 149.431 of the Revised Code solely by reason of any 27198

contract with a district. 27199

(D) Except as otherwise provided in this section, the 27200
nonprofit corporation that governs a district shall be organized 27201
in the manner described in Chapter 1702. of the Revised Code. The 27202
corporation's articles of incorporation are required to be 27203
approved, as provided in division (E) of this section, by 27204
resolution of the legislative authority of each participating 27205
political subdivision of the district. A copy of that resolution 27206
shall be filed along with the articles of incorporation in the 27207
secretary of state's office. 27208

In addition to meeting the requirements for articles of 27209
incorporation set forth in Chapter 1702. of the Revised Code, the 27210
articles of incorporation for the nonprofit corporation governing 27211
a district formed under this chapter shall provide all the 27212
following: 27213

(1) The name for the district, which shall include the name 27214
of each participating political subdivision of the district; 27215

(2) A description of the territory within the district, which 27216
may be all or part of each participating political subdivision. 27217
The description shall be specific enough to enable real property 27218
owners to determine if their property is located within the 27219
district. 27220

(3) A description of the procedure by which the articles of 27221
incorporation may be amended. The procedure shall include 27222
receiving approval of the amendment, by resolution, from the 27223
legislative authority of each participating political subdivision 27224
and filing the approved amendment and resolution with the 27225
secretary of state. 27226

(4) The reasons for creating the district, plus an 27227
explanation of how the district will be conducive to the public 27228
health, safety, peace, convenience, and welfare of the district. 27229

(E) The articles of incorporation for a nonprofit corporation 27230
governing a district created under this chapter and amendments to 27231
them shall be submitted to the municipal executive, if any, and 27232
the legislative authority of each municipal corporation or 27233
township in which the proposed district is to be located, 27234
accompanied by a petition signed either by the owners of at least 27235
sixty per cent of the front footage of all real property located 27236
in the proposed district that abuts upon any street, alley, public 27237
road, place, boulevard, parkway, park entrance, easement, or other 27238
existing public improvement within the proposed district, 27239
excluding church property or property owned by the state, county, 27240
township, municipal, or federal government, unless a church, 27241
county, township, or municipal corporation has specifically 27242
requested in writing that the property be included in the 27243
district, or by the owners of at least seventy-five per cent of 27244
the area of all real property located within the proposed 27245
district, excluding church property or property owned by the 27246
state, county, township, municipal, or federal government, unless 27247
a church, county, township, or municipal corporation has 27248
specifically requested in writing that the property be included in 27249
the district. For purposes of determining compliance with these 27250
requirements, the area of the district, or the front footage and 27251
ownership of property, shall be as shown in the most current 27252
records available at the county recorder's office and the county 27253
engineer's office sixty days prior to the date on which the 27254
petition is filed. 27255

Each municipal corporation or township with which the 27256
petition is filed has sixty days to approve or disapprove, by 27257
resolution, the petition, including the articles of incorporation. 27258
This chapter does not prohibit or restrict the rights of municipal 27259
corporations under Article XVIII of the Ohio Constitution or the 27260
right of the municipal legislative authority to impose reasonable 27261
conditions in a resolution of approval. 27262

(F) Persons proposing creation and operation of the district 27263
may propose an initial plan for public services or public 27264
improvements that benefit all or any part of the district. Any 27265
initial plan shall be submitted as part of the petition proposing 27266
creation of the district. 27267

An initial plan may include provisions for the following: 27268

(1) Creation and operation of the district and of the 27269
nonprofit corporation to govern the district under this chapter; 27270

(2) Hiring employees and professional services; 27271

(3) Contracting for insurance; 27272

(4) Purchasing or leasing office space and office equipment; 27273

(5) Other actions necessary initially to form, operate, or 27274
organize the district and the nonprofit corporation to govern the 27275
district; 27276

(6) A plan for public improvements or public services that 27277
benefit all or part of the district, which plan shall comply with 27278
the requirements of division (A) of section 1710.06 of the Revised 27279
Code and may include, but is not limited to, any of the permissive 27280
provisions described in the fourth sentence of that division or 27281
listed in divisions (A)(1) to (5) of that section. 27282

After the initial plan is approved by all municipal 27283
corporations and townships to which it is submitted for approval 27284
and the district is created, each participating subdivision shall 27285
levy a special assessment within its boundaries to pay for the 27286
costs of the initial plan. The levy shall be for no more than ten 27287
years from the date of the approval of the initial plan. For 27288
purposes of levying an assessment for this initial plan, the 27289
services or improvements included in the initial plan shall be 27290
deemed a special benefit to property owners within the district. 27291

(G) Each nonprofit corporation governing a district under 27292

this chapter may do the following:	27293
(1) Exercise all powers of nonprofit corporations granted under Chapter 1702. of the Revised Code that do not conflict with this chapter;	27294 27295 27296
(2) Develop, adopt, revise, implement, and repeal plans for public improvements and public services for all or any part of the district;	27297 27298 27299
(3) Contract with any person, political subdivision as defined in section 2744.01 of the Revised Code, or state agency as defined in section 1.60 of the Revised Code to develop and implement plans for public improvements or public services within the district;	27300 27301 27302 27303 27304
(4) Contract and pay for insurance for the district and for directors, officers, agents, contractors, employees, or members of the district for any consequences of the implementation of any plan adopted by the district or any actions of the district.	27305 27306 27307 27308
Sec. 1721.211. (A) As used in this section, "preneed cemetery merchandise and services contract" means a written agreement, contract, or series of contracts to sell or otherwise provide an outer burial container, monument, marker, urn, other type of merchandise customarily sold by cemeteries, or opening and closing services to be used or provided in connection with the final disposition of a dead human body, where payment for the container, monument, marker, urn, other type of merchandise customarily sold by cemeteries, or opening and closing services is made either outright or on an installment basis, prior to the death of the person so purchasing or for whom so purchased. "Preneed cemetery merchandise and services contract" does not include any preneed funeral contract or any agreement, contract, or series of contracts pertaining to the sale of any burial lot, burial or interment right, entombment right, or columbarium right with	27309 27310 27311 27312 27313 27314 27315 27316 27317 27318 27319 27320 27321 27322 27323

respect to which an endowment care trust is established or is 27324
exempt from establishment pursuant to section 1721.21 of the 27325
Revised Code. 27326

(B) Subject to the limitations and restrictions contained in 27327
Chapters 1101. to 1127. of the Revised Code, a trust company 27328
licensed under Chapter 1111. of the Revised Code or a national 27329
bank or federal savings association that pledges securities in 27330
accordance with section 1111.04 of the Revised Code or the 27331
individuals described in division (C)(2) of this section have the 27332
power as trustee to receive and to hold and invest in accordance 27333
with sections 2109.37 and 2109.371 of the Revised Code moneys 27334
under a preneed cemetery merchandise and services contract. 27335

(C)(1) The greater of one hundred ten per cent of the 27336
seller's actual cost or thirty per cent of the seller's retail 27337
price of the merchandise and seventy per cent of the seller's 27338
retail price of the services to be provided under a preneed 27339
cemetery merchandise and services contract shall remain intact as 27340
a fund until the death of the person for whose benefit the 27341
contract is made or the merchandise is delivered as set forth in 27342
division (K) of this section. However, any moneys held pursuant to 27343
this section shall be released upon demand of the person for whose 27344
benefit the contract was made or upon the demand of the seller for 27345
its share of the moneys held and earned interest if the contract 27346
has been canceled as set forth in division (G) of this section. 27347

(2) The trustee of the fund described in division (C)(1) of 27348
this section shall be a trust company licensed under Chapter 1111. 27349
of the Revised Code or a national bank or federal savings 27350
association that pledges securities in accordance with section 27351
1111.04 of the Revised Code or at least three individuals who have 27352
been residents of the county in which the seller is located for at 27353
least one year, each of whom shall be bonded by a corporate surety 27354
in an amount that is at least equal to the amount deposited in the 27355

fund of which those persons serve as trustee. Amounts in the fund 27356
shall be held and invested in the manner in which trust funds are 27357
permitted to be held and invested pursuant to sections 2109.37 and 27358
2109.371 of the Revised Code. 27359

(3) Every preneed cemetery and merchandise contract entered 27360
into on or after the effective date of this amendment shall 27361
include a provision in substantially the following form: 27362

NOTICE: Under Ohio law, the person holding the right of 27363
disposition of the remains of the beneficiary of this contract 27364
pursuant to section 2108.70 or 2108.81 of the Revised Code will 27365
have the right to purchase cemetery merchandise and services 27366
inconsistent with the merchandise and services set forth in this 27367
contract. However, the beneficiary is encouraged to state his or 27368
her preferences as to the manner of final disposition in a 27369
declaration of the right of disposition pursuant to section 27370
2108.72 of the Revised Code, including that the arrangements set 27371
forth in this contract shall be followed. 27372

(D) Within thirty days after the last business day of the 27373
month in which the seller of cemetery merchandise or services 27374
receives final contractual payment under a preneed cemetery 27375
merchandise and services contract, the seller shall deliver the 27376
greater of one hundred ten per cent of the seller's actual cost or 27377
thirty per cent of the seller's retail price of the merchandise 27378
and seventy per cent of the seller's current retail price of the 27379
services as of the date of the contract to a trustee or to 27380
trustees as described in division (C)(2) of this section, and the 27381
moneys and accruals or income on the moneys shall be held in a 27382
fund and designated for the person for whose benefit the fund was 27383
established as a preneed cemetery merchandise and services 27384
contract fund. 27385

(E) The moneys received from more than one preneed cemetery 27386
merchandise and services contract may, at the option of the 27387

persons for whose benefit the contracts are made, be placed in a 27388
common or pooled trust fund in this state under a single trust 27389
instrument. If three individuals are designated as the trustees as 27390
provided in division (C)(2) of this section, they shall be bonded 27391
by a corporate surety or fidelity bond in an aggregate amount of 27392
not less than one hundred per cent of the funds held by them as 27393
trustees. The trustees or their agent shall, on a continuous 27394
basis, keep exact records as to the amount of funds under a single 27395
trust instrument being held for the individual beneficiaries 27396
showing the amount paid, the amount deposited and invested, and 27397
accruals and income. 27398

(F) The (1) Except as provided in division (F)(2) of this 27399
section, the seller of merchandise or services under a preneed 27400
cemetery merchandise and services contract shall annually submit 27401
to the division of real estate of the department of commerce an 27402
affidavit in a form prescribed by the division, sworn under oath, 27403
specifying each of the following: 27404

~~(1)~~(a) That, within the time specified in division (D) of 27405
this section, the amounts required by that division were deposited 27406
in an appropriate fund; 27407

~~(2)~~(b) That the fund has not been used to collateralize or 27408
guarantee loans and has not otherwise been subjected to any 27409
consensual lien; 27410

~~(3)~~(c) That the fund is invested in compliance with the 27411
investing standards set forth in sections 2109.37 and 2109.371 of 27412
the Revised Code; 27413

~~(4)~~(d) That no moneys have been removed from the fund, except 27414
as provided for in this section. 27415

(2) A licensed funeral director who sells preneed funeral 27416
contracts and who also sells merchandise or services under a 27417
preneed cemetery merchandise and services contract shall be deemed 27418

to have met the requirement in division (F)(1) of this section by 27419
submitting the annual preneed cemetery merchandise and services 27420
contract affidavit to the board of embalmers and funeral directors 27421
along with or as part of the annual preneed funeral contract 27422
report required under divisions (I) and (J) of section 4717.31 of 27423
the Revised Code. 27424

(G) This division is subject to division (I) of this section. 27425

Any person upon initially entering into a preneed cemetery 27426
merchandise and services contract may, within seven days, cancel 27427
the contract and request and receive from the seller one hundred 27428
per cent of all payments made under the contract. After the 27429
expiration of the above period, any person who has entered into a 27430
preneed cemetery merchandise and services contract may, on not 27431
less than fifteen days' notice, cancel the contract and request 27432
and receive from the seller sixty per cent of the payments made 27433
under the contract which have been paid up to the time of 27434
cancellation; except that, if a preneed cemetery merchandise and 27435
services contract stipulates a firm or fixed or guaranteed price 27436
for the merchandise or services for future use at a time 27437
determined by the death of the person on behalf of whom payments 27438
are made, the person who has entered into the contract may, if the 27439
merchandise has not been delivered or the services have not been 27440
performed as set forth in division (K) or (L) of this section, on 27441
not less than fifteen days' notice, cancel the contract and 27442
receive from the seller sixty per cent of the principal paid 27443
pursuant to the contract and not less than eighty per cent of any 27444
interest paid, up to the time of cancellation, and not less than 27445
eighty per cent of any accrual or income earned while the moneys 27446
have been held pursuant to divisions (C) and (D) of this section, 27447
up to the time of cancellation. Upon cancellation, after the 27448
moneys have been distributed to the beneficiary pursuant to this 27449
division, all remaining moneys being held pursuant to divisions 27450

(C) and (D) of this section shall be paid to the seller. If more than one person enters into the contract, all of those persons must request cancellation for it to be effective under this division. In such a case, the seller shall refund to each person only those moneys that each person has paid under the contract.

(H) Upon receipt of a certified copy of the certificate of death or evidence of delivery of the merchandise or performance of the services pursuant to division (K) or (L) of this section, the trustee described in division (C)(2) of this section or its agent, shall forthwith pay the fund and accumulated interest, if any, to the person entitled to them under the preneed cemetery merchandise and services contract. The payment of the fund and accumulated interest pursuant to this section, either to a seller or person making the payments, shall relieve the trustee of any further liability on the fund or accumulated interest.

(I) Notwithstanding any other provision of this section, any preneed cemetery merchandise and services contract may specify that it is irrevocable. All irrevocable preneed cemetery merchandise and services contracts shall include a clear and conspicuous disclosure of irrevocability in the contract and any person entering into an irrevocable preneed cemetery merchandise and services contract shall sign a separate acknowledgment of the person's waiver of the right to revoke. If a contract satisfies the requirements of this division, division (G) of this section does not apply to that contract.

(J) Any preneed cemetery merchandise and services contract that involves the payment of money shall be in writing and in compliance with the laws and rules of this state.

(K) For purposes of this section, the seller is considered to have delivered merchandise pursuant to a preneed cemetery merchandise and services contract when either of the following occur:

(1) The seller makes actual delivery of the merchandise to the beneficiary, or the seller pays for the merchandise and identifies it as being stored for the benefit of the beneficiary at a manufacturer's warehouse.	27483 27484 27485 27486
(2) The seller receives delivery of the merchandise on behalf of the beneficiary, and all of the following occur:	27487 27488
(a) The merchandise is permanently affixed to or stored upon the real property of a cemetery located in this state.	27489 27490
(b) The seller notifies the beneficiary of receipt of the merchandise and identifies the specific location of the merchandise.	27491 27492 27493
(c) The seller at the time of the beneficiary's final payment provides the beneficiary with evidence of ownership in the beneficiary's name showing the merchandise to be free and clear of any liens or other encumbrances.	27494 27495 27496 27497
(L) For purposes of this section, a seller is considered to have performed services pursuant to a preneed cemetery merchandise and services contract when the beneficiary's next of kin signs a written statement that the services have been performed or, if no next of kin of the beneficiary can be located through reasonable diligence, when the owner or other person responsible for the operation of the cemetery signs a statement of that nature.	27498 27499 27500 27501 27502 27503 27504
(M) Notwithstanding any other provision of this chapter, any trust may be charged a trustee's fee, which is to be deducted from the earned income or accruals on that trust. The fee shall not exceed the amount that is regularly or usually charged for similar services rendered by the trustee described in division (C)(2) of this section when serving as a trustee.	27505 27506 27507 27508 27509 27510
(N) The general assembly intends that this section be construed as a limitation upon the manner in which a person is permitted to accept moneys in prepayment for merchandise and	27511 27512 27513

services to be delivered or provided in the future, or merchandise 27514
and services to be used or provided in connection with the final 27515
disposition of human remains, to the end that at all times members 27516
of the public may have an opportunity to arrange and pay for 27517
merchandise and services for themselves and their families in 27518
advance of need while at the same time providing all possible 27519
safeguards whereunder the prepaid moneys cannot be dissipated, 27520
whether intentionally or not, so as to be available for the 27521
payment for merchandise and services and the providing of 27522
merchandise and services used or provided in connection with the 27523
final disposition of dead human bodies. 27524

(O) This section does not apply to the seller or provider of 27525
merchandise or services under a preneed cemetery merchandise and 27526
services contract if the contract pertains to a cemetery that is 27527
owned and operated entirely and exclusively by an established and 27528
legally cognizable church or denomination that is exempt from 27529
federal income taxation under section 501(c)(3) of the "Internal 27530
Revenue Code of 1954," 26 U.S.C.A. 501, an established fraternal 27531
organization, or a municipal corporation or other political 27532
subdivision of the state, to a cemetery that is a national 27533
cemetery, or to a cemetery that is a family cemetery as defined in 27534
section 4767.02 of the Revised Code; provided that, on a voluntary 27535
basis, rules and other measures are adopted to safeguard and 27536
secure all moneys received under a preneed cemetery merchandise 27537
and services contract. 27538

(P) This section does not prohibit persons other than 27539
cemetery corporations or associations from selling outer burial 27540
containers, monuments, markers, urns, or other types of 27541
merchandise customarily sold by cemeteries pursuant to a preneed 27542
cemetery merchandise and services contract; however all sellers of 27543
merchandise pursuant to a preneed cemetery merchandise and 27544
services contract shall comply with this section unless the seller 27545

is specifically exempt from this section. 27546

(Q) Any contract for preneed services or merchandise entered 27547
into with a cemetery not registered under section 4767.03 of the 27548
Revised Code is voidable. 27549

Sec. 1739.05. (A) A multiple employer welfare arrangement 27550
that is created pursuant to sections 1739.01 to 1739.22 of the 27551
Revised Code and that operates a group self-insurance program may 27552
be established only if any of the following applies: 27553

(1) The arrangement has and maintains a minimum enrollment of 27554
three hundred employees of two or more employers. 27555

(2) The arrangement has and maintains a minimum enrollment of 27556
three hundred self-employed individuals. 27557

(3) The arrangement has and maintains a minimum enrollment of 27558
three hundred employees or self-employed individuals in any 27559
combination of divisions (A)(1) and (2) of this section. 27560

(B) A multiple employer welfare arrangement that is created 27561
pursuant to sections 1739.01 to 1739.22 of the Revised Code and 27562
that operates a group self-insurance program shall comply with all 27563
laws applicable to self-funded programs in this state, including 27564
sections 3901.04, 3901.041, 3901.19 to 3901.26, 3901.38, 3901.381 27565
to 3901.3814, 3901.40, 3901.45, 3901.46, 3902.01 to 3902.14, 27566
3923.282, 3923.30, 3923.301, 3923.38, 3923.581, 3923.63, 3923.80, 27567
3924.031, 3924.032, and 3924.27 of the Revised Code. 27568

(C) A multiple employer welfare arrangement created pursuant 27569
to sections 1739.01 to 1739.22 of the Revised Code shall solicit 27570
enrollments only through agents or solicitors licensed pursuant to 27571
Chapter 3905. of the Revised Code to sell or solicit sickness and 27572
accident insurance. 27573

(D) A multiple employer welfare arrangement created pursuant 27574
to sections 1739.01 to 1739.22 of the Revised Code shall provide 27575

benefits only to individuals who are members, employees of 27576
members, or the dependents of members or employees, or are 27577
eligible for continuation of coverage under section 1751.53 or 27578
3923.38 of the Revised Code or under Title X of the "Consolidated 27579
Omnibus Budget Reconciliation Act of 1985," 100 Stat. 227, 29 27580
U.S.C.A. 1161, as amended. 27581

Sec. 1751.03. (A) Each application for a certificate of 27582
authority under this chapter shall be verified by an officer or 27583
authorized representative of the applicant, shall be in a format 27584
prescribed by the superintendent of insurance, and shall set forth 27585
or be accompanied by the following: 27586

(1) A certified copy of the applicant's articles of 27587
incorporation and all amendments to the articles of incorporation; 27588

(2) A copy of any regulations adopted for the government of 27589
the corporation, any bylaws, and any similar documents, and a copy 27590
of all amendments to these regulations, bylaws, and documents. The 27591
corporate secretary shall certify that these regulations, bylaws, 27592
documents, and amendments have been properly adopted or approved. 27593

(3) A list of the names, addresses, and official positions of 27594
the persons responsible for the conduct of the applicant, 27595
including all members of the board, the principal officers, and 27596
the person responsible for completing or filing financial 27597
statements with the department of insurance, accompanied by a 27598
completed original biographical affidavit and release of 27599
information for each of these persons on forms acceptable to the 27600
department; 27601

(4) A full and complete disclosure of the extent and nature 27602
of any contractual or other financial arrangement between the 27603
applicant and any provider or a person listed in division (A)(3) 27604
of this section, including, but not limited to, a full and 27605
complete disclosure of the financial interest held by any such 27606

provider or person in any health care facility, provider, or 27607
insurer that has entered into a financial relationship with the 27608
health insuring corporation; 27609

(5) A description of the applicant, its facilities, and its 27610
personnel, including, but not limited to, the location, hours of 27611
operation, and telephone numbers of all contracted facilities; 27612

(6) The applicant's projected annual enrollee population over 27613
a three-year period; 27614

(7) A clear and specific description of the health care plan 27615
or plans to be used by the applicant, including a description of 27616
the proposed providers, procedures for accessing care, and the 27617
form of all proposed and existing contracts relating to the 27618
administration, delivery, or financing of health care services; 27619

(8) A copy of each type of evidence of coverage and 27620
identification card or similar document to be issued to 27621
subscribers; 27622

(9) A copy of each type of individual or group policy, 27623
contract, or agreement to be used; 27624

(10) The schedule of the proposed contractual periodic 27625
prepayments or premium rates, or both, accompanied by appropriate 27626
supporting data; 27627

(11) A financial plan which provides a three-year projection 27628
of operating results, including the projected expenses, income, 27629
and sources of working capital; 27630

(12) The enrollee complaint procedure to be utilized as 27631
required under section 1751.19 of the Revised Code; 27632

(13) A description of the procedures and programs to be 27633
implemented on an ongoing basis to assure the quality of health 27634
care services delivered to enrollees, including, if applicable, a 27635
description of a quality assurance program complying with the 27636

requirements of sections 1751.73 to 1751.75 of the Revised Code;	27637
(14) A statement describing the geographic area or areas to be served, by county;	27638
(15) A copy of all solicitation documents;	27639
(16) A balance sheet and other financial statements showing the applicant's assets, liabilities, income, and other sources of financial support;	27640
(17) A description of the nature and extent of any reinsurance program to be implemented, and a demonstration that errors and omission insurance and, if appropriate, fidelity insurance, will be in place upon the applicant's receipt of a certificate of authority;	27641
(18) Copies of all proposed or in force related-party or intercompany agreements with an explanation of the financial impact of these agreements on the applicant. If the applicant intends to enter into a contract for managerial or administrative services, with either an affiliated or an unaffiliated person, the applicant shall provide a copy of the contract and a detailed description of the person to provide these services. The description shall include that person's experience in managing or administering health care plans, a copy of that person's most recent audited financial statement, and a completed biographical affidavit on a form acceptable to the superintendent for each of that person's principal officers and board members and for any additional employee to be directly involved in providing managerial or administrative services to the health insuring corporation. If the person to provide managerial or administrative services is affiliated with the health insuring corporation, the contract must provide for payment for services based on actual costs.	27644
(19) A statement from the applicant's board that the admitted	27645

assets of the applicant have not been and will not be pledged or hypothecated;	27668 27669
(20) A statement from the applicant's board that the applicant will submit monthly financial statements during the first year of operations;	27670 27671 27672
(21) The name and address of the applicant's Ohio statutory agent for service of process, notice, or demand;	27673 27674
(22) Copies of all documents the applicant filed with the secretary of state;	27675 27676
(23) The location of those books and records of the applicant that must be maintained, which books and records shall be maintained in Ohio if the applicant is a domestic corporation, and which may be maintained either in the applicant's state of domicile or in Ohio if the applicant is a foreign corporation;	27677 27678 27679 27680 27681
(24) The applicant's federal identification number, corporate address, and mailing address;	27682 27683
(25) An internal and external organizational chart;	27684
(26) A list of the assets representing the initial net worth of the applicant;	27685 27686
(27) If the applicant has a parent company, the parent company's guaranty, on a form acceptable to the superintendent, that the applicant will maintain Ohio's minimum net worth. If no parent company exists, a statement regarding the availability of future funds if needed.	27687 27688 27689 27690 27691
(28) The names and addresses of the applicant's actuary and external auditors;	27692 27693
(29) If the applicant is a foreign corporation, a copy of the most recent financial statements filed with the insurance regulatory agency in the applicant's state of domicile;	27694 27695 27696
(30) If the applicant is a foreign corporation, a statement	27697

from the insurance regulatory agency of the applicant's state of 27698
domicile stating that the regulatory agency has no objection to 27699
the applicant applying for an Ohio license and that the applicant 27700
is in good standing in the applicant's state of domicile; 27701

(31) Any other information that the superintendent may 27702
require; 27703

(32) Documentation acceptable to the superintendent of the 27704
bond or securities required by section 1751.271 of the Revised 27705
Code. 27706

(B)(1) A health insuring corporation, unless otherwise 27707
provided for in this chapter or in section 3901.321 of the Revised 27708
Code, shall file a timely notice with the superintendent 27709
describing any change to the corporation's articles of 27710
incorporation or regulations, or any major modification to its 27711
operations as set out in the information required by division (A) 27712
of this section that affects any of the following: 27713

(a) The solvency of the health insuring corporation; 27714

(b) The health insuring corporation's continued provision of 27715
services that it has contracted to provide; 27716

(c) The manner in which the health insuring corporation 27717
conducts its business. 27718

(2) If the change or modification is to be the result of an 27719
action to be taken by the health insuring corporation, the notice 27720
shall be filed with the superintendent prior to the health 27721
insuring corporation taking the action. The action shall be deemed 27722
approved if the superintendent does not disapprove it within sixty 27723
days of filing. 27724

(3) The filing of a notice pursuant to division (B)(1) or (2) 27725
of this section shall also serve as the submission of a notice 27726
when required for the superintendent's review for purposes of 27727

section 3901.341 of the Revised Code, if the notice contains all 27728
of the information that section 3901.341 of the Revised Code 27729
requires for such submissions and a copy of any written agreement. 27730
The filing of such a notice, for the purpose of satisfying this 27731
division and section 3901.341 of the Revised Code, shall be 27732
subject to the sixty-day review period of division (B)(2) of this 27733
section. 27734

(C)(1) No health insuring corporation shall expand its 27735
approved service area until a copy of the request for expansion, 27736
accompanied by documentation of the network of providers, forms of 27737
all proposed or existing provider contracts relating to the 27738
delivery of health care services, a schedule of proposed 27739
contractual periodic prepayments and premium rates for group 27740
contracts accompanied by appropriate supporting data, enrollment 27741
projections, plan of operation, and any other changes have been 27742
filed with the superintendent. 27743

~~(2) Within ten calendar days after receipt of a complete 27744
filing under division (C)(1) of this section, the superintendent 27745
shall refer the appropriate jurisdictional issues to the director 27746
of health if required pursuant to section 1751.04 of the Revised 27747
Code. 27748~~

~~(3) Within seventy-five days after the superintendent's 27749
receipt of a complete filing under division (C)(1) of this 27750
section, the superintendent shall determine whether the plan for 27751
expansion is lawful, fair, and reasonable. If a referral is 27752
required pursuant to section 1751.04 of the Revised Code, the 27753
superintendent may not make a determination until the 27754
superintendent has received the director's certification of 27755
compliance, which the director shall furnish within forty five 27756
days after the referral under division (C)(2) of this section. The 27757
director shall not certify that the requirements of section 27758
1751.04 of the Revised Code are not met, unless the applicant has 27759~~

~~been given an opportunity for a hearing as provided in division 27760
(D) of section 1751.04 of the Revised Code. The forty five day and 27761
seventy five day review periods provided for in division (C)(3) of 27762
this section shall cease to run as of the date on which the notice 27763
of the applicant's right to request a hearing is mailed and shall 27764
remain suspended until the director issues a final certification. 27765~~

(4) If the superintendent has not approved or disapproved all 27766
or a portion of a service area expansion within the 27767
seventy-five-day period ~~provided for in division (C)(3) of this 27768
section,~~ the filing shall be deemed approved. 27769

~~(5)(3)~~ Disapproval of all or a portion of the filing shall be 27770
effected by written notice, which shall state the grounds for the 27771
order of disapproval and shall be given in accordance with Chapter 27772
119. of the Revised Code. 27773

Sec. 1751.04. (A) Except as provided by division ~~(F)~~(D) of 27774
this section, upon the receipt by the superintendent of insurance 27775
of a complete application for a certificate of authority to 27776
establish or operate a health insuring corporation, which 27777
application sets forth or is accompanied by the information and 27778
documents required by division (A) of section 1751.03 of the 27779
Revised Code, the superintendent shall ~~transmit copies of the 27780
application and accompanying documents to the director of health. 27781~~

~~(B)~~ The director shall review the application and 27782
accompanying documents and make findings as to whether the 27783
applicant for a certificate of authority has done all of the 27784
following with respect to any basic health care services and 27785
supplemental health care services to be furnished: 27786

(1) Demonstrated the willingness and potential ability to 27787
ensure that all basic health care services and supplemental health 27788
care services described in the evidence of coverage will be 27789
provided to all its enrollees as promptly as is appropriate and in 27790

a manner that assures continuity; 27791

(2) Made effective arrangements to ensure that its enrollees 27792
have reliable access to qualified providers in those specialties 27793
that are generally available in the geographic area or areas to be 27794
served by the applicant and that are necessary to provide all 27795
basic health care services and supplemental health care services 27796
described in the evidence of coverage; 27797

(3) Made appropriate arrangements for the availability of 27798
short-term health care services in emergencies within the 27799
geographic area or areas to be served by the applicant, 27800
twenty-four hours per day, seven days per week, and for the 27801
provision of adequate coverage whenever an out-of-area emergency 27802
arises; 27803

(4) Made appropriate arrangements for an ongoing evaluation 27804
and assurance of the quality of health care services provided to 27805
enrollees, including, if applicable, the development of a quality 27806
assurance program complying with the requirements of sections 27807
1751.73 to 1751.75 of the Revised Code, and the adequacy of the 27808
personnel, facilities, and equipment by or through which the 27809
services are rendered; 27810

(5) Developed a procedure to gather and report statistics 27811
relating to the cost and effectiveness of its operations, the 27812
pattern of utilization of its services, and the quality, 27813
availability, and accessibility of its services. 27814

~~(C) Within ninety days of the director's receipt of (B) Based~~ 27815
~~upon the information provided in the application for issuance of a~~ 27816
~~certificate of authority, the director shall certify to the~~ 27817
~~superintendent shall determine~~ whether or not the applicant meets 27818
the requirements of division ~~(B)(A)~~ of this section ~~and sections~~ 27819
~~3702.51 to 3702.62 of the Revised Code. If the director certifies~~ 27820
~~superintendent determines~~ that the applicant does not meet these 27821

requirements, the ~~director~~ superintendent shall specify in what 27822
respects it is deficient. However, the ~~director~~ superintendent 27823
shall not ~~certify that~~ deny an application because the 27824
requirements of this section are not met unless the applicant has 27825
been given an opportunity for a hearing on that issue. 27826

~~(D)~~(C) If the applicant requests a hearing, the ~~director~~ 27827
superintendent shall hold a hearing before ~~certifying that~~ denying 27828
an application because the applicant does not meet the 27829
requirements of this section. The hearing shall be held in 27830
accordance with Chapter 119. of the Revised Code. 27831

~~(E)~~ The ~~ninety day review period provided for under division~~ 27832
~~(C)~~ of this section shall cease to run as of the date on which the 27833
notice of the applicant's right to request a hearing is mailed and 27834
shall remain suspended until the ~~director issues a final~~ 27835
~~certification order~~. 27836

~~(F)~~(D) Nothing in this section requires the ~~director~~ 27837
superintendent to review or make findings with regard to an 27838
application and accompanying documents to establish or operate any 27839
of the following: 27840

(1) A health insuring corporation to cover solely medicaid 27841
recipients; 27842

(2) A health insuring corporation to cover solely medicare 27843
beneficiaries; 27844

(3) A health insuring corporation to cover solely medicaid 27845
recipients and medicare beneficiaries; 27846

(4) A health insuring corporation to cover solely 27847
participants of the children's buy-in program; 27848

(5) A health insuring corporation to cover solely medicaid 27849
recipients and participants of the children's buy-in program; 27850

(6) A health insuring corporation to cover solely medicaid 27851

recipients, medicare beneficiaries, and participants of the 27852
children's buy-in program. 27853

Sec. 1751.05. (A) The superintendent of insurance shall issue 27854
or deny a certificate of authority to ~~health insuring corporations~~ 27855
~~within the deadlines specified as follows:~~ 27856

~~(1) For a health insuring corporation filing an application 27857
pursuant to section 1751.03 of the Revised Code, forty-five days 27858
from the superintendent's receipt of the certification from the 27859
director of health under division (C) of section 1751.04 of the 27860
Revised Code;~~ 27861

~~(2) One one hundred thirty-five days from the 27862
superintendent's receipt of a complete application and 27863
accompanying documents if the health insuring corporation is to 27864
cover solely the following:~~ 27865

~~(a) Medicaid recipients;~~ 27866

~~(b) Medicare beneficiaries;~~ 27867

~~(c) Medicaid recipients and medicare beneficiaries;~~ 27868

~~(d) Participants of the children's buy in program;~~ 27869

~~(e) Medicaid recipients and participants of the children's 27870
buy in program;~~ 27871

~~(f) Medicaid recipients, medicare beneficiaries, and 27872
participants of the children's buy in program.~~ 27873

(B) A certificate of authority shall be issued upon payment 27874
of the application fee prescribed in section 1751.44 of the 27875
Revised Code if the superintendent is satisfied that the following 27876
conditions are met: 27877

(1) The persons responsible for the conduct of the affairs of 27878
the applicant are competent, trustworthy, and possess good 27879
reputations. 27880

(2) The ~~director certifies~~ superintendent determines, in 27881
accordance with division ~~(C)~~(B) of section 1751.04 of the Revised 27882
Code, that the organization's proposed plan of operation meets the 27883
requirements of division ~~(B)~~(A) of that section ~~and sections~~ 27884
~~3702.51 to 3702.62 of the Revised Code. If, after the director has~~ 27885
~~certified compliance, the application is amended in a manner that~~ 27886
~~affects its approval under section 1751.04 of the Revised Code,~~ 27887
~~the superintendent shall request the director to review and~~ 27888
~~recertify the amended plan of operation. Within forty five days of~~ 27889
~~receipt of the amended plan from the superintendent, the director~~ 27890
~~shall certify to the superintendent, pursuant to section 1751.04~~ 27891
~~of the Revised Code, whether or not the amended plan meets the~~ 27892
~~requirements of section 1751.04 of the Revised Code. The~~ 27893
~~superintendent's forty five day review period shall cease to run~~ 27894
~~as of the date on which the amended plan is transmitted to the~~ 27895
~~director and shall remain suspended until the superintendent~~ 27896
~~receives a new certification from the director.~~ 27897

(3) The applicant constitutes an appropriate mechanism to 27898
effectively provide or arrange for the provision of the basic 27899
health care services, supplemental health care services, or 27900
specialty health care services to be provided to enrollees. 27901

(4) The applicant is financially responsible, complies with 27902
section 1751.28 of the Revised Code, and may reasonably be 27903
expected to meet its obligations to enrollees and prospective 27904
enrollees. In making this determination, the superintendent may 27905
consider: 27906

(a) The financial soundness of the applicant's arrangements 27907
for health care services, including the applicant's proposed 27908
contractual periodic prepayments or premiums and the use of 27909
copayments and deductibles; 27910

(b) The adequacy of working capital; 27911

(c) Any agreement with an insurer, a government, or any other person for insuring the payment of the cost of health care services or providing for automatic applicability of an alternative coverage in the event of discontinuance of the health insuring corporation's operations;	27912 27913 27914 27915 27916
(d) Any agreement with providers or health care facilities for the provision of health care services;	27917 27918
(e) Any deposit of securities submitted in accordance with section 1751.27 of the Revised Code as a guarantee that the obligations will be performed.	27919 27920 27921
(5) The applicant has submitted documentation of an arrangement to provide health care services to its enrollees until the expiration of the enrollees' contracts with the applicant if a health care plan or the operations of the health insuring corporation are discontinued prior to the expiration of the enrollees' contracts. An arrangement to provide health care services may be made by using any one, or any combination, of the following methods:	27922 27923 27924 27925 27926 27927 27928 27929
(a) The maintenance of insolvency insurance;	27930
(b) A provision in contracts with providers and health care facilities, but no health insuring corporation shall rely solely on such a provision for more than thirty days;	27931 27932 27933
(c) An agreement with other health insuring corporations or insurers, providing enrollees with automatic conversion rights upon the discontinuation of a health care plan or the health insuring corporation's operations;	27934 27935 27936 27937
(d) Such other methods as approved by the superintendent.	27938
(6) Nothing in the applicant's proposed method of operation, as shown by the information submitted pursuant to section 1751.03 of the Revised Code or by independent investigation, will cause	27939 27940 27941

harm to an enrollee or to the public at large, as determined by 27942
the superintendent. 27943

(7) Any deficiencies ~~certified~~ identified by the ~~director~~ 27944
superintendent under section 1751.04 of the Revised Code have been 27945
corrected. 27946

(8) The applicant has deposited securities as set forth in 27947
section 1751.27 of the Revised Code. 27948

(C) If an applicant elects to fulfill the requirements of 27949
division ~~(A)~~(B)(5) of this section through an agreement with other 27950
health insuring corporations or insurers, the agreement shall 27951
require those health insuring corporations or insurers to give 27952
thirty days' notice to the superintendent prior to cancellation or 27953
discontinuation of the agreement for any reason. 27954

(D) A certificate of authority shall be denied only after 27955
compliance with the requirements of section 1751.36 of the Revised 27956
Code. 27957

Sec. 1751.19. (A) A health insuring corporation shall 27958
establish and maintain a complaint system that has been approved 27959
by the superintendent of insurance to provide adequate and 27960
reasonable procedures for the expeditious resolution of written 27961
complaints initiated by subscribers or enrollees concerning any 27962
matter relating to services provided, directly or indirectly, by 27963
the health insuring corporation, including, but not limited to, 27964
complaints regarding cancellations or nonrenewals of coverage. 27965
Complaints regarding a health insuring corporation's decision to 27966
deny, reduce, or terminate coverage for health care services are 27967
subject to section 1751.83 of the Revised Code. 27968

(B) A health insuring corporation shall provide a timely 27969
written response to each written complaint it receives. 27970

(C)(1) Copies of complaints and responses, including medical 27971

records related to those complaints, shall be available to the 27972
superintendent ~~and the director of health~~ for inspection for three 27973
years. Any document or information provided to the superintendent 27974
pursuant to this division that contains a medical record is 27975
confidential, and is not a public record subject to section 149.43 27976
of the Revised Code. 27977

(2) Notwithstanding division (C)(1) of this section, the 27978
superintendent may share documents and information that contain a 27979
medical record in connection with the investigation or prosecution 27980
of any illegal or criminal activity with the chief deputy 27981
rehabilitator, the chief deputy liquidator, other deputy 27982
rehabilitators and liquidators, and any other person employed by, 27983
or acting on behalf of, the superintendent pursuant to Chapter 27984
3901. or 3903. of the Revised Code, with other local, state, 27985
federal, and international regulatory and law enforcement 27986
agencies, with local, state, and federal prosecutors, and with the 27987
national association of insurance commissioners and its affiliates 27988
and subsidiaries, provided that the recipient agrees to maintain 27989
the confidential or privileged status of the confidential or 27990
privileged document or information and has authority to do so. 27991

(3) Nothing in this section shall prohibit the superintendent 27992
from receiving documents and information in accordance with 27993
section 3901.045 of the Revised Code. 27994

(4) The superintendent may enter into agreements governing 27995
the sharing and use of documents and information consistent with 27996
the requirements of this section. 27997

(5) No waiver of any applicable privilege or claim of 27998
confidentiality in the documents and information described in 27999
division (C)(1) of this section occurs as a result of sharing or 28000
receiving documents and information as authorized in divisions 28001
(C)(2) and (3) of this section. 28002

(D) A health insuring corporation shall establish and maintain a procedure to accept complaints over the telephone or in person. These complaints are not subject to the reporting requirement under division (C) of section 1751.32 of the Revised Code.

(E) A health insuring corporation may comply with this section and section 1751.83 of the Revised Code by establishing one system for receiving and reviewing complaints and requests for internal review from enrollees and subscribers if the system meets the requirements of both sections.

Sec. 1751.32. Each health insuring corporation, annually, on or before the first day of March, shall file a report with the superintendent of insurance ~~and the director of health~~, covering the preceding calendar year.

The report shall be verified by an officer of the health insuring corporation, shall be in the form the superintendent prescribes, and shall include:

(A) A financial statement of the health insuring corporation, including its balance sheet and receipts and disbursements for the preceding year, which reflect, at a minimum:

(1) All premium rate and other payments received for health care services rendered;

(2) Expenditures with respect to all categories of providers, facilities, insurance companies, and other persons engaged to fulfill obligations of the health insuring corporation arising out of its health care policies, contracts, certificates, and agreements;

(3) Expenditures for capital improvements or additions thereto, including, but not limited to, construction, renovation, or purchase of facilities and equipment.

(B) A description of the enrollee population and composition, group and nongroup;	28033 28034
(C) A summary of enrollee written complaints and their disposition;	28035 28036
(D) A statement of the number of subscriber policies, contracts, certificates, and agreements that have been terminated by action of the health insuring corporation, including the number of enrollees affected;	28037 28038 28039 28040
(E) A summary of the information compiled pursuant to division (B)(5) of section 1751.04 of the Revised Code;	28041 28042
(F) A current report of the names and addresses of the persons responsible for the conduct of the affairs of the health insuring corporation as required by section 1751.03 of the Revised Code. Additionally, the report shall include the amount of wages, expense reimbursements, and other payments to these persons for services to the health insuring corporation, and shall include a full disclosure of the financial interests related to the operations of the health insuring corporation acquired by these persons during the preceding year.	28043 28044 28045 28046 28047 28048 28049 28050 28051
(G) An actuarial opinion in the form prescribed by the superintendent by rule;	28052 28053
(H) Any other information relating to the performance of the health insuring corporation that is necessary to enable the superintendent to carry out the superintendent's duties under this chapter.	28054 28055 28056 28057
Sec. 1751.321. Each health insuring corporation, annually, on or before the first day of June, shall file with the superintendent of insurance and the director of health an audit report certified by an independent certified public accountant covering the preceding calendar year. The report shall be verified	28058 28059 28060 28061 28062

by an officer of the health insuring corporation and shall be in 28063
the form prescribed by the superintendent by rule. 28064

Sec. 1751.34. (A) Each health insuring corporation and each 28065
applicant for a certificate of authority under this chapter shall 28066
be subject to examination by the superintendent of insurance in 28067
accordance with section 3901.07 of the Revised Code. Section 28068
3901.07 of the Revised Code shall govern every aspect of the 28069
examination, including the circumstances under and frequency with 28070
which it is conducted, the authority of the superintendent and any 28071
examiner or other person appointed by the superintendent, the 28072
liability for the assessment of expenses incurred in conducting 28073
the examination, and the remittance of the assessment to the 28074
superintendent's examination fund. 28075

(B) The ~~director of health~~ superintendent shall make an 28076
examination concerning the matters subject to the ~~director's~~ 28077
superintendent's consideration in section 1751.04 of the Revised 28078
Code as often as the ~~director~~ superintendent considers it 28079
necessary for the protection of the interests of the people of 28080
this state, ~~but not less frequently than once every three years.~~ 28081
The expenses of such examinations shall be assessed against the 28082
health insuring corporation being examined in the manner in which 28083
expenses of examinations are assessed against an insurance company 28084
under section 3901.07 of the Revised Code. Nothing in this 28085
division requires the ~~director~~ superintendent to make an 28086
examination of any of the following: 28087

(1) A health insuring corporation that covers solely medicaid 28088
recipients; 28089

(2) A health insuring corporation that covers solely medicare 28090
beneficiaries; 28091

(3) A health insuring corporation that covers solely medicaid 28092
recipients and medicare beneficiaries; 28093

(4) A health insuring corporation that covers solely	28094
participants of the children's buy-in program;	28095
(5) A health insuring corporation that covers solely medicaid	28096
recipients and participants of the children's buy-in program;	28097
(6) A health insuring corporation that covers solely medicaid	28098
recipients, medicare beneficiaries, and participants of the	28099
children's buy-in program.	28100
(C) An examination, pursuant to section 3901.07 of the	28101
Revised Code, of an insurance company holding a certificate of	28102
authority under this chapter to organize and operate a health	28103
insuring corporation shall include an examination of the health	28104
insuring corporation pursuant to this section and the examination	28105
shall satisfy the requirements of divisions (A) and (B) of this	28106
section.	28107
(D) The superintendent may conduct market conduct	28108
examinations pursuant to section 3901.011 of the Revised Code of	28109
any health insuring corporation as often as the superintendent	28110
considers it necessary for the protection of the interests of	28111
subscribers and enrollees. The expenses of such market conduct	28112
examinations shall be assessed against the health insuring	28113
corporation being examined. All costs, assessments, or fines	28114
collected under this division shall be paid into the state	28115
treasury to the credit of the department of insurance operating	28116
fund.	28117
Sec. 1751.35. (A) The superintendent of insurance may suspend	28118
or revoke any certificate of authority issued to a health insuring	28119
corporation under this chapter if the superintendent finds that:	28120
	28121
(1) The health insuring corporation is operating in	28122
contravention of its articles of incorporation, its health care	28123

plan or plans, or in a manner contrary to that described in and 28124
reasonably inferred from any other information submitted under 28125
section 1751.03 of the Revised Code, unless amendments to such 28126
submissions have been filed and have taken effect in compliance 28127
with this chapter. 28128

(2) The health insuring corporation fails to issue evidences 28129
of coverage in compliance with the requirements of section 1751.11 28130
of the Revised Code. 28131

(3) The contractual periodic prepayments or premium rates 28132
used do not comply with the requirements of section 1751.12 of the 28133
Revised Code. 28134

(4) The health insuring corporation enters into a contract, 28135
agreement, or other arrangement with any health care facility or 28136
provider, that does not comply with the requirements of section 28137
1751.13 of the Revised Code, or the corporation fails to provide 28138
an annual certificate as required by section 1751.13 of the 28139
Revised Code. 28140

(5) The ~~director of health has certified~~ superintendent 28141
determines, after a hearing conducted in accordance with Chapter 28142
119. of the Revised Code, that the health insuring corporation no 28143
longer meets the requirements of section 1751.04 of the Revised 28144
Code. 28145

(6) The health insuring corporation is no longer financially 28146
responsible and may reasonably be expected to be unable to meet 28147
its obligations to enrollees or prospective enrollees. 28148

(7) The health insuring corporation has failed to implement 28149
the complaint system that complies with the requirements of 28150
section 1751.19 of the Revised Code. 28151

(8) The health insuring corporation, or any agent or 28152
representative of the corporation, has advertised, merchandised, 28153
or solicited on its behalf in contravention of the requirements of 28154

section 1751.31 of the Revised Code.	28155
(9) The health insuring corporation has unlawfully discriminated against any enrollee or prospective enrollee with respect to enrollment, disenrollment, or price or quality of health care services.	28156 28157 28158 28159
(10) The continued operation of the health insuring corporation would be hazardous or otherwise detrimental to its enrollees.	28160 28161 28162
(11) The health insuring corporation has submitted false information in any filing or submission required under this chapter or any rule adopted under this chapter.	28163 28164 28165
(12) The health insuring corporation has otherwise failed to substantially comply with this chapter or any rule adopted under this chapter.	28166 28167 28168
(13) The health insuring corporation is not operating a health care plan.	28169 28170
(14) The health insuring corporation has failed to comply with any of the requirements of sections 1751.77 to 1751.88 of the Revised Code.	28171 28172 28173
(B) A certificate of authority shall be suspended or revoked only after compliance with the requirements of Chapter 119. of the Revised Code.	28174 28175 28176
(C) When the certificate of authority of a health insuring corporation is suspended, the health insuring corporation, during the period of suspension, shall not enroll any additional subscribers or enrollees except newborn children or other newly acquired dependents of existing subscribers or enrollees, and shall not engage in any advertising or solicitation whatsoever.	28177 28178 28179 28180 28181 28182
(D) When the certificate of authority of a health insuring corporation is revoked, the health insuring corporation, following	28183 28184

the effective date of the order of revocation, shall conduct no 28185
further business except as may be essential to the orderly 28186
conclusion of the affairs of the health insuring corporation. The 28187
health insuring corporation shall engage in no further advertising 28188
or solicitation whatsoever. The superintendent, by written order, 28189
may permit such further operation of the health insuring 28190
corporation as the superintendent may find to be in the best 28191
interest of enrollees, to the end that enrollees will be afforded 28192
the greatest practical opportunity to obtain continuing health 28193
care coverage. 28194

Sec. 1751.36. (A) When the superintendent of insurance has 28195
cause to believe that grounds for the denial of an application for 28196
a certificate of authority exist, or that grounds for the 28197
suspension or revocation of a certificate of authority exist, the 28198
superintendent shall notify the applicant or health insuring 28199
corporation ~~and the director of health~~ in writing, specifically 28200
stating the grounds for the denial, suspension, or revocation and 28201
setting a date of at least thirty days after the notification for 28202
a hearing on the matter. 28203

(B) ~~The recommendations and findings of the director of~~ 28204
~~health with respect to matters subject to the director's~~ 28205
~~consideration under section 1751.04 of the Revised Code, provided~~ 28206
~~in connection with any decision regarding the denial, suspension,~~ 28207
~~or revocation of a certificate of authority, shall be reviewed and~~ 28208
~~considered by the superintendent.~~ After the hearing authorized by 28209
division (A) of this section, or upon the failure of the applicant 28210
or health insuring corporation to appear at the hearing, the 28211
superintendent shall take such action as in accordance with law 28212
and the evidence. The action shall be set out in written findings 28213
which shall be mailed to the applicant or health insuring 28214
corporation ~~with a copy to the director of health.~~ The action of 28215
the superintendent is subject to review in accordance with Chapter 28216

119. of the Revised Code, ~~except that a certification by the~~ 28217
~~director under division (D) of section 1751.04 or division (A)(5)~~ 28218
~~of section 1751.35 of the Revised Code that was made in accordance~~ 28219
~~with Chapter 119. of the Revised Code shall be final as to the~~ 28220
~~matters certified.~~ 28221

(C) Chapter 119. of the Revised Code applies to proceedings 28222
under this section to the extent that it is not in conflict with 28223
divisions (A) and (B) of this section. 28224

Sec. 1751.45. (A) In lieu of the suspension or revocation of 28225
a certificate of authority under section 1751.35 of the Revised 28226
Code, the superintendent of insurance, pursuant to an adjudication 28227
hearing initiated and conducted in accordance with Chapter 119. of 28228
the Revised Code, or by consent of the health insuring corporation 28229
without an adjudication hearing, may levy an administrative 28230
penalty. The administrative penalty shall be in an amount 28231
determined by the superintendent, but the administrative penalty 28232
shall not exceed one hundred thousand dollars per violation. 28233
Additionally, the superintendent may require the health insuring 28234
corporation to correct any deficiency that may be the basis for 28235
the suspension or revocation of the health insuring corporation's 28236
certificate of authority. All penalties collected shall be paid 28237
into the state treasury to the credit of the department of 28238
insurance operating fund. 28239

(B) If the superintendent ~~or the director of health~~ for any 28240
reason has cause to believe that any violation of this chapter has 28241
occurred or is threatened, the superintendent ~~or the director~~ may 28242
give notice to the health insuring corporation and to the 28243
representatives or other persons who appear to be involved in the 28244
suspected violation to arrange a conference with the suspected 28245
violators or their authorized representatives for the purpose of 28246
attempting to ascertain the facts relating to the suspected 28247

violation, and, if it appears that any violation has occurred or 28248
is threatened, to arrive at an adequate and effective means of 28249
correcting or preventing the violation. 28250

Proceedings under this division shall not be covered by any 28251
formal procedural requirements, and may be conducted in the manner 28252
the superintendent ~~or the director of health~~ may consider 28253
appropriate under the circumstances. 28254

(C)(1) The superintendent may issue an order directing a 28255
health insuring corporation or a representative of the health 28256
insuring corporation to cease and desist from engaging in any act 28257
or practice in violation of this chapter. Within thirty days after 28258
service of the order to cease and desist, the respondent may 28259
request a hearing on the question of whether acts or practices in 28260
violation of this chapter have occurred. Such hearings shall be 28261
conducted in accordance with Chapter 119. of the Revised Code and 28262
judicial review shall be available as provided by that chapter. 28263

(2) If the superintendent has reasonable cause to believe 28264
that an order issued pursuant to this division has been violated 28265
in whole or in part, the superintendent may request the attorney 28266
general to commence and prosecute any appropriate action or 28267
proceeding in the name of the state against the violators in the 28268
court of common pleas of Franklin county. The court in any such 28269
action or proceeding may levy civil penalties, not to exceed one 28270
hundred thousand dollars per violation, in addition to any other 28271
appropriate relief, including requiring a violator to pay the 28272
expenses reasonably incurred by the superintendent in enforcing 28273
the order. The penalties and fees collected under this division 28274
shall be paid into the state treasury to the credit of the 28275
department of insurance operating fund. 28276

Sec. 1751.46. (A) The superintendent of insurance ~~and the~~ 28277
~~director of health~~ may contract with qualified persons to make 28278

recommendations concerning the determinations required to be made 28279
by the superintendent ~~or the director~~ relative to an expansion of 28280
a service area pursuant to division (C) of section 1751.03 of the 28281
Revised Code, an application for a certificate of authority 28282
pursuant to sections 1751.04 and 1751.05 of the Revised Code, a 28283
contractual periodic prepayment or premium rate pursuant to 28284
section 1751.12 of the Revised Code, and an examination pursuant 28285
to division (B) of section 1751.34 of the Revised Code. The 28286
recommendations may be accepted in full or in part, or may be 28287
rejected, by the superintendent ~~or director~~. 28288

The total cost of a contract with a qualified person pursuant 28289
to this division shall represent the fair market value of the 28290
services provided and shall be borne by the health insuring 28291
corporation that is the subject of the determination required to 28292
be made by the superintendent ~~or the director~~. 28293

(B) No qualified person placed on contract by the 28294
superintendent ~~or the director~~ pursuant to division (A) of this 28295
section shall have a conflict of interest with the department of 28296
insurance, ~~the department of health~~, or the health insuring 28297
corporation. 28298

Sec. 1751.48. ~~(A)~~ The superintendent of insurance may adopt 28299
rules as are necessary to carry out the provisions of this 28300
chapter. These rules shall be adopted in accordance with Chapter 28301
119. of the Revised Code. 28302

~~(B) The director of health may make recommendations to the 28303
superintendent for rules that are necessary to enable the director 28304
to carry out the director's responsibilities under this chapter, 28305
including rules that prescribe standards relating to the 28306
requirements set forth in division (B) of section 1751.04 of the 28307
Revised Code. In adopting any rules pertaining to the director's 28308
responsibilities, the superintendent shall consider the 28309~~

~~recommendations of the director.~~ 28310

Sec. 1751.831. The superintendent of insurance shall 28311
establish and maintain a system for receiving and reviewing 28312
requests for review from or on behalf of enrollees who, under 28313
section 1751.83 of the Revised Code, have been denied coverage of 28314
a health care service or had coverage reduced or terminated when 28315
the grounds for the denial, reduction, or termination is that the 28316
service is not a service covered under the terms of the enrollee's 28317
policy, contract, or agreement. 28318

On receipt of a written request from an enrollee or 28319
authorized person, the superintendent shall consider whether the 28320
health care service is a service covered under the terms of the 28321
enrollee's policy, contract, or agreement, except that the 28322
superintendent shall not conduct a review under this section 28323
unless the enrollee has exhausted the health insuring 28324
corporation's internal review process established pursuant to 28325
section 1751.83 of the Revised Code. The health insuring 28326
corporation and the enrollee or authorized person shall provide 28327
the superintendent with any information required by the 28328
superintendent that is in their possession and is germane to the 28329
review. 28330

Unless the superintendent is not able to do so because making 28331
the determination requires resolution of a medical issue, the 28332
superintendent shall determine whether the health care service at 28333
issue is a service covered under the terms of the enrollee's 28334
contract, policy, or agreement. The superintendent shall notify 28335
the enrollee, or authorized person, and the health insuring 28336
corporation of the superintendent's determination or that the 28337
superintendent is not able to make a determination. 28338

If the superintendent notifies the health insuring 28339
corporation that making the determination requires the resolution 28340

of a medical issue, the health insuring corporation shall ~~afford~~ 28341
~~the enrollee an opportunity for~~ initiate an external review under 28342
section 1751.84 or 1751.85 of the Revised Code. If the 28343
superintendent notifies the health insuring corporation that the 28344
health service is a covered service, the health insuring 28345
corporation shall either cover the service or afford the enrollee 28346
an opportunity for an external review under section 1751.84 or 28347
1751.85 of the Revised Code. If the superintendent notifies the 28348
health insuring corporation that the health care service is not a 28349
covered service, the health insuring corporation is not required 28350
to cover the service or afford the enrollee an external review. 28351

Sec. 1751.84. (A) Except as provided in divisions (B) and (C) 28352
of this section, a health insuring corporation shall afford an 28353
enrollee an opportunity for an external review if both of the 28354
following are the case: 28355

(1) The health insuring corporation has denied, reduced, or 28356
terminated coverage for what would be a covered health care 28357
service except for the fact that the health insuring corporation 28358
has determined that the health care service is not medically 28359
necessary; 28360

(2) Except in the case of an expedited review, the service, 28361
plus any ancillary services and follow-up care, will cost the 28362
enrollee more than five hundred dollars if the proposed service is 28363
not covered by the health insuring corporation. 28364

External review shall be conducted in accordance with this 28365
section, except that if an enrollee with a terminal condition 28366
meets all of the criteria of division (A) of section 1751.85 of 28367
the Revised Code, an external review shall be conducted under that 28368
section. 28369

(B) An enrollee need not be afforded a review under this 28370
section in any of the following circumstances: 28371

(1) The superintendent of insurance has determined under 28372
section 1751.831 of the Revised Code that the health care service 28373
is not a service covered under the terms of the enrollee's policy, 28374
contract, or agreement. 28375

(2) Except as provided in section 1751.811 of the Revised 28376
Code, the enrollee has failed to exhaust the health insuring 28377
corporation's internal review process established pursuant to 28378
section 1751.83 of the Revised Code. 28379

(3) The enrollee has previously been afforded an external 28380
review for the same adverse determination and no new clinical 28381
information has been submitted to the health insuring corporation. 28382

(C)(1) A health insuring corporation may deny a request for 28383
an external review of an adverse determination if it is requested 28384
later than ~~sixty~~ one hundred eighty days after the enrollee's 28385
receipt of notice of the result of an internal review brought 28386
under section 1751.83 of the Revised Code. An external review may 28387
be requested by the enrollee, an authorized person, the enrollee's 28388
provider, or a health care facility rendering health care service 28389
to the enrollee. The enrollee may request a review without the 28390
approval of the provider or the health care facility rendering the 28391
health care service. The provider or health care facility may not 28392
request a review without the prior consent of the enrollee. 28393

(2) An external review must be requested in writing, except 28394
that if the enrollee has a condition that requires expedited 28395
review, the review may be requested orally or by electronic means. 28396
When an oral or electronic request for review is made, written 28397
confirmation of the request shall be submitted to the health 28398
insuring corporation not later than five days after the oral or 28399
written request is submitted. 28400

Except in the case of an expedited review, a request for an 28401
external review must be accompanied by written certification from 28402

the enrollee's provider or the health care facility rendering the 28403
health care service to the enrollee that the proposed service, 28404
plus any ancillary services and follow-up care, will cost the 28405
enrollee more than five hundred dollars if the proposed service is 28406
not covered by the health insuring corporation. 28407

(3) For an expedited review, the enrollee's provider must 28408
certify that the enrollee's condition could, in the absence of 28409
immediate medical attention, result in any of the following: 28410

(a) Placing the health of the enrollee or, with respect to a 28411
pregnant woman, the health of the enrollee or the unborn child, in 28412
serious jeopardy; 28413

(b) Serious impairment to bodily functions; 28414

(c) Serious dysfunction of any bodily organ or part. 28415

(D) The procedures used in conducting an external review of 28416
an adverse determination shall include all of the following: 28417

(1) The review shall be conducted by an independent review 28418
organization assigned by the superintendent of insurance under 28419
section 3901.80 of the Revised Code. 28420

(2) Except as provided in division (D)(3) and (4) of this 28421
section, neither the clinical peer nor any health care facility 28422
with which the clinical peer is affiliated shall have any 28423
professional, familial, or financial affiliation with any of the 28424
following: 28425

(a) The health insuring corporation or any officer, director, 28426
or managerial employee of the health insuring corporation; 28427

(b) The enrollee, the enrollee's provider, or the practice 28428
group of the enrollee's provider; 28429

(c) The health care facility at which the health care service 28430
requested by the enrollee would be provided; 28431

(d) The development or manufacture of the principal drug, 28432

device, procedure, or therapy proposed for the enrollee. 28433

(3) Division (D)(2) of this section does not prohibit a 28434
clinical peer from conducting a review under any of the following 28435
circumstances: 28436

(a) The clinical peer is affiliated with an academic medical 28437
center that provides health care services to enrollees of the 28438
health insuring corporation. 28439

(b) The clinical peer has staff privileges at a health care 28440
facility that provides health care services to enrollees of the 28441
health insuring corporation. 28442

(c) The clinical peer is a participating provider but was not 28443
involved with the health insuring corporation's adverse 28444
determination. 28445

(4) Division (D)(2) of this section does not prohibit the 28446
health insuring corporation from paying the independent review 28447
organization for the conduct of the review. 28448

(5) An enrollee shall not be required to pay for any part of 28449
the cost of the review. The cost of the review shall be borne by 28450
the health insuring corporation. 28451

(6)(a) The health insuring corporation shall provide to the 28452
independent review organization conducting the review a copy of 28453
those records in its possession that are relevant to the 28454
enrollee's medical condition and the review. The records shall be 28455
used solely for the purpose of this division. 28456

At the request of the independent review organization, the 28457
health insuring corporation, enrollee, or the provider or health 28458
care facility rendering health care services to the enrollee shall 28459
provide any additional information the independent review 28460
organization requests to complete the review. A request for 28461
additional information may be made in writing, orally, or by 28462

electronic means. The independent review organization shall submit the request to the enrollee and health insuring corporation. If a request is submitted orally or by electronic means to an enrollee or health insuring corporation, not later than five days after the request is submitted, the independent review organization shall provide written confirmation of the request. If the review was initiated by a provider or health care facility, a copy of the request shall be submitted to the provider or health care facility.

(b) An independent review organization is not required to make a decision if it has not received any requested information that it considers necessary to complete a review. An independent review organization that does not make a decision for this reason shall notify the enrollee and the health insuring corporation that a decision is not being made. The notice may be made in writing, orally, or by electronic means. An oral or electronic notice shall be confirmed in writing not later than five days after the oral or electronic notice is made. If the review was initiated by a provider or health care facility, a copy of the notice shall be submitted to the provider or health care facility.

(7) The health insuring corporation may elect to cover the service requested and terminate the review. The health insuring corporation shall notify the enrollee and all other parties involved with the decision by mail or, with the consent or approval of the enrollee, by electronic means.

(8) In making its decision, an independent review organization conducting the review shall take into account all of the following:

(a) Information submitted by the health insuring corporation, the enrollee, the enrollee's provider, and the health care facility rendering the health care service, including the following:

(i) The enrollee's medical records;	28495
(ii) The standards, criteria, and clinical rationale used by the health insuring corporation to make its decision.	28496 28497
(b) Findings, studies, research, and other relevant documents of government agencies and nationally recognized organizations, including the national institutes of health or any board recognized by the national institutes of health, the national cancer institute, the national academy of sciences, the United States food and drug administration, the health care financing administration of the United States department of health and human services, and the agency for health care policy and research;	28498 28499 28500 28501 28502 28503 28504 28505
(c) Relevant findings in peer-reviewed medical or scientific literature, published opinions of nationally recognized medical experts, and clinical guidelines adopted by relevant national medical societies.	28506 28507 28508 28509
(9)(a) In the case of an expedited review, the independent review organization shall issue a written decision not later than seven days after the filing of the request for review. In all other cases, the independent review organization shall issue a written decision not later than thirty days after the filing of the request. The independent review organization shall send a copy of its decision to the health insuring corporation and the enrollee. If the enrollee's provider or the health care facility rendering health care services to the enrollee requested the review, the independent review organization shall also send a copy of its decision to the enrollee's provider or the health care facility.	28510 28511 28512 28513 28514 28515 28516 28517 28518 28519 28520 28521
(b) The independent review organization's decision shall include a description of the enrollee's condition and the principal reasons for the decision and an explanation of the clinical rationale for the decision.	28522 28523 28524 28525

(E) The independent review organization shall base its decision on the information submitted under division (D)(8) of this section. In making its decision, the independent review organization shall consider safety, efficacy, appropriateness, and cost effectiveness.

(F) The health insuring corporation shall provide any coverage determined by the independent review organization's decision to be medically necessary, subject to the other terms, limitations, and conditions of the enrollee's contract. The decision shall apply only to the individual enrollee's external review.

Sec. 1751.85. (A) Each health insuring corporation shall establish a reasonable external, independent review process to examine the health insuring corporation's coverage decisions for enrollees who meet all of the following criteria:

(1) The enrollee has a terminal condition that, according to the current diagnosis of the enrollee's physician, has a high probability of causing death within two years.

(2) The enrollee requests a review not later than ~~sixty one~~ hundred eighty days after receipt by the enrollee of notice of the result of an internal review under section 1751.83 of the Revised Code.

(3) The enrollee's physician certifies that the enrollee has the condition described in division (A)(1) of this section and any of the following situations are applicable:

(a) Standard therapies have not been effective in improving the condition of the enrollee;

(b) Standard therapies are not medically appropriate for the enrollee;

(c) There is no standard therapy covered by the health

insuring corporation that is more beneficial than therapy 28556
described in division (A)(4) of this section. 28557

(4) The enrollee's physician has recommended a drug, device, 28558
procedure, or other therapy that the physician certifies, in 28559
writing, is likely to be more beneficial to the enrollee, in the 28560
physician's opinion, than standard therapies, or, the enrollee has 28561
requested a therapy that has been found in a preponderance of 28562
peer-reviewed published studies to be associated with effective 28563
clinical outcomes for the same condition. 28564

(5) The enrollee has been denied coverage by the health 28565
insuring corporation for a drug, device, procedure, or other 28566
therapy recommended or requested pursuant to division (A)(4) of 28567
this section, and has exhausted the health insuring corporation's 28568
internal review process established pursuant to section 1751.83 of 28569
the Revised Code. 28570

(6) The drug, device, procedure, or other therapy, for which 28571
coverage has been denied would be a covered health care service 28572
except for the health insuring corporation's determination that 28573
the drug, device, procedure, or other therapy is experimental or 28574
investigational. 28575

(B) A review shall be requested in writing, except that if 28576
the enrollee's physician determines that a therapy would be 28577
significantly less effective if not promptly initiated, the review 28578
may be requested orally or by electronic means. When an oral or 28579
electronic request for review is made, written confirmation of the 28580
request shall be submitted to the health insuring corporation not 28581
later than five days after the oral or written request is 28582
submitted. 28583

(C) The external, independent review process established by a 28584
health insuring corporation shall meet all of the following 28585
criteria: 28586

(1) Except as provided in division (E) of this section, the process shall afford all enrollees who meet the criteria set forth in division (A) of this section the opportunity to have the health insuring corporation's decision to deny coverage of the recommended or requested therapy reviewed under the process.

(2) The review shall be conducted by an independent review organization assigned by the superintendent of insurance under section 3901.80 of the Revised Code.

The independent review organization shall select a panel to conduct the review, which panel shall be composed of at least three physicians or other providers who, through clinical experience in the past three years, are experts in the treatment of the enrollee's medical condition and knowledgeable about the recommended or requested therapy.

In either of the following circumstances, an exception may be made to the requirement that the review be conducted by an expert panel composed of a minimum of three physicians or other providers:

(a) A review may be conducted by an expert panel composed of only two physicians or other providers if an enrollee has consented in writing to a review by the smaller panel;

(b) A review may be conducted by a single expert physician or other provider if only one expert physician or other provider is available for the review.

(3) Neither the health insuring corporation nor the enrollee shall choose, or control the choice of, the physician or other provider experts.

(4) The selected experts, any health care facility with which an expert is affiliated, and the independent review organization arranging for the experts' review, shall not have any professional, familial, or financial affiliation with any of the

following: 28618

(a) The health insuring corporation or any officer, director, 28619
or managerial employee of the health insuring corporation; 28620

(b) The enrollee, the enrollee's physician, or the practice 28621
group of the enrollee's physician; 28622

(c) The health care facility at which the recommended or 28623
requested therapy would be provided; 28624

(d) The development or manufacture of the principal drug, 28625
device, procedure, or therapy involved in the recommended or 28626
requested therapy. 28627

However, experts affiliated with academic medical centers who 28628
provide health care services to enrollees of the health insuring 28629
corporation may serve as experts on the review panel. Further, 28630
experts with staff privileges at a health care facility that 28631
provides health care services to enrollees of the health insuring 28632
corporation, as well as experts who are participating providers, 28633
but who were not involved with the health insuring corporation's 28634
denial of coverage for the therapy under review, may serve as 28635
experts on the review panel. These nonaffiliation provisions do 28636
not preclude a health insuring corporation from paying for the 28637
experts' review, as specified in division (C)(5) of this section. 28638

(5) Enrollees shall not be required to pay for any part of 28639
the cost of the review. The cost of the review shall be borne by 28640
the health insuring corporation. 28641

(6) The health insuring corporation shall provide to the 28642
independent review organization arranging for the experts' review 28643
a copy of those records in the health insuring corporation's 28644
possession that are relevant to the enrollee's medical condition 28645
and the review. The records shall be disclosed solely to the 28646
expert reviewers and shall be used solely for the purpose of this 28647
section. At the request of the expert reviewers, the health 28648

insuring corporation or the physician recommending the therapy 28649
shall provide any additional information that the expert reviewers 28650
request to complete the review. An expert reviewer is not required 28651
to render an opinion if the reviewer has not received any 28652
requested information that the reviewer considers necessary to 28653
complete the review. 28654

(7)(a) The opinions of the experts on the panel shall be 28655
rendered within thirty days after the enrollee's request for 28656
review. If the enrollee's physician determines that a therapy 28657
would be significantly less effective if not promptly initiated, 28658
the opinions shall be rendered within seven days after the 28659
enrollee's request for review. 28660

(b) In conducting the review, the experts on the panel shall 28661
take into account all of the following: 28662

(i) Information submitted by the health insuring corporation, 28663
the enrollee, and the enrollee's physician, including the 28664
enrollee's medical records and the standards, criteria, and 28665
clinical rationale used by the health insuring corporation to 28666
reach its coverage decision; 28667

(ii) Findings, studies, research, and other relevant 28668
documents of government agencies and nationally recognized 28669
organizations; 28670

(iii) Relevant findings in peer-reviewed medical or 28671
scientific literature and published opinions of nationally 28672
recognized medical experts; 28673

(iv) Clinical guidelines adopted by relevant national medical 28674
societies; 28675

(v) Safety, efficacy, appropriateness, and cost 28676
effectiveness. 28677

(8) Each expert on the panel shall provide the independent 28678

review organization with a professional opinion as to whether 28679
there is sufficient evidence to demonstrate that the recommended 28680
or requested therapy is likely to be more beneficial to the 28681
enrollee than standard therapies. 28682

(9) Each expert's opinion shall be presented in written form 28683
and shall include the following information: 28684

(a) A description of the enrollee's condition; 28685

(b) A description of the indicators relevant to determining 28686
whether there is sufficient evidence to demonstrate that the 28687
recommended or requested therapy is more likely than not to be 28688
more beneficial to the enrollee than standard therapies; 28689

(c) A description and analysis of any relevant findings 28690
published in peer-reviewed medical or scientific literature or the 28691
published opinions of medical experts or specialty societies; 28692

(d) A description of the enrollee's suitability to receive 28693
the recommended or requested therapy according to a treatment 28694
protocol in a clinical trial, if applicable. 28695

(10) The independent review organization shall provide the 28696
health insuring corporation with the opinions of the experts. The 28697
health insuring corporation shall make the experts' opinions 28698
available to the enrollee and the enrollee's physician, upon 28699
request. 28700

(11) The opinion of the majority of the experts on the panel, 28701
rendered pursuant to division (C)(8) of this section, is binding 28702
on the health insuring corporation with respect to that enrollee. 28703
If the opinions of the experts on the panel are evenly divided as 28704
to whether the therapy should be covered, then the health insuring 28705
corporation's final decision shall be in favor of coverage. If 28706
less than a majority of the experts on the panel recommend 28707
coverage of the therapy, the health insuring corporation may, in 28708
its discretion, cover the therapy. However, any coverage provided 28709

pursuant to division (C)(11) of this section is subject to the 28710
terms, limitations, and conditions of the enrollee's contract with 28711
the health insuring corporation. 28712

(12) The health insuring corporation shall have written 28713
policies describing the external, independent review process. 28714

(D) At any time during the external, independent review 28715
process, the health insuring corporation may elect to cover the 28716
recommended or requested health care service and terminate the 28717
review. The health insuring corporation shall notify the enrollee 28718
and all other parties involved by mail or, with the consent or 28719
approval of the enrollee, by electronic means. 28720

(E) If a health insuring corporation's initial denial of 28721
coverage for a therapy recommended or requested pursuant to 28722
division (A)(4) of this section is based upon an external, 28723
independent review of that therapy meeting the requirements of 28724
division (C) of this section, this section shall not be a basis 28725
for requiring a second external, independent review of the 28726
recommended or requested therapy. 28727

(F) The health insuring corporation shall annually file a 28728
certificate with the superintendent of insurance certifying its 28729
compliance with the requirements of this section. 28730

Sec. 1753.09. (A) Except as provided in division (D) of this 28731
section, prior to terminating the participation of a provider on 28732
the basis of the participating provider's failure to meet the 28733
health insuring corporation's standards for quality or utilization 28734
in the delivery of health care services, a health insuring 28735
corporation shall give the participating provider notice of the 28736
reason or reasons for its decision to terminate the provider's 28737
participation and an opportunity to take corrective action. The 28738
health insuring corporation shall develop a performance 28739
improvement plan in conjunction with the participating provider. 28740

If after being afforded the opportunity to comply with the 28741
performance improvement plan, the participating provider fails to 28742
do so, the health insuring corporation may terminate the 28743
participation of the provider. 28744

(B)(1) A participating provider whose participation has been 28745
terminated under division (A) of this section may appeal the 28746
termination to the appropriate medical director of the health 28747
insuring corporation. The medical director shall give the 28748
participating provider an opportunity to discuss with the medical 28749
director the reason or reasons for the termination. 28750

(2) If a satisfactory resolution of a participating 28751
provider's appeal cannot be reached under division (B)(1) of this 28752
section, the participating provider may appeal the termination to 28753
a panel composed of participating providers who have comparable or 28754
higher levels of education and training than the participating 28755
provider making the appeal. A representative of the participating 28756
provider's specialty shall be a member of the panel, if possible. 28757
This panel shall hold a hearing, and shall render its 28758
recommendation in the appeal within thirty days after holding the 28759
hearing. The recommendation shall be presented to the medical 28760
director and to the participating provider. 28761

(3) The medical director shall review and consider the 28762
panel's recommendation before making a decision. The decision 28763
rendered by the medical director shall be final. 28764

(C) A provider's status as a participating provider shall 28765
remain in effect during the appeal process set forth in division 28766
(B) of this section unless the termination was based on any of the 28767
reasons listed in division (D) of this section. 28768

(D) Notwithstanding division (A) of this section, a 28769
provider's participation may be immediately terminated if the 28770
participating provider's conduct presents an imminent risk of harm 28771

to an enrollee or enrollees; or if there has occurred unacceptable 28772
quality of care, fraud, patient abuse, loss of clinical 28773
privileges, loss of professional liability coverage, incompetence, 28774
or loss of authority to practice in the participating provider's 28775
field; or if a governmental action has impaired the participating 28776
provider's ability to practice. 28777

(E) Divisions (A) to (D) of this section apply only to 28778
providers who are natural persons. 28779

(F)(1) Nothing in this section prohibits a health insuring 28780
corporation from rejecting a provider's application for 28781
participation, or from terminating a participating provider's 28782
contract, if the health insuring corporation determines that the 28783
health care needs of its enrollees are being met and no need 28784
exists for the provider's or participating provider's services. 28785

(2) Nothing in this section shall be construed as prohibiting 28786
a health insuring corporation from terminating a participating 28787
provider who does not meet the terms and conditions of the 28788
participating provider's contract. 28789

(3) Nothing in this section shall be construed as prohibiting 28790
a health insuring corporation from terminating a participating 28791
provider's contract pursuant to any provision of the contract 28792
described in division (E)(2) of section 3963.02 of the Revised 28793
Code, except that, notwithstanding any provision of a contract 28794
described in that division, this section applies to the 28795
termination of a participating provider's contract for any of the 28796
causes described in divisions (A), (D), and (F)(1) and (2) of this 28797
section. 28798

(G) The superintendent of insurance may adopt rules as 28799
necessary to implement and enforce sections 1753.06, 1753.07, and 28800
1753.09 of the Revised Code. Such rules shall be adopted in 28801
accordance with Chapter 119. of the Revised Code. ~~The director of~~ 28802

~~health may make recommendations to the superintendent for rules 28803
necessary to implement and enforce sections 1753.06, 1753.07, and 28804
1753.09 of the Revised Code. In adopting any rules pursuant to 28805
this division, the superintendent shall consider the 28806
recommendations of the director. 28807~~

Sec. 1901.26. (A) Subject to division (E) of this section, 28808
costs in a municipal court shall be fixed and taxed as follows: 28809

(1)(a) The municipal court shall require an advance deposit 28810
for the filing of any new civil action or proceeding when required 28811
by division (C) of this section, and in all other cases, by rule, 28812
shall establish a schedule of fees and costs to be taxed in any 28813
civil or criminal action or proceeding. 28814

(b)(i) The legislative authority of a municipal corporation 28815
may by ordinance establish a schedule of fees to be taxed as costs 28816
in any civil, criminal, or traffic action or proceeding in a 28817
municipal court for the performance by officers or other employees 28818
of the municipal corporation's police department or marshal's 28819
office of any of the services specified in sections 311.17 and 28820
509.15 of the Revised Code. No fee in the schedule shall be higher 28821
than the fee specified in section 311.17 of the Revised Code for 28822
the performance of the same service by the sheriff. If a fee 28823
established in the schedule conflicts with a fee for the same 28824
service established in another section of the Revised Code or a 28825
rule of court, the fee established in the other section of the 28826
Revised Code or the rule of court shall apply. 28827

(ii) When an officer or employee of a municipal police 28828
department or marshal's office performs in a civil, criminal, or 28829
traffic action or proceeding in a municipal court a service 28830
specified in section 311.17 or 509.15 of the Revised Code for 28831
which a taxable fee has been established under this or any other 28832
section of the Revised Code, the applicable legal fees and any 28833

other extraordinary expenses, including overtime, provided for the 28834
service shall be taxed as costs in the case. The clerk of the 28835
court shall pay those legal fees and other expenses, when 28836
collected, into the general fund of the municipal corporation that 28837
employs the officer or employee. 28838

(iii) If a bailiff of a municipal court performs in a civil, 28839
criminal, or traffic action or proceeding in that court a service 28840
specified in section 311.17 or 509.15 of the Revised Code for 28841
which a taxable fee has been established under this section or any 28842
other section of the Revised Code, the fee for the service is the 28843
same and is taxable to the same extent as if the service had been 28844
performed by an officer or employee of the police department or 28845
marshal's office of the municipal corporation in which the court 28846
is located. The clerk of that court shall pay the fee, when 28847
collected, into the general fund of the entity or entities that 28848
fund the bailiff's salary, in the same prorated amount as the 28849
salary is funded. 28850

(iv) Division (A)(1)(b) of this section does not authorize or 28851
require any officer or employee of a police department or 28852
marshal's office of a municipal corporation or any bailiff of a 28853
municipal court to perform any service not otherwise authorized by 28854
law. 28855

(2) The municipal court, by rule, may require an advance 28856
deposit for the filing of any civil action or proceeding and 28857
publication fees as provided in section 2701.09 of the Revised 28858
Code. The court may waive the requirement for advance deposit upon 28859
affidavit or other evidence that a party is unable to make the 28860
required deposit. 28861

(3) When a jury trial is demanded in any civil action or 28862
proceeding, the party making the demand may be required to make an 28863
advance deposit as fixed by rule of court, unless, upon affidavit 28864
or other evidence, the court concludes that the party is unable to 28865

make the required deposit. If a jury is called, the fees of a jury 28866
shall be taxed as costs. 28867

(4) In any civil or criminal action or proceeding, each 28868
witness shall receive twelve dollars for each full day's 28869
attendance and six dollars for each half day's attendance. Each 28870
witness in a municipal court that is not a county-operated 28871
municipal court also shall receive fifty and one-half cents for 28872
each mile necessarily traveled to and from the witness's place of 28873
residence to the action or proceeding. 28874

(5) A reasonable charge for driving, towing, carting, 28875
storing, keeping, and preserving motor vehicles and other personal 28876
property recovered or seized in any proceeding may be taxed as 28877
part of the costs in a trial of the cause, in an amount that shall 28878
be fixed by rule of court. 28879

(6) Chattel property seized under any writ or process issued 28880
by the court shall be preserved pending final disposition for the 28881
benefit of all persons interested and may be placed in storage 28882
when necessary or proper for that preservation. The custodian of 28883
any chattel property so stored shall not be required to part with 28884
the possession of the property until a reasonable charge, to be 28885
fixed by the court, is paid. 28886

(7) The municipal court, as it determines, may refund all 28887
deposits and advance payments of fees and costs, including those 28888
for jurors and summoning jurors, when they have been paid by the 28889
losing party. 28890

(8) Charges for the publication of legal notices required by 28891
statute or order of court may be taxed as part of the costs, as 28892
provided by section 7.13 of the Revised Code. 28893

(B)(1) The municipal court may determine that, for the 28894
efficient operation of the court, additional funds are necessary 28895
to acquire and pay for special projects of the court including, 28896

but not limited to, the acquisition of additional facilities or 28897
the rehabilitation of existing facilities, the acquisition of 28898
equipment, the hiring and training of staff, community service 28899
programs, mediation or dispute resolution services, the employment 28900
of magistrates, the training and education of judges, acting 28901
judges, and magistrates, and other related services. Upon that 28902
determination, the court by rule may charge a fee, in addition to 28903
all other court costs, on the filing of each criminal cause, civil 28904
action or proceeding, or judgment by confession. 28905

If the municipal court offers a special program or service in 28906
cases of a specific type, the municipal court by rule may assess 28907
an additional charge in a case of that type, over and above court 28908
costs, to cover the special program or service. The municipal 28909
court shall adjust the special assessment periodically, but not 28910
retroactively, so that the amount assessed in those cases does not 28911
exceed the actual cost of providing the service or program. 28912

All moneys collected under division (B) of this section shall 28913
be paid to the county treasurer if the court is a county-operated 28914
municipal court or to the city treasurer if the court is not a 28915
county-operated municipal court for deposit into either a general 28916
special projects fund or a fund established for a specific special 28917
project. Moneys from a fund of that nature shall be disbursed upon 28918
an order of the court in an amount no greater than the actual cost 28919
to the court of a project. If a specific fund is terminated 28920
because of the discontinuance of a program or service established 28921
under division (B) of this section, the municipal court may order 28922
that moneys remaining in the fund be transferred to an account 28923
established under this division for a similar purpose. 28924

(2) The court may disburse moneys deposited into either a 28925
general special projects fund or a fund established for a specific 28926
special project to a county program that is not operated by the 28927
court and that addresses issues of domestic violence if the court 28928

determines that the program assists in the efficient operation of 28929
the court. 28930

(3) As used in division (B) of this section: 28931

(a) "Criminal cause" means a charge alleging the violation of 28932
a statute or ordinance, or subsection of a statute or ordinance, 28933
that requires a separate finding of fact or a separate plea before 28934
disposition and of which the defendant may be found guilty, 28935
whether filed as part of a multiple charge on a single summons, 28936
citation, or complaint or as a separate charge on a single 28937
summons, citation, or complaint. "Criminal cause" does not include 28938
separate violations of the same statute or ordinance, or 28939
subsection of the same statute or ordinance, unless each charge is 28940
filed on a separate summons, citation, or complaint. 28941

(b) "Civil action or proceeding" means any civil litigation 28942
that must be determined by judgment entry. 28943

(C) The municipal court shall collect in all its divisions 28944
except the small claims division the sum of ~~twenty-six~~ thirty-one 28945
dollars as additional filing fees in each new civil action or 28946
proceeding for the charitable public purpose of providing 28947
financial assistance to legal aid societies that operate within 28948
the state and to support the office of the state public defender. 28949
The municipal court shall collect in its small claims division the 28950
sum of eleven dollars as additional filing fees in each new civil 28951
action or proceeding for the charitable public purpose of 28952
providing financial assistance to legal aid societies that operate 28953
within the state and to support the office of the state public 28954
defender. This division does not apply to any execution on a 28955
judgment, proceeding in aid of execution, or other post-judgment 28956
proceeding arising out of a civil action. The filing fees required 28957
to be collected under this division shall be in addition to any 28958
other court costs imposed in the action or proceeding and shall be 28959
collected at the time of the filing of the action or proceeding. 28960

The court shall not waive the payment of the additional filing fees in a new civil action or proceeding unless the court waives the advanced payment of all filing fees in the action or proceeding. All such moneys collected during a month except for an amount equal to up to one per cent of those moneys retained to cover administrative costs shall be transmitted on or before the twentieth day of the following month by the clerk of the court to the treasurer of state in a manner prescribed by the treasurer of state or by the Ohio legal assistance foundation. The treasurer of state shall deposit four per cent of the funds collected under this division to the credit of the civil case filing fee fund established under section 120.07 of the Revised Code and ninety-six per cent of the funds collected under this division to the credit of the legal aid fund established under section 120.52 of the Revised Code.

The Ohio legal assistance foundation or any recipient of financial assistance from the foundation that receives, or benefits from, any portion of the additional filing fees that are collected and transmitted under this division shall not bring or maintain any class action and shall not bring or maintain any action against the state or any political subdivision of the state.

The court may retain up to one per cent of the moneys it collects under this division to cover administrative costs, including the hiring of any additional personnel necessary to implement this division. If the court fails to transmit to the treasurer of state the moneys the court collects under this division in a manner prescribed by the treasurer of state or by the Ohio legal assistance foundation, the court shall forfeit the moneys the court retains under this division to cover administrative costs, including the hiring of any additional personnel necessary to implement this division, and shall transmit

to the treasurer of state all moneys collected under this 28993
division, including the forfeited amount retained for 28994
administrative costs, for deposit in the legal aid fund. 28995

(D) In the Cleveland municipal court, reasonable charges for 28996
investigating titles of real estate to be sold or disposed of 28997
under any writ or process of the court may be taxed as part of the 28998
costs. 28999

(E) Under the circumstances described in sections 2969.21 to 29000
2969.27 of the Revised Code, the clerk of the municipal court 29001
shall charge the fees and perform the other duties specified in 29002
those sections. 29003

(F) As used in this section: 29004

(1) "Full day's attendance" means a day on which a witness is 29005
required or requested to be present at an action or proceeding 29006
before and after twelve noon, regardless of whether the witness 29007
actually testifies. 29008

(2) "Half day's attendance" means a day on which a witness is 29009
required or requested to be present at an action or proceeding 29010
either before or after twelve noon, but not both, regardless of 29011
whether the witness actually testifies. 29012

Sec. 1901.31. The clerk and deputy clerks of a municipal 29013
court shall be selected, be compensated, give bond, and have 29014
powers and duties as follows: 29015

(A) There shall be a clerk of the court who is appointed or 29016
elected as follows: 29017

(1)(a) Except in the Akron, Barberton, Toledo, Hamilton 29018
county, Portage county, and Wayne county municipal courts and 29019
through December 31, 2008, the Cuyahoga Falls municipal court, if 29020
the population of the territory equals or exceeds one hundred 29021
thousand at the regular municipal election immediately preceding 29022

the expiration of the term of the present clerk, the clerk shall 29023
be nominated and elected by the qualified electors of the 29024
territory in the manner that is provided for the nomination and 29025
election of judges in section 1901.07 of the Revised Code. 29026

The clerk so elected shall hold office for a term of six 29027
years, which term shall commence on the first day of January 29028
following the clerk's election and continue until the clerk's 29029
successor is elected and qualified. 29030

(b) In the Hamilton county municipal court, the clerk of 29031
courts of Hamilton county shall be the clerk of the municipal 29032
court and may appoint an assistant clerk who shall receive the 29033
compensation, payable out of the treasury of Hamilton county in 29034
semimonthly installments, that the board of county commissioners 29035
prescribes. The clerk of courts of Hamilton county, acting as the 29036
clerk of the Hamilton county municipal court and assuming the 29037
duties of that office, shall receive compensation at one-fourth 29038
the rate that is prescribed for the clerks of courts of common 29039
pleas as determined in accordance with the population of the 29040
county and the rates set forth in sections 325.08 and 325.18 of 29041
the Revised Code. This compensation shall be paid from the county 29042
treasury in semimonthly installments and is in addition to the 29043
annual compensation that is received for the performance of the 29044
duties of the clerk of courts of Hamilton county, as provided in 29045
sections 325.08 and 325.18 of the Revised Code. 29046

(c) In the Portage county and Wayne county municipal courts, 29047
the clerks of courts of Portage county and Wayne county shall be 29048
the clerks, respectively, of the Portage county and Wayne county 29049
municipal courts and may appoint a chief deputy clerk for each 29050
branch that is established pursuant to section 1901.311 of the 29051
Revised Code and assistant clerks as the judges of the municipal 29052
court determine are necessary, all of whom shall receive the 29053
compensation that the legislative authority prescribes. The clerks 29054

of courts of Portage county and Wayne county, acting as the clerks 29055
of the Portage county and Wayne county municipal courts and 29056
assuming the duties of these offices, shall receive compensation 29057
payable from the county treasury in semimonthly installments at 29058
one-fourth the rate that is prescribed for the clerks of courts of 29059
common pleas as determined in accordance with the population of 29060
the county and the rates set forth in sections 325.08 and 325.18 29061
of the Revised Code. 29062

(d) Except as otherwise provided in division (A)(1)(d) of 29063
this section, in the Akron municipal court, candidates for 29064
election to the office of clerk of the court shall be nominated by 29065
primary election. The primary election shall be held on the day 29066
specified in the charter of the city of Akron for the nomination 29067
of municipal officers. Notwithstanding any contrary provision of 29068
section 3513.05 or 3513.257 of the Revised Code, the declarations 29069
of candidacy and petitions of partisan candidates and the 29070
nominating petitions of independent candidates for the office of 29071
clerk of the Akron municipal court shall be signed by at least 29072
fifty qualified electors of the territory of the court. 29073

The candidates shall file a declaration of candidacy and 29074
petition, or a nominating petition, whichever is applicable, not 29075
later than four p.m. of the seventy-fifth day before the day of 29076
the primary election, in the form prescribed by section 3513.07 or 29077
3513.261 of the Revised Code. The declaration of candidacy and 29078
petition, or the nominating petition, shall conform to the 29079
applicable requirements of section 3513.05 or 3513.257 of the 29080
Revised Code. 29081

If no valid declaration of candidacy and petition is filed by 29082
any person for nomination as a candidate of a particular political 29083
party for election to the office of clerk of the Akron municipal 29084
court, a primary election shall not be held for the purpose of 29085
nominating a candidate of that party for election to that office. 29086

If only one person files a valid declaration of candidacy and 29087
petition for nomination as a candidate of a particular political 29088
party for election to that office, a primary election shall not be 29089
held for the purpose of nominating a candidate of that party for 29090
election to that office, and the candidate shall be issued a 29091
certificate of nomination in the manner set forth in section 29092
3513.02 of the Revised Code. 29093

Declarations of candidacy and petitions, nominating 29094
petitions, and certificates of nomination for the office of clerk 29095
of the Akron municipal court shall contain a designation of the 29096
term for which the candidate seeks election. At the following 29097
regular municipal election, all candidates for the office shall be 29098
submitted to the qualified electors of the territory of the court 29099
in the manner that is provided in section 1901.07 of the Revised 29100
Code for the election of the judges of the court. The clerk so 29101
elected shall hold office for a term of six years, which term 29102
shall commence on the first day of January following the clerk's 29103
election and continue until the clerk's successor is elected and 29104
qualified. 29105

(e) Except as otherwise provided in division (A)(1)(e) of 29106
this section, in the Barberton municipal court, candidates for 29107
election to the office of clerk of the court shall be nominated by 29108
primary election. The primary election shall be held on the day 29109
specified in the charter of the city of Barberton for the 29110
nomination of municipal officers. Notwithstanding any contrary 29111
provision of section 3513.05 or 3513.257 of the Revised Code, the 29112
declarations of candidacy and petitions of partisan candidates and 29113
the nominating petitions of independent candidates for the office 29114
of clerk of the Barberton municipal court shall be signed by at 29115
least fifty qualified electors of the territory of the court. 29116

The candidates shall file a declaration of candidacy and 29117
petition, or a nominating petition, whichever is applicable, not 29118

later than four p.m. of the seventy-fifth day before the day of 29119
the primary election, in the form prescribed by section 3513.07 or 29120
3513.261 of the Revised Code. The declaration of candidacy and 29121
petition, or the nominating petition, shall conform to the 29122
applicable requirements of section 3513.05 or 3513.257 of the 29123
Revised Code. 29124

If no valid declaration of candidacy and petition is filed by 29125
any person for nomination as a candidate of a particular political 29126
party for election to the office of clerk of the Barberton 29127
municipal court, a primary election shall not be held for the 29128
purpose of nominating a candidate of that party for election to 29129
that office. If only one person files a valid declaration of 29130
candidacy and petition for nomination as a candidate of a 29131
particular political party for election to that office, a primary 29132
election shall not be held for the purpose of nominating a 29133
candidate of that party for election to that office, and the 29134
candidate shall be issued a certificate of nomination in the 29135
manner set forth in section 3513.02 of the Revised Code. 29136

Declarations of candidacy and petitions, nominating 29137
petitions, and certificates of nomination for the office of clerk 29138
of the Barberton municipal court shall contain a designation of 29139
the term for which the candidate seeks election. At the following 29140
regular municipal election, all candidates for the office shall be 29141
submitted to the qualified electors of the territory of the court 29142
in the manner that is provided in section 1901.07 of the Revised 29143
Code for the election of the judges of the court. The clerk so 29144
elected shall hold office for a term of six years, which term 29145
shall commence on the first day of January following the clerk's 29146
election and continue until the clerk's successor is elected and 29147
qualified. 29148

(f)(i) Through December 31, 2008, except as otherwise 29149
provided in division (A)(1)(f)(i) of this section, in the Cuyahoga 29150

Falls municipal court, candidates for election to the office of 29151
clerk of the court shall be nominated by primary election. The 29152
primary election shall be held on the day specified in the charter 29153
of the city of Cuyahoga Falls for the nomination of municipal 29154
officers. Notwithstanding any contrary provision of section 29155
3513.05 or 3513.257 of the Revised Code, the declarations of 29156
candidacy and petitions of partisan candidates and the nominating 29157
petitions of independent candidates for the office of clerk of the 29158
Cuyahoga Falls municipal court shall be signed by at least fifty 29159
qualified electors of the territory of the court. 29160

The candidates shall file a declaration of candidacy and 29161
petition, or a nominating petition, whichever is applicable, not 29162
later than four p.m. of the seventy-fifth day before the day of 29163
the primary election, in the form prescribed by section 3513.07 or 29164
3513.261 of the Revised Code. The declaration of candidacy and 29165
petition, or the nominating petition, shall conform to the 29166
applicable requirements of section 3513.05 or 3513.257 of the 29167
Revised Code. 29168

If no valid declaration of candidacy and petition is filed by 29169
any person for nomination as a candidate of a particular political 29170
party for election to the office of clerk of the Cuyahoga Falls 29171
municipal court, a primary election shall not be held for the 29172
purpose of nominating a candidate of that party for election to 29173
that office. If only one person files a valid declaration of 29174
candidacy and petition for nomination as a candidate of a 29175
particular political party for election to that office, a primary 29176
election shall not be held for the purpose of nominating a 29177
candidate of that party for election to that office, and the 29178
candidate shall be issued a certificate of nomination in the 29179
manner set forth in section 3513.02 of the Revised Code. 29180

Declarations of candidacy and petitions, nominating 29181
petitions, and certificates of nomination for the office of clerk 29182

of the Cuyahoga Falls municipal court shall contain a designation 29183
of the term for which the candidate seeks election. At the 29184
following regular municipal election, all candidates for the 29185
office shall be submitted to the qualified electors of the 29186
territory of the court in the manner that is provided in section 29187
1901.07 of the Revised Code for the election of the judges of the 29188
court. The clerk so elected shall hold office for a term of six 29189
years, which term shall commence on the first day of January 29190
following the clerk's election and continue until the clerk's 29191
successor is elected and qualified. 29192

(ii) Division (A)(1)(f)(i) of this section shall have no 29193
effect after December 31, 2008. 29194

(g) Except as otherwise provided in division (A)(1)(g) of 29195
this section, in the Toledo municipal court, candidates for 29196
election to the office of clerk of the court shall be nominated by 29197
primary election. The primary election shall be held on the day 29198
specified in the charter of the city of Toledo for the nomination 29199
of municipal officers. Notwithstanding any contrary provision of 29200
section 3513.05 or 3513.257 of the Revised Code, the declarations 29201
of candidacy and petitions of partisan candidates and the 29202
nominating petitions of independent candidates for the office of 29203
clerk of the Toledo municipal court shall be signed by at least 29204
fifty qualified electors of the territory of the court. 29205

The candidates shall file a declaration of candidacy and 29206
petition, or a nominating petition, whichever is applicable, not 29207
later than four p.m. of the seventy-fifth day before the day of 29208
the primary election, in the form prescribed by section 3513.07 or 29209
3513.261 of the Revised Code. The declaration of candidacy and 29210
petition, or the nominating petition, shall conform to the 29211
applicable requirements of section 3513.05 or 3513.257 of the 29212
Revised Code. 29213

If no valid declaration of candidacy and petition is filed by 29214

any person for nomination as a candidate of a particular political party for election to the office of clerk of the Toledo municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code.

Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Toledo municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office shall be submitted to the qualified electors of the territory of the court in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified.

(2)(a) Except for the Alliance, Auglaize county, Brown county, Columbiana county, Holmes county, Lorain, Massillon, and Youngstown municipal courts, in a municipal court for which the population of the territory is less than one hundred thousand, the clerk shall be appointed by the court, and the clerk shall hold office until the clerk's successor is appointed and qualified.

(b) In the Alliance, Lorain, Massillon, and Youngstown municipal courts, the clerk shall be elected for a term of office as described in division (A)(1)(a) of this section.

(c) In the Auglaize county, Brown county, and Holmes county 29247
municipal courts, the clerks of courts of Auglaize county, Brown 29248
county, and Holmes county shall be the clerks, respectively, of 29249
the Auglaize county, Brown county, and Holmes county municipal 29250
courts and may appoint a chief deputy clerk for each branch office 29251
that is established pursuant to section 1901.311 of the Revised 29252
Code, and assistant clerks as the judge of the court determines 29253
are necessary, all of whom shall receive the compensation that the 29254
legislative authority prescribes. The clerks of courts of Auglaize 29255
county, Brown county, and Holmes county, acting as the clerks of 29256
the Auglaize county, Brown county, and Holmes county municipal 29257
courts and assuming the duties of these offices, shall receive 29258
compensation payable from the county treasury in semimonthly 29259
installments at one-fourth the rate that is prescribed for the 29260
clerks of courts of common pleas as determined in accordance with 29261
the population of the county and the rates set forth in sections 29262
325.08 and 325.18 of the Revised Code. 29263

(d) In the Columbiana county municipal court, the clerk of 29264
courts of Columbiana county shall be the clerk of the municipal 29265
court, may appoint a chief deputy clerk for each branch office 29266
that is established pursuant to section 1901.311 of the Revised 29267
Code, and may appoint any assistant clerks that the judges of the 29268
court determine are necessary. All of the chief deputy clerks and 29269
assistant clerks shall receive the compensation that the 29270
legislative authority prescribes. The clerk of courts of 29271
Columbiana county, acting as the clerk of the Columbiana county 29272
municipal court and assuming the duties of that office, shall 29273
receive in either biweekly installments or semimonthly 29274
installments, as determined by the payroll administrator, 29275
compensation payable from the county treasury at one-fourth the 29276
rate that is prescribed for the clerks of courts of common pleas 29277
as determined in accordance with the population of the county and 29278
the rates set forth in sections 325.08 and 325.18 of the Revised 29279

Code. 29280

(3) During the temporary absence of the clerk due to illness, 29281
vacation, or other proper cause, the court may appoint a temporary 29282
clerk, who shall be paid the same compensation, have the same 29283
authority, and perform the same duties as the clerk. 29284

(B) Except in the Hamilton county, Portage county, and Wayne 29285
county municipal courts, if a vacancy occurs in the office of the 29286
clerk of the Alliance, Lorain, Massillon, or Youngstown municipal 29287
court or occurs in the office of the clerk of a municipal court 29288
for which the population of the territory equals or exceeds one 29289
hundred thousand because the clerk ceases to hold the office 29290
before the end of the clerk's term or because a clerk-elect fails 29291
to take office, the vacancy shall be filled, until a successor is 29292
elected and qualified, by a person chosen by the residents of the 29293
territory of the court who are members of the county central 29294
committee of the political party by which the last occupant of 29295
that office or the clerk-elect was nominated. Not less than five 29296
nor more than fifteen days after a vacancy occurs, those members 29297
of that county central committee shall meet to make an appointment 29298
to fill the vacancy. At least four days before the date of the 29299
meeting, the chairperson or a secretary of the county central 29300
committee shall notify each such member of that county central 29301
committee by first class mail of the date, time, and place of the 29302
meeting and its purpose. A majority of all such members of that 29303
county central committee constitutes a quorum, and a majority of 29304
the quorum is required to make the appointment. If the office so 29305
vacated was occupied or was to be occupied by a person not 29306
nominated at a primary election, or if the appointment was not 29307
made by the committee members in accordance with this division, 29308
the court shall make an appointment to fill the vacancy. A 29309
successor shall be elected to fill the office for the unexpired 29310
term at the first municipal election that is held more than one 29311

hundred twenty days after the vacancy occurred. 29312

(C)(1) In a municipal court, other than the Auglaize county, 29313
the Brown county, the Columbiana county, the Holmes county, and 29314
the Lorain municipal courts, for which the population of the 29315
territory is less than one hundred thousand, the clerk of the 29316
municipal court shall receive the annual compensation that the 29317
presiding judge of the court prescribes, if the revenue of the 29318
court for the preceding calendar year, as certified by the auditor 29319
or chief fiscal officer of the municipal corporation in which the 29320
court is located or, in the case of a county-operated municipal 29321
court, the county auditor, is equal to or greater than the 29322
expenditures, including any debt charges, for the operation of the 29323
court payable under this chapter from the city treasury or, in the 29324
case of a county-operated municipal court, the county treasury for 29325
that calendar year, as also certified by the auditor or chief 29326
fiscal officer. If the revenue of a municipal court, other than 29327
the Auglaize county, the Brown county, the Columbiana county, and 29328
the Lorain municipal courts, for which the population of the 29329
territory is less than one hundred thousand for the preceding 29330
calendar year as so certified is not equal to or greater than 29331
those expenditures for the operation of the court for that 29332
calendar year as so certified, the clerk of a municipal court 29333
shall receive the annual compensation that the legislative 29334
authority prescribes. As used in this division, "revenue" means 29335
the total of all costs and fees that are collected and paid to the 29336
city treasury or, in a county-operated municipal court, the county 29337
treasury by the clerk of the municipal court under division (F) of 29338
this section and all interest received and paid to the city 29339
treasury or, in a county-operated municipal court, the county 29340
treasury in relation to the costs and fees under division (G) of 29341
this section. 29342

(2) In a municipal court, other than the Hamilton county, 29343

Portage county, and Wayne county municipal courts, for which the 29344
population of the territory is one hundred thousand or more, and 29345
in the Lorain municipal court, the clerk of the municipal court 29346
shall receive annual compensation in a sum equal to eighty-five 29347
per cent of the salary of a judge of the court. 29348

(3) The compensation of a clerk described in division (C)(1) 29349
or (2) of this section and of the clerk of the Columbiana county 29350
municipal court is payable in either semimonthly installments or 29351
biweekly installments, as determined by the payroll administrator, 29352
from the same sources and in the same manner as provided in 29353
section 1901.11 of the Revised Code, except that the compensation 29354
of the clerk of the Carroll county municipal court is payable in 29355
biweekly installments. 29356

(D) Before entering upon the duties of the clerk's office, 29357
the clerk of a municipal court shall give bond of not less than 29358
six thousand dollars to be determined by the judges of the court, 29359
conditioned upon the faithful performance of the clerk's duties. 29360

(E) The clerk of a municipal court may do all of the 29361
following: administer oaths, take affidavits, and issue executions 29362
upon any judgment rendered in the court, including a judgment for 29363
unpaid costs; issue, sign, and attach the seal of the court to all 29364
writs, process, subpoenas, and papers issuing out of the court; 29365
and approve all bonds, sureties, recognizances, and undertakings 29366
fixed by any judge of the court or by law. The clerk may refuse to 29367
accept for filing any pleading or paper submitted for filing by a 29368
person who has been found to be a vexatious litigator under 29369
section 2323.52 of the Revised Code and who has failed to obtain 29370
leave to proceed under that section. The clerk shall do all of the 29371
following: file and safely keep all journals, records, books, and 29372
papers belonging or appertaining to the court; record the 29373
proceedings of the court; perform all other duties that the judges 29374
of the court may prescribe; and keep a book showing all receipts 29375

and disbursements, which book shall be open for public inspection 29376
at all times. 29377

The clerk shall prepare and maintain a general index, a 29378
docket, and other records that the court, by rule, requires, all 29379
of which shall be the public records of the court. In the docket, 29380
the clerk shall enter, at the time of the commencement of an 29381
action, the names of the parties in full, the names of the 29382
counsel, and the nature of the proceedings. Under proper dates, 29383
the clerk shall note the filing of the complaint, issuing of 29384
summons or other process, returns, and any subsequent pleadings. 29385
The clerk also shall enter all reports, verdicts, orders, 29386
judgments, and proceedings of the court, clearly specifying the 29387
relief granted or orders made in each action. The court may order 29388
an extended record of any of the above to be made and entered, 29389
under the proper action heading, upon the docket at the request of 29390
any party to the case, the expense of which record may be taxed as 29391
costs in the case or may be required to be prepaid by the party 29392
demanding the record, upon order of the court. 29393

(F) The clerk of a municipal court shall receive, collect, 29394
and issue receipts for all costs, fees, fines, bail, and other 29395
moneys payable to the office or to any officer of the court. The 29396
clerk shall each month disburse to the proper persons or officers, 29397
and take receipts for, all costs, fees, fines, bail, and other 29398
moneys that the clerk collects. Subject to sections 3375.50 and 29399
4511.193 of the Revised Code and to any other section of the 29400
Revised Code that requires a specific manner of disbursement of 29401
any moneys received by a municipal court and except for the 29402
Hamilton county, Lawrence county, and Ottawa county municipal 29403
courts, the clerk shall pay all fines received for violation of 29404
municipal ordinances into the treasury of the municipal 29405
corporation the ordinance of which was violated and shall pay all 29406
fines received for violation of township resolutions adopted 29407

pursuant to section 503.52 or 503.53 or Chapter 504. of the 29408
Revised Code into the treasury of the township the resolution of 29409
which was violated. Subject to sections 1901.024 and 4511.193 of 29410
the Revised Code, in the Hamilton county, Lawrence county, and 29411
Ottawa county municipal courts, the clerk shall pay fifty per cent 29412
of the fines received for violation of municipal ordinances and 29413
fifty per cent of the fines received for violation of township 29414
resolutions adopted pursuant to section 503.52 or 503.53 or 29415
Chapter 504. of the Revised Code into the treasury of the county. 29416
Subject to sections 3375.50, 3375.53, 4511.19, and 5503.04 of the 29417
Revised Code and to any other section of the Revised Code that 29418
requires a specific manner of disbursement of any moneys received 29419
by a municipal court, the clerk shall pay all fines collected for 29420
the violation of state laws into the county treasury. Except in a 29421
county-operated municipal court, the clerk shall pay all costs and 29422
fees the disbursement of which is not otherwise provided for in 29423
the Revised Code into the city treasury. The clerk of a 29424
county-operated municipal court shall pay the costs and fees the 29425
disbursement of which is not otherwise provided for in the Revised 29426
Code into the county treasury. Moneys deposited as security for 29427
costs shall be retained pending the litigation. The clerk shall 29428
keep a separate account of all receipts and disbursements in civil 29429
and criminal cases, which shall be a permanent public record of 29430
the office. On the expiration of the term of the clerk, the clerk 29431
shall deliver the records to the clerk's successor. The clerk 29432
shall have other powers and duties as are prescribed by rule or 29433
order of the court. 29434

(G) All moneys paid into a municipal court shall be noted on 29435
the record of the case in which they are paid and shall be 29436
deposited in a state or national bank, or a domestic savings and 29437
loan association, as defined in section 1151.01 of the Revised 29438
Code, that is selected by the clerk. Any interest received upon 29439
the deposits shall be paid into the city treasury, except that, in 29440

a county-operated municipal court, the interest shall be paid into 29441
the treasury of the county in which the court is located. 29442

On the first Monday in January of each year, the clerk shall 29443
make a list of the titles of all cases in the court that were 29444
finally determined more than one year past in which there remains 29445
unclaimed in the possession of the clerk any funds, or any part of 29446
a deposit for security of costs not consumed by the costs in the 29447
case. The clerk shall give notice of the moneys to the parties who 29448
are entitled to the moneys or to their attorneys of record. All 29449
the moneys remaining unclaimed on the first day of April of each 29450
year shall be paid by the clerk to the city treasurer, except 29451
that, in a county-operated municipal court, the moneys shall be 29452
paid to the treasurer of the county in which the court is located. 29453
The treasurer shall pay any part of the moneys at any time to the 29454
person who has the right to the moneys upon proper certification 29455
of the clerk. 29456

(H) Deputy clerks of a municipal court other than the Carroll 29457
county municipal court may be appointed by the clerk and shall 29458
receive the compensation, payable in either biweekly installments 29459
or semimonthly installments, as determined by the payroll 29460
administrator, out of the city treasury, that the clerk may 29461
prescribe, except that the compensation of any deputy clerk of a 29462
county-operated municipal court shall be paid out of the treasury 29463
of the county in which the court is located. The judge of the 29464
Carroll county municipal court may appoint deputy clerks for the 29465
court, and the deputy clerks shall receive the compensation, 29466
payable in biweekly installments out of the county treasury, that 29467
the judge may prescribe. Each deputy clerk shall take an oath of 29468
office before entering upon the duties of the deputy clerk's 29469
office and, when so qualified, may perform the duties appertaining 29470
to the office of the clerk. The clerk may require any of the 29471
deputy clerks to give bond of not less than three thousand 29472

dollars, conditioned for the faithful performance of the deputy clerk's duties. 29473
29474

(I) For the purposes of this section, whenever the population of the territory of a municipal court falls below one hundred thousand but not below ninety thousand, and the population of the territory prior to the most recent regular federal census exceeded one hundred thousand, the legislative authority of the municipal corporation may declare, by resolution, that the territory shall be considered to have a population of at least one hundred thousand. 29475
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(J) The clerk or a deputy clerk shall be in attendance at all sessions of the municipal court, although not necessarily in the courtroom, and may administer oaths to witnesses and jurors and receive verdicts. 29483
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29486

Sec. 1907.24. (A) Subject to division (C) of this section, a county court shall fix and tax fees and costs as follows: 29487
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(1) The county court shall require an advance deposit for the filing of any new civil action or proceeding when required by division (C) of this section and, in all other cases, shall establish a schedule of fees and costs to be taxed in any civil or criminal action or proceeding. 29489
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(2) The county court by rule may require an advance deposit for the filing of a civil action or proceeding and publication fees as provided in section 2701.09 of the Revised Code. The court may waive an advance deposit requirement upon the presentation of an affidavit or other evidence that establishes that a party is unable to make the requisite deposit. 29494
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(3) When a party demands a jury trial in a civil action or proceeding, the county court may require the party to make an advance deposit as fixed by rule of court, unless the court 29500
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concludes, on the basis of an affidavit or other evidence 29503
presented by the party, that the party is unable to make the 29504
requisite deposit. If a jury is called, the county court shall tax 29505
the fees of a jury as costs. 29506

(4) In a civil or criminal action or proceeding, the county 29507
court shall fix the fees of witnesses in accordance with sections 29508
2335.06 and 2335.08 of the Revised Code. 29509

(5) A county court may tax as part of the costs in a trial of 29510
the cause, in an amount fixed by rule of court, a reasonable 29511
charge for driving, towing, carting, storing, keeping, and 29512
preserving motor vehicles and other personal property recovered or 29513
seized in a proceeding. 29514

(6) The court shall preserve chattel property seized under a 29515
writ or process issued by the court pending final disposition for 29516
the benefit of all interested persons. The court may place the 29517
chattel property in storage when necessary or proper for its 29518
preservation. The custodian of chattel property so stored shall 29519
not be required to part with the possession of the property until 29520
a reasonable charge, to be fixed by the court, is paid. 29521

(7) The county court, as it determines, may refund all 29522
deposits and advance payments of fees and costs, including those 29523
for jurors and summoning jurors, when they have been paid by the 29524
losing party. 29525

(8) The court may tax as part of costs charges for the 29526
publication of legal notices required by statute or order of 29527
court, as provided by section 7.13 of the Revised Code. 29528

(B)(1) The county court may determine that, for the efficient 29529
operation of the court, additional funds are necessary to acquire 29530
and pay for special projects of the court including, but not 29531
limited to, the acquisition of additional facilities or the 29532
rehabilitation of existing facilities, the acquisition of 29533

equipment, the hiring and training of staff, community service 29534
programs, mediation or dispute resolution services, the employment 29535
of magistrates, the training and education of judges, acting 29536
judges, and magistrates, and other related services. Upon that 29537
determination, the court by rule may charge a fee, in addition to 29538
all other court costs, on the filing of each criminal cause, civil 29539
action or proceeding, or judgment by confession. 29540

If the county court offers a special program or service in 29541
cases of a specific type, the county court by rule may assess an 29542
additional charge in a case of that type, over and above court 29543
costs, to cover the special program or service. The county court 29544
shall adjust the special assessment periodically, but not 29545
retroactively, so that the amount assessed in those cases does not 29546
exceed the actual cost of providing the service or program. 29547

All moneys collected under division (B) of this section shall 29548
be paid to the county treasurer for deposit into either a general 29549
special projects fund or a fund established for a specific special 29550
project. Moneys from a fund of that nature shall be disbursed upon 29551
an order of the court in an amount no greater than the actual cost 29552
to the court of a project. If a specific fund is terminated 29553
because of the discontinuance of a program or service established 29554
under division (B) of this section, the county court may order 29555
that moneys remaining in the fund be transferred to an account 29556
established under this division for a similar purpose. 29557

(2) As used in division (B) of this section: 29558

(a) "Criminal cause" means a charge alleging the violation of 29559
a statute or ordinance, or subsection of a statute or ordinance, 29560
that requires a separate finding of fact or a separate plea before 29561
disposition and of which the defendant may be found guilty, 29562
whether filed as part of a multiple charge on a single summons, 29563
citation, or complaint or as a separate charge on a single 29564
summons, citation, or complaint. "Criminal cause" does not include 29565

separate violations of the same statute or ordinance, or 29566
subsection of the same statute or ordinance, unless each charge is 29567
filed on a separate summons, citation, or complaint. 29568

(b) "Civil action or proceeding" means any civil litigation 29569
that must be determined by judgment entry. 29570

(C) Subject to division (E) of this section, the county court 29571
shall collect in all its divisions except the small claims 29572
division the sum of ~~twenty-six~~ thirty-one dollars as additional 29573
filing fees in each new civil action or proceeding for the 29574
charitable public purpose of providing financial assistance to 29575
legal aid societies that operate within the state and to support 29576
the office of the state public defender. Subject to division (E) 29577
of this section, the county court shall collect in its small 29578
claims division the sum of eleven dollars as additional filing 29579
fees in each new civil action or proceeding for the charitable 29580
public purpose of providing financial assistance to legal aid 29581
societies that operate within the state and to support the office 29582
of the state public defender. This division does not apply to any 29583
execution on a judgment, proceeding in aid of execution, or other 29584
post-judgment proceeding arising out of a civil action. The filing 29585
fees required to be collected under this division shall be in 29586
addition to any other court costs imposed in the action or 29587
proceeding and shall be collected at the time of the filing of the 29588
action or proceeding. The court shall not waive the payment of the 29589
additional filing fees in a new civil action or proceeding unless 29590
the court waives the advanced payment of all filing fees in the 29591
action or proceeding. All such moneys collected during a month 29592
except for an amount equal to up to one per cent of those moneys 29593
retained to cover administrative costs shall be transmitted on or 29594
before the twentieth day of the following month by the clerk of 29595
the court to the treasurer of state in a manner prescribed by the 29596
treasurer of state or by the Ohio legal assistance foundation. The 29597

treasurer of state shall deposit four per cent of the funds 29598
collected under this division to the credit of the civil case 29599
filing fee fund established under section 120.07 of the Revised 29600
Code and ninety-six per cent of the funds collected under this 29601
division to the credit of the legal aid fund established under 29602
section 120.52 of the Revised Code. 29603

The Ohio legal assistance foundation or any recipient of 29604
financial assistance from the foundation that receives, or 29605
benefits from, any portion of the additional filing fees that are 29606
collected and transmitted under this division shall not bring or 29607
maintain any class action and shall not bring or maintain any 29608
action against the state or any political subdivision of the 29609
state. 29610

The court may retain up to one per cent of the moneys it 29611
collects under this division to cover administrative costs, 29612
including the hiring of any additional personnel necessary to 29613
implement this division. If the court fails to transmit to the 29614
treasurer of state the moneys the court collects under this 29615
division in a manner prescribed by the treasurer of state or by 29616
the Ohio legal assistance foundation, the court shall forfeit the 29617
moneys the court retains under this division to cover 29618
administrative costs, including the hiring of any additional 29619
personnel necessary to implement this division, and shall transmit 29620
to the treasurer of state all moneys collected under this 29621
division, including the forfeited amount retained for 29622
administrative costs, for deposit in the legal aid fund. 29623

(D) The county court shall establish by rule a schedule of 29624
fees for miscellaneous services performed by the county court or 29625
any of its judges in accordance with law. If judges of the court 29626
of common pleas perform similar services, the fees prescribed in 29627
the schedule shall not exceed the fees for those services 29628
prescribed by the court of common pleas. 29629

(E) Under the circumstances described in sections 2969.21 to 29630
2969.27 of the Revised Code, the clerk of the county court shall 29631
charge the fees and perform the other duties specified in those 29632
sections. 29633

Sec. 2303.201. (A)(1) The court of common pleas of any county 29634
may determine that for the efficient operation of the court 29635
additional funds are required to computerize the court, to make 29636
available computerized legal research services, or to do both. 29637
Upon making a determination that additional funds are required for 29638
either or both of those purposes, the court shall authorize and 29639
direct the clerk of the court of common pleas to charge one 29640
additional fee, not to exceed three dollars, on the filing of each 29641
cause of action or appeal under divisions (A), (Q), and (U) of 29642
section 2303.20 of the Revised Code. 29643

(2) All fees collected under division (A)(1) of this section 29644
shall be paid to the county treasurer. The treasurer shall place 29645
the funds from the fees in a separate fund to be disbursed, upon 29646
an order of the court, in an amount not greater than the actual 29647
cost to the court of procuring and maintaining computerization of 29648
the court, computerized legal research services, or both. 29649

(3) If the court determines that the funds in the fund 29650
described in division (A)(2) of this section are more than 29651
sufficient to satisfy the purpose for which the additional fee 29652
described in division (A)(1) of this section was imposed, the 29653
court may declare a surplus in the fund and expend those surplus 29654
funds for other appropriate technological expenses of the court. 29655

(B)(1) The court of common pleas of any county may determine 29656
that, for the efficient operation of the court, additional funds 29657
are required to computerize the office of the clerk of the court 29658
of common pleas and, upon that determination, authorize and direct 29659
the clerk of the court of common pleas to charge an additional 29660

fee, not to exceed ten dollars, on the filing of each cause of 29661
action or appeal, on the filing, docketing, and endorsing of each 29662
certificate of judgment, or on the docketing and indexing of each 29663
aid in execution or petition to vacate, revive, or modify a 29664
judgment under divisions (A), (P), (Q), (T), and (U) of section 29665
2303.20 of the Revised Code. Subject to division (B)(2) of this 29666
section, all moneys collected under division (B)(1) of this 29667
section shall be paid to the county treasurer to be disbursed, 29668
upon an order of the court of common pleas and subject to 29669
appropriation by the board of county commissioners, in an amount 29670
no greater than the actual cost to the court of procuring and 29671
maintaining computer systems for the office of the clerk of the 29672
court of common pleas. 29673

(2) If the court of common pleas of a county makes the 29674
determination described in division (B)(1) of this section, the 29675
board of county commissioners of that county may issue one or more 29676
general obligation bonds for the purpose of procuring and 29677
maintaining the computer systems for the office of the clerk of 29678
the court of common pleas. In addition to the purposes stated in 29679
division (B)(1) of this section for which the moneys collected 29680
under that division may be expended, the moneys additionally may 29681
be expended to pay debt charges on and financing costs related to 29682
any general obligation bonds issued pursuant to division (B)(2) of 29683
this section as they become due. General obligation bonds issued 29684
pursuant to division (B)(2) of this section are Chapter 133. 29685
securities. 29686

(C) The court of common pleas shall collect the sum of 29687
~~twenty-six~~ thirty-one dollars as additional filing fees in each 29688
new civil action or proceeding for the charitable public purpose 29689
of providing financial assistance to legal aid societies that 29690
operate within the state and to support the office of the state 29691
public defender. This division does not apply to a domestic 29692

relations division of a court of common pleas, except that the 29693
additional filing fee shall apply to proceedings concerning 29694
annulments, dissolutions of marriage, divorces, and legal 29695
~~separation, spousal support, marital property or separate property~~ 29696
~~distribution, support, or other domestic relations matters;~~ to a 29697
juvenile division of a court of common pleas; to a probate 29698
division of a court of common pleas, except that the additional 29699
filing fees shall apply to name change, guardianship, adoption, 29700
and decedents' estate proceedings; or to an execution on a 29701
judgment, proceeding in aid of execution, or other post-judgment 29702
proceeding arising out of a civil action. The filing fees required 29703
to be collected under this division shall be in addition to any 29704
other filing fees imposed in the action or proceeding and shall be 29705
collected at the time of the filing of the action or proceeding. 29706
The court shall not waive the payment of the additional filing 29707
fees in a new civil action or proceeding unless the court waives 29708
the advanced payment of all filing fees in the action or 29709
proceeding. All such moneys collected during a month except for an 29710
amount equal to up to one per cent of those moneys retained to 29711
cover administrative costs shall be transmitted on or before the 29712
twentieth day of the following month by the clerk of the court to 29713
the treasurer of state in a manner prescribed by the treasurer of 29714
state or by the Ohio legal assistance foundation. The treasurer of 29715
state shall deposit four per cent of the funds collected under 29716
this division to the credit of the civil case filing fee fund 29717
established under section 120.07 of the Revised Code and 29718
ninety-six per cent of the funds collected under this division to 29719
the credit of the legal aid fund established under section 120.52 29720
of the Revised Code. 29721

The Ohio legal assistance foundation or any recipient of 29722
financial assistance from the foundation that receives, or 29723
benefits from, any portion of the additional filing fees that are 29724
collected and transmitted under this division shall not bring or 29725

maintain any class action and shall not bring or maintain any 29726
action against the state or any political subdivision of the 29727
state. 29728

The court may retain up to one per cent of the moneys it 29729
collects under this division to cover administrative costs, 29730
including the hiring of any additional personnel necessary to 29731
implement this division. If the court fails to transmit to the 29732
treasurer of state the moneys the court collects under this 29733
division in a manner prescribed by the treasurer of state or by 29734
the Ohio legal assistance foundation, the court shall forfeit the 29735
moneys the court retains under this division to cover 29736
administrative costs, including the hiring of any additional 29737
personnel necessary to implement this division, and shall transmit 29738
to the treasurer of state all moneys collected under this 29739
division, including the forfeited amount retained for 29740
administrative costs, for deposit in the legal aid fund. 29741

(D) On and after the thirtieth day after December 9, 1994, 29742
the court of common pleas shall collect the sum of thirty-two 29743
dollars as additional filing fees in each new action or proceeding 29744
for annulment, divorce, or dissolution of marriage for the purpose 29745
of funding shelters for victims of domestic violence pursuant to 29746
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 29747
required to be collected under this division shall be in addition 29748
to any other filing fees imposed in the action or proceeding and 29749
shall be collected at the time of the filing of the action or 29750
proceeding. The court shall not waive the payment of the 29751
additional filing fees in a new action or proceeding for 29752
annulment, divorce, or dissolution of marriage unless the court 29753
waives the advanced payment of all filing fees in the action or 29754
proceeding. On or before the twentieth day of each month, all 29755
moneys collected during the immediately preceding month pursuant 29756
to this division shall be deposited by the clerk of the court into 29757

the county treasury in the special fund used for deposit of 29758
additional marriage license fees as described in section 3113.34 29759
of the Revised Code. Upon their deposit into the fund, the moneys 29760
shall be retained in the fund and expended only as described in 29761
section 3113.34 of the Revised Code. 29762

(E)(1) The court of common pleas may determine that, for the 29763
efficient operation of the court, additional funds are necessary 29764
to acquire and pay for special projects of the court, including, 29765
but not limited to, the acquisition of additional facilities or 29766
the rehabilitation of existing facilities, the acquisition of 29767
equipment, the hiring and training of staff, community service 29768
programs, mediation or dispute resolution services, the employment 29769
of magistrates, the training and education of judges, acting 29770
judges, and magistrates, and other related services. Upon that 29771
determination, the court by rule may charge a fee, in addition to 29772
all other court costs, on the filing of each criminal cause, civil 29773
action or proceeding, or judgment by confession. 29774

If the court of common pleas offers a special program or 29775
service in cases of a specific type, the court by rule may assess 29776
an additional charge in a case of that type, over and above court 29777
costs, to cover the special program or service. The court shall 29778
adjust the special assessment periodically, but not retroactively, 29779
so that the amount assessed in those cases does not exceed the 29780
actual cost of providing the service or program. 29781

All moneys collected under division (E) of this section shall 29782
be paid to the county treasurer for deposit into either a general 29783
special projects fund or a fund established for a specific special 29784
project. Moneys from a fund of that nature shall be disbursed upon 29785
an order of the court in an amount no greater than the actual cost 29786
to the court of a project. If a specific fund is terminated 29787
because of the discontinuance of a program or service established 29788
under division (E) of this section, the court may order that 29789

moneys remaining in the fund be transferred to an account 29790
established under this division for a similar purpose. 29791

(2) As used in division (E) of this section: 29792

(a) "Criminal cause" means a charge alleging the violation of 29793
a statute or ordinance, or subsection of a statute or ordinance, 29794
that requires a separate finding of fact or a separate plea before 29795
disposition and of which the defendant may be found guilty, 29796
whether filed as part of a multiple charge on a single summons, 29797
citation, or complaint or as a separate charge on a single 29798
summons, citation, or complaint. "Criminal cause" does not include 29799
separate violations of the same statute or ordinance, or 29800
subsection of the same statute or ordinance, unless each charge is 29801
filed on a separate summons, citation, or complaint. 29802

(b) "Civil action or proceeding" means any civil litigation 29803
that must be determined by judgment entry. 29804

Sec. 2315.50. (A) This section applies to an action 29805
maintained as a class action in which the settlement agreement or 29806
judgment includes a monetary award, including compensatory or 29807
punitive and exemplary damages, restitution, or any other payment 29808
of money due from each defendant to the members of the class. 29809

(B) It is the policy of this state, insofar as it is not 29810
inconsistent with federal law, that all unpaid moneys remaining 29811
after the distribution to the members of the class of monetary 29812
awards in class actions described in division (A) of this section 29813
shall be used for charitable public purposes. Fifteen per cent of 29814
those moneys shall provide financial assistance to legal aid 29815
societies that operate within this state. The remaining 29816
eighty-five per cent of those moneys shall be distributed to 29817
charities, nonprofit organizations, and charitable programs 29818
selected in the action and approved by the court. With respect to 29819
the moneys for legal aid societies, not later than the twentieth 29820

day of the month immediately following the month during which the 29821
amount of unpaid moneys, if any, remaining after that distribution 29822
of the monetary award in the class action is identified, each 29823
defendant from whom the unpaid moneys are due, in a manner and 29824
form prescribed in the rules established by the Ohio legal 29825
assistance foundation under section 120.52 of the Revised Code, 29826
shall do both of the following: 29827

(1) Remit fifteen per cent of the sum of the unpaid moneys to 29828
the treasurer of state for deposit in the legal aid fund 29829
established under section 120.52 of the Revised Code; 29830

(2) Notify the Ohio legal assistance foundation of all of the 29831
following: 29832

(a) The amount of moneys remitted under division (B)(1) of 29833
this section; 29834

(b) The case name and case number of the class action and the 29835
court that approved the settlement agreement or rendered the 29836
judgment in the class action. 29837

(C) The Ohio legal assistance foundation or any recipient of 29838
financial assistance from the foundation that receives, or 29839
benefits from, any portion of the moneys that are remitted under 29840
division (B)(1) of this section shall not bring or maintain any 29841
class action and shall not bring or maintain any action against 29842
the state or any political subdivision of the state. 29843

Sec. 2317.422. (A) Notwithstanding sections 2317.40 and 29844
2317.41 of the Revised Code but subject to division (B) of this 29845
section, the records, or copies or photographs of the records, of 29846
a hospital, homes required to be licensed pursuant to section 29847
3721.01 of the Revised Code, ~~and of~~ adult care facilities required 29848
to be licensed pursuant to Chapter 3722. of the Revised Code, ~~and~~ 29849
~~community alternative homes licensed pursuant to section 3724.03~~ 29850

~~of the Revised Code,~~ in lieu of the testimony in open court of 29851
their custodian, person who made them, or person under whose 29852
supervision they were made, may be qualified as authentic evidence 29853
if any such person endorses thereon the person's verified 29854
certification identifying such records, giving the mode and time 29855
of their preparation, and stating that they were prepared in the 29856
usual course of the business of the institution. Such records, 29857
copies, or photographs may not be qualified by certification as 29858
provided in this section unless the party intending to offer them 29859
delivers a copy of them, or of their relevant portions, to the 29860
attorney of record for each adverse party not less than five days 29861
before trial. Nothing in this section shall be construed to limit 29862
the right of any party to call the custodian, person who made such 29863
records, or person under whose supervision they were made, as a 29864
witness. 29865

(B) Division (A) of this section does not apply to any 29866
certified copy of the results of any test given to determine the 29867
presence or concentration of alcohol, a drug of abuse, a 29868
combination of them, a controlled substance, or a metabolite of a 29869
controlled substance in a patient's whole blood, blood serum or 29870
plasma, breath, or urine at any time relevant to a criminal 29871
offense that is submitted in a criminal action or proceeding in 29872
accordance with division (B)(2)(b) or (B)(3)(b) of section 2317.02 29873
of the Revised Code. 29874

Sec. 2503.17. ~~(A) Except as provided in division (B) and~~ 29875
~~subject to division (C) of this section, the~~ The clerk of the 29876
supreme court shall charge and collect ~~forty~~ one hundred dollars, 29877
as a filing fee, for each case entered upon the ~~minute book,~~ 29878
~~including, but not limited to, original actions in the court,~~ 29879
~~appeals filed as of right, and cases certified by the courts of~~ 29880
~~appeals for review on the ground of conflict of decisions; and for~~ 29881
~~each motion to certify the record of a court of appeals or for~~ 29882

~~leave to file a notice of appeal in criminal cases docket. The~~ 29883
~~filing fees so charged and collected shall be in full for~~ 29884
~~docketing the cases or motions, making dockets from term to term,~~ 29885
~~indexing and entering appearances, issuing process, filing papers,~~ 29886
~~entering rules, motions, orders, continuances, decrees, and~~ 29887
~~judgments, making lists of causes on the regular docket for~~ 29888
~~publication each year, making and certifying orders, decrees, and~~ 29889
~~judgments of the court to other tribunals, and the issuing of~~ 29890
~~mandates. Except as provided in division (B) of this section, the~~ 29891
~~each case filed in the supreme court under the Rules of Practice~~ 29892
~~of the Supreme Court. The party invoking the action of the court~~ 29893
~~shall pay the filing fee to the clerk before the case ~~or motion~~ is~~ 29894
~~docketed, and it shall be taxed as costs and recovered from the~~ 29895
~~other party if the party invoking the action of the court~~ 29896
~~succeeds, unless the court otherwise directs.~~ 29897

~~(B)(1) As used in this division, "prosecutor" has the same~~ 29898
~~meaning as in section 2935.01 of the Revised Code.~~ 29899

~~(2) The clerk of the supreme court shall not charge to and~~ 29900
~~collect from a prosecutor the forty dollar filing fee prescribed~~ 29901
~~by division (A) of this section when all of the following~~ 29902
~~circumstances apply:~~ 29903

~~(a) In accordance with the Rules of Practice of the Supreme~~ 29904
~~Court of Ohio, an indigent defendant in a criminal action or~~ 29905
~~proceeding files in the appropriate court of appeals a notice of~~ 29906
~~appeal within thirty days from the date of the entry of the~~ 29907
~~judgment or final order that is the subject of the appeal.~~ 29908

~~(b) The indigent defendant fails to file or offer for filing~~ 29909
~~in the supreme court within thirty days from the date of the~~ 29910
~~filing of the notice of appeal in the court of appeals, a copy of~~ 29911
~~the notice of appeal supported by a memorandum in support of~~ 29912
~~jurisdiction and other documentation and information as required~~ 29913
~~by the Rules of Practice of the Supreme Court of Ohio.~~ 29914

~~(c) The prosecutor or a representative of the prosecutor associated with the criminal action or proceeding files a motion to docket and dismiss the appeal of the indigent defendant for lack of prosecution as authorized by the Rules of Practice of the Supreme Court of Ohio.~~ 29915
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~~(d) The prosecutor states in the motion that the forty dollar filing fee does not accompany the motion because of the applicability of this division, and the clerk of the supreme court determines that this division applies. No filing fee or security deposit shall be charged to an indigent party upon determination of indigency by the supreme court pursuant to the Rules of Practice of the Supreme Court.~~ 29920
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Sec. 2505.09. Except as provided in section 2505.11 or 2505.12 or another section of the Revised Code or in applicable rules governing courts, the perfection of an appeal, including an administrative-related appeal, does not operate as a stay of execution until a stay of execution has been obtained pursuant to the Rules of Appellate Procedure or in another applicable manner, and a supersedeas bond is executed by the appellant to the appellee, with sufficient sureties and in a sum that is not less than, if applicable, the cumulative total for all claims covered by the final order, judgment, or decree and interest involved, except that the bond shall not exceed fifty million dollars excluding interest and costs, as directed by the court that rendered the final order, judgment, or decree that is sought to be superseded or by the court to which the appeal is taken. That bond shall be conditioned as provided in section 2505.14 of the Revised Code. 29927
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Sec. 2505.12. An appellant is not required to give a supersedeas bond in connection with any of the following: 29943
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(A) An <u>Perfection of an</u> appeal by any of the following:	29945
(1) An executor, administrator, guardian, receiver, trustee, or trustee in bankruptcy who is acting in that person's trust capacity and who has given bond in this state, with surety according to law;	29946 29947 29948 29949
(2) The state or any political subdivision of the state;	29950
(3) Any public officer of the state or of any of its political subdivisions who is suing or is sued solely in the public officer's representative capacity as that officer.	29951 29952 29953
(B) An <u>Perfection of an</u> administrative-related appeal of a final order that is not for the payment of money.	29954 29955
<u>Sec. 2505.122. An appellant who obtains a stay of execution pending the appeal of a final order, adjudication, or decision pursuant to section 2506.01 of the Revised Code shall execute a supersedeas bond to the appellee, with sufficient sureties and in such an amount as is determined by the court. That bond shall be conditioned as provided in section 2505.14 of the Revised Code.</u>	29956 29957 29958 29959 29960 29961
Sec. 2743.51. As used in sections 2743.51 to 2743.72 of the Revised Code:	29962 29963
(A) "Claimant" means both of the following categories of persons:	29964 29965
(1) Any of the following persons who claim an award of reparations under sections 2743.51 to 2743.72 of the Revised Code:	29966 29967
(a) A victim who was one of the following at the time of the criminally injurious conduct:	29968 29969
(i) A resident of the United States;	29970
(ii) A resident of a foreign country the laws of which permit residents of this state to recover compensation as victims of	29971 29972

offenses committed in that country.	29973
(b) A dependent of a deceased victim who is described in division (A)(1)(a) of this section;	29974 29975
(c) A third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim, or of a dependent of a victim, who is described in division (A)(1)(a) of this section, which obligations are incurred as a result of the criminally injurious conduct that is the subject of the claim and may include, but are not limited to, medical or burial expenses;	29976 29977 29978 29979 29980 29981 29982
(d) A person who is authorized to act on behalf of any person who is described in division (A)(1)(a), (b), or (c) of this section;	29983 29984 29985
(e) The estate of a deceased victim who is described in division (A)(1)(a) of this section.	29986 29987
(2) Any of the following persons who claim an award of reparations under sections 2743.51 to 2743.72 of the Revised Code:	29988 29989
(a) A victim who had a permanent place of residence within this state at the time of the criminally injurious conduct and who, at the time of the criminally injurious conduct, complied with any one of the following:	29990 29991 29992 29993
(i) Had a permanent place of employment in this state;	29994
(ii) Was a member of the regular armed forces of the United States or of the United States coast guard or was a full-time member of the Ohio organized militia or of the United States army reserve, naval reserve, or air force reserve;	29995 29996 29997 29998
(iii) Was retired and receiving social security or any other retirement income;	29999 30000
(iv) Was sixty years of age or older;	30001
(v) Was temporarily in another state for the purpose of	30002

receiving medical treatment;	30003
(vi) Was temporarily in another state for the purpose of	30004
performing employment-related duties required by an employer	30005
located within this state as an express condition of employment or	30006
employee benefits;	30007
(vii) Was temporarily in another state for the purpose of	30008
receiving occupational, vocational, or other job-related training	30009
or instruction required by an employer located within this state	30010
as an express condition of employment or employee benefits;	30011
(viii) Was a full-time student at an academic institution,	30012
college, or university located in another state;	30013
(ix) Had not departed the geographical boundaries of this	30014
state for a period exceeding thirty days or with the intention of	30015
becoming a citizen of another state or establishing a permanent	30016
place of residence in another state.	30017
(b) A dependent of a deceased victim who is described in	30018
division (A)(2)(a) of this section;	30019
(c) A third person, other than a collateral source, who	30020
legally assumes or voluntarily pays the obligations of a victim,	30021
or of a dependent of a victim, who is described in division	30022
(A)(2)(a) of this section, which obligations are incurred as a	30023
result of the criminally injurious conduct that is the subject of	30024
the claim and may include, but are not limited to, medical or	30025
burial expenses;	30026
(d) A person who is authorized to act on behalf of any person	30027
who is described in division (A)(2)(a), (b), or (c) of this	30028
section;	30029
(e) The estate of a deceased victim who is described in	30030
division (A)(2)(a) of this section.	30031
(B) "Collateral source" means a source of benefits or	30032

advantages for economic loss otherwise reparable that the victim	30033
or claimant has received, or that is readily available to the	30034
victim or claimant, from any of the following sources:	30035
(1) The offender;	30036
(2) The government of the United States or any of its	30037
agencies, a state or any of its political subdivisions, or an	30038
instrumentality of two or more states, unless the law providing	30039
for the benefits or advantages makes them excess or secondary to	30040
benefits under sections 2743.51 to 2743.72 of the Revised Code;	30041
(3) Social security, medicare, and medicaid;	30042
(4) State-required, temporary, nonoccupational disability	30043
insurance;	30044
(5) Workers' compensation;	30045
(6) Wage continuation programs of any employer;	30046
(7) Proceeds of a contract of insurance payable to the victim	30047
for loss that the victim sustained because of the criminally	30048
injurious conduct;	30049
(8) A contract providing prepaid hospital and other health	30050
care services, or benefits for disability;	30051
(9) That portion of the proceeds of all contracts of	30052
insurance payable to the claimant on account of the death of the	30053
victim that exceeds fifty thousand dollars;	30054
(10) Any compensation recovered or recoverable under the laws	30055
of another state, district, territory, or foreign country because	30056
the victim was the victim of an offense committed in that state,	30057
district, territory, or country.	30058
"Collateral source" does not include any money, or the	30059
monetary value of any property, that is subject to sections	30060
2969.01 to 2969.06 of the Revised Code or that is received as a	30061
benefit from the Ohio public safety officers death benefit fund	30062

created by section 742.62 of the Revised Code. 30063

(C) "Criminally injurious conduct" means one of the 30064
following: 30065

(1) For the purposes of any person described in division 30066
(A)(1) of this section, any conduct that occurs or is attempted in 30067
this state; poses a substantial threat of personal injury or 30068
death; and is punishable by fine, imprisonment, or death, or would 30069
be so punishable but for the fact that the person engaging in the 30070
conduct lacked capacity to commit the crime under the laws of this 30071
state. Criminally injurious conduct does not include conduct 30072
arising out of the ownership, maintenance, or use of a motor 30073
vehicle, except when any of the following applies: 30074

(a) The person engaging in the conduct intended to cause 30075
personal injury or death; 30076

(b) The person engaging in the conduct was using the vehicle 30077
to flee immediately after committing a felony or an act that would 30078
constitute a felony but for the fact that the person engaging in 30079
the conduct lacked the capacity to commit the felony under the 30080
laws of this state; 30081

(c) The person engaging in the conduct was using the vehicle 30082
in a manner that constitutes an OVI violation; 30083

(d) The conduct occurred on or after July 25, 1990, and the 30084
person engaging in the conduct was using the vehicle in a manner 30085
that constitutes a violation of section 2903.08 of the Revised 30086
Code; 30087

(e) The person engaging in the conduct acted in a manner that 30088
caused serious physical harm to a person and that constituted a 30089
violation of section 4549.02 or 4549.021 of the Revised Code. 30090

(2) For the purposes of any person described in division 30091
(A)(2) of this section, any conduct that occurs or is attempted in 30092

another state, district, territory, or foreign country; poses a 30093
substantial threat of personal injury or death; and is punishable 30094
by fine, imprisonment, or death, or would be so punishable but for 30095
the fact that the person engaging in the conduct lacked capacity 30096
to commit the crime under the laws of the state, district, 30097
territory, or foreign country in which the conduct occurred or was 30098
attempted. Criminally injurious conduct does not include conduct 30099
arising out of the ownership, maintenance, or use of a motor 30100
vehicle, except when any of the following applies: 30101

(a) The person engaging in the conduct intended to cause 30102
personal injury or death; 30103

(b) The person engaging in the conduct was using the vehicle 30104
to flee immediately after committing a felony or an act that would 30105
constitute a felony but for the fact that the person engaging in 30106
the conduct lacked the capacity to commit the felony under the 30107
laws of the state, district, territory, or foreign country in 30108
which the conduct occurred or was attempted; 30109

(c) The person engaging in the conduct was using the vehicle 30110
in a manner that constitutes an OVI violation; 30111

(d) The conduct occurred on or after July 25, 1990, the 30112
person engaging in the conduct was using the vehicle in a manner 30113
that constitutes a violation of any law of the state, district, 30114
territory, or foreign country in which the conduct occurred, and 30115
that law is substantially similar to a violation of section 30116
2903.08 of the Revised Code; 30117

(e) The person engaging in the conduct acted in a manner that 30118
caused serious physical harm to a person and that constituted a 30119
violation of any law of the state, district, territory, or foreign 30120
country in which the conduct occurred, and that law is 30121
substantially similar to section 4549.02 or 4549.021 of the 30122
Revised Code. 30123

(3) For the purposes of any person described in division 30124
(A)(1) or (2) of this section, terrorism that occurs within or 30125
outside the territorial jurisdiction of the United States. 30126

(D) "Dependent" means an individual wholly or partially 30127
dependent upon the victim for care and support, and includes a 30128
child of the victim born after the victim's death. 30129

(E) "Economic loss" means economic detriment consisting only 30130
of allowable expense, work loss, funeral expense, unemployment 30131
benefits loss, replacement services loss, cost of crime scene 30132
cleanup, and cost of evidence replacement. If criminally injurious 30133
conduct causes death, economic loss includes a dependent's 30134
economic loss and a dependent's replacement services loss. 30135
Noneconomic detriment is not economic loss; however, economic loss 30136
may be caused by pain and suffering or physical impairment. 30137

(F)(1) "Allowable expense" means reasonable charges incurred 30138
for reasonably needed products, services, and accommodations, 30139
including those for medical care, rehabilitation, rehabilitative 30140
occupational training, and other remedial treatment and care and 30141
including replacement costs for eyeglasses and other corrective 30142
lenses. It does not include that portion of a charge for a room in 30143
a hospital, clinic, convalescent home, nursing home, or any other 30144
institution engaged in providing nursing care and related services 30145
in excess of a reasonable and customary charge for semiprivate 30146
accommodations, unless accommodations other than semiprivate 30147
accommodations are medically required. 30148

(2) An immediate family member of a victim of criminally 30149
injurious conduct that consists of a homicide, a sexual assault, 30150
domestic violence, or a severe and permanent incapacitating injury 30151
resulting in paraplegia or a similar life-altering condition, who 30152
requires psychiatric care or counseling as a result of the 30153
criminally injurious conduct, may be reimbursed for that care or 30154
counseling as an allowable expense through the victim's 30155

application. The cumulative allowable expense for care or 30156
counseling of that nature shall not exceed two thousand five 30157
hundred dollars for each immediate family member of a victim of 30158
that type and seven thousand five hundred dollars in the aggregate 30159
for all immediate family members of a victim of that type. 30160

(3) A family member of a victim who died as a proximate 30161
result of criminally injurious conduct may be reimbursed as an 30162
allowable expense through the victim's application for wages lost 30163
and travel expenses incurred in order to attend criminal justice 30164
proceedings arising from the criminally injurious conduct. The 30165
cumulative allowable expense for wages lost and travel expenses 30166
incurred by a family member to attend criminal justice proceedings 30167
shall not exceed five hundred dollars for each family member of 30168
the victim and two thousand dollars in the aggregate for all 30169
family members of the victim. 30170

(4) "Allowable expense" includes attorney's fees not 30171
exceeding ~~two~~ one thousand ~~five~~ three hundred twenty dollars, at a 30172
rate not exceeding ~~one hundred fifty~~ sixty dollars per hour, 30173
incurred to successfully obtain a restraining order, custody 30174
order, or other order to physically separate a victim from an 30175
offender, if the attorney has not received payment under section 30176
2743.65 of the Revised Code for assisting a claimant with an 30177
application for an award of reparations under sections 2743.51 to 30178
2743.72 of the Revised Code and provided that, except as otherwise 30179
provided in this division, the attorney or the attorney's law firm 30180
may only receive attorney's fees as an allowable expense for the 30181
services described in this division in an amount that does not 30182
exceed a cumulative total of thirty thousand dollars in any 30183
calendar year. The thirty thousand-dollar maximum specified in 30184
this division does not apply to an attorney who is an employee of 30185
a legal aid society regarding the services described in this 30186
division that the attorney performs while so employed and does not 30187

apply to a legal aid society. Attorney's fees for the services 30188
described in this division may include an amount for reasonable 30189
travel time incurred while performing those services, assessed at 30190
a rate not exceeding thirty dollars per hour. 30191

(G) "Work loss" means loss of income from work that the 30192
injured person would have performed if the person had not been 30193
injured and expenses reasonably incurred by the person to obtain 30194
services in lieu of those the person would have performed for 30195
income, reduced by any income from substitute work actually 30196
performed by the person, or by income the person would have earned 30197
in available appropriate substitute work that the person was 30198
capable of performing but unreasonably failed to undertake. 30199

(H) "Replacement services loss" means expenses reasonably 30200
incurred in obtaining ordinary and necessary services in lieu of 30201
those the injured person would have performed, not for income, but 30202
for the benefit of the person's self or family, if the person had 30203
not been injured. 30204

(I) "Dependent's economic loss" means loss after a victim's 30205
death of contributions of things of economic value to the victim's 30206
dependents, not including services they would have received from 30207
the victim if the victim had not suffered the fatal injury, less 30208
expenses of the dependents avoided by reason of the victim's 30209
death. If a minor child of a victim is adopted after the victim's 30210
death, the minor child continues after the adoption to incur a 30211
dependent's economic loss as a result of the victim's death. If 30212
the surviving spouse of a victim remarries, the surviving spouse 30213
continues after the remarriage to incur a dependent's economic 30214
loss as a result of the victim's death. 30215

(J) "Dependent's replacement services loss" means loss 30216
reasonably incurred by dependents after a victim's death in 30217
obtaining ordinary and necessary services in lieu of those the 30218
victim would have performed for their benefit if the victim had 30219

not suffered the fatal injury, less expenses of the dependents 30220
avoided by reason of the victim's death and not subtracted in 30221
calculating the dependent's economic loss. If a minor child of a 30222
victim is adopted after the victim's death, the minor child 30223
continues after the adoption to incur a dependent's replacement 30224
services loss as a result of the victim's death. If the surviving 30225
spouse of a victim remarries, the surviving spouse continues after 30226
the remarriage to incur a dependent's replacement services loss as 30227
a result of the victim's death. 30228

(K) "Noneconomic detriment" means pain, suffering, 30229
inconvenience, physical impairment, or other nonpecuniary damage. 30230

(L) "Victim" means a person who suffers personal injury or 30231
death as a result of any of the following: 30232

(1) Criminally injurious conduct; 30233

(2) The good faith effort of any person to prevent criminally 30234
injurious conduct; 30235

(3) The good faith effort of any person to apprehend a person 30236
suspected of engaging in criminally injurious conduct. 30237

(M) "Contributory misconduct" means any conduct of the 30238
claimant or of the victim through whom the claimant claims an 30239
award of reparations that is unlawful or intentionally tortious 30240
and that, without regard to the conduct's proximity in time or 30241
space to the criminally injurious conduct, has a causal 30242
relationship to the criminally injurious conduct that is the basis 30243
of the claim. 30244

(N)(1) "Funeral expense" means any reasonable charges that 30245
are not in excess of seven thousand five hundred dollars per 30246
funeral and that are incurred for expenses directly related to a 30247
victim's funeral, cremation, or burial and any wages lost or 30248
travel expenses incurred by a family member of a victim in order 30249
to attend the victim's funeral, cremation, or burial. 30250

(2) An award for funeral expenses shall be applied first to 30251
expenses directly related to the victim's funeral, cremation, or 30252
burial. An award for wages lost or travel expenses incurred by a 30253
family member of the victim shall not exceed five hundred dollars 30254
for each family member and shall not exceed in the aggregate the 30255
difference between seven thousand five hundred dollars and 30256
expenses that are reimbursed by the program and that are directly 30257
related to the victim's funeral, cremation, or burial. 30258

(O) "Unemployment benefits loss" means a loss of unemployment 30259
benefits pursuant to Chapter 4141. of the Revised Code when the 30260
loss arises solely from the inability of a victim to meet the able 30261
to work, available for suitable work, or the actively seeking 30262
suitable work requirements of division (A)(4)(a) of section 30263
4141.29 of the Revised Code. 30264

(P) "OVI violation" means any of the following: 30265

(1) A violation of section 4511.19 of the Revised Code, of 30266
any municipal ordinance prohibiting the operation of a vehicle 30267
while under the influence of alcohol, a drug of abuse, or a 30268
combination of them, or of any municipal ordinance prohibiting the 30269
operation of a vehicle with a prohibited concentration of alcohol, 30270
a controlled substance, or a metabolite of a controlled substance 30271
in the whole blood, blood serum or plasma, breath, or urine; 30272

(2) A violation of division (A)(1) of section 2903.06 of the 30273
Revised Code; 30274

(3) A violation of division (A)(2), (3), or (4) of section 30275
2903.06 of the Revised Code or of a municipal ordinance 30276
substantially similar to any of those divisions, if the offender 30277
was under the influence of alcohol, a drug of abuse, or a 30278
combination of them, at the time of the commission of the offense; 30279

(4) For purposes of any person described in division (A)(2) 30280
of this section, a violation of any law of the state, district, 30281

territory, or foreign country in which the criminally injurious 30282
conduct occurred, if that law is substantially similar to a 30283
violation described in division (P)(1) or (2) of this section or 30284
if that law is substantially similar to a violation described in 30285
division (P)(3) of this section and the offender was under the 30286
influence of alcohol, a drug of abuse, or a combination of them, 30287
at the time of the commission of the offense. 30288

(Q) "Pendency of the claim" for an original reparations 30289
application or supplemental reparations application means the 30290
period of time from the date the criminally injurious conduct upon 30291
which the application is based occurred until the date a final 30292
decision, order, or judgment concerning that original reparations 30293
application or supplemental reparations application is issued. 30294

(R) "Terrorism" means any activity to which all of the 30295
following apply: 30296

(1) The activity involves a violent act or an act that is 30297
dangerous to human life. 30298

(2) The act described in division (R)(1) of this section is 30299
committed within the territorial jurisdiction of the United States 30300
and is a violation of the criminal laws of the United States, this 30301
state, or any other state or the act described in division (R)(1) 30302
of this section is committed outside the territorial jurisdiction 30303
of the United States and would be a violation of the criminal laws 30304
of the United States, this state, or any other state if committed 30305
within the territorial jurisdiction of the United States. 30306

(3) The activity appears to be intended to do any of the 30307
following: 30308

(a) Intimidate or coerce a civilian population; 30309

(b) Influence the policy of any government by intimidation or 30310
coercion; 30311

(c) Affect the conduct of any government by assassination or kidnapping. 30312
30313

(4) The activity occurs primarily outside the territorial jurisdiction of the United States or transcends the national boundaries of the United States in terms of the means by which the activity is accomplished, the person or persons that the activity appears intended to intimidate or coerce, or the area or locale in which the perpetrator or perpetrators of the activity operate or seek asylum. 30314
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(S) "Transcends the national boundaries of the United States" means occurring outside the territorial jurisdiction of the United States in addition to occurring within the territorial jurisdiction of the United States. 30321
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(T) "Cost of crime scene cleanup" means reasonable and necessary costs of cleaning the scene and repairing, for the purpose of personal security, property damaged at the scene where the criminally injurious conduct occurred, not to exceed seven hundred fifty dollars in the aggregate per claim. 30325
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(U) "Cost of evidence replacement" means costs for replacement of property confiscated for evidentiary purposes related to the criminally injurious conduct, not to exceed seven hundred fifty dollars in the aggregate per claim. 30330
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(V) "Provider" means any person who provides a victim or claimant with a product, service, or accommodations that are an allowable expense or a funeral expense. 30334
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(W) "Immediate family member" means an individual who resided in the same permanent household as a victim at the time of the criminally injurious conduct and who is related to the victim by affinity or consanguinity. 30337
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(X) "Family member" means an individual who is related to a victim by affinity or consanguinity. 30341
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Sec. 2903.214. (A) As used in this section:	30343
(1) "Court" means the court of common pleas of the county in which the person to be protected by the protection order resides.	30344 30345
(2) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.	30346 30347
(3) "Family or household member" has the same meaning as in section 3113.31 of the Revised Code.	30348 30349
(4) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.	30350 30351
(5) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	30352 30353
(6) "Electronic monitoring" has the same meaning as in section 2929.01 of the Revised Code.	30354 30355
(B) The court has jurisdiction over all proceedings under this section.	30356 30357
(C) A person may seek relief under this section for the person, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state all of the following:	30358 30359 30360 30361 30362
(1) An allegation that the respondent engaged in a violation of section 2903.211 of the Revised Code against the person to be protected by the protection order or committed a sexually oriented offense against the person to be protected by the protection order, including a description of the nature and extent of the violation;	30363 30364 30365 30366 30367 30368
(2) If the petitioner seeks relief in the form of electronic monitoring of the respondent, an allegation that at any time preceding the filing of the petition the respondent engaged in	30369 30370 30371

conduct that would cause a reasonable person to believe that the health, welfare, or safety of the person to be protected was at risk, a description of the nature and extent of that conduct, and an allegation that the respondent presents a continuing danger to the person to be protected;

(3) A request for relief under this section.

(D)(1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing as soon as possible after the petition is filed, but not later than the next day that the court is in session after the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, that the court finds necessary for the safety and protection of the person to be protected by the order. Immediate and present danger to the person to be protected by the protection order constitutes good cause for purposes of this section. Immediate and present danger includes, but is not limited to, situations in which the respondent has threatened the person to be protected by the protection order with bodily harm or in which the respondent previously has been convicted of or pleaded guilty to a violation of section 2903.211 of the Revised Code or a sexually oriented offense against the person to be protected by the protection order.

(2)(a) If the court, after an ex parte hearing, issues a protection order described in division (E) of this section, the court shall schedule a full hearing for a date that is within ten court days after the ex parte hearing. The court shall give the respondent notice of, and an opportunity to be heard at, the full hearing. The court shall hold the full hearing on the date scheduled under this division unless the court grants a continuance of the hearing in accordance with this division. Under any of the following circumstances or for any of the following

reasons, the court may grant a continuance of the full hearing to 30404
a reasonable time determined by the court: 30405

(i) Prior to the date scheduled for the full hearing under 30406
this division, the respondent has not been served with the 30407
petition filed pursuant to this section and notice of the full 30408
hearing. 30409

(ii) The parties consent to the continuance. 30410

(iii) The continuance is needed to allow a party to obtain 30411
counsel. 30412

(iv) The continuance is needed for other good cause. 30413

(b) An ex parte order issued under this section does not 30414
expire because of a failure to serve notice of the full hearing 30415
upon the respondent before the date set for the full hearing under 30416
division (D)(2)(a) of this section or because the court grants a 30417
continuance under that division. 30418

(3) If a person who files a petition pursuant to this section 30419
does not request an ex parte order, or if a person requests an ex 30420
parte order but the court does not issue an ex parte order after 30421
an ex parte hearing, the court shall proceed as in a normal civil 30422
action and grant a full hearing on the matter. 30423

(E)(1)(a) After an ex parte or full hearing, the court may 30424
issue any protection order, with or without bond, that contains 30425
terms designed to ensure the safety and protection of the person 30426
to be protected by the protection order, including, but not 30427
limited to, a requirement that the respondent refrain from 30428
entering the residence, school, business, or place of employment 30429
of the petitioner or family or household member. If the court 30430
includes a requirement that the respondent refrain from entering 30431
the residence, school, business, or place of employment of the 30432
petitioner or family or household member in the order, it also 30433
shall include in the order provisions of the type described in 30434

division (E)(5) of this section. 30435

(b) After a full hearing, if the court considering a petition 30436
that includes an allegation of the type described in division 30437
(C)(2) of this section, or the court upon its own motion, finds 30438
upon clear and convincing evidence that the petitioner reasonably 30439
believed that the respondent's conduct at any time preceding the 30440
filing of the petition endangered the health, welfare, or safety 30441
of the person to be protected and that the respondent presents a 30442
continuing danger to the person to be protected, the court may 30443
order that the respondent be electronically monitored for a period 30444
of time and under the terms and conditions that the court 30445
determines are appropriate. Electronic monitoring shall be in 30446
addition to any other relief granted to the petitioner. 30447

(2)(a) Any protection order issued pursuant to this section 30448
shall be valid until a date certain but not later than five years 30449
from the date of its issuance. 30450

(b) Any protection order issued pursuant to this section may 30451
be renewed in the same manner as the original order was issued. 30452

(3) A court may not issue a protection order that requires a 30453
petitioner to do or to refrain from doing an act that the court 30454
may require a respondent to do or to refrain from doing under 30455
division (E)(1) of this section unless all of the following apply: 30456

(a) The respondent files a separate petition for a protection 30457
order in accordance with this section. 30458

(b) The petitioner is served with notice of the respondent's 30459
petition at least forty-eight hours before the court holds a 30460
hearing with respect to the respondent's petition, or the 30461
petitioner waives the right to receive this notice. 30462

(c) If the petitioner has requested an ex parte order 30463
pursuant to division (D) of this section, the court does not delay 30464
any hearing required by that division beyond the time specified in 30465

that division in order to consolidate the hearing with a hearing 30466
on the petition filed by the respondent. 30467

(d) After a full hearing at which the respondent presents 30468
evidence in support of the request for a protection order and the 30469
petitioner is afforded an opportunity to defend against that 30470
evidence, the court determines that the petitioner has committed a 30471
violation of section 2903.211 of the Revised Code against the 30472
person to be protected by the protection order issued pursuant to 30473
this section, has committed a sexually oriented offense against 30474
the person to be protected by the protection order, or has 30475
violated a protection order issued pursuant to section 2903.213 of 30476
the Revised Code relative to the person to be protected by the 30477
protection order issued pursuant to this section. 30478

(4) No protection order issued pursuant to this section shall 30479
in any manner affect title to any real property. 30480

(5)(a) If the court issues a protection order under this 30481
section that includes a requirement that the alleged offender 30482
refrain from entering the residence, school, business, or place of 30483
employment of the petitioner or a family or household member, the 30484
order shall clearly state that the order cannot be waived or 30485
nullified by an invitation to the alleged offender from the 30486
complainant to enter the residence, school, business, or place of 30487
employment or by the alleged offender's entry into one of those 30488
places otherwise upon the consent of the petitioner or family or 30489
household member. 30490

(b) Division (E)(5)(a) of this section does not limit any 30491
discretion of a court to determine that an alleged offender 30492
charged with a violation of section 2919.27 of the Revised Code, 30493
with a violation of a municipal ordinance substantially equivalent 30494
to that section, or with contempt of court, which charge is based 30495
on an alleged violation of a protection order issued under this 30496
section, did not commit the violation or was not in contempt of 30497

court. 30498

(F)(1) The court shall cause the delivery of a copy of any 30499
protection order that is issued under this section to the 30500
petitioner, to the respondent, and to all law enforcement agencies 30501
that have jurisdiction to enforce the order. The court shall 30502
direct that a copy of the order be delivered to the respondent on 30503
the same day that the order is entered. 30504

(2) Upon the issuance of a protection order under this 30505
section, the court shall provide the parties to the order with the 30506
following notice orally or by form: 30507

"NOTICE 30508

As a result of this order, it may be unlawful for you to 30509
possess or purchase a firearm, including a rifle, pistol, or 30510
revolver, or ammunition pursuant to federal law under 18 U.S.C. 30511
922(g)(8). If you have any questions whether this law makes it 30512
illegal for you to possess or purchase a firearm or ammunition, 30513
you should consult an attorney." 30514

(3) All law enforcement agencies shall establish and maintain 30515
an index for the protection orders delivered to the agencies 30516
pursuant to division (F)(1) of this section. With respect to each 30517
order delivered, each agency shall note on the index the date and 30518
time that it received the order. 30519

(4) Regardless of whether the petitioner has registered the 30520
protection order in the county in which the officer's agency has 30521
jurisdiction pursuant to division (M) of this section, any officer 30522
of a law enforcement agency shall enforce a protection order 30523
issued pursuant to this section by any court in this state in 30524
accordance with the provisions of the order, including removing 30525
the respondent from the premises, if appropriate. 30526

(G) Any proceeding under this section shall be conducted in 30527
accordance with the Rules of Civil Procedure, except that a 30528

protection order may be obtained under this section with or 30529
without bond. An order issued under this section, other than an ex 30530
parte order, that grants a protection order, or that refuses to 30531
grant a protection order, is a final, appealable order. The 30532
remedies and procedures provided in this section are in addition 30533
to, and not in lieu of, any other available civil or criminal 30534
remedies. 30535

(H) The filing of proceedings under this section does not 30536
excuse a person from filing any report or giving any notice 30537
required by section 2151.421 of the Revised Code or by any other 30538
law. 30539

(I) Any law enforcement agency that investigates an alleged 30540
violation of section 2903.211 of the Revised Code or an alleged 30541
commission of a sexually oriented offense shall provide 30542
information to the victim and the family or household members of 30543
the victim regarding the relief available under this section and 30544
section 2903.213 of the Revised Code. 30545

(J) Notwithstanding any provision of law to the contrary and 30546
regardless of whether a protection order is issued or a consent 30547
agreement is approved by a court of another county or by a court 30548
of another state, no court or unit of state or local government 30549
shall charge any fee, cost, deposit, or money in connection with 30550
the filing of a petition pursuant to this section, in connection 30551
with the filing, issuance, registration, or service of a 30552
protection order or consent agreement, or for obtaining a 30553
certified copy of a protection order or consent agreement. 30554

(K)(1) A person who violates a protection order issued under 30555
this section is subject to the following sanctions: 30556

(a) Criminal prosecution for a violation of section 2919.27 30557
of the Revised Code, if the violation of the protection order 30558
constitutes a violation of that section; 30559

(b) Punishment for contempt of court. 30560

(2) The punishment of a person for contempt of court for 30561
violation of a protection order issued under this section does not 30562
bar criminal prosecution of the person for a violation of section 30563
2919.27 of the Revised Code. However, a person punished for 30564
contempt of court is entitled to credit for the punishment imposed 30565
upon conviction of a violation of that section, and a person 30566
convicted of a violation of that section shall not subsequently be 30567
punished for contempt of court arising out of the same activity. 30568

(L) In all stages of a proceeding under this section, a 30569
petitioner may be accompanied by a victim advocate. 30570

(M)(1) A petitioner who obtains a protection order under this 30571
section or a protection order under section 2903.213 of the 30572
Revised Code may provide notice of the issuance or approval of the 30573
order to the judicial and law enforcement officials in any county 30574
other than the county in which the order is issued by registering 30575
that order in the other county pursuant to division (M)(2) of this 30576
section and filing a copy of the registered order with a law 30577
enforcement agency in the other county in accordance with that 30578
division. A person who obtains a protection order issued by a 30579
court of another state may provide notice of the issuance of the 30580
order to the judicial and law enforcement officials in any county 30581
of this state by registering the order in that county pursuant to 30582
section 2919.272 of the Revised Code and filing a copy of the 30583
registered order with a law enforcement agency in that county. 30584

(2) A petitioner may register a protection order issued 30585
pursuant to this section or section 2903.213 of the Revised Code 30586
in a county other than the county in which the court that issued 30587
the order is located in the following manner: 30588

(a) The petitioner shall obtain a certified copy of the order 30589
from the clerk of the court that issued the order and present that 30590

certified copy to the clerk of the court of common pleas or the 30591
clerk of a municipal court or county court in the county in which 30592
the order is to be registered. 30593

(b) Upon accepting the certified copy of the order for 30594
registration, the clerk of the court of common pleas, municipal 30595
court, or county court shall place an endorsement of registration 30596
on the order and give the petitioner a copy of the order that 30597
bears that proof of registration. 30598

(3) The clerk of each court of common pleas, municipal court, 30599
or county court shall maintain a registry of certified copies of 30600
protection orders that have been issued by courts in other 30601
counties pursuant to this section or section 2903.213 of the 30602
Revised Code and that have been registered with the clerk. 30603

(N) If the court orders electronic monitoring of the 30604
respondent under this section, the court shall direct the 30605
sheriff's office or any other appropriate law enforcement agency 30606
to install the electronic monitoring device and to monitor the 30607
respondent. Unless the court determines that the respondent is 30608
indigent, the court shall order the respondent to pay the cost of 30609
the installation and monitoring of the electronic monitoring 30610
device. If the court determines that the respondent is indigent, 30611
the cost of the installation and monitoring of the electronic 30612
monitoring device ~~shall~~ may be paid out of funds from the 30613
reparations fund created pursuant to section 2743.191 of the 30614
Revised Code. The total amount of costs for the installation and 30615
monitoring of electronic monitoring devices paid pursuant to this 30616
division from the reparations fund shall not exceed three hundred 30617
thousand dollars per year. The attorney general may promulgate 30618
rules pursuant to section 111.15 of the Revised Code to govern 30619
payments made from the reparations fund pursuant to this division. 30620
The rules may include reasonable limits on the total cost paid 30621
pursuant to this division per respondent, the amount of the three 30622

hundred thousand dollars allocated to each county, and how 30623
invoices may be submitted by a county, court, or other entity. 30624

Sec. 2903.33. As used in sections 2903.33 to 2903.36 of the 30625
Revised Code: 30626

(A) "Care facility" means any of the following: 30627

(1) Any "home" as defined in section 3721.10 or 5111.20 of 30628
the Revised Code; 30629

(2) Any "residential facility" as defined in section 5123.19 30630
of the Revised Code; 30631

(3) Any institution or facility operated or provided by the 30632
department of mental health or by the department of mental 30633
retardation and developmental disabilities pursuant to sections 30634
5119.02 and 5123.03 of the Revised Code; 30635

(4) Any "residential facility" as defined in section 5119.22 30636
of the Revised Code; 30637

(5) Any unit of any hospital, as defined in section 3701.01 30638
of the Revised Code, that provides the same services as a nursing 30639
home, as defined in section 3721.01 of the Revised Code; 30640

(6) Any institution, residence, or facility that provides, 30641
for a period of more than twenty-four hours, whether for a 30642
consideration or not, accommodations to one individual or two 30643
unrelated individuals who are dependent upon the services of 30644
others; 30645

(7) Any "adult care facility" as defined in section 3722.01 30646
of the Revised Code; 30647

(8) Any adult foster home certified by the department of 30648
aging or its designee under section 173.36 of the Revised Code; 30649

~~(9) Any "community alternative home" as defined in section 30650
3724.01 of the Revised Code. 30651~~

(B) "Abuse" means knowingly causing physical harm or 30652
recklessly causing serious physical harm to a person by physical 30653
contact with the person or by the inappropriate use of a physical 30654
or chemical restraint, medication, or isolation on the person. 30655

(C)(1) "Gross neglect" means knowingly failing to provide a 30656
person with any treatment, care, goods, or service that is 30657
necessary to maintain the health or safety of the person when the 30658
failure results in physical harm or serious physical harm to the 30659
person. 30660

(2) "Neglect" means recklessly failing to provide a person 30661
with any treatment, care, goods, or service that is necessary to 30662
maintain the health or safety of the person when the failure 30663
results in serious physical harm to the person. 30664

(D) "Inappropriate use of a physical or chemical restraint, 30665
medication, or isolation" means the use of physical or chemical 30666
restraint, medication, or isolation as punishment, for staff 30667
convenience, excessively, as a substitute for treatment, or in 30668
quantities that preclude habilitation and treatment. 30669

Sec. 2907.27. (A)(1) If a person is charged with a violation 30670
of section 2907.02, 2907.03, 2907.04, 2907.24, 2907.241, or 30671
2907.25 of the Revised Code or with a violation of a municipal 30672
ordinance that is substantially equivalent to any of those 30673
sections, the arresting authorities or a court, upon the request 30674
of the prosecutor in the case or upon the request of the victim, 30675
shall cause the accused to submit to one or more appropriate tests 30676
to determine if the accused is suffering from a venereal disease. 30677

(2) If the accused is found to be suffering from a venereal 30678
disease in an infectious stage, the accused shall be required to 30679
submit to medical treatment for that disease. The cost of the 30680
medical treatment shall be charged to and paid by the accused who 30681
undergoes the treatment. If the accused is indigent, the court 30682

shall order the accused to report to a facility operated by a city health district or a general health district for treatment. If the accused is convicted of or pleads guilty to the offense with which the accused is charged and is placed under a community control sanction, a condition of community control shall be that the offender submit to and faithfully follow a course of medical treatment for the venereal disease. If the offender does not seek the required medical treatment, the court may revoke the offender's community control and order the offender to undergo medical treatment during the period of the offender's incarceration and to pay the cost of that treatment.

(B)(1)(a) ~~Notwithstanding the requirements for informed consent in section 3701.242 of the Revised Code, if~~ If a person is charged with a violation of division (B) of section 2903.11 or of section 2907.02, 2907.03, 2907.04, 2907.05, 2907.12, 2907.24, 2907.241, or 2907.25 of the Revised Code or with a violation of a municipal ordinance that is substantially equivalent to that division or any of those sections, the court, upon the request of the prosecutor in the case, upon the request of the victim, or upon the request of any other person whom the court reasonably believes had contact with the accused in circumstances related to the violation that could have resulted in the transmission to that person of a virus that causes acquired immunodeficiency syndrome the human immunodeficiency virus, shall cause the accused to submit to one or more tests designated by the director of health under section 3701.241 of the Revised Code to determine if the accused is a carrier of a virus that causes acquired immunodeficiency syndrome infected with HIV. The court, upon the request of the prosecutor in the case, upon the request of the victim with the agreement of the prosecutor, or upon the request of any other person with the agreement of the prosecutor, may cause an accused who is charged with a violation of any other section of the Revised Code or with a violation of any other

municipal ordinance to submit to one or more tests so designated 30716
by the director of health if the circumstances of the violation 30717
indicate probable cause to believe that the accused, if the 30718
accused is infected with ~~the virus that causes acquired~~ 30719
~~immunodeficiency syndrome~~ HIV, might have transmitted ~~the virus~~ 30720
HIV to any of the following persons in committing the violation: 30721

(i) In relation to a request made by the prosecuting 30722
attorney, to the victim or to any other person; 30723

(ii) In relation to a request made by the victim, to the 30724
victim making the request; 30725

(iii) In relation to a request made by any other person, to 30726
the person making the request. 30727

(b) The results of a test performed under division (B)(1)(a) 30728
of this section shall be communicated in confidence to the court, 30729
and the court shall inform the accused of the result. The court 30730
shall inform the victim that the test was performed and that the 30731
victim has a right to receive the results on request. If the test 30732
was performed upon the request of a person other than the 30733
prosecutor in the case and other than the victim, the court shall 30734
inform the person who made the request that the test was performed 30735
and that the person has a right to receive the results upon 30736
request. Additionally, regardless of who made the request that was 30737
the basis of the test being performed, if the court reasonably 30738
believes that, in circumstances related to the violation, a person 30739
other than the victim had contact with the accused that could have 30740
resulted in the transmission of ~~the virus~~ HIV to that person, the 30741
court may inform that person that the test was performed and that 30742
the person has a right to receive the results of the test on 30743
request. If the accused tests positive for ~~a virus that causes~~ 30744
~~acquired immunodeficiency syndrome~~ HIV, the test results shall be 30745
reported to the department of health in accordance with section 30746
3701.24 of the Revised Code and to the sheriff, head of the state 30747

correctional institution, or other person in charge of any jail or 30748
prison in which the accused is incarcerated. If the accused tests 30749
positive for a ~~virus that causes acquired immunodeficiency~~ 30750
~~syndrome~~ HIV and the accused was charged with, and was convicted 30751
of or pleaded guilty to, a violation of section 2907.24, 2907.241, 30752
or 2907.25 of the Revised Code or a violation of a municipal 30753
ordinance that is substantially equivalent to any of those 30754
sections, the test results also shall be reported to the law 30755
enforcement agency that arrested the accused, and the law 30756
enforcement agency may use the test results as the basis for any 30757
future charge of a violation of division (B) of any of those 30758
sections or a violation of a municipal ordinance that is 30759
substantially equivalent to division (B) of any of those sections. 30760
No other disclosure of the test results or the fact that a test 30761
was performed shall be made, other than as evidence in a grand 30762
jury proceeding or as evidence in a judicial proceeding in 30763
accordance with the Rules of Evidence. If the test result is 30764
negative, and the charge has not been dismissed or if the accused 30765
has been convicted of the charge or a different offense arising 30766
out of the same circumstances as the offense charged, the court 30767
shall order that the test be repeated not earlier than three 30768
months nor later than six months after the original test. 30769

(2) If an accused who is free on bond refuses to submit to a 30770
test ordered by the court pursuant to division (B)(1) of this 30771
section, the court may order that the accused's bond be revoked 30772
and that the accused be incarcerated until the test is performed. 30773
If an accused who is incarcerated refuses to submit to a test 30774
ordered by the court pursuant to division (B)(1) of this section, 30775
the court shall order the person in charge of the jail or prison 30776
in which the accused is incarcerated to take any action necessary 30777
to facilitate the performance of the test, including the forcible 30778
restraint of the accused for the purpose of drawing blood to be 30779
used in the test. 30780

(3) A state agency, a political subdivision of the state, or an employee of a state agency or of a political subdivision of the state is immune from liability in a civil action to recover damages for injury, death, or loss to person or property allegedly caused by any act or omission in connection with the performance of the duties required under division (B)(2) of this section unless the acts or omissions are with malicious purpose, in bad faith, or in a wanton or reckless manner.

(C) As used in this section, ~~"community:~~ 30789

(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 30790
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(2) "HIV" means the human immunodeficiency virus. 30792

Sec. 2911.21. (A) No person, without privilege to do so, shall do any of the following: 30793
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(1) Knowingly enter or remain on the land or premises of another; 30795
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(2) Knowingly enter or remain on the land or premises of another, the use of which is lawfully restricted to certain persons, purposes, modes, or hours, when the offender knows the offender is in violation of any such restriction or is reckless in that regard; 30797
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(3) Recklessly enter or remain on the land or premises of another, as to which notice against unauthorized access or presence is given by actual communication to the offender, or in a manner prescribed by law, or by posting in a manner reasonably calculated to come to the attention of potential intruders, or by fencing or other enclosure manifestly designed to restrict access; 30802
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(4) Being on the land or premises of another, negligently fail or refuse to leave upon being notified by signage posted in a conspicuous place or otherwise being notified to do so by the 30808
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owner or occupant, or the agent or servant of either. 30811

(B) It is no defense to a charge under this section that the 30812
land or premises involved was owned, controlled, or in custody of 30813
a public agency. 30814

(C) It is no defense to a charge under this section that the 30815
offender was authorized to enter or remain on the land or premises 30816
involved, when such authorization was secured by deception. 30817

(D)(1) Whoever violates this section is guilty of criminal 30818
trespass, a misdemeanor of the fourth degree. 30819

(2) Notwithstanding section 2929.28 of the Revised Code, if 30820
the person, in committing the violation of this section, used ~~an~~ a 30821
snowmobile, off-highway motorcycle, or all-purpose vehicle, the 30822
court shall impose a fine of two times the usual amount imposed 30823
for the violation. 30824

(3) If an offender previously has been convicted of or 30825
pleaded guilty to two or more violations of this section or a 30826
substantially equivalent municipal ordinance, and the offender, in 30827
committing each violation, used ~~an~~ a snowmobile, off-highway 30828
motorcycle, or all-purpose vehicle, the court, in addition to or 30829
independent of all other penalties imposed for the violation, may 30830
impound the certificate of registration of that snowmobile or 30831
off-highway motorcycle or the certificate of registration and 30832
license plate of that all-purpose vehicle for not less than sixty 30833
days. In such a case, section 4519.47 of the Revised Code applies. 30834

(E) Notwithstanding any provision of the Revised Code, if the 30835
offender, in committing the violation of this section, used an 30836
all-purpose vehicle, the clerk of the court shall pay the fine 30837
imposed pursuant to this section to the state recreational vehicle 30838
fund created by section 4519.11 of the Revised Code. 30839

(F) As used in this section: 30840

(1) "All-purpose vehicle," ~~has~~ "off-highway motorcycle," and "snowmobile" have the same ~~meaning~~ meanings as in section 4519.01 of the Revised Code. 30841
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(2) "Land or premises" includes any land, building, structure, or place belonging to, controlled by, or in custody of another, and any separate enclosure or room, or portion thereof. 30844
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Sec. 2913.46. (A)(1) As used in this section: 30847

(a) "Electronically transferred benefit" means the transfer of ~~food stamp~~ supplemental nutrition assistance program benefits or WIC program benefits through the use of an access device. 30848
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(b) "WIC program benefits" includes money, coupons, delivery verification receipts, other documents, food, or other property received directly or indirectly pursuant to section 17 of the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as amended. 30851
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(c) "Access device" means any card, plate, code, account number, or other means of access that can be used, alone or in conjunction with another access device, to obtain payments, allotments, benefits, money, goods, or other things of value or that can be used to initiate a transfer of funds pursuant to section 5101.33 of the Revised Code and the ~~"Food Stamp and Nutrition Act of 1977," 91 Stat. 958,~~ 2008 (7 U.S.C.A. 2011 et seq.), or any supplemental food program administered by any department of this state or any county or local agency pursuant to section 17 of the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as amended. An "access device" may include any electronic debit card or other means authorized by section 5101.33 of the Revised Code. 30856
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~~(e)~~(d) "Aggregate value of ~~the food stamp coupons~~ supplemental nutrition assistance program benefits, WIC program 30869
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benefits, and electronically transferred benefits involved in the 30871
violation" means the total face value of any ~~food stamps~~ 30872
supplemental nutrition assistance program benefits, plus the total 30873
face value of WIC program coupons or delivery verification 30874
receipts, plus the total value of other WIC program benefits, plus 30875
the total value of any electronically transferred benefit or other 30876
access device, involved in the violation. 30877

(d)(e) "Total value of any electronically transferred benefit 30878
or other access device" means the total value of the payments, 30879
allotments, benefits, money, goods, or other things of value that 30880
may be obtained, or the total value of funds that may be 30881
transferred, by use of any electronically transferred benefit or 30882
other access device at the time of violation. 30883

(2) If ~~food stamp coupons~~ supplemental nutrition assistance 30884
program benefits, WIC program benefits, or electronically 30885
transferred benefits or other access devices of various values are 30886
used, transferred, bought, acquired, altered, purchased, 30887
possessed, presented for redemption, or transported in violation 30888
of this section over a period of twelve months, the course of 30889
conduct may be charged as one offense and the values of ~~food stamp~~ 30890
~~coupons~~ supplemental nutrition assistance program benefits, WIC 30891
program benefits, or any electronically transferred benefits or 30892
other access devices may be aggregated in determining the degree 30893
of the offense. 30894

(B) No individual shall knowingly possess, buy, sell, use, 30895
alter, accept, or transfer ~~food stamp coupons~~ supplemental 30896
nutrition assistance program benefits, WIC program benefits, or 30897
any electronically transferred benefit in any manner not 30898
authorized by the "Food Stamp and Nutrition Act of 1977," ~~91 Stat.~~ 30899
~~958~~, 2008 (7 U.S.C.A. 2011, as amended, et seq.) or section 17 of 30900
the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, 30901
as amended. 30902

(C) No organization, as defined in division (D) of section 2901.23 of the Revised Code, shall do either of the following:

(1) Knowingly allow an employee or agent to sell, transfer, or trade items or services, the purchase of which is prohibited by the "~~Food Stamp and Nutrition Act of 1977,~~" ~~91 Stat. 958,~~ 2008 (7 U.S.C.A. 2011, ~~as amended,~~ et seq. or section 17 of the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as amended, in exchange for ~~food stamp coupons~~ supplemental nutrition assistance program benefits, WIC program benefits, or any electronically transferred benefit;

(2) Negligently allow an employee or agent to sell, transfer, or exchange ~~food stamp coupons~~ supplemental nutrition assistance program benefits, WIC program benefits, or any electronically transferred benefit for anything of value.

(D) Whoever violates this section is guilty of illegal use of ~~food stamps~~ supplemental nutrition assistance program benefits or WIC program benefits. Except as otherwise provided in this division, illegal use of ~~food stamps~~ supplemental nutrition assistance program benefits or WIC program benefits is a felony of the fifth degree. If the aggregate value of the ~~food stamp coupons~~ supplemental nutrition assistance program benefits, WIC program benefits, and electronically transferred benefits involved in the violation is five hundred dollars or more and is less than five thousand dollars, illegal use of ~~food stamps~~ supplemental nutrition assistance program benefits or WIC program benefits is a felony of the fourth degree. If the aggregate value of the ~~food stamp coupons~~ supplemental nutrition assistance program benefits, WIC program benefits, and electronically transferred benefits involved in the violation is five thousand dollars or more and is less than one hundred thousand dollars, illegal use of ~~food stamps~~ supplemental nutrition assistance program benefits or WIC program benefits is a felony of the third degree. If the aggregate value

of the ~~food stamp coupons~~ supplemental nutrition assistance 30935
program benefits, WIC program benefits, and electronically 30936
transferred benefits involved in the violation is one hundred 30937
thousand dollars or more, illegal use of ~~food stamps~~ supplemental 30938
nutrition assistance program benefits or WIC program benefits is a 30939
felony of the second degree. 30940

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Sec. 2915.01. As used in this chapter: 30942

(A) "Bookmaking" means the business of receiving or paying 30943
off bets. 30944

(B) "Bet" means the hazarding of anything of value upon the 30945
result of an event, undertaking, or contingency, but does not 30946
include a bona fide business risk. 30947

(C) "Scheme of chance" means a slot machine, lottery, numbers 30948
game, pool conducted for profit, or other scheme in which a 30949
participant gives a valuable consideration for a chance to win a 30950
prize, but does not include bingo, a skill-based amusement 30951
machine, or a pool not conducted for profit. 30952

(D) "Game of chance" means poker, craps, roulette, or other 30953
game in which a player gives anything of value in the hope of 30954
gain, the outcome of which is determined largely by chance, but 30955
does not include bingo. 30956

(E) "Game of chance conducted for profit" means any game of 30957
chance designed to produce income for the person who conducts or 30958
operates the game of chance, but does not include bingo. 30959

(F) "Gambling device" means any of the following: 30960

(1) A book, totalizer, or other equipment for recording bets; 30961

(2) A ticket, token, or other device representing a chance, 30962
share, or interest in a scheme of chance or evidencing a bet; 30963

(3) A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance;	30964 30965 30966
(4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;	30967 30968
(5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter.	30969 30970
(G) "Gambling offense" means any of the following:	30971
(1) A violation of section 2915.02, 2915.03, 2915.04, 2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 2915.092, 2915.10, or 2915.11 of the Revised Code;	30972 30973 30974
(2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any section listed in division (G)(1) of this section or a violation of section 2915.06 of the Revised Code as it existed prior to July 1, 1996;	30975 30976 30977 30978 30979
(3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States, of which gambling is an element;	30980 30981 30982
(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (G)(1), (2), or (3) of this section.	30983 30984 30985
(H) Except as otherwise provided in this chapter, "charitable organization" means any tax exempt religious, educational, veteran's, fraternal, sporting, service, nonprofit medical, volunteer rescue service, volunteer firefighter's, senior citizen's, historic railroad educational, youth athletic, amateur athletic, or youth athletic park organization. An organization is tax exempt if the organization is, and has received from the internal revenue service a determination letter that currently is	30986 30987 30988 30989 30990 30991 30992 30993

in effect stating that the organization is, exempt from federal 30994
income taxation under subsection 501(a) and described in 30995
subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or 30996
501(c)(19) of the Internal Revenue Code, or if the organization is 30997
a sporting organization that is exempt from federal income 30998
taxation under subsection 501(a) and is described in subsection 30999
501(c)(7) of the Internal Revenue Code. To qualify as a charitable 31000
organization, an organization, except a volunteer rescue service 31001
or volunteer firefighter's organization, shall have been in 31002
continuous existence as such in this state for a period of two 31003
years immediately preceding either the making of an application 31004
for a bingo license under section 2915.08 of the Revised Code or 31005
the conducting of any game of chance as provided in division (D) 31006
of section 2915.02 of the Revised Code. A charitable organization 31007
that is exempt from federal income taxation under subsection 31008
501(a) and described in subsection 501(c)(3) of the Internal 31009
Revenue Code and that is created by a veteran's organization, a 31010
fraternal organization, or a sporting organization does not have 31011
to have been in continuous existence as such in this state for a 31012
period of two years immediately preceding either the making of an 31013
application for a bingo license under section 2915.08 of the 31014
Revised Code or the conducting of any game of chance as provided 31015
in division (D) of section 2915.02 of the Revised Code. 31016

(I) "Religious organization" means any church, body of 31017
communicants, or group that is not organized or operated for 31018
profit and that gathers in common membership for regular worship 31019
and religious observances. 31020

(J) "Educational organization" means any organization within 31021
this state that is not organized for profit, the primary purpose 31022
of which is to educate and develop the capabilities of individuals 31023
through instruction by means of operating or contributing to the 31024
support of a school, academy, college, or university. 31025

(K) "Veteran's organization" means any individual post or state headquarters of a national veteran's association or an auxiliary unit of any individual post of a national veteran's association, which post, state headquarters, or auxiliary unit has been in continuous existence in this state for at least two years and incorporated as a nonprofit corporation and either has received a letter from the state headquarters of the national veteran's association indicating that the individual post or auxiliary unit is in good standing with the national veteran's association or has received a letter from the national veteran's association indicating that the state headquarters is in good standing with the national veteran's association. As used in this division, "national veteran's association" means any veteran's association that has been in continuous existence as such for a period of at least five years and either is incorporated by an act of the United States congress or has a national dues-paying membership of at least five thousand persons.

(L) "Volunteer firefighter's organization" means any organization of volunteer firefighters, as defined in section 146.01 of the Revised Code, that is organized and operated exclusively to provide financial support for a volunteer fire department or a volunteer fire company and that is recognized or ratified by a county, municipal corporation, or township.

(M) "Fraternal organization" means any society, order, state headquarters, or association within this state, except a college or high school fraternity, that is not organized for profit, that is a branch, lodge, or chapter of a national or state organization, that exists exclusively for the common business or sodality of its members, and that has been in continuous existence in this state for a period of five years.

(N) "Volunteer rescue service organization" means any organization of volunteers organized to function as an emergency

medical service organization, as defined in section 4765.01 of the Revised Code. 31058
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(O) "Service organization" means either of the following: 31060

(1) Any organization, not organized for profit, that is organized and operated exclusively to provide, or to contribute to the support of organizations or institutions organized and operated exclusively to provide, medical and therapeutic services for persons who are crippled, born with birth defects, or have any other mental or physical defect or those organized and operated exclusively to protect, or to contribute to the support of organizations or institutions organized and operated exclusively to protect, animals from inhumane treatment or provide immediate shelter to victims of domestic violence; 31061
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(2) Any organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is an organization, not organized for profit, that is organized and operated primarily to provide, or to contribute to the support of organizations or institutions organized and operated primarily to provide, medical and therapeutic services for persons who are crippled, born with birth defects, or have any other mental or physical defect. 31071
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(P) "Nonprofit medical organization" means either of the following: 31082
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(1) Any organization that has been incorporated as a nonprofit corporation for at least five years and that has continuously operated and will be operated exclusively to provide, or to contribute to the support of organizations or institutions organized and operated exclusively to provide, hospital, medical, 31084
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research, or therapeutic services for the public; 31089

(2) Any organization that is described and qualified under 31090
subsection 501(c)(3) of the Internal Revenue Code, that has been 31091
incorporated as a nonprofit corporation for at least five years, 31092
and that has continuously operated and will be operated primarily 31093
to provide, or to contribute to the support of organizations or 31094
institutions organized and operated primarily to provide, 31095
hospital, medical, research, or therapeutic services for the 31096
public. 31097

(Q) "Senior citizen's organization" means any private 31098
organization, not organized for profit, that is organized and 31099
operated exclusively to provide recreational or social services 31100
for persons who are fifty-five years of age or older and that is 31101
described and qualified under subsection 501(c)(3) of the Internal 31102
Revenue Code. 31103

(R) "Charitable bingo game" means any bingo game described in 31104
division (S)(1) or (2) of this section that is conducted by a 31105
charitable organization that has obtained a license pursuant to 31106
section 2915.08 of the Revised Code and the proceeds of which are 31107
used for a charitable purpose. 31108

(S) "Bingo" means either of the following: 31109

(1) A game with all of the following characteristics: 31110

(a) The participants use bingo cards or sheets, including 31111
paper formats and electronic representation or image formats, that 31112
are divided into twenty-five spaces arranged in five horizontal 31113
and five vertical rows of spaces, with each space, except the 31114
central space, being designated by a combination of a letter and a 31115
number and with the central space being designated as a free 31116
space. 31117

(b) The participants cover the spaces on the bingo cards or 31118
sheets that correspond to combinations of letters and numbers that 31119

are announced by a bingo game operator. 31120

(c) A bingo game operator announces combinations of letters 31121
and numbers that appear on objects that a bingo game operator 31122
selects by chance, either manually or mechanically, from a 31123
receptacle that contains seventy-five objects at the beginning of 31124
each game, each object marked by a different combination of a 31125
letter and a number that corresponds to one of the seventy-five 31126
possible combinations of a letter and a number that can appear on 31127
the bingo cards or sheets. 31128

(d) The winner of the bingo game includes any participant who 31129
properly announces during the interval between the announcements 31130
of letters and numbers as described in division (S)(1)(c) of this 31131
section, that a predetermined and preannounced pattern of spaces 31132
has been covered on a bingo card or sheet being used by the 31133
participant. 31134

(2) Instant bingo, punch boards, and raffles. 31135

(T) "Conduct" means to back, promote, organize, manage, carry 31136
on, sponsor, or prepare for the operation of bingo or a game of 31137
chance. 31138

(U) "Bingo game operator" means any person, except security 31139
personnel, who performs work or labor at the site of bingo, 31140
including, but not limited to, collecting money from participants, 31141
handing out bingo cards or sheets or objects to cover spaces on 31142
bingo cards or sheets, selecting from a receptacle the objects 31143
that contain the combination of letters and numbers that appear on 31144
bingo cards or sheets, calling out the combinations of letters and 31145
numbers, distributing prizes, selling or redeeming instant bingo 31146
tickets or cards, supervising the operation of a punch board, 31147
selling raffle tickets, selecting raffle tickets from a receptacle 31148
and announcing the winning numbers in a raffle, and preparing, 31149
selling, and serving food or beverages. 31150

(V) "Participant" means any person who plays bingo.	31151
(W) "Bingo session" means a period that includes both of the following:	31152
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(1) Not to exceed five continuous hours for the conduct of one or more games described in division (S)(1) of this section, instant bingo, and seal cards;	31154
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(2) A period for the conduct of instant bingo and seal cards for not more than two hours before and not more than two hours after the period described in division (W)(1) of this section.	31157
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(X) "Gross receipts" means all money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. "Gross receipts" does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting bingo, or by a bona fide auxiliary unit or society of a charitable organization conducting bingo, provided all of the following apply:	31160
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(1) The auxiliary unit or society has been in existence as a bona fide auxiliary unit or society of the charitable organization for at least two years prior to conducting bingo.	31168
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(2) The person who purchases the food or beverage receives nothing of value except the food or beverage and items customarily received with the purchase of that food or beverage.	31171
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(3) The food and beverages are sold at customary and reasonable prices.	31174
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(Y) "Security personnel" includes any person who either is a sheriff, deputy sheriff, marshal, deputy marshal, township constable, or member of an organized police department of a municipal corporation or has successfully completed a peace officer's training course pursuant to sections 109.71 to 109.79 of	31176
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the Revised Code and who is hired to provide security for the 31181
premises on which bingo is conducted. 31182

(Z) "Charitable purpose" means that the net profit of bingo, 31183
other than instant bingo, is used by, or is given, donated, or 31184
otherwise transferred to, any of the following: 31185

(1) Any organization that is described in subsection 31186
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 31187
and is either a governmental unit or an organization that is tax 31188
exempt under subsection 501(a) and described in subsection 31189
501(c)(3) of the Internal Revenue Code; 31190

(2) A veteran's organization that is a post, chapter, or 31191
organization of veterans, or an auxiliary unit or society of, or a 31192
trust or foundation for, any such post, chapter, or organization 31193
organized in the United States or any of its possessions, at least 31194
seventy-five per cent of the members of which are veterans and 31195
substantially all of the other members of which are individuals 31196
who are spouses, widows, or widowers of veterans, or such 31197
individuals, provided that no part of the net earnings of such 31198
post, chapter, or organization inures to the benefit of any 31199
private shareholder or individual, and further provided that the 31200
net profit is used by the post, chapter, or organization for the 31201
charitable purposes set forth in division (B)(12) of section 31202
5739.02 of the Revised Code, is used for awarding scholarships to 31203
or for attendance at an institution mentioned in division (B)(12) 31204
of section 5739.02 of the Revised Code, is donated to a 31205
governmental agency, or is used for nonprofit youth activities, 31206
the purchase of United States or Ohio flags that are donated to 31207
schools, youth groups, or other bona fide nonprofit organizations, 31208
promotion of patriotism, or disaster relief; 31209

(3) A fraternal organization that has been in continuous 31210
existence in this state for fifteen years and that uses the net 31211
profit exclusively for religious, charitable, scientific, 31212

literary, or educational purposes, or for the prevention of 31213
cruelty to children or animals, if contributions for such use 31214
would qualify as a deductible charitable contribution under 31215
subsection 170 of the Internal Revenue Code; 31216

(4) A volunteer firefighter's organization that uses the net 31217
profit for the purposes set forth in division (L) of this section. 31218

(AA) "Internal Revenue Code" means the "Internal Revenue Code 31219
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 31220
amended. 31221

(BB) "Youth athletic organization" means any organization, 31222
not organized for profit, that is organized and operated 31223
exclusively to provide financial support to, or to operate, 31224
athletic activities for persons who are twenty-one years of age or 31225
younger by means of sponsoring, organizing, operating, or 31226
contributing to the support of an athletic team, club, league, or 31227
association. 31228

(CC) "Youth athletic park organization" means any 31229
organization, not organized for profit, that satisfies both of the 31230
following: 31231

(1) It owns, operates, and maintains playing fields that 31232
satisfy both of the following: 31233

(a) The playing fields are used at least one hundred days per 31234
year for athletic activities by one or more organizations, not 31235
organized for profit, each of which is organized and operated 31236
exclusively to provide financial support to, or to operate, 31237
athletic activities for persons who are eighteen years of age or 31238
younger by means of sponsoring, organizing, operating, or 31239
contributing to the support of an athletic team, club, league, or 31240
association. 31241

(b) The playing fields are not used for any profit-making 31242
activity at any time during the year. 31243

(2) It uses the proceeds of bingo it conducts exclusively for 31244
the operation, maintenance, and improvement of its playing fields 31245
of the type described in division (CC)(1) of this section. 31246

(DD) "Amateur athletic organization" means any organization, 31247
not organized for profit, that is organized and operated 31248
exclusively to provide financial support to, or to operate, 31249
athletic activities for persons who are training for amateur 31250
athletic competition that is sanctioned by a national governing 31251
body as defined in the "Amateur Sports Act of 1978," 90 Stat. 31252
3045, 36 U.S.C.A. 373. 31253

(EE) "Bingo supplies" means bingo cards or sheets; instant 31254
bingo tickets or cards; electronic bingo aids; raffle tickets; 31255
punch boards; seal cards; instant bingo ticket dispensers; and 31256
devices for selecting or displaying the combination of bingo 31257
letters and numbers or raffle tickets. Items that are "bingo 31258
supplies" are not gambling devices if sold or otherwise provided, 31259
and used, in accordance with this chapter. For purposes of this 31260
chapter, "bingo supplies" are not to be considered equipment used 31261
to conduct a bingo game. 31262

(FF) "Instant bingo" means a form of bingo that uses folded 31263
or banded tickets or paper cards with perforated break-open tabs, 31264
a face of which is covered or otherwise hidden from view to 31265
conceal a number, letter, or symbol, or set of numbers, letters, 31266
or symbols, some of which have been designated in advance as prize 31267
winners. "Instant bingo" includes seal cards. "Instant bingo" does 31268
not include any device that is activated by the insertion of a 31269
coin, currency, token, or an equivalent, and that contains as one 31270
of its components a video display monitor that is capable of 31271
displaying numbers, letters, symbols, or characters in winning or 31272
losing combinations. 31273

(GG) "Seal card" means a form of instant bingo that uses 31274
instant bingo tickets in conjunction with a board or placard that 31275

contains one or more seals that, when removed or opened, reveal 31276
predesignated winning numbers, letters, or symbols. 31277

(HH) "Raffle" means a form of bingo in which the one or more 31278
prizes are won by one or more persons who have purchased a raffle 31279
ticket. The one or more winners of the raffle are determined by 31280
drawing a ticket stub or other detachable section from a 31281
receptacle containing ticket stubs or detachable sections 31282
corresponding to all tickets sold for the raffle. 31283

(II) "Punch board" means a board containing a number of holes 31284
or receptacles of uniform size in which are placed, mechanically 31285
and randomly, serially numbered slips of paper that may be punched 31286
or drawn from the hole or receptacle when used in conjunction with 31287
instant bingo. A player may punch or draw the numbered slips of 31288
paper from the holes or receptacles and obtain the prize 31289
established for the game if the number drawn corresponds to a 31290
winning number or, if the punch board includes the use of a seal 31291
card, a potential winning number. 31292

(JJ) "Gross profit" means gross receipts minus the amount 31293
actually expended for the payment of prize awards. 31294

(KK) "Net profit" means gross profit minus expenses. 31295

(LL) "Expenses" means the reasonable amount of gross profit 31296
actually expended for all of the following: 31297

(1) The purchase or lease of bingo supplies; 31298

(2) The annual license fee required under section 2915.08 of 31299
the Revised Code; 31300

(3) Bank fees and service charges for a bingo session or game 31301
account described in section 2915.10 of the Revised Code; 31302

(4) Audits and accounting services; 31303

(5) Safes; 31304

(6) Cash registers; 31305

(7) Hiring security personnel;	31306
(8) Advertising bingo;	31307
(9) Renting premises in which to conduct a bingo session;	31308
(10) Tables and chairs;	31309
(11) Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;	31310 31311 31312 31313
(12) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under division (B)(1) of section 2915.08 of the Revised Code.	31314 31315 31316 31317
(MM) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity, however organized.	31318 31319 31320
(NN) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.	31321 31322 31323 31324
(OO) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.	31325 31326 31327 31328
(PP) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:	31329 31330
(1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state;	31331 31332 31333
(2) Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this	31334 31335

state. 31336

(QQ) "Manufacturer" means any person who assembles completed 31337
bingo supplies from raw materials, other items, or subparts or who 31338
modifies, converts, adds to, or removes parts from bingo supplies 31339
to further their promotion or sale. 31340

(RR) "Gross annual revenues" means the annual gross receipts 31341
derived from the conduct of bingo described in division (S)(1) of 31342
this section plus the annual net profit derived from the conduct 31343
of bingo described in division (S)(2) of this section. 31344

(SS) "Instant bingo ticket dispenser" means a mechanical 31345
device that dispenses an instant bingo ticket or card as the sole 31346
item of value dispensed and that has the following 31347
characteristics: 31348

(1) It is activated upon the insertion of United States 31349
currency. 31350

(2) It performs no gaming functions. 31351

(3) It does not contain a video display monitor or generate 31352
noise. 31353

(4) It is not capable of displaying any numbers, letters, 31354
symbols, or characters in winning or losing combinations. 31355

(5) It does not simulate or display rolling or spinning 31356
reels. 31357

(6) It is incapable of determining whether a dispensed bingo 31358
ticket or card is a winning or nonwinning ticket or card and 31359
requires a winning ticket or card to be paid by a bingo game 31360
operator. 31361

(7) It may provide accounting and security features to aid in 31362
accounting for the instant bingo tickets or cards it dispenses. 31363

(8) It is not part of an electronic network and is not 31364
interactive. 31365

(TT)(1) "Electronic bingo aid" means an electronic device 31366
used by a participant to monitor bingo cards or sheets purchased 31367
at the time and place of a bingo session and that does all of the 31368
following: 31369

(a) It provides a means for a participant to input numbers 31370
and letters announced by a bingo caller. 31371

(b) It compares the numbers and letters entered by the 31372
participant to the bingo faces previously stored in the memory of 31373
the device. 31374

(c) It identifies a winning bingo pattern. 31375

(2) "Electronic bingo aid" does not include any device into 31376
which a coin, currency, token, or an equivalent is inserted to 31377
activate play. 31378

(UU) "Deal of instant bingo tickets" means a single game of 31379
instant bingo tickets all with the same serial number. 31380

(VV)(1) "Slot machine" means either of the following: 31381

(a) Any mechanical, electronic, video, or digital device that 31382
is capable of accepting anything of value, directly or indirectly, 31383
from or on behalf of a player who gives the thing of value in the 31384
hope of gain; 31385

(b) Any mechanical, electronic, video, or digital device that 31386
is capable of accepting anything of value, directly or indirectly, 31387
from or on behalf of a player to conduct or dispense bingo or a 31388
scheme or game of chance. 31389

(2) "Slot machine" does not include a skill-based amusement 31390
machine. 31391

(WW) "Net profit from the proceeds of the sale of instant 31392
bingo" means gross profit minus the ordinary, necessary, and 31393
reasonable expense expended for the purchase of instant bingo 31394
supplies. 31395

(XX) "Charitable instant bingo organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and is a charitable organization as defined in this section. A "charitable instant bingo organization" does not include a charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is created by a veteran's organization, a fraternal organization, or a sporting organization in regards to bingo conducted or assisted by a veteran's organization, a fraternal organization, or a sporting organization pursuant to section 2915.13 of the Revised Code.

(YY) "Game flare" means the board or placard that accompanies each deal of instant bingo tickets and that has printed on or affixed to it the following information for the game:

(1) The name of the game;

(2) The manufacturer's name or distinctive logo;

(3) The form number;

(4) The ticket count;

(5) The prize structure, including the number of winning instant bingo tickets by denomination and the respective winning symbol or number combinations for the winning instant bingo tickets;

(6) The cost per play;

(7) The serial number of the game.

(ZZ) "Historic railroad educational organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, that owns in fee simple the tracks and the

right of way of a historic railroad that the organization restores 31426
or maintains and on which the organization provides excursions as 31427
part of a program to promote tourism and educate visitors 31428
regarding the role of railroad transportation in Ohio history, and 31429
that received as donations from a charitable organization that 31430
holds a license to conduct bingo under this chapter an amount 31431
equal to at least fifty per cent of that licensed charitable 31432
organization's net proceeds from the conduct of bingo during each 31433
of the five years preceding June 30, 2003. "Historic railroad" 31434
means all or a portion of the tracks and right-of-way of a 31435
railroad that was owned and operated by a for-profit common 31436
carrier in this state at any time prior to January 1, 1950. 31437

(AAA)(1) "Skill-based amusement machine" means a mechanical, 31438
video, digital, or electronic device that rewards the player or 31439
players, if at all, only with merchandise prizes or with 31440
redeemable vouchers redeemable only for merchandise prizes, 31441
provided that with respect to rewards for playing the game all of 31442
the following apply: 31443

(a) The wholesale value of a merchandise prize awarded as a 31444
result of the single play of a machine does not exceed ten 31445
dollars; 31446

(b) Redeemable vouchers awarded for any single play of a 31447
machine are not redeemable for a merchandise prize with a 31448
wholesale value of more than ten dollars; 31449

(c) Redeemable vouchers are not redeemable for a merchandise 31450
prize that has a wholesale value of more than ten dollars times 31451
the fewest number of single plays necessary to accrue the 31452
redeemable vouchers required to obtain that prize; and 31453

(d) Any redeemable vouchers or merchandise prizes are 31454
distributed at the site of the skill-based amusement machine at 31455
the time of play. 31456

A card for the purchase of gasoline is a redeemable voucher for purposes of division (AAA)(1) of this section even if the skill-based amusement machine for the play of which the card is awarded is located at a place where gasoline may not be legally distributed to the public or the card is not redeemable at the location of, or at the time of playing, the skill-based amusement machine.

(2) A device shall not be considered a skill-based amusement machine and shall be considered a slot machine if it pays cash or one or more of the following apply:

(a) The ability of a player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of players playing the game.

(b) Any reward of redeemable vouchers is not based solely on the player achieving the object of the game or the ~~players~~ player's score;

(c) The outcome of the game, or the value of the redeemable voucher or merchandise prize awarded for winning the game, can be controlled by a source other than any player playing the game.

(d) The success of any player is or may be determined by a chance event that cannot be altered by player actions.

(e) The ability of any player to succeed at the game is determined by game features not visible or known to the player.

(f) The ability of the player to succeed at the game is impacted by the exercise of a skill that no reasonable player could exercise.

(3) All of the following apply to any machine that is operated as described in division (AAA)(1) of this section:

(a) As used in this section, "game" and "play" mean one event from the initial activation of the machine until the results of

play are determined without payment of additional consideration. 31487
An individual utilizing a machine that involves a single game, 31488
play, contest, competition, or tournament may be awarded 31489
redeemable vouchers or merchandise prizes based on the results of 31490
play. 31491

(b) Advance play for a single game, play, contest, 31492
competition, or tournament participation may be purchased. The 31493
cost of the contest, competition, or tournament participation may 31494
be greater than a single noncontest, competition, or tournament 31495
play. 31496

(c) To the extent that the machine is used in a contest, 31497
competition, or tournament, that contest, competition, or 31498
tournament has a defined starting and ending date and is open to 31499
participants in competition for scoring and ranking results toward 31500
the awarding of redeemable vouchers or merchandise prizes that are 31501
stated prior to the start of the contest, competition, or 31502
tournament. 31503

(4) For purposes of division (AAA)(1) of this section, the 31504
mere presence of a device, such as a pin-setting, ball-releasing, 31505
or scoring mechanism, that does not contribute to or affect the 31506
outcome of the play of the game does not make the device a 31507
skill-based amusement machine. 31508

(BBB) "Merchandise prize" means any item of value, but shall 31509
not include any of the following: 31510

(1) Cash, gift cards, or any equivalent thereof; 31511

(2) Plays on games of chance, state lottery tickets, bingo, 31512
or instant bingo; 31513

(3) Firearms, tobacco, or alcoholic beverages; or 31514

(4) A redeemable voucher that is redeemable for any of the 31515
items listed in division (BBB)(1), (2), or (3) of this section. 31516

(CCC) "Redeemable voucher" means any ticket, token, coupon, receipt, or other noncash representation of value. 31517
31518

(DDD) "Pool not conducted for profit" means a scheme in which a participant gives a valuable consideration for a chance to win a prize and the total amount of consideration wagered is distributed to a participant or participants. 31519
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(EEE) "Sporting organization" means a hunting, fishing, or trapping organization, other than a college or high school fraternity or sorority, that is not organized for profit, that is affiliated with a state or national sporting organization, including but not limited to, the Ohio league of sportsmen, and that has been in continuous existence in this state for a period of three years. 31523
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(FFF) "Community action agency" has the same meaning as in section 122.66 of the Revised Code. 31530
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Sec. 2921.13. (A) No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies: 31532
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(1) The statement is made in any official proceeding. 31535

(2) The statement is made with purpose to incriminate another. 31536
31537

(3) The statement is made with purpose to mislead a public official in performing the public official's official function. 31538
31539

(4) The statement is made with purpose to secure the payment of unemployment compensation; Ohio works first; prevention, retention, and contingency benefits and services; disability financial assistance; retirement benefits; economic development assistance, as defined in section 9.66 of the Revised Code; or other benefits administered by a governmental agency or paid out of a public treasury. 31540
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- (5) The statement is made with purpose to secure the issuance 31547
by a governmental agency of a license, permit, authorization, 31548
certificate, registration, release, or provider agreement. 31549
- (6) The statement is sworn or affirmed before a notary public 31550
or another person empowered to administer oaths. 31551
- (7) The statement is in writing on or in connection with a 31552
report or return that is required or authorized by law. 31553
- (8) The statement is in writing and is made with purpose to 31554
induce another to extend credit to or employ the offender, to 31555
confer any degree, diploma, certificate of attainment, award of 31556
excellence, or honor on the offender, or to extend to or bestow 31557
upon the offender any other valuable benefit or distinction, when 31558
the person to whom the statement is directed relies upon it to 31559
that person's detriment. 31560
- (9) The statement is made with purpose to commit or 31561
facilitate the commission of a theft offense. 31562
- (10) The statement is knowingly made to a probate court in 31563
connection with any action, proceeding, or other matter within its 31564
jurisdiction, either orally or in a written document, including, 31565
but not limited to, an application, petition, complaint, or other 31566
pleading, or an inventory, account, or report. 31567
- (11) The statement is made on an account, form, record, 31568
stamp, label, or other writing that is required by law. 31569
- (12) The statement is made in connection with the purchase of 31570
a firearm, as defined in section 2923.11 of the Revised Code, and 31571
in conjunction with the furnishing to the seller of the firearm of 31572
a fictitious or altered driver's or commercial driver's license or 31573
permit, a fictitious or altered identification card, or any other 31574
document that contains false information about the purchaser's 31575
identity. 31576

(13) The statement is made in a document or instrument of writing that purports to be a judgment, lien, or claim of indebtedness and is filed or recorded with the secretary of state, a county recorder, or the clerk of a court of record.

~~(14) The statement is made with purpose to obtain an Ohio's best Rx program enrollment card under section 173.773 of the Revised Code or a payment under section 173.801 of the Revised Code.~~

~~(15)~~ The statement is made in an application filed with a county sheriff pursuant to section 2923.125 of the Revised Code in order to obtain or renew a license to carry a concealed handgun or is made in an affidavit submitted to a county sheriff to obtain a temporary emergency license to carry a concealed handgun under section 2923.1213 of the Revised Code.

~~(16)~~(15) The statement is required under section 5743.71 of the Revised Code in connection with the person's purchase of cigarettes or tobacco products in a delivery sale.

(B) No person, in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, shall knowingly furnish to the seller of the firearm a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

(C) No person, in an attempt to obtain a license to carry a concealed handgun under section 2923.125 of the Revised Code, shall knowingly present to a sheriff a fictitious or altered document that purports to be certification of the person's competence in handling a handgun as described in division (B)(3) of section 2923.125 of the Revised Code.

(D) It is no defense to a charge under division (A)(6) of this section that the oath or affirmation was administered or

taken in an irregular manner. 31608

(E) If contradictory statements relating to the same fact are 31609
made by the offender within the period of the statute of 31610
limitations for falsification, it is not necessary for the 31611
prosecution to prove which statement was false but only that one 31612
or the other was false. 31613

(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 31614
(6), (7), (8), (10), (11), (13), ~~(14)~~, or ~~(16)~~(15) of this section 31615
is guilty of falsification, a misdemeanor of the first degree. 31616

(2) Whoever violates division (A)(9) of this section is 31617
guilty of falsification in a theft offense. Except as otherwise 31618
provided in this division, falsification in a theft offense is a 31619
misdemeanor of the first degree. If the value of the property or 31620
services stolen is five hundred dollars or more and is less than 31621
five thousand dollars, falsification in a theft offense is a 31622
felony of the fifth degree. If the value of the property or 31623
services stolen is five thousand dollars or more and is less than 31624
one hundred thousand dollars, falsification in a theft offense is 31625
a felony of the fourth degree. If the value of the property or 31626
services stolen is one hundred thousand dollars or more, 31627
falsification in a theft offense is a felony of the third degree. 31628

(3) Whoever violates division (A)(12) or (B) of this section 31629
is guilty of falsification to purchase a firearm, a felony of the 31630
fifth degree. 31631

(4) Whoever violates division (A)~~(15)~~(14) or (C) of this 31632
section is guilty of falsification to obtain a concealed handgun 31633
license, a felony of the fourth degree. 31634

(G) A person who violates this section is liable in a civil 31635
action to any person harmed by the violation for injury, death, or 31636
loss to person or property incurred as a result of the commission 31637
of the offense and for reasonable attorney's fees, court costs, 31638

and other expenses incurred as a result of prosecuting the civil 31639
action commenced under this division. A civil action under this 31640
division is not the exclusive remedy of a person who incurs 31641
injury, death, or loss to person or property as a result of a 31642
violation of this section. 31643

Sec. 2921.51. (A) As used in this section: 31644

(1) "Peace officer" means a sheriff, deputy sheriff, marshal, 31645
deputy marshal, member of the organized police department of a 31646
municipal corporation, or township constable, who is employed by a 31647
political subdivision of this state; a member of a police force 31648
employed by a metropolitan housing authority under division (D) of 31649
section 3735.31 of the Revised Code; a member of a police force 31650
employed by a regional transit authority under division (Y) of 31651
section 306.35 of the Revised Code; a state university law 31652
enforcement officer appointed under section 3345.04 of the Revised 31653
Code; a veterans' home police officer appointed under section 31654
5907.02 of the Revised Code; a special police officer employed by 31655
a port authority under section 4582.04 or 4582.28 of the Revised 31656
Code; an officer, agent, or employee of the state or any of its 31657
agencies, instrumentalities, or political subdivisions, upon whom, 31658
by statute, a duty to conserve the peace or to enforce all or 31659
certain laws is imposed and the authority to arrest violators is 31660
conferred, within limits of that statutory duty and authority; or 31661
a state highway patrol trooper ~~and~~ whose primary duties are to 31662
preserve the peace, to protect life and property, and to enforce 31663
the laws, ordinances, or rules of the state or any of its 31664
political subdivisions. 31665

(2) "Private police officer" means any security guard, 31666
special police officer, private detective, or other person who is 31667
privately employed in a police capacity. 31668

(3) "Federal law enforcement officer" means an employee of 31669

the United States who serves in a position the duties of which are 31670
primarily the investigation, apprehension, or detention of 31671
individuals suspected or convicted of offenses under the criminal 31672
laws of the United States. 31673

(4) "Impersonate" means to act the part of, assume the 31674
identity of, wear the uniform or any part of the uniform of, or 31675
display the identification of a particular person or of a member 31676
of a class of persons with purpose to make another person believe 31677
that the actor is that particular person or is a member of that 31678
class of persons. 31679

(5) "Investigator of the bureau of criminal identification 31680
and investigation" has the same meaning as in section 2903.11 of 31681
the Revised Code. 31682

(B) No person shall impersonate a peace officer, private 31683
police officer, ~~or~~ a federal law enforcement officer, or 31684
investigator of the bureau of criminal identification and 31685
investigation. 31686

(C) No person, by impersonating a peace officer, private 31687
police officer, ~~or~~ a federal law enforcement officer, or 31688
investigator of the bureau of criminal identification and 31689
investigation, shall arrest or detain any person, search any 31690
person, or search the property of any person. 31691

(D) No person, with purpose to commit or facilitate the 31692
commission of an offense, shall impersonate a peace officer, 31693
private police officer, a federal law enforcement officer, 31694
officer, agent, or employee of the state, or investigator of the 31695
bureau of criminal identification and investigation. 31696

(E) No person shall commit a felony while impersonating a 31697
peace officer, private police officer, a federal law enforcement 31698
officer, officer, agent, or employee of the state, or investigator 31699
of the bureau of criminal identification and investigation. 31700

31701

(F) It is an affirmative defense to a charge under division 31702
(B) of this section that the impersonation of the peace officer, 31703
private police officer, or investigator of the bureau of criminal 31704
identification and investigation was for a lawful purpose. 31705

(G) Whoever violates division (B) of this section is guilty 31706
of a misdemeanor of the fourth degree. Whoever violates division 31707
(C) or (D) of this section is guilty of a misdemeanor of the first 31708
degree. If the purpose of a violation of division (D) of this 31709
section is to commit or facilitate the commission of a felony, a 31710
violation of division (D) is a felony of the fourth degree. 31711
Whoever violates division (E) of this section is guilty of a 31712
felony of the third degree. 31713

Sec. 2923.125. (A) Upon the request of a person who wishes to 31714
obtain a license to carry a concealed handgun or to renew a 31715
license to carry a concealed handgun, a sheriff, as provided in 31716
division (I) of this section, shall provide to the person free of 31717
charge an application form and a copy of the pamphlet described in 31718
division (B) of section 109.731 of the Revised Code. A sheriff 31719
shall accept a completed application form and the fee, items, 31720
materials, and information specified in divisions (B)(1) to (5) of 31721
this section at the times and in the manners described in division 31722
(I) of this section. 31723

(B) An applicant for a license to carry a concealed handgun 31724
shall submit a completed application form and all of the following 31725
to the sheriff of the county in which the applicant resides or to 31726
the sheriff of any county adjacent to the county in which the 31727
applicant resides: 31728

(1)(a) ~~A nonrefundable license fee prescribed by the Ohio 31729
peace officer training commission pursuant to division (C) of 31730
section 109.731 of the Revised Code, except that the sheriff shall 31731~~

~~waive the payment of the license fee in connection with an initial 31732
or renewal application for a license that is submitted by an 31733
applicant who is a retired peace officer, a retired person 31734
described in division (B)(1)(b) of section 109.77 of the Revised 31735
Code, or a retired federal law enforcement officer who, prior to 31736
retirement, was authorized under federal law to carry a firearm in 31737
the course of duty, unless the retired peace officer, person, or 31738
federal law enforcement officer retired as the result of a mental 31739
disability; as described in either of the following: 31740~~

~~(i) For an applicant who has been a resident of this state 31741
for five or more years, a fee of fifty-five dollars; 31742~~

~~(ii) For an applicant who has been a resident of this state 31743
for less than five years, a fee of fifty-five dollars plus the 31744
actual cost of having a background check performed by the federal 31745
bureau of investigation. 31746~~

~~(b) No sheriff shall require an applicant to pay for the cost 31747
of a background check performed by the bureau of criminal 31748
identification and investigation. 31749~~

~~(c) A sheriff shall waive the payment of the license fee 31750
described in division (B)(1)(a) of this section in connection with 31751
an initial or renewal application for a license that is submitted 31752
by an applicant who is a retired peace officer, a retired person 31753
described in division (B)(1)(b) of section 109.77 of the Revised 31754
Code, or a retired federal law enforcement officer who, prior to 31755
retirement, was authorized under federal law to carry a firearm in 31756
the course of duty, unless the retired peace officer, person, or 31757
federal law enforcement officer retired as the result of a mental 31758
disability. 31759~~

~~(d) The sheriff shall deposit all fees paid by an applicant 31760
under division (B)(1)(a) of this section into the sheriff's 31761
concealed handgun license issuance fund established pursuant to 31762~~

section 311.42 of the Revised Code. The county shall distribute 31763
the fees in accordance with section 311.42 of the Revised Code. 31764

(2) A color photograph of the applicant that was taken within 31765
thirty days prior to the date of the application; 31766

(3) One or more of the following competency certifications, 31767
each of which shall reflect that, regarding a certification 31768
described in division (B)(3)(a), (b), (c), (e), or (f) of this 31769
section, within the three years immediately preceding the 31770
application the applicant has performed that to which the 31771
competency certification relates and that, regarding a 31772
certification described in division (B)(3)(d) of this section, the 31773
applicant currently is an active or reserve member of the armed 31774
forces of the United States or within the six years immediately 31775
preceding the application the honorable discharge or retirement to 31776
which the competency certification relates occurred: 31777

(a) An original or photocopy of a certificate of completion 31778
of a firearms safety, training, or requalification or firearms 31779
safety instructor course, class, or program that was offered by or 31780
under the auspices of the national rifle association and that 31781
complies with the requirements set forth in division (G) of this 31782
section; 31783

(b) An original or photocopy of a certificate of completion 31784
of a firearms safety, training, or requalification or firearms 31785
safety instructor course, class, or program that satisfies all of 31786
the following criteria: 31787

(i) It was open to members of the general public. 31788

(ii) It utilized qualified instructors who were certified by 31789
the national rifle association, the executive director of the Ohio 31790
peace officer training commission pursuant to section 109.75 or 31791
109.78 of the Revised Code, or a governmental official or entity 31792
of another state. 31793

(iii) It was offered by or under the auspices of a law enforcement agency of this or another state or the United States, a public or private college, university, or other similar postsecondary educational institution located in this or another state, a firearms training school located in this or another state, or another type of public or private entity or organization located in this or another state.

(iv) It complies with the requirements set forth in division (G) of this section.

(c) An original or photocopy of a certificate of completion of a state, county, municipal, or department of natural resources peace officer training school that is approved by the executive director of the Ohio peace officer training commission pursuant to section 109.75 of the Revised Code and that complies with the requirements set forth in division (G) of this section, or the applicant has satisfactorily completed and been issued a certificate of completion of a basic firearms training program, a firearms requalification training program, or another basic training program described in section 109.78 or 109.801 of the Revised Code that complies with the requirements set forth in division (G) of this section;

(d) A document that evidences both of the following:

(i) That the applicant is an active or reserve member of the armed forces of the United States, was honorably discharged from military service in the active or reserve armed forces of the United States, is a retired trooper of the state highway patrol, or is a retired peace officer or federal law enforcement officer described in division (B)(1) of this section or a retired person described in division (B)(1)(b) of section 109.77 of the Revised Code and division (B)(1) of this section;

(ii) That, through participation in the military service or

through the former employment described in division (B)(3)(d)(i) 31825
of this section, the applicant acquired experience with handling 31826
handguns or other firearms, and the experience so acquired was 31827
equivalent to training that the applicant could have acquired in a 31828
course, class, or program described in division (B)(3)(a), (b), or 31829
(c) of this section. 31830

(e) A certificate or another similar document that evidences 31831
satisfactory completion of a firearms training, safety, or 31832
requalification or firearms safety instructor course, class, or 31833
program that is not otherwise described in division (B)(3)(a), 31834
(b), (c), or (d) of this section, that was conducted by an 31835
instructor who was certified by an official or entity of the 31836
government of this or another state or the United States or by the 31837
national rifle association, and that complies with the 31838
requirements set forth in division (G) of this section; 31839

(f) An affidavit that attests to the applicant's satisfactory 31840
completion of a course, class, or program described in division 31841
(B)(3)(a), (b), (c), or (e) of this section and that is subscribed 31842
by the applicant's instructor or an authorized representative of 31843
the entity that offered the course, class, or program or under 31844
whose auspices the course, class, or program was offered. 31845

(4) A certification by the applicant that the applicant has 31846
read the pamphlet prepared by the Ohio peace officer training 31847
commission pursuant to section 109.731 of the Revised Code that 31848
reviews firearms, dispute resolution, and use of deadly force 31849
matters. 31850

(5) A set of fingerprints of the applicant provided as 31851
described in section 311.41 of the Revised Code through use of an 31852
electronic fingerprint reading device or, if the sheriff to whom 31853
the application is submitted does not possess and does not have 31854
ready access to the use of such a reading device, on a standard 31855
impression sheet prescribed pursuant to division (C)(2) of section 31856

109.572 of the Revised Code. 31857

(C) Upon receipt of an applicant's completed application 31858
form, supporting documentation, and, if not waived, license fee, a 31859
sheriff, in the manner specified in section 311.41 of the Revised 31860
Code, shall conduct or cause to be conducted the criminal records 31861
check and the incompetency records check described in section 31862
311.41 of the Revised Code. 31863

(D)(1) Except as provided in division (D)(3) or (4) of this 31864
section, within forty-five days after a sheriff's receipt of an 31865
applicant's completed application form for a license to carry a 31866
concealed handgun, the supporting documentation, and, if not 31867
waived, the license fee, the sheriff shall make available through 31868
the law enforcement automated data system in accordance with 31869
division (H) of this section the information described in that 31870
division and, upon making the information available through the 31871
system, shall issue to the applicant a license to carry a 31872
concealed handgun that shall expire as described in division 31873
(D)(2)(a) of this section if all of the following apply: 31874

(a) The applicant is legally living in the United States, has 31875
been a resident of this state for at least forty-five days, and 31876
has been a resident of the county in which the person seeks the 31877
license or a county adjacent to the county in which the person 31878
seeks the license for at least thirty days. For purposes of 31879
division (D)(1)(a) of this section: 31880

(i) If a person is absent from the United States, from this 31881
state, or from a particular county in this state in compliance 31882
with military or naval orders as an active or reserve member of 31883
the armed forces of the United States and if prior to leaving this 31884
state in compliance with those orders the person was legally 31885
living in the United States and was a resident of this state, the 31886
person, solely by reason of that absence, shall not be considered 31887
to have lost the person's status as living in the United States or 31888

the person's residence in this state or in the county in which the person was a resident prior to leaving this state in compliance with those orders, without regard to whether or not the person intends to return to this state or to that county, shall not be considered to have acquired a residence in any other state, and shall not be considered to have become a resident of any other state.

(ii) If a person is present in this state in compliance with military or naval orders as an active or reserve member of the armed forces of the United States for at least forty-five days, the person shall be considered to have been a resident of this state for that period of at least forty-five days, and, if a person is present in a county of this state in compliance with military or naval orders as an active or reserve member of the armed forces of the United States for at least thirty days, the person shall be considered to have been a resident of that county for that period of at least thirty days.

(b) The applicant is at least twenty-one years of age.

(c) The applicant is not a fugitive from justice.

(d) The applicant is not under indictment for or otherwise charged with a felony; an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; a misdemeanor offense of violence; or a violation of section 2903.14 or 2923.1211 of the Revised Code.

(e) Except as otherwise provided in division (D)(5) of this section, the applicant has not been convicted of or pleaded guilty to a felony or an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; has not been adjudicated a delinquent child for committing

an act that if committed by an adult would be a felony or would be 31920
an offense under Chapter 2925., 3719., or 4729. of the Revised 31921
Code that involves the illegal possession, use, sale, 31922
administration, or distribution of or trafficking in a drug of 31923
abuse; and has not been convicted of, pleaded guilty to, or 31924
adjudicated a delinquent child for committing a violation of 31925
section 2903.13 of the Revised Code when the victim of the 31926
violation is a peace officer, regardless of whether the applicant 31927
was sentenced under division (C)(3) of that section. 31928

(f) Except as otherwise provided in division (D)(5) of this 31929
section, the applicant, within three years of the date of the 31930
application, has not been convicted of or pleaded guilty to a 31931
misdemeanor offense of violence other than a misdemeanor violation 31932
of section 2921.33 of the Revised Code or a violation of section 31933
2903.13 of the Revised Code when the victim of the violation is a 31934
peace officer, or a misdemeanor violation of section 2923.1211 of 31935
the Revised Code; and has not been adjudicated a delinquent child 31936
for committing an act that if committed by an adult would be a 31937
misdemeanor offense of violence other than a misdemeanor violation 31938
of section 2921.33 of the Revised Code or a violation of section 31939
2903.13 of the Revised Code when the victim of the violation is a 31940
peace officer or for committing an act that if committed by an 31941
adult would be a misdemeanor violation of section 2923.1211 of the 31942
Revised Code. 31943

(g) Except as otherwise provided in division (D)(1)(e) of 31944
this section, the applicant, within five years of the date of the 31945
application, has not been convicted of, pleaded guilty to, or 31946
adjudicated a delinquent child for committing two or more 31947
violations of section 2903.13 or 2903.14 of the Revised Code. 31948

(h) Except as otherwise provided in division (D)(5) of this 31949
section, the applicant, within ten years of the date of the 31950
application, has not been convicted of, pleaded guilty to, or 31951

adjudicated a delinquent child for committing a violation of 31952
section 2921.33 of the Revised Code. 31953

(i) The applicant has not been adjudicated as a mental 31954
defective, has not been committed to any mental institution, is 31955
not under adjudication of mental incompetence, has not been found 31956
by a court to be a mentally ill person subject to hospitalization 31957
by court order, and is not an involuntary patient other than one 31958
who is a patient only for purposes of observation. As used in this 31959
division, "mentally ill person subject to hospitalization by court 31960
order" and "patient" have the same meanings as in section 5122.01 31961
of the Revised Code. 31962

(j) The applicant is not currently subject to a civil 31963
protection order, a temporary protection order, or a protection 31964
order issued by a court of another state. 31965

(k) The applicant certifies that the applicant desires a 31966
legal means to carry a concealed handgun for defense of the 31967
applicant or a member of the applicant's family while engaged in 31968
lawful activity. 31969

(l) The applicant submits a competency certification of the 31970
type described in division (B)(3) of this section and submits a 31971
certification of the type described in division (B)(4) of this 31972
section regarding the applicant's reading of the pamphlet prepared 31973
by the Ohio peace officer training commission pursuant to section 31974
109.731 of the Revised Code. 31975

(m) The applicant currently is not subject to a suspension 31976
imposed under division (A)(2) of section 2923.128 of the Revised 31977
Code of a license to carry a concealed handgun, or a temporary 31978
emergency license to carry a concealed handgun, that previously 31979
was issued to the applicant under this section or section 31980
2923.1213 of the Revised Code. 31981

(2)(a) A license to carry a concealed handgun that a sheriff 31982

issues under division (D)(1) of this section on or after March 14, 31983
2007, shall expire five years after the date of issuance. A 31984
license to carry a concealed handgun that a sheriff issued under 31985
division (D)(1) of this section prior to March 14, 2007, shall 31986
expire four years after the date of issuance. 31987

If a sheriff issues a license under this section, the sheriff 31988
shall place on the license a unique combination of letters and 31989
numbers identifying the license in accordance with the procedure 31990
prescribed by the Ohio peace officer training commission pursuant 31991
to section 109.731 of the Revised Code. 31992

(b) If a sheriff denies an application under this section 31993
because the applicant does not satisfy the criteria described in 31994
division (D)(1) of this section, the sheriff shall specify the 31995
grounds for the denial in a written notice to the applicant. The 31996
applicant may appeal the denial pursuant to section 119.12 of the 31997
Revised Code in the county served by the sheriff who denied the 31998
application. If the denial was as a result of the criminal records 31999
check conducted pursuant to section 311.41 of the Revised Code and 32000
if, pursuant to section 2923.127 of the Revised Code, the 32001
applicant challenges the criminal records check results using the 32002
appropriate challenge and review procedure specified in that 32003
section, the time for filing the appeal pursuant to section 119.12 32004
of the Revised Code and this division is tolled during the 32005
pendency of the request or the challenge and review. If the court 32006
in an appeal under section 119.12 of the Revised Code and this 32007
division enters a judgment sustaining the sheriff's refusal to 32008
grant to the applicant a license to carry a concealed handgun, the 32009
applicant may file a new application beginning one year after the 32010
judgment is entered. If the court enters a judgment in favor of 32011
the applicant, that judgment shall not restrict the authority of a 32012
sheriff to suspend or revoke the license pursuant to section 32013
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 32014

the license for any proper cause that may occur after the date the 32015
judgment is entered. In the appeal, the court shall have full 32016
power to dispose of all costs. 32017

(3) If the sheriff with whom an application for a license to 32018
carry a concealed handgun was filed under this section becomes 32019
aware that the applicant has been arrested for or otherwise 32020
charged with an offense that would disqualify the applicant from 32021
holding the license, the sheriff shall suspend the processing of 32022
the application until the disposition of the case arising from the 32023
arrest or charge. 32024

(4) If the sheriff determines that the applicant is legally 32025
living in the United States and is a resident of the county in 32026
which the applicant seeks the license or of an adjacent county but 32027
does not yet meet the residency requirements described in division 32028
(D)(1)(a) of this section, the sheriff shall not deny the license 32029
because of the residency requirements but shall not issue the 32030
license until the applicant meets those residency requirements. 32031

(5) If an applicant has been convicted of or pleaded guilty 32032
to an offense identified in division (D)(1)(e), (f), or (h) of 32033
this section or has been adjudicated a delinquent child for 32034
committing an act or violation identified in any of those 32035
divisions, and if a court has ordered the sealing or expungement 32036
of the records of that conviction, guilty plea, or adjudication 32037
pursuant to sections 2151.355 to 2151.358 or sections 2953.31 to 32038
2953.36 of the Revised Code or a court has granted the applicant 32039
relief pursuant to section 2923.14 of the Revised Code from the 32040
disability imposed pursuant to section 2923.13 of the Revised Code 32041
relative to that conviction, guilty plea, or adjudication, the 32042
sheriff with whom the application was submitted shall not consider 32043
the conviction, guilty plea, or adjudication in making a 32044
determination under division (D)(1) or (F) of this section or, in 32045
relation to an application for a temporary emergency license to 32046

carry a concealed handgun submitted under section 2923.1213 of the Revised Code, in making a determination under division (B)(2) of that section.

(E) If a license to carry a concealed handgun issued under this section is lost or is destroyed, the licensee may obtain from the sheriff who issued that license a duplicate license upon the payment of a fee of fifteen dollars and the submission of an affidavit attesting to the loss or destruction of the license. The sheriff, in accordance with the procedures prescribed in section 109.731 of the Revised Code, shall place on the replacement license a combination of identifying numbers different from the combination on the license that is being replaced.

(F)(1) A licensee who wishes to renew a license to carry a concealed handgun issued under this section shall do so not earlier than ninety days before the expiration date of the license or at any time after the expiration date of the license by filing with the sheriff of the county in which the applicant resides or with the sheriff of an adjacent county an application for renewal of the license obtained pursuant to division (D) of this section, a certification by the applicant that, subsequent to the issuance of the license, the applicant has reread the pamphlet prepared by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code that reviews firearms, dispute resolution, and use of deadly force matters, a nonrefundable license renewal fee unless the fee is waived, and one of the following:

(a) If the licensee previously has not renewed a license to carry a concealed handgun issued under this section, proof that the licensee at one time had a competency certification of the type described in division (B)(3) of this section. A valid license or any other previously issued license that has not been revoked is prima-facie evidence that the licensee at one time had a

competency certification of the type described in division (B)(3) 32079
of this section. 32080

(b) If the licensee previously has renewed a license to carry 32081
a concealed handgun issued under this section, a renewed 32082
competency certification of the type described in division (G)(4) 32083
of this section. 32084

(2) A sheriff shall accept a completed renewal application, 32085
the license renewal fee, and information specified in division 32086
(F)(1) of this section at the times and in the manners described 32087
in division (I) of this section. Upon receipt of a completed 32088
renewal application, of certification that the applicant has 32089
reread the specified pamphlet prepared by the Ohio peace officer 32090
training commission, of proof of a prior competency certification 32091
for an initial renewal or of a renewed competency certification 32092
for a second or subsequent renewal, and of a license renewal fee 32093
unless the fee is waived, a sheriff, in the manner specified in 32094
section 311.41 of the Revised Code shall conduct or cause to be 32095
conducted the criminal records check and the incompetency records 32096
check described in section 311.41 of the Revised Code. The sheriff 32097
shall renew the license if the sheriff determines that the 32098
applicant continues to satisfy the requirements described in 32099
division (D)(1) of this section, except that the applicant is not 32100
required to meet the requirements of division (D)(1)(1) of this 32101
section. A renewed license that is renewed on or after March 14, 32102
2007, shall expire five years after the date of issuance, and a 32103
renewed license that is renewed prior to March 14, 2007, shall 32104
expire four years after the date of issuance. A renewed license is 32105
subject to division (E) of this section and sections 2923.126 and 32106
2923.128 of the Revised Code. A sheriff shall comply with 32107
divisions (D)(2) to (4) of this section when the circumstances 32108
described in those divisions apply to a requested license renewal. 32109
If a sheriff denies the renewal of a license to carry a concealed 32110

handgun, the applicant may appeal the denial, or challenge the 32111
criminal record check results that were the basis of the denial if 32112
applicable, in the same manner as specified in division (D)(2)(b) 32113
of this section and in section 2923.127 of the Revised Code, 32114
regarding the denial of a license under this section. 32115
32116

(G)(1) Each course, class, or program described in division 32117
(B)(3)(a), (b), (c), or (e) of this section shall provide to each 32118
person who takes the course, class, or program a copy of the 32119
pamphlet prepared by the Ohio peace officer training commission 32120
pursuant to section 109.731 of the Revised Code that reviews 32121
firearms, dispute resolution, and use of deadly force matters. 32122
Each such course, class, or program described in one of those 32123
divisions shall include at least twelve hours of training in the 32124
safe handling and use of a firearm that shall include all of the 32125
following: 32126

(a) At least ten hours of training on the following matters: 32127

(i) The ability to name, explain, and demonstrate the rules 32128
for safe handling of a handgun and proper storage practices for 32129
handguns and ammunition; 32130

(ii) The ability to demonstrate and explain how to handle 32131
ammunition in a safe manner; 32132

(iii) The ability to demonstrate the knowledge, skills, and 32133
attitude necessary to shoot a handgun in a safe manner; 32134

(iv) Gun handling training. 32135

(b) At least two hours of training that consists of range 32136
time and live-fire training. 32137

(2) To satisfactorily complete the course, class, or program 32138
described in division (B)(3)(a), (b), (c), or (e) of this section, 32139
the applicant shall pass a competency examination that shall 32140

include both of the following: 32141

(a) A written section on the ability to name and explain the 32142
rules for the safe handling of a handgun and proper storage 32143
practices for handguns and ammunition; 32144

(b) A physical demonstration of competence in the use of a 32145
handgun and in the rules for safe handling and storage of a 32146
handgun and a physical demonstration of the attitude necessary to 32147
shoot a handgun in a safe manner. 32148

(3) The competency certification described in division 32149
(B)(3)(a), (b), (c), or (e) of this section shall be dated and 32150
shall attest that the course, class, or program the applicant 32151
successfully completed met the requirements described in division 32152
(G)(1) of this section and that the applicant passed the 32153
competency examination described in division (G)(2) of this 32154
section. 32155

(4) A person who previously has received a competency 32156
certification as described in division (B)(3) of this section, or 32157
who previously has received a renewed competency certification as 32158
described in this division, may obtain a renewed competency 32159
certification pursuant to this division. If the person previously 32160
has received a competency certification or previously has received 32161
a renewed competency certification, the person may obtain a 32162
renewed competency certification from an entity that offers a 32163
course, class, or program described in division (B)(3)(a), (b), 32164
(c), or (e) of this section by passing a test that demonstrates 32165
that the person is range competent. In these circumstances, the 32166
person is not required to attend the course, class, or program or 32167
to take the competency examination described in division (G)(2) of 32168
this section for the renewed competency certification in order to 32169
be eligible to receive a renewed competency certification. A 32170
renewed competency certification issued under this division shall 32171
be dated and shall attest that the person has demonstrated range 32172

competency. 32173

(H) Upon deciding to issue a license, deciding to issue a replacement license, or deciding to renew a license to carry a concealed handgun pursuant to this section, and before actually issuing or renewing the license, the sheriff shall make available through the law enforcement automated data system all information contained on the license. If the license subsequently is suspended under division (A)(1) or (2) of section 2923.128 of the Revised Code, revoked pursuant to division (B)(1) of section 2923.128 of the Revised Code, or lost or destroyed, the sheriff also shall make available through the law enforcement automated data system a notation of that fact. The superintendent of the state highway patrol shall ensure that the law enforcement automated data system is so configured as to permit the transmission through the system of the information specified in this division. 32174
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(I) A sheriff shall accept a completed application form or renewal application, and the fee, items, materials, and information specified in divisions (B)(1) to (5) or division (F) of this section, whichever is applicable, and shall provide an application form or renewal application and a copy of the pamphlet described in division (B) of section 109.731 of the Revised Code to any person during at least fifteen hours a week. The sheriff shall post notice of the hours during which the sheriff is available to accept or provide the information described in this division. 32188
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Sec. 2923.1213. (A) As used in this section: 32198

(1) "Evidence of imminent danger" means any of the following: 32199

(a) A statement sworn by the person seeking to carry a concealed handgun that is made under threat of perjury and that states that the person has reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as 32200
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would justify a prudent person in going armed; 32204

(b) A written document prepared by a governmental entity or 32205
public official describing the facts that give the person seeking 32206
to carry a concealed handgun reasonable cause to fear a criminal 32207
attack upon the person or a member of the person's family, such as 32208
would justify a prudent person in going armed. Written documents 32209
of this nature include, but are not limited to, any temporary 32210
protection order, civil protection order, protection order issued 32211
by another state, or other court order, any court report, and any 32212
report filed with or made by a law enforcement agency or 32213
prosecutor. 32214

(2) "Prosecutor" has the same meaning as in section 2935.01 32215
of the Revised Code. 32216

(B)(1) A person seeking a temporary emergency license to 32217
carry a concealed handgun shall submit to the sheriff of the 32218
county in which the person resides all of the following: 32219

(a) Evidence of imminent danger to the person or a member of 32220
the person's family; 32221

(b) A sworn affidavit that contains all of the information 32222
required to be on the license and attesting that the person is 32223
legally living in the United States; is at least twenty-one years 32224
of age; is not a fugitive from justice; is not under indictment 32225
for or otherwise charged with an offense identified in division 32226
(D)(1)(d) of section 2923.125 of the Revised Code; has not been 32227
convicted of or pleaded guilty to an offense, and has not been 32228
adjudicated a delinquent child for committing an act, identified 32229
in division (D)(1)(e) of that section and to which division (B)(3) 32230
of this section does not apply; within three years of the date of 32231
the submission, has not been convicted of or pleaded guilty to an 32232
offense, and has not been adjudicated a delinquent child for 32233
committing an act, identified in division (D)(1)(f) of that 32234

section and to which division (B)(3) of this section does not 32235
apply; within five years of the date of the submission, has not 32236
been convicted of, pleaded guilty, or adjudicated a delinquent 32237
child for committing two or more violations identified in division 32238
(D)(1)(g) of that section; within ten years of the date of the 32239
submission, has not been convicted of, pleaded guilty, or 32240
adjudicated a delinquent child for committing a violation 32241
identified in division (D)(1)(h) of that section and to which 32242
division (B)(3) of this section does not apply; has not been 32243
adjudicated as a mental defective, has not been committed to any 32244
mental institution, is not under adjudication of mental 32245
incompetence, has not been found by a court to be a mentally ill 32246
person subject to hospitalization by court order, and is not an 32247
involuntary patient other than one who is a patient only for 32248
purposes of observation, as described in division (D)(1)(i) of 32249
that section; is not currently subject to a civil protection 32250
order, a temporary protection order, or a protection order issued 32251
by a court of another state, as described in division (D)(1)(j) of 32252
that section; and is not currently subject to a suspension imposed 32253
under division (A)(2) of section 2923.128 of the Revised Code of a 32254
license to carry a concealed handgun, or a temporary emergency 32255
license to carry a concealed handgun, that previously was issued 32256
to the person; 32257

(c) A nonrefundable temporary emergency license fee 32258
~~established by the Ohio peace officer training commission for an~~ 32259
~~amount that does not exceed the actual cost of conducting the~~ 32260
~~criminal background check or thirty dollars; as described in~~ 32261
either of the following: 32262

(i) For an applicant who has been a resident of this state 32263
for five or more years, a fee of fifteen dollars plus the actual 32264
cost of having a background check performed by the bureau of 32265
criminal identification and investigation pursuant to section 32266

<u>311.41 of the Revised Code;</u>	32267
<u>(ii) For an applicant who has been a resident of this state</u>	32268
<u>for less than five years, a fee of fifteen dollars plus the actual</u>	32269
<u>cost of having background checks performed by the federal bureau</u>	32270
<u>of investigation and the bureau of criminal identification and</u>	32271
<u>investigation pursuant to section 311.41 of the Revised Code.</u>	32272
(d) A set of fingerprints of the applicant provided as	32273
described in section 311.41 of the Revised Code through use of an	32274
electronic fingerprint reading device or, if the sheriff to whom	32275
the application is submitted does not possess and does not have	32276
ready access to the use of an electronic fingerprint reading	32277
device, on a standard impression sheet prescribed pursuant to	32278
division (C)(2) of section 109.572 of the Revised Code. If the	32279
fingerprints are provided on a standard impression sheet, the	32280
person also shall provide the person's social security number to	32281
the sheriff.	32282
(2) A sheriff shall accept the evidence of imminent danger,	32283
the sworn affidavit, the fee, and the set of fingerprints required	32284
under division (B)(1) of this section at the times and in the	32285
manners described in division (I) of this section. Upon receipt of	32286
the evidence of imminent danger, the sworn affidavit, the fee, and	32287
the set of fingerprints required under division (B)(1) of this	32288
section, the sheriff, in the manner specified in section 311.41 of	32289
the Revised Code, immediately shall conduct or cause to be	32290
conducted the criminal records check and the incompetency records	32291
check described in section 311.41 of the Revised Code. Immediately	32292
upon receipt of the results of the records checks, the sheriff	32293
shall review the information and shall determine whether the	32294
criteria set forth in divisions (D)(1)(a) to (j) and (m) of	32295
section 2923.125 of the Revised Code apply regarding the person.	32296
If the sheriff determines that all of criteria set forth in	32297
divisions (D)(1)(a) to (j) and (m) of section 2923.125 of the	32298

Revised Code apply regarding the person, the sheriff shall 32299
immediately make available through the law enforcement automated 32300
data system all information that will be contained on the 32301
temporary emergency license for the person if one is issued, and 32302
the superintendent of the state highway patrol shall ensure that 32303
the system is so configured as to permit the transmission through 32304
the system of that information. Upon making that information 32305
available through the law enforcement automated data system, the 32306
sheriff shall immediately issue to the person a temporary 32307
emergency license to carry a concealed handgun. 32308

If the sheriff denies the issuance of a temporary emergency 32309
license to the person, the sheriff shall specify the grounds for 32310
the denial in a written notice to the person. The person may 32311
appeal the denial, or challenge criminal records check results 32312
that were the basis of the denial if applicable, in the same 32313
manners specified in division (D)(2) of section 2923.125 and in 32314
section 2923.127 of the Revised Code, regarding the denial of an 32315
application for a license to carry a concealed handgun under that 32316
section. 32317

The temporary emergency license under this division shall be 32318
in the form, and shall include all of the information, described 32319
in divisions (A)(2) and (5) of section 109.731 of the Revised 32320
Code, and also shall include a unique combination of identifying 32321
letters and numbers in accordance with division (A)(4) of that 32322
section. 32323

The temporary emergency license issued under this division is 32324
valid for ninety days and may not be renewed. A person who has 32325
been issued a temporary emergency license under this division 32326
shall not be issued another temporary emergency license unless at 32327
least four years has expired since the issuance of the prior 32328
temporary emergency license. 32329

(3) If a person seeking a temporary emergency license to 32330

carry a concealed handgun has been convicted of or pleaded guilty 32331
to an offense identified in division (D)(1)(e), (f), or (h) of 32332
section 2923.125 of the Revised Code or has been adjudicated a 32333
delinquent child for committing an act or violation identified in 32334
any of those divisions, and if a court has ordered the sealing or 32335
expungement of the records of that conviction, guilty plea, or 32336
adjudication pursuant to sections 2151.355 to 2151.358 or sections 32337
2953.31 to 2953.36 of the Revised Code or a court has granted the 32338
applicant relief pursuant to section 2923.14 of the Revised Code 32339
from the disability imposed pursuant to section 2923.13 of the 32340
Revised Code relative to that conviction, guilty plea, or 32341
adjudication, the conviction, guilty plea, or adjudication shall 32342
not be relevant for purposes of the sworn affidavit described in 32343
division (B)(1)(b) of this section, and the person may complete, 32344
and swear to the truth of, the affidavit as if the conviction, 32345
guilty plea, or adjudication never had occurred. 32346

(4) The sheriff shall waive the payment pursuant to division 32347
(B)(1)(c) of this section of the license fee in connection with an 32348
application that is submitted by an applicant who is a retired 32349
peace officer, a retired person described in division (B)(1)(b) of 32350
section 109.77 of the Revised Code, or a retired federal law 32351
enforcement officer who, prior to retirement, was authorized under 32352
federal law to carry a firearm in the course of duty, unless the 32353
retired peace officer, person, or federal law enforcement officer 32354
retired as the result of a mental disability. 32355

The sheriff shall deposit all fees paid by an applicant under 32356
division (B)(1)(c) of this section into the sheriff's concealed 32357
handgun license issuance fund established pursuant to section 32358
311.42 of the Revised Code. 32359

(C) A person who holds a temporary emergency license to carry 32360
a concealed handgun has the same right to carry a concealed 32361
handgun as a person who was issued a license to carry a concealed 32362

handgun under section 2923.125 of the Revised Code, and any 32363
exceptions to the prohibitions contained in section 1547.69 and 32364
sections 2923.12 to 2923.16 of the Revised Code for a licensee 32365
under section 2923.125 of the Revised Code apply to a licensee 32366
under this section. The person is subject to the same 32367
restrictions, and to all other procedures, duties, and sanctions, 32368
that apply to a person who carries a license issued under section 32369
2923.125 of the Revised Code, other than the license renewal 32370
procedures set forth in that section. 32371

(D) A sheriff who issues a temporary emergency license to 32372
carry a concealed handgun under this section shall not require a 32373
person seeking to carry a concealed handgun in accordance with 32374
this section to submit a competency certificate as a prerequisite 32375
for issuing the license and shall comply with division (H) of 32376
section 2923.125 of the Revised Code in regards to the license. 32377
The sheriff shall suspend or revoke the license in accordance with 32378
section 2923.128 of the Revised Code. In addition to the 32379
suspension or revocation procedures set forth in section 2923.128 32380
of the Revised Code, the sheriff may revoke the license upon 32381
receiving information, verifiable by public documents, that the 32382
person is not eligible to possess a firearm under either the laws 32383
of this state or of the United States or that the person committed 32384
perjury in obtaining the license; if the sheriff revokes a license 32385
under this additional authority, the sheriff shall notify the 32386
person, by certified mail, return receipt requested, at the 32387
person's last known residence address that the license has been 32388
revoked and that the person is required to surrender the license 32389
at the sheriff's office within ten days of the date on which the 32390
notice was mailed. Division (H) of section 2923.125 of the Revised 32391
Code applies regarding any suspension or revocation of a temporary 32392
emergency license to carry a concealed handgun. 32393

(E) A sheriff who issues a temporary emergency license to 32394

carry a concealed handgun under this section shall retain, for the 32395
entire period during which the temporary emergency license is in 32396
effect, the evidence of imminent danger that the person submitted 32397
to the sheriff and that was the basis for the license, or a copy 32398
of that evidence, as appropriate. 32399

(F) If a temporary emergency license to carry a concealed 32400
handgun issued under this section is lost or is destroyed, the 32401
licensee may obtain from the sheriff who issued that license a 32402
duplicate license upon the payment of a fee of fifteen dollars and 32403
the submission of an affidavit attesting to the loss or 32404
destruction of the license. The sheriff, in accordance with the 32405
procedures prescribed in section 109.731 of the Revised Code, 32406
shall place on the replacement license a combination of 32407
identifying numbers different from the combination on the license 32408
that is being replaced. 32409

(G) The Ohio peace officer training commission shall 32410
prescribe, and shall make available to sheriffs, a standard form 32411
to be used under division (B) of this section by a person who 32412
applies for a temporary emergency license to carry a concealed 32413
handgun on the basis of imminent danger of a type described in 32414
division (A)(1)(a) of this section. 32415

(H) A sheriff who receives any fees paid by a person under 32416
this section shall deposit all fees so paid into the sheriff's 32417
concealed handgun license issuance expense fund established under 32418
section 311.42 of the Revised Code. 32419

(I) A sheriff shall accept evidence of imminent danger, a 32420
sworn affidavit, the fee, and the set of fingerprints specified in 32421
division (B)(1) of this section at any time during normal business 32422
hours. In no case shall a sheriff require an appointment, or 32423
designate a specific period of time, for the submission or 32424
acceptance of evidence of imminent danger, a sworn affidavit, the 32425
fee, and the set of fingerprints specified in division (B)(1) of 32426

this section, or for the provision to any person of a standard 32427
form to be used for a person to apply for a temporary emergency 32428
license to carry a concealed handgun. 32429

Sec. 2937.22. (A) Bail is security for the appearance of an 32430
accused to appear and answer to a specific criminal or 32431
quasi-criminal charge in any court or before any magistrate at a 32432
specific time or at any time to which a case may be continued, and 32433
not depart without leave. It may take any of the following forms: 32434

~~(A)~~(1) The deposit of cash by the accused or by some other 32435
person for ~~him~~ the accused; 32436

~~(B)~~(2) The deposit by the accused or by some other person for 32437
~~him~~ the accused in form of bonds of the United States, this state, 32438
or any political subdivision thereof in a face amount equal to the 32439
sum set by the court or magistrate. In case of bonds not 32440
negotiable by delivery such bonds shall be properly endorsed for 32441
transfer. 32442

~~(C)~~(3) The written undertaking by one or more persons to 32443
forfeit the sum of money set by the court or magistrate, if the 32444
accused is in default for appearance, which shall be known as a 32445
recognizance. 32446

(B) Whenever a person is charged with any offense other than 32447
a traffic offense that is not a moving violation and posts bail, 32448
the person shall pay a surcharge of twenty-five dollars. The clerk 32449
of the court shall retain the twenty-five dollars until the person 32450
is convicted, pleads guilty, forfeits bail, is found not guilty, 32451
or has the charges dismissed. If the person is convicted, pleads 32452
guilty, or forfeits bail, the clerk shall transmit the twenty-five 32453
dollars on or before the twentieth day of the month following the 32454
month in which the person was convicted, pleaded guilty, or 32455
forfeited bail to the treasurer of state, and the treasurer of 32456
state shall deposit it into the indigent defense support fund 32457

created under section 120.08 of the Revised Code. If the person is 32458
found not guilty or the charges are dismissed, the clerk shall 32459
return the twenty-five dollars to the person. 32460

(C) All bail shall be received by the clerk of the court, 32461
deputy clerk of court, or by the magistrate, or by a special 32462
referee appointed by the supreme court pursuant to section 2937.46 32463
of the Revised Code, and, except in cases of recognizances, 32464
receipt shall be given therefor ~~by him.~~ 32465

(D) As used in this section, "moving violation" has the same 32466
meaning as in section 2743.70 of the Revised Code. 32467

Sec. 2949.091. (A)(1)(a) The court, in which any person is 32468
convicted of or pleads guilty to any offense ~~other than a traffic~~ 32469
~~offense that is not a moving violation,~~ shall impose one of the 32470
~~sum of fifteen dollars~~ following sums as costs in the case in 32471
addition to any other court costs that the court is required by 32472
law to impose upon the offender: 32473

(i) Thirty dollars if the offense is a felony; 32474

(ii) Twenty dollars if the offense is a misdemeanor other 32475
than a traffic offense that is not a moving violation; 32476

(iii) Ten dollars if the offense is a traffic offense that is 32477
not a moving violation, excluding parking violations. All such 32478

(b) All moneys collected pursuant to division (A)(1)(a) of 32479
this section during a month shall be transmitted on or before the 32480
twentieth day of the following month by the clerk of the court to 32481
the treasurer of state and deposited by the treasurer of state 32482
~~into~~ to the credit of the general revenue indigent defense support 32483
fund established under section 120.08 of the Revised Code. The 32484
court shall not waive the payment of the additional ~~fifteen~~ 32485
~~dollars~~ thirty-, twenty-, or ten-dollar court costs, unless the 32486
court determines that the offender is indigent and waives the 32487

payment of all court costs imposed upon the indigent offender. 32488

(2)(a) The juvenile court, in which a child is found to be a delinquent child or a juvenile traffic offender for an act ~~which~~ that, if committed by an adult, would be an offense ~~other than a traffic offense that is not a moving violation~~, shall impose one of the sum of fifteen dollars following sums as costs in the case in addition to any other court costs that the court is required or permitted by law to impose upon the delinquent child or juvenile traffic offender; 32489
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(i) Thirty dollars if the offense is a felony; 32497

(ii) Twenty dollars if the offense is a misdemeanor other than a traffic offense that is not a moving violation; 32498
32499

(iii) Ten dollars if the offense is a traffic offense that is not a moving violation, excluding parking violations. All such 32500
32501

(b) All moneys collected pursuant to division (A)(2)(a) of this section during a month shall be transmitted on or before the twentieth day of the following month by the clerk of the court to the treasurer of state and deposited by the treasurer of state into to the credit of the general revenue indigent defense support fund established under section 120.08 of the Revised Code. The ~~fifteen dollars~~ thirty-, twenty-, or ten-dollar court costs shall be collected in all cases unless the court determines the juvenile is indigent and waives the payment of all court costs, or enters an order on its journal stating that it has determined that the juvenile is indigent, that no other court costs are to be taxed in the case, and that the payment of the ~~fifteen dollars~~ thirty-, twenty-, or ten-dollar court costs is waived. 32502
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(B) Whenever a person is charged with any offense ~~other than a traffic offense that is not a moving violation and posts bail described in division (A)(1) of this section~~, the court shall add to the amount of the bail the ~~fifteen~~ thirty, twenty, or ten 32515
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dollars required to be paid by division (A)(1) of this section. 32519
The ~~fifteen~~ thirty, twenty, or ten dollars shall be retained by 32520
the clerk of the court until the person is convicted, pleads 32521
guilty, forfeits bail, is found not guilty, or has the charges 32522
dismissed. If the person is convicted, pleads guilty, or forfeits 32523
bail, the clerk shall transmit the ~~fifteen~~ thirty, twenty, or ten 32524
dollars on or before the twentieth day of the month following the 32525
month in which the person was convicted, pleaded guilty, or 32526
forfeited bail to the treasurer of state, who shall deposit it 32527
~~into~~ to the credit of the general revenue indigent defense support 32528
fund established under section 120.08 of the Revised Code. If the 32529
person is found not guilty or the charges are dismissed, the clerk 32530
shall return the ~~fifteen~~ thirty, twenty, or ten dollars to the 32531
person. 32532

(C) No person shall be placed or held in a detention facility 32533
for failing to pay the additional ~~fifteen dollars~~ thirty-, 32534
twenty-, or ten-dollar court costs or bail that are required to be 32535
paid by this section. 32536

(D) As used in this section: 32537

(1) "Moving violation" and "bail" have the same meanings as 32538
in section 2743.70 of the Revised Code. 32539

(2) "Detention facility" has the same meaning as in section 32540
2921.01 of the Revised Code. 32541

Sec. 2949.111. (A) As used in this section: 32542

(1) "Court costs" means any assessment that the court 32543
requires an offender to pay to defray the costs of operating the 32544
court. 32545

(2) "State fines or costs" means any costs imposed or 32546
forfeited bail collected by the court under section 2743.70 of the 32547
Revised Code for deposit into the reparations fund or under 32548

section 2949.091 of the Revised Code for deposit into the ~~general~~ 32549
~~revenue~~ indigent defense support fund established under section 32550
120.08 of the Revised Code and all fines, penalties, and forfeited 32551
bail collected by the court and paid to a law library association 32552
under sections 3375.50 to 3375.53 of the Revised Code. 32553

(3) "Reimbursement" means any reimbursement for the costs of 32554
confinement that the court orders an offender to pay pursuant to 32555
section 2929.28 of the Revised Code, any supervision fee, any fee 32556
for the costs of house arrest with electronic monitoring that an 32557
offender agrees to pay, any reimbursement for the costs of an 32558
investigation or prosecution that the court orders an offender to 32559
pay pursuant to section 2929.71 of the Revised Code, or any other 32560
costs that the court orders an offender to pay. 32561

(4) "Supervision fees" means any fees that a court, pursuant 32562
to sections 2929.18, 2929.28, and 2951.021 of the Revised Code, 32563
requires an offender who is under a community control sanction to 32564
pay for supervision services. 32565

(5) "Community control sanction" has the same meaning as in 32566
section 2929.01 of the Revised Code. 32567

(B) Unless the court, in accordance with division (C) of this 32568
section, enters in the record of the case a different method of 32569
assigning payments, if a person who is charged with a misdemeanor 32570
is convicted of or pleads guilty to the offense, if the court 32571
orders the offender to pay any combination of court costs, state 32572
fines or costs, restitution, a conventional fine, or any 32573
reimbursement, and if the offender makes any payment of any of 32574
them to a clerk of court, the clerk shall assign the offender's 32575
payment in the following manner: 32576

(1) If the court ordered the offender to pay any court costs, 32577
the offender's payment shall be assigned toward the satisfaction 32578
of those court costs until they have been entirely paid. 32579

(2) If the court ordered the offender to pay any state fines 32580
or costs and if all of the court costs that the court ordered the 32581
offender to pay have been paid, the remainder of the offender's 32582
payment shall be assigned on a pro rata basis toward the 32583
satisfaction of the state fines or costs until they have been 32584
entirely paid. 32585

(3) If the court ordered the offender to pay any restitution 32586
and if all of the court costs and state fines or costs that the 32587
court ordered the offender to pay have been paid, the remainder of 32588
the offender's payment shall be assigned toward the satisfaction 32589
of the restitution until it has been entirely paid. 32590

(4) If the court ordered the offender to pay any fine and if 32591
all of the court costs, state fines or costs, and restitution that 32592
the court ordered the offender to pay have been paid, the 32593
remainder of the offender's payment shall be assigned toward the 32594
satisfaction of the fine until it has been entirely paid. 32595

(5) If the court ordered the offender to pay any 32596
reimbursement and if all of the court costs, state fines or costs, 32597
restitution, and fines that the court ordered the offender to pay 32598
have been paid, the remainder of the offender's payment shall be 32599
assigned toward the satisfaction of the reimbursements until they 32600
have been entirely paid. 32601

(C) If a person who is charged with a misdemeanor is 32602
convicted of or pleads guilty to the offense and if the court 32603
orders the offender to pay any combination of court costs, state 32604
fines or costs, restitution, fines, or reimbursements, the court, 32605
at the time it orders the offender to make those payments, may 32606
prescribe an order of payments that differs from the order set 32607
forth in division (B) of this section by entering in the record of 32608
the case the order so prescribed. If a different order is entered 32609
in the record, on receipt of any payment, the clerk of the court 32610
shall assign the payment in the manner prescribed by the court. 32611

Sec. 2949.17. (A) The sheriff may take one guard for every 32612
two convicted felons to be transported to a correctional 32613
institution. The trial judge may authorize a larger number of 32614
guards upon written application of the sheriff, in which case a 32615
transcript of the order of the judge shall be certified by the 32616
clerk of the court of common pleas under the seal of the court, 32617
and the sheriff shall deliver the order with the convict to the 32618
person in charge of the correctional institution. 32619

(B) In order to obtain reimbursement for the county for the 32620
expenses of transportation for indigent convicted felons, the 32621
clerk of the court of common pleas shall prepare a transportation 32622
cost bill for each indigent convicted felon transported pursuant 32623
to this section for an amount equal to ~~ten cents~~ not less than one 32624
dollar a mile from the county seat to the state correctional 32625
institution and return for ~~the sheriff and each of the guards and~~ 32626
~~five cents a mile from the county seat to the state correctional~~ 32627
~~institution~~ for each prisoner. The number of miles shall be 32628
computed by the usual route of travel. The clerk's duties under 32629
this division are subject to division (B) of section 2949.19 of 32630
the Revised Code. 32631

Sec. 2981.13. (A) Except as otherwise provided in this 32632
section, property ordered forfeited as contraband, proceeds, or an 32633
instrumentality pursuant to this chapter shall be disposed of, 32634
used, or sold pursuant to section 2981.12 of the Revised Code. If 32635
the property is to be sold under that section, the prosecutor 32636
shall cause notice of the proposed sale to be given in accordance 32637
with law. 32638

(B) If the contraband or instrumentality forfeited under this 32639
chapter is sold, any moneys acquired from a sale and any proceeds 32640
forfeited under this chapter shall be applied in the following 32641
order: 32642

(1) First, to pay costs incurred in the seizure, storage,	32643
maintenance, security, and sale of the property and in the	32644
forfeiture proceeding;	32645
(2) Second, in a criminal forfeiture case, to satisfy any	32646
restitution ordered to the victim of the offense or, in a civil	32647
forfeiture case, to satisfy any recovery ordered for the person	32648
harmed, unless paid from other assets;	32649
(3) Third, to pay the balance due on any security interest	32650
preserved under this chapter;	32651
(4) Fourth, apply the remaining amounts as follows:	32652
(a) If the forfeiture was ordered by a juvenile court, ten	32653
per cent to one or more certified alcohol and drug addiction	32654
treatment programs as provided in division (D) of section 2981.12	32655
of the Revised Code;	32656
(b) If the forfeiture was ordered in a juvenile court, ninety	32657
per cent, and if the forfeiture was ordered in a court other than	32658
a juvenile court, one hundred per cent to the law enforcement	32659
trust fund of the prosecutor and to the following fund supporting	32660
the law enforcement agency that substantially conducted the	32661
investigation: the law enforcement trust fund of the county	32662
sheriff, municipal corporation, township, or park district created	32663
under section 511.18 or 1545.01 of the Revised Code; the state	32664
highway patrol contraband, forfeiture, and other fund; the	32665
department of public safety investigative unit contraband,	32666
forfeiture, and other fund; the department of taxation enforcement	32667
fund; the board of pharmacy drug law enforcement fund created by	32668
division (B)(1) of section 4729.65 of the Revised Code; the	32669
medicaid fraud investigation and prosecution fund; or the	32670
treasurer of state for deposit into the peace officer training	32671
commission fund if any other state law enforcement agency	32672
substantially conducted the investigation. In the case of property	32673

forfeited for medicaid fraud, any remaining amount shall be used 32674
by the attorney general to investigate and prosecute medicaid 32675
fraud offenses. 32676

If the prosecutor declines to accept any of the remaining 32677
amounts, the amounts shall be applied to the fund of the agency 32678
that substantially conducted the investigation. 32679

(c) If more than one law enforcement agency is substantially 32680
involved in the seizure of property forfeited under this chapter, 32681
the court ordering the forfeiture shall equitably divide the 32682
amounts, after calculating any distribution to the law enforcement 32683
trust fund of the prosecutor pursuant to division (B)(4) of this 32684
section, among the entities that the court determines were 32685
substantially involved in the seizure. 32686

(C)(1) A law enforcement trust fund shall be established by 32687
the prosecutor of each county who intends to receive any remaining 32688
amounts pursuant to this section, by the sheriff of each county, 32689
by the legislative authority of each municipal corporation, by the 32690
board of township trustees of each township that has a township 32691
police department, township police district police force, or 32692
office of the constable, and by the board of park commissioners of 32693
each park district created pursuant to section 511.18 or 1545.01 32694
of the Revised Code that has a park district police force or law 32695
enforcement department, for the purposes of this section. 32696

There is hereby created in the state treasury the state 32697
highway patrol contraband, forfeiture, and other fund, the 32698
department of public safety investigative unit contraband, 32699
forfeiture, and other fund, the medicaid fraud investigation and 32700
prosecution fund, the department of taxation enforcement fund, and 32701
the peace officer training commission fund, for the purposes of 32702
this section. 32703

Amounts distributed to any municipal corporation, township, 32704

or park district law enforcement trust fund shall be allocated 32705
from the fund by the legislative authority only to the police 32706
department of the municipal corporation, by the board of township 32707
trustees only to the township police department, township police 32708
district police force, or office of the constable, and by the 32709
board of park commissioners only to the park district police force 32710
or law enforcement department. 32711

(2)(a) No amounts shall be allocated to a fund created under 32712
this section or used by an agency unless the agency has adopted a 32713
written internal control policy that addresses the use of moneys 32714
received from the appropriate fund. The appropriate fund shall be 32715
expended only in accordance with that policy and, subject to the 32716
requirements specified in this section, only for the following 32717
purposes: 32718

(i) To pay the costs of protracted or complex investigations 32719
or prosecutions; 32720

(ii) To provide reasonable technical training or expertise; 32721

(iii) To provide matching funds to obtain federal grants to 32722
aid law enforcement, in the support of DARE programs or other 32723
programs designed to educate adults or children with respect to 32724
the dangers associated with the use of drugs of abuse; 32725

(iv) To pay the costs of emergency action taken under section 32726
3745.13 of the Revised Code relative to the operation of an 32727
illegal methamphetamine laboratory if the forfeited property or 32728
money involved was that of a person responsible for the operation 32729
of the laboratory; 32730

(v) For other law enforcement purposes that the 32731
superintendent of the state highway patrol, department of public 32732
safety, prosecutor, county sheriff, legislative authority, 32733
department of taxation, board of township trustees, or board of 32734
park commissioners determines to be appropriate. 32735

(b) The board of pharmacy drug law enforcement fund shall be 32736
expended only in accordance with the written internal control 32737
policy so adopted by the board and only in accordance with section 32738
4729.65 of the Revised Code, except that it also may be expended 32739
to pay the costs of emergency action taken under section 3745.13 32740
of the Revised Code relative to the operation of an illegal 32741
methamphetamine laboratory if the forfeited property or money 32742
involved was that of a person responsible for the operation of the 32743
laboratory. 32744

(c) The state highway patrol contraband, forfeiture, and 32745
other fund, the department of public safety investigative unit 32746
contraband, forfeiture, and other fund, the department of taxation 32747
enforcement fund, the board of pharmacy drug law enforcement fund, 32748
and a law enforcement trust fund shall not be used to meet the 32749
operating costs of the state highway patrol, of the investigative 32750
unit of the department of public safety, of the state board of 32751
pharmacy, of any political subdivision, or of any office of a 32752
prosecutor or county sheriff that are unrelated to law 32753
enforcement. 32754

(d) Forfeited moneys that are paid into the state treasury to 32755
be deposited into the peace officer training commission fund shall 32756
be used by the commission only to pay the costs of peace officer 32757
training. 32758

(3) Any of the following offices or agencies that receive 32759
amounts under this section during any calendar year shall file a 32760
report with the specified entity, not later than the thirty-first 32761
day of January of the next calendar year, verifying that the 32762
moneys were expended only for the purposes authorized by this 32763
section or other relevant statute and specifying the amounts 32764
expended for each authorized purpose: 32765

(a) Any sheriff or prosecutor shall file the report with the 32766
county auditor. 32767

(b) Any municipal corporation police department shall file	32768
the report with the legislative authority of the municipal	32769
corporation.	32770
(c) Any township police department, township police district	32771
police force, or office of the constable shall file the report	32772
with the board of township trustees of the township.	32773
(d) Any park district police force or law enforcement	32774
department shall file the report with the board of park	32775
commissioners of the park district.	32776
(e) The superintendent of the state highway patrol and the	32777
tax commissioner shall file the report with the attorney general.	32778
(f) The executive director of the state board of pharmacy	32779
shall file the report with the attorney general, verifying that	32780
cash and forfeited proceeds paid into the board of pharmacy drug	32781
law enforcement fund were used only in accordance with section	32782
4729.65 of the Revised Code.	32783
(g) The peace officer training commission shall file a report	32784
with the attorney general, verifying that cash and forfeited	32785
proceeds paid into the peace officer training commission fund	32786
pursuant to this section during the prior calendar year were used	32787
by the commission during the prior calendar year only to pay the	32788
costs of peace officer training.	32789
(D) The written internal control policy of a county sheriff,	32790
prosecutor, municipal corporation police department, township	32791
police department, township police district police force, office	32792
of the constable, or park district police force or law enforcement	32793
department shall provide that at least ten per cent of the first	32794
one hundred thousand dollars of amounts deposited during each	32795
calendar year in the agency's law enforcement trust fund under	32796
this section, and at least twenty per cent of the amounts	32797
exceeding one hundred thousand dollars that are so deposited,	32798

shall be used in connection with community preventive education 32799
programs. The manner of use shall be determined by the sheriff, 32800
prosecutor, department, police force, or office of the constable 32801
after receiving and considering advice on appropriate community 32802
preventive education programs from the county's board of alcohol, 32803
drug addiction, and mental health services, from the county's 32804
alcohol and drug addiction services board, or through appropriate 32805
community dialogue. 32806

The financial records kept under the internal control policy 32807
shall specify the amount deposited during each calendar year in 32808
the portion of that amount that was used pursuant to this 32809
division, and the programs in connection with which the portion of 32810
that amount was so used. 32811

As used in this division, "community preventive education 32812
programs" include, but are not limited to, DARE programs and other 32813
programs designed to educate adults or children with respect to 32814
the dangers associated with using drugs of abuse. 32815

(E) Upon the sale, under this section or section 2981.12 of 32816
the Revised Code, of any property that is required by law to be 32817
titled or registered, the state shall issue an appropriate 32818
certificate of title or registration to the purchaser. If the 32819
state is vested with title and elects to retain property that is 32820
required to be titled or registered under law, the state shall 32821
issue an appropriate certificate of title or registration. 32822

(F) Any failure of a law enforcement officer or agency, 32823
prosecutor, court, or the attorney general to comply with this 32824
section in relation to any property seized does not affect the 32825
validity of the seizure and shall not be considered to be the 32826
basis for suppressing any evidence resulting from the seizure, 32827
provided the seizure itself was lawful. 32828

Sec. 3105.87. The court may order a public retirement program 32829

or the Ohio public employees deferred compensation program to 32830
provide information from a participant's personal history record 32831
necessary to determine the amounts described in division (D) of 32832
section 3105.82 of the Revised Code. 32833

Sec. 3119.01. (A) As used in the Revised Code, "child support 32834
enforcement agency" means a child support enforcement agency 32835
designated under former section 2301.35 of the Revised Code prior 32836
to October 1, 1997, or a private or government entity designated 32837
as a child support enforcement agency under section 307.981 of the 32838
Revised Code. 32839

(B) As used in this chapter and Chapters 3121., 3123., and 32840
3125. of the Revised Code: 32841

(1) "Administrative child support order" means any order 32842
issued by a child support enforcement agency for the support of a 32843
child pursuant to section 3109.19 or 3111.81 of the Revised Code 32844
or former section 3111.211 of the Revised Code, section 3111.21 of 32845
the Revised Code as that section existed prior to January 1, 1998, 32846
or section 3111.20 or 3111.22 of the Revised Code as those 32847
sections existed prior to March 22, 2001. 32848

(2) "Child support order" means either a court child support 32849
order or an administrative child support order. 32850

(3) "Obligee" means the person who is entitled to receive the 32851
support payments under a support order. 32852

(4) "Obligor" means the person who is required to pay support 32853
under a support order. 32854

(5) "Support order" means either an administrative child 32855
support order or a court support order. 32856

(C) As used in this chapter: 32857

(1) "Combined gross income" means the combined gross income 32858
of both parents. 32859

(2) "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.

(3) "Court support order" means either a court child support order or an order for the support of a spouse or former spouse issued pursuant to Chapter 3115. of the Revised Code, section 3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.

(4) "Extraordinary medical expenses" means any uninsured medical expenses incurred for a child during a calendar year that exceed one hundred dollars.

(5) "Income" means either of the following:

(a) For a parent who is employed to full capacity, the gross income of the parent;

(b) For a parent who is unemployed or underemployed, the sum of the gross income of the parent and any potential income of the parent.

(6) "Insurer" means any person authorized under Title XXXIX of the Revised Code to engage in the business of insurance in this state, any health insuring corporation, and any legal entity that is self-insured and provides benefits to its employees or members.

(7) "Gross income" means, except as excluded in division (C)(7) of this section, the total of all earned and unearned income from all sources during a calendar year, whether or not the income is taxable, and includes income from salaries, wages, overtime pay, and bonuses to the extent described in division (D) of section 3119.05 of the Revised Code; commissions; royalties;

tips; rents; dividends; severance pay; pensions; interest; trust 32891
income; annuities; social security benefits, including retirement, 32892
disability, and survivor benefits that are not means-tested; 32893
workers' compensation benefits; unemployment insurance benefits; 32894
disability insurance benefits; benefits that are not means-tested 32895
and that are received by and in the possession of the veteran who 32896
is the beneficiary for any service-connected disability under a 32897
program or law administered by the United States department of 32898
veterans' affairs or veterans' administration; spousal support 32899
actually received; and all other sources of income. "Gross income" 32900
includes income of members of any branch of the United States 32901
armed services or national guard, including, amounts representing 32902
base pay, basic allowance for quarters, basic allowance for 32903
subsistence, supplemental subsistence allowance, cost of living 32904
adjustment, specialty pay, variable housing allowance, and pay for 32905
training or other types of required drills; self-generated income; 32906
and potential cash flow from any source. 32907

"Gross income" does not include any of the following: 32908

(a) Benefits received from means-tested government 32909
administered programs, including Ohio works first; prevention, 32910
retention, and contingency; means-tested veterans' benefits; 32911
supplemental security income; ~~food stamps~~ supplemental nutrition 32912
assistance program; disability financial assistance; or other 32913
assistance for which eligibility is determined on the basis of 32914
income or assets; 32915

(b) Benefits for any service-connected disability under a 32916
program or law administered by the United States department of 32917
veterans' affairs or veterans' administration that are not 32918
means-tested, that have not been distributed to the veteran who is 32919
the beneficiary of the benefits, and that are in the possession of 32920
the United States department of veterans' affairs or veterans' 32921
administration; 32922

(c) Child support received for children who were not born or adopted during the marriage at issue;	32923 32924
(d) Amounts paid for mandatory deductions from wages such as union dues but not taxes, social security, or retirement in lieu of social security;	32925 32926 32927
(e) Nonrecurring or unsustainable income or cash flow items;	32928
(f) Adoption assistance and foster care maintenance payments made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended.	32929 32930 32931
(8) "Nonrecurring or unsustainable income or cash flow item" means an income or cash flow item the parent receives in any year or for any number of years not to exceed three years that the parent does not expect to continue to receive on a regular basis. "Nonrecurring or unsustainable income or cash flow item" does not include a lottery prize award that is not paid in a lump sum or any other item of income or cash flow that the parent receives or expects to receive for each year for a period of more than three years or that the parent receives and invests or otherwise uses to produce income or cash flow for a period of more than three years.	32932 32933 32934 32935 32936 32937 32938 32939 32940 32941
(9)(a) "Ordinary and necessary expenses incurred in generating gross receipts" means actual cash items expended by the parent or the parent's business and includes depreciation expenses of business equipment as shown on the books of a business entity.	32942 32943 32944 32945
(b) Except as specifically included in "ordinary and necessary expenses incurred in generating gross receipts" by division (C)(9)(a) of this section, "ordinary and necessary expenses incurred in generating gross receipts" does not include depreciation expenses and other noncash items that are allowed as deductions on any federal tax return of the parent or the parent's business.	32946 32947 32948 32949 32950 32951 32952
(10) "Personal earnings" means compensation paid or payable	32953

for personal services, however denominated, and includes wages, 32954
salary, commissions, bonuses, draws against commissions, profit 32955
sharing, vacation pay, or any other compensation. 32956

(11) "Potential income" means both of the following for a 32957
parent who the court pursuant to a court support order, or a child 32958
support enforcement agency pursuant to an administrative child 32959
support order, determines is voluntarily unemployed or voluntarily 32960
underemployed: 32961

(a) Imputed income that the court or agency determines the 32962
parent would have earned if fully employed as determined from the 32963
following criteria: 32964

(i) The parent's prior employment experience; 32965

(ii) The parent's education; 32966

(iii) The parent's physical and mental disabilities, if any; 32967

(iv) The availability of employment in the geographic area in 32968
which the parent resides; 32969

(v) The prevailing wage and salary levels in the geographic 32970
area in which the parent resides; 32971

(vi) The parent's special skills and training; 32972

(vii) Whether there is evidence that the parent has the 32973
ability to earn the imputed income; 32974

(viii) The age and special needs of the child for whom child 32975
support is being calculated under this section; 32976

(ix) The parent's increased earning capacity because of 32977
experience; 32978

(x) Any other relevant factor. 32979

(b) Imputed income from any nonincome-producing assets of a 32980
parent, as determined from the local passbook savings rate or 32981
another appropriate rate as determined by the court or agency, not 32982

to exceed the rate of interest specified in division (A) of 32983
section 1343.03 of the Revised Code, if the income is significant. 32984

(12) "Schedule" means the basic child support schedule set 32985
forth in section 3119.021 of the Revised Code. 32986

(13) "Self-generated income" means gross receipts received by 32987
a parent from self-employment, proprietorship of a business, joint 32988
ownership of a partnership or closely held corporation, and rents 32989
minus ordinary and necessary expenses incurred by the parent in 32990
generating the gross receipts. "Self-generated income" includes 32991
expense reimbursements or in-kind payments received by a parent 32992
from self-employment, the operation of a business, or rents, 32993
including company cars, free housing, reimbursed meals, and other 32994
benefits, if the reimbursements are significant and reduce 32995
personal living expenses. 32996

(14) "Split parental rights and responsibilities" means a 32997
situation in which there is more than one child who is the subject 32998
of an allocation of parental rights and responsibilities and each 32999
parent is the residential parent and legal custodian of at least 33000
one of those children. 33001

(15) "Worksheet" means the applicable worksheet that is used 33002
to calculate a parent's child support obligation as set forth in 33003
sections 3119.022 and 3119.023 of the Revised Code. 33004

Sec. 3119.371. (A) As used in this section: 33005

(1) "Health insurance provider" means: 33006

(a) A person authorized to engage in the business of sickness 33007
and accident insurance under Title XXXIX of the Revised Code; 33008

(b) A person or government entity providing coverage for 33009
medical services or items to individuals on a self-insurance 33010
basis; 33011

(c) A health insuring corporation as defined in section 33012

<u>1751.01 of the Revised Code;</u>	33013
<u>(d) A group health plan as defined in 29 U.S.C. 1167;</u>	33014
<u>(e) Any organization, business, or association described in</u> <u>42 U.S.C. 1396a(a)(25); or</u>	33015 33016
<u>(f) A managed care organization.</u>	33017
<u>(2) "Information" means all of the following:</u>	33018
<u>(a) An individual's name, address, date of birth, and social</u> <u>security number;</u>	33019 33020
<u>(b) The group or plan number or other identifier assigned by</u> <u>a health insurance provider to a policy held by an individual or a</u> <u>plan in which the individual participates and the nature of the</u> <u>coverage; and</u>	33021 33022 33023 33024
<u>(c) Any other data specified by the director of job and</u> <u>family services in rules adopted under section 3119.51 of the</u> <u>Revised Code.</u>	33025 33026 33027
<u>(B) Upon request of the office of child support in the</u> <u>department of job and family services and for the purpose of</u> <u>establishing and enforcing orders to provide health insurance</u> <u>coverage, a health insurance provider shall provide the</u> <u>information described in division (A)(2) of this section to the</u> <u>office of child support.</u>	33028 33029 33030 33031 33032 33033
Sec. 3121.03. If a court or child support enforcement agency that issued or modified a support order, or the agency administering the support order, is required by the Revised Code to issue one or more withholding or deduction notices described in this section or other orders described in this section, the court or agency shall issue one or more of the following types of notices or orders, as appropriate, for payment of the support and also, if required by the Revised Code or the court, to pay any arrearages:	33034 33035 33036 33037 33038 33039 33040 33041 33042

(A)(1) If the court or the child support enforcement agency 33043
determines that the obligor is receiving income from a payor, the 33044
court or agency shall require the payor to do all of the 33045
following: 33046

(a) Withhold from the obligor's income a specified amount for 33047
support in satisfaction of the support order and begin the 33048
withholding no later than fourteen business days following the 33049
date the notice is mailed or transmitted to the payor under 33050
section 3121.035, 3123.021, or 3123.06 of the Revised Code and 33051
division (A)(2) of this section or, if the payor is an employer, 33052
no later than the first pay period that occurs after fourteen 33053
business days following the date the notice is mailed or 33054
transmitted; 33055

(b) Send the amount withheld to the office of child support 33056
in the department of job and family services pursuant to section 33057
3121.43 of the Revised Code immediately but not later than seven 33058
business days after the date the obligor is paid; 33059

(c) Continue the withholding at intervals specified in the 33060
notice until further notice from the court or child support 33061
enforcement agency. 33062

To the extent possible, the amount specified to be withheld 33063
shall satisfy the amount ordered for support in the support order 33064
plus any arrearages owed by the obligor under any prior support 33065
order that pertained to the same child or spouse, notwithstanding 33066
any applicable limitations of sections 2329.66, 2329.70, 2716.02, 33067
2716.041, and 2716.05 of the Revised Code. However, in no case 33068
shall the sum of the amount to be withheld and any fee withheld by 33069
the payor as a charge for its services exceed the maximum amount 33070
permitted under section 303(b) of the "Consumer Credit Protection 33071
Act," 15 U.S.C. 1673(b). 33072

(2) A court or agency that imposes an income withholding 33073

requirement shall, within the applicable time specified in section 33074
3119.80, 3119.81, 3121.035, 3123.021, or 3123.06 of the Revised 33075
Code, send to the obligor's payor by regular mail or via secure 33076
federally managed data transmission interface a notice that 33077
contains all of the information applicable to withholding notices 33078
set forth in section 3121.037 of the Revised Code. The notice is 33079
final and is enforceable by the court. 33080

(B)(1) If the court or child support enforcement agency 33081
determines that the obligor has funds that are not exempt under 33082
the laws of this state or the United States from execution, 33083
attachment, or other legal process and are on deposit in an 33084
account in a financial institution under the jurisdiction of the 33085
court that issued the court support order, or in the case of an 33086
administrative child support order, under the jurisdiction of the 33087
common pleas court of the county in which the agency that issued 33088
or is administering the order is located, the court or agency may 33089
require any financial institution in which the obligor's funds are 33090
on deposit to do all of the following: 33091

(a) Deduct from the obligor's account a specified amount for 33092
support in satisfaction of the support order and begin the 33093
deduction no later than fourteen business days following the date 33094
the notice was mailed or transmitted to the financial institution 33095
under section 3121.035 or 3123.06 of the Revised Code and division 33096
(B)(2) of this section; 33097

(b) Send the amount deducted to the office of child support 33098
in the department of job and family services pursuant to section 33099
3121.43 of the Revised Code immediately but not later than seven 33100
business days after the date the latest deduction was made; 33101

(c) Provide the date on which the amount was deducted; 33102

(d) Continue the deduction at intervals specified in the 33103
notice until further notice from the court or child support 33104

enforcement agency. 33105

To the extent possible, the amount to be deducted shall 33106
satisfy the amount ordered for support in the support order plus 33107
any arrearages that may be owed by the obligor under any prior 33108
support order that pertained to the same child or spouse, 33109
notwithstanding the limitations of sections 2329.66, 2329.70, and 33110
2716.13 of the Revised Code. 33111

(2) A court or agency that imposes a deduction requirement 33112
shall, within the applicable period of time specified in section 33113
3119.80, 3119.81, 3121.035, or 3123.06 of the Revised Code, send 33114
to the financial institution by regular mail or via secure 33115
federally managed data transmission interface a notice that 33116
contains all of the information applicable to deduction notices 33117
set forth in section 3121.037 of the Revised Code. The notice is 33118
final and is enforceable by the court. 33119

(C) With respect to any court support order it issues, a 33120
court may issue an order requiring the obligor to enter into a 33121
cash bond with the court. The court shall issue the order as part 33122
of the court support order or, if the court support order has 33123
previously been issued, as a separate order. The cash bond shall 33124
be in a sum fixed by the court at not less than five hundred nor 33125
more than ten thousand dollars, conditioned that the obligor will 33126
make payment as previously ordered and will pay any arrearages 33127
under any prior court support order that pertained to the same 33128
child or spouse. 33129

The order, along with an additional order requiring the 33130
obligor to immediately notify the child support enforcement 33131
agency, in writing, if the obligor begins to receive income from a 33132
payor, shall be attached to and served on the obligor at the same 33133
time as service of the court support order or, if the court 33134
support order has previously been issued, as soon as possible 33135
after the issuance of the order under this section. The additional 33136

order requiring notice by the obligor shall state all of the 33137
following: 33138

(1) That when the obligor begins to receive income from a 33139
payor the obligor may request that the court cancel its bond order 33140
and instead issue a notice requiring the withholding of an amount 33141
from income for support in accordance with this section; 33142

(2) That when the obligor begins to receive income from a 33143
payor the court will proceed to collect on the bond if the court 33144
determines that payments due under the court support order have 33145
not been made and that the amount that has not been paid is at 33146
least equal to the support owed for one month under the court 33147
support order and will issue a notice requiring the withholding of 33148
an amount from income for support in accordance with this section. 33149
The notice required of the obligor shall include a description of 33150
the nature of any new employment, the name and business address of 33151
any new employer, and any other information reasonably required by 33152
the court. 33153

The court shall not order an obligor to post a cash bond 33154
under this section unless the court determines that the obligor 33155
has the ability to do so. 33156

A child support enforcement agency may not issue a cash bond 33157
order. If a child support enforcement agency is required to issue 33158
a withholding or deduction notice under this section with respect 33159
to a court support order but the agency determines that no 33160
withholding or deduction notice would be appropriate, the agency 33161
may request that the court issue a cash bond order under this 33162
section, and upon the request, the court may issue the order. 33163

(D)(1) If the obligor under a court support order is 33164
unemployed, has no income, and does not have an account at any 33165
financial institution, or on request of a child support 33166
enforcement agency under division (D)(1) or (2) of this section, 33167

the court shall issue an order requiring the obligor, if able to 33168
engage in employment, to seek employment or participate in a work 33169
activity to which a recipient of assistance under Title IV-A of 33170
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 33171
as amended, may be assigned as specified in section 407(d) of the 33172
"Social Security Act," 42 U.S.C.A. 607(d), as amended. The court 33173
shall include in the order a requirement that the obligor notify 33174
the child support enforcement agency on obtaining employment, 33175
obtaining any income, or obtaining ownership of any asset with a 33176
value of five hundred dollars or more. The court may issue the 33177
order regardless of whether the obligee to whom the obligor owes 33178
support is a recipient of assistance under Title IV-A of the 33179
"Social Security Act." The court shall issue the order as part of 33180
a court support order or, if a court support order has previously 33181
been issued, as a separate order. If a child support enforcement 33182
agency is required to issue a withholding or deduction notice 33183
under this section with respect to a court support order but 33184
determines that no withholding or deduction notice would be 33185
appropriate, the agency may request that the court issue a court 33186
order under division (D)(1) of this section, and, on the request, 33187
the court may issue the order. 33188

(2) If the obligor under an administrative child support 33189
order is unemployed, has no income, and does not have an account 33190
at any financial institution, the agency shall issue an 33191
administrative order requiring the obligor, if able to engage in 33192
employment, to seek employment or participate in a work activity 33193
to which a recipient of assistance under Title IV-A of the "Social 33194
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 33195
may be assigned as specified in section 407(d) of the "Social 33196
Security Act," 42 U.S.C.A. 607(d), as amended. The agency shall 33197
include in the order a requirement that the obligor notify the 33198
agency on obtaining employment or income, or ownership of any 33199
asset with a value of five hundred dollars or more. The agency may 33200

issue the order regardless of whether the obligee to whom the 33201
obligor owes support is a recipient of assistance under Title IV-A 33202
of the "Social Security Act." If an obligor fails to comply with 33203
an administrative order issued pursuant to division (D)(2) of this 33204
section, the agency shall submit a request to a court for the 33205
court to issue an order under division (D)(1) of this section. 33206

Sec. 3121.035. Within fifteen days after an obligor under a 33207
support order is located following issuance or modification of the 33208
support order, the court or child support enforcement agency that 33209
issued or modified the support order, or the agency, pursuant to 33210
an agreement with the court with respect to a court support order, 33211
shall do either of the following: 33212

(A) If a withholding or deduction notice described in section 33213
3121.03 of the Revised Code is appropriate, send the notice by 33214
regular mail or via secure federally managed data transmission 33215
interface to each person required to comply with it; 33216

(B) If an order described in section 3121.03, 3121.04 to 33217
3121.08, or 3121.12 of the Revised Code is appropriate, issue and 33218
send the appropriate order. 33219

Sec. 3121.037. (A) A withholding notice sent under section 33220
3121.03 of the Revised Code shall contain all of the following: 33221

(1) Notice of the amount to be withheld from the obligor's 33222
income and a statement that, notwithstanding that amount, the 33223
payor may not withhold an amount for support and other purposes, 33224
including the fee described in division (A)~~(11)~~(12) of this 33225
section, that exceeds the maximum amounts permitted under section 33226
303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b); 33227

(2) A statement that the payor is required to send the amount 33228
withheld to the office of child support immediately, but not later 33229
than seven business days, after the obligor is paid and is 33230

required to report to the agency the date the amount was withheld; 33231

(3) A statement that the withholding shall be submitted to the state via electronic means if the employer employs more than fifty employees; 33232
33233
33234

(4) A statement that the withholding is binding on the payor until further notice from the court or agency; 33235
33236

~~(4)~~(5) A statement that if the payor is an employer, the payor is subject to a fine to be determined under the law of this state for discharging the obligor from employment, refusing to employ the obligor, or taking any disciplinary action against the obligor because of the withholding requirement; 33237
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~~(5)~~(6) A statement that, if the payor fails to withhold in accordance with the notice, the payor is liable for the accumulated amount the payor should have withheld from the obligor's income; 33242
33243
33244
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~~(6)~~(7) A statement that, except for deductions from lump sum payments made in accordance with section 3121.0311 of the Revised Code, the withholding in accordance with the notice has priority over any other legal process under the law of this state against the same income; 33246
33247
33248
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~~(7)~~(8) The date on which the notice was mailed and a statement that the payor is required to implement the withholding no later than fourteen business days following the date the notice was mailed or, if the payor is an employer, no later than the first pay period that occurs after fourteen business days following the date the notice was mailed, and is required to continue the withholding at the intervals specified in the notice. 33251
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~~(8)~~(9) A requirement that the payor do the following: 33258

(a) Promptly notify the child support enforcement agency administering the support order, in writing, within ten business 33259
33260

days after the date of any situation that occurs in which the 33261
payor ceases to pay income to the obligor in an amount sufficient 33262
to comply with the order, including termination of employment, 33263
layoff of the obligor from employment, any leave of absence of the 33264
obligor from employment without pay, termination of workers' 33265
compensation benefits, or termination of any pension, annuity, 33266
allowance, or retirement benefit; 33267

(b) Provide the agency with the obligor's last known address 33268
and, with respect to a court support order and if known, notify 33269
the agency of any new employer or income source and the name, 33270
address, and telephone number of the new employer or income 33271
source. 33272

~~(9)~~(10) A requirement that, if the payor is an employer, the 33273
payor do both of the following: 33274

(a) Identify in the notice given under division (A)~~(8)~~(9) of 33275
this section any types of benefits other than personal earnings 33276
the obligor is receiving or is eligible to receive as a benefit of 33277
employment or as a result of the obligor's termination of 33278
employment, including, but not limited to, unemployment 33279
compensation, workers' compensation benefits, severance pay, sick 33280
leave, lump sum payments of retirement benefits or contributions, 33281
and bonuses or profit-sharing payments or distributions, and the 33282
amount of the benefits; 33283

(b) Include in the notice the obligor's last known address 33284
and telephone number, date of birth, social security number, and 33285
case number and, if known, the name and business address of any 33286
new employer of the obligor. 33287

~~(10)~~(11) Subject to section 3121.0311 of the Revised Code, a 33288
requirement that, no later than the earlier of forty-five days 33289
before a lump sum payment is to be made or, if the obligor's right 33290
to the lump sum payment is determined less than forty-five days 33291

before it is to be made, the date on which that determination is 33292
made, the payor notify the child support enforcement agency 33293
administering the support order of any lump sum payment of any 33294
kind of one hundred fifty dollars or more that is to be paid to 33295
the obligor, hold each lump sum payment of one hundred fifty 33296
dollars or more for thirty days after the date on which it would 33297
otherwise be paid to the obligor and, on order of the court or 33298
agency that issued the support order, pay all or a specified 33299
amount of the lump sum payment to the office of child support; 33300

~~(11)~~(12) A statement that, in addition to the amount withheld 33301
for support, the payor may withhold a fee from the obligor's 33302
income as a charge for its services in complying with the notice 33303
and a specification of the amount that may be withheld. 33304

(B) A deduction notice sent under section 3121.03 of the 33305
Revised Code shall contain all of the following: 33306

(1) Notice of the amount to be deducted from the obligor's 33307
account; 33308

(2) A statement that the financial institution is required to 33309
send the amount deducted to the office of child support 33310
immediately, but not later than seven business days, after the 33311
date the last deduction was made and to report to the child 33312
support enforcement agency the date on which the amount was 33313
deducted; 33314

(3) A statement that the deduction is binding on the 33315
financial institution until further notice from the court or 33316
agency; 33317

(4) A statement that the deduction in accordance with the 33318
notice has priority over any other legal process under the law of 33319
this state against the same account; 33320

(5) The date on which the notice was mailed and a statement 33321
that the financial institution is required to implement the 33322

deduction no later than fourteen business days following that date 33323
and to continue the deduction at the intervals specified in the 33324
notice; 33325

(6) A requirement that the financial institution promptly 33326
notify the child support enforcement agency administering the 33327
support order, in writing, within ten days after the date of any 33328
termination of the account from which the deduction is being made 33329
and notify the agency, in writing, of the opening of a new account 33330
at that financial institution, the account number of the new 33331
account, the name of any other known financial institutions in 33332
which the obligor has any accounts, and the numbers of those 33333
accounts; 33334

(7) A requirement that the financial institution include in 33335
all notices the obligor's last known mailing address, last known 33336
residence address, and social security number; 33337

(8) A statement that, in addition to the amount deducted for 33338
support, the financial institution may deduct a fee from the 33339
obligor's account as a charge for its services in complying with 33340
the notice and a specification of the amount that may be deducted. 33341

Sec. 3121.0311. (A) If a lump sum payment referred to in 33342
division (A)~~(10)~~(11) of section 3121.037 of the Revised Code 33343
consists of workers' compensation benefits and the obligor is 33344
represented by an attorney with respect to the obligor's workers' 33345
compensation claim, prior to issuing the notice to the child 33346
support enforcement agency required by that division, the 33347
administrator of workers' compensation, for claims involving state 33348
fund employers, or a self-insuring employer, for that employer's 33349
claims, shall notify the obligor and the obligor's attorney in 33350
writing that the obligor is subject to a support order and that 33351
the administrator or self-insuring employer, as appropriate, shall 33352
hold the lump sum payment for a period of thirty days after the 33353

administrator or self-insuring employer sends this written notice, 33354
pending receipt of the information referred to in division (B) of 33355
this section. 33356

(B) The administrator or self-insuring employer, as 33357
appropriate, shall instruct the obligor's attorney in writing to 33358
file a copy of the fee agreement signed by the obligor, along with 33359
an affidavit signed by the attorney setting forth the amount of 33360
the attorney's fee with respect to the lump sum payment award to 33361
the obligor and the amount of all necessary expenses, along with 33362
documentation of those expenses, incurred by the attorney with 33363
respect to obtaining the lump sum award. The obligor's attorney 33364
shall file the fee agreement and attorney affidavit with the 33365
administrator or self-insuring employer, as appropriate, within 33366
thirty days after the date the administrator or self-insuring 33367
employer sends the notice required by division (A) of this 33368
section. 33369

(C) Upon receipt of the fee agreement and attorney affidavit, 33370
the administrator or self-insuring employer, as appropriate, shall 33371
deduct from the lump sum payment the amount of the attorney's fee 33372
and necessary expenses and pay that amount directly to and solely 33373
in the name of the attorney within fourteen days after the fee 33374
agreement and attorney affidavit have been filed with the 33375
administrator or self-insuring employer. 33376

(D) After deducting any attorney's fee and necessary 33377
expenses, if the lump sum payment is one hundred fifty dollars or 33378
more, the administrator or self-insuring employer, as appropriate, 33379
shall hold the balance of the lump sum award in accordance with 33380
division (A)~~(10)~~(11) of section 3121.037 of the Revised Code. 33381

Sec. 3121.19. (A) The entire amount withheld or deducted 33382
pursuant to a withholding or deduction notice described in section 33383
3121.03 of the Revised Code shall be forwarded to the office of 33384

child support in the department of job and family services 33385
immediately, but not later than seven business days, after the 33386
withholding or deduction, as directed in the withholding or 33387
deduction notice. 33388

(B) An employer who employs more than fifty employees shall 33389
submit the entire amount withheld pursuant to a withholding notice 33390
described in section 3121.03 of the Revised Code by electronic 33391
transfer to the office of child support in the department of job 33392
and family services immediately, but not later than seven business 33393
days, after the withholding, as directed in the withholding 33394
notice. 33395

Sec. 3121.20. (A) A payor or financial institution required 33396
to withhold or deduct a specified amount from the income or 33397
savings of more than one obligor under a withholding or deduction 33398
notice described in section 3121.03 of the Revised Code and to 33399
forward the amounts withheld or deducted to the office of child 33400
support may combine all of the amounts to be forwarded in one 33401
payment if the payment is accompanied by a list that clearly 33402
identifies ~~each~~ all of the following: 33403

(1) Each obligor covered by the payment ~~and the;~~ 33404

(2) Each child support case, numbered as provided on the 33405
withholding or deduction notice, that is covered by the payment; 33406

(3) The portion of the payment attributable to each obligor 33407
and each case number. 33408

(B) A payor who employs more than fifty employees and who is 33409
required to submit the withholding by electronic transfer pursuant 33410
to sections 3121.037 and 3121.19 of the Revised Code shall combine 33411
all of the amounts to be forwarded in one payment. The payment 33412
shall be accompanied by information that clearly identifies all of 33413
the following: 33414

<u>(1) Each obligor that is covered by the payment;</u>	33415
<u>(2) Each child support case, numbered as provided on the withholding notice issued pursuant to section 3121.03 of the Revised Code, that is covered by the payment;</u>	33416 33417 33418
<u>(3) The portion of the payment attributable to each obligor and each case number.</u>	33419 33420
Sec. 3121.898. The department of job and family services shall use the new hire reports it receives for any of the following purposes set forth in 42 U.S.C. 653a, as amended, including:	33421 33422 33423 33424
(A) To locate individuals for the purposes of establishing paternity and for establishing, modifying, and enforcing child support orders.	33425 33426 33427
(B) As used in this division, "state agency" means every department, bureau, board, commission, office, or other organized body established by the constitution or laws of this state for the exercise of state government; every entity of county government that is subject to the rules of a state agency; and every contractual agent of a state agency.	33428 33429 33430 33431 33432 33433
To make available to any state agency responsible for administering any of the following programs for purposes of verifying program eligibility:	33434 33435 33436
(1) Any Title IV-A program as defined in section 5101.80 of the Revised Code;	33437 33438
(2) The medicaid program authorized by Chapter 5111. of the Revised Code;	33439 33440
(3) The unemployment compensation program authorized by Chapter 4141. of the Revised Code;	33441 33442
(4) The food stamp <u>supplemental nutrition assistance</u> program	33443

authorized by section 5101.54 of the Revised Code; 33444

(5) Any other program authorized in 42 U.S.C. 1320b-7(b), as 33445
amended. 33446

(C) The administration of the employment security program 33447
under the director of job and family services. 33448

Sec. 3123.952. A child support enforcement agency may submit 33449
the name of a delinquent obligor to the office of child support 33450
for inclusion on a poster only if all of the following apply: 33451

(A) The obligor is subject to a support order and there has 33452
been an attempt to enforce the order through a public notice, a 33453
wage withholding order, a lien on property, a financial 33454
institution deduction order, or other court-ordered procedures. 33455

(B) The department of job and family services reviewed the 33456
obligor's records and confirms the child support enforcement 33457
agency's finding that the obligor's name and photograph may be 33458
submitted to be displayed on a poster. 33459

(C) The agency does not know or is unable to verify the 33460
obligor's whereabouts. 33461

(D) The obligor is not a participant in Ohio works first or 33462
the prevention, retention, and contingency program or a recipient 33463
of disability financial assistance, supplemental security income, 33464
or ~~food stamps~~ supplemental nutrition assistance program benefits. 33465

(E) The child support enforcement agency does not have 33466
evidence that the obligor has filed for protection under the 33467
federal Bankruptcy Code, 11 U.S.C.A. 101, as amended. 33468

(F) The obligee gave written authorization to the agency to 33469
display the obligor on a poster. 33470

(G) A legal representative of the agency and a child support 33471
enforcement administrator reviewed the case. 33472

(H) The agency is able to submit to the department a 33473
description and photograph of the obligor, a statement of the 33474
possible locations of the obligor, and any other information 33475
required by the department. 33476

Sec. 3125.25. The director of job and family services shall 33477
adopt rules under Chapter 119. of the Revised Code governing the 33478
operation of support enforcement by child support enforcement 33479
agencies. The rules shall include, but shall not be limited to, 33480
~~provisions~~ the following: 33481

(A) Provisions relating to plans of cooperation between the 33482
agencies and boards of county commissioners entered into under 33483
section 3125.12 of the Revised Code, ~~requirements;~~ 33484

(B) Provisions for the compromise and waiver of child support 33485
arrears owed to the state and federal government, consistent 33486
with Title IV-D of the "Social Security Act," 88 Stat. 2351 33487
(1975), 42 U.S.C. 651 et seq., as amended; 33488

(C) Requirements for public hearings by the agencies, ~~and~~ 33489
~~provisions;~~ 33490

(D) Provisions for appeals of agency decisions under 33491
procedures established by the director. 33492

Sec. 3301.041. Beginning not later than June 30, 2010, the 33493
state board of education shall broadcast live via the internet all 33494
regular and special business meetings of the state board. The 33495
state board shall not broadcast executive sessions conducted in 33496
accordance with division (G) of section 121.22 of the Revised 33497
Code. 33498

The state board may contract or consult with the Ohio 33499
government telecommunications service, and the Ohio government 33500
telecommunications service may provide technical assistance, in 33501
implementing and complying with this section. 33502

Sec. 3301.07. The state board of education shall exercise 33503
under the acts of the general assembly general supervision of the 33504
system of public education in the state. In addition to the powers 33505
otherwise imposed on the state board under the provisions of law, 33506
the board shall have the ~~following~~ powers+ described in this 33507
section. 33508

(A) ~~Exercise~~ The state board shall exercise policy forming, 33509
planning, and evaluative functions for the public schools of the 33510
state, ~~and for adult education,~~ except as otherwise provided by 33511
law+. 33512

(B) ~~Exercise~~ (1) The state board shall exercise leadership in 33513
the improvement of public education in this state, and administer 33514
the educational policies of this state relating to public schools, 33515
and relating to instruction and instructional material, building 33516
and equipment, transportation of pupils, administrative 33517
responsibilities of school officials and personnel, and finance 33518
and organization of school districts, educational service centers, 33519
and territory. Consultative and advisory services in such matters 33520
shall be provided by the board to school districts and educational 33521
service centers of this state. ~~The~~ 33522

(2) The state board also shall develop a standard of 33523
financial reporting which shall be used by all school districts 33524
and educational service centers to make their financial 33525
information available to the public in a format understandable by 33526
the average citizen and provide year-to-year comparisons for at 33527
least five years. The format shall show, among other things, 33528
district and educational service center revenue by source; 33529
expenditures for salaries, wages, and benefits of employees, 33530
showing such amounts separately for classroom teachers, other 33531
employees required to hold licenses issued pursuant to sections 33532
3319.22 to 3319.31 of the Revised Code, and all other employees; 33533

expenditures other than for personnel, by category, including 33534
utilities, textbooks and other educational materials, equipment, 33535
permanent improvements, pupil transportation, extracurricular 33536
athletics, and other extracurricular activities; and per pupil 33537
expenditures. 33538

(C) ~~Administer~~ The state board shall administer and supervise 33539
the allocation and distribution of all state and federal funds for 33540
public school education under the provisions of law, and may 33541
prescribe such systems of accounting as are necessary and proper 33542
to this function. It may require county auditors and treasurers, 33543
boards of education, educational service center governing boards, 33544
treasurers of such boards, teachers, and other school officers and 33545
employees, or other public officers or employees, to file with it 33546
such reports as it may prescribe relating to such funds, or to the 33547
management and condition of such funds. 33548

(D) ~~Formulate~~ The state board shall formulate and prescribe 33549
minimum standards to be applied to all elementary and secondary 33550
schools in this state for the purpose of requiring a general 33551
education of high quality. Such standards shall provide adequately 33552
for: the licensing of teachers, administrators, and other 33553
professional personnel and their assignment according to training 33554
and qualifications; efficient and effective instructional 33555
materials and equipment, including library facilities; the proper 33556
organization, administration, and supervision of each school, 33557
including regulations for preparing all necessary records and 33558
reports and the preparation of a statement of policies and 33559
objectives for each school; buildings, grounds, health and 33560
sanitary facilities and services; admission of pupils, and such 33561
requirements for their promotion from grade to grade as will 33562
assure that they are capable and prepared for the level of study 33563
to which they are certified; requirements for graduation; and such 33564
other factors as the board finds necessary. 33565

In the formulation and administration of such standards for 33566
nonpublic schools the board shall also consider the particular 33567
needs, methods and objectives of those schools, provided they do 33568
not conflict with the provision of a general education of a high 33569
quality and provided that regular procedures shall be followed for 33570
promotion from grade to grade of pupils who have met the 33571
educational requirements prescribed. 33572

(E) ~~May~~ The state board may require as part of the health 33573
curriculum information developed under section 2108.34 of the 33574
Revised Code promoting the donation of anatomical gifts pursuant 33575
to Chapter 2108. of the Revised Code and may provide the 33576
information to high schools, educational service centers, and 33577
joint vocational school district boards of education; 33578

(F) ~~Prepare~~ The state board shall prepare and submit annually 33579
to the governor and the general assembly a report on the status, 33580
needs, and major problems of the public schools of the state, with 33581
recommendations for necessary legislative action and a ten-year 33582
projection of the state's public and nonpublic school enrollment, 33583
by year and by grade level. 33584

(G) ~~Prepare~~ The state board shall prepare and submit to the 33585
director of budget and management the biennial budgetary requests 33586
of the state board of education, for its agencies and for the 33587
public schools of the state. 33588

(H) ~~Cooperate~~ The state board shall cooperate with federal, 33589
state, and local agencies concerned with the health and welfare of 33590
children and youth of the state. 33591

(I) ~~Require~~ The state board shall require such reports from 33592
school districts and educational service centers, school officers, 33593
and employees as are necessary and desirable. The superintendents 33594
and treasurers of school districts and educational service centers 33595
shall certify as to the accuracy of all reports required by law or 33596

state board or state department of education rules to be submitted 33597
by the district or educational service center and which contain 33598
information necessary for calculation of state funding. Any 33599
superintendent who knowingly falsifies such report shall be 33600
subject to license revocation pursuant to section 3319.31 of the 33601
Revised Code. 33602

(J) In accordance with Chapter 119. of the Revised Code, the 33603
state board shall adopt procedures, standards, and guidelines for 33604
the education of children with disabilities pursuant to Chapter 33605
3323. of the Revised Code, including procedures, standards, and 33606
guidelines governing programs and services operated by county 33607
boards of mental retardation and developmental disabilities 33608
pursuant to section 3323.09 of the Revised Code~~+~~. 33609

(K) For the purpose of encouraging the development of special 33610
programs of education for academically gifted children, the state 33611
board shall employ competent persons to analyze and publish data, 33612
promote research, advise and counsel with boards of education, and 33613
encourage the training of teachers in the special instruction of 33614
gifted children. The board may provide financial assistance out of 33615
any funds appropriated for this purpose to boards of education and 33616
educational service center governing boards for developing and 33617
conducting programs of education for academically gifted children. 33618
33619

(L) ~~Require~~ The state board shall require that all public 33620
schools emphasize and encourage, within existing units of study, 33621
the teaching of energy and resource conservation as recommended to 33622
each district board of education by leading business persons 33623
involved in energy production and conservation, beginning in the 33624
primary grades~~+~~. 33625

(M) ~~Formulate~~ The state board shall formulate and prescribe 33626
minimum standards requiring the use of phonics as a technique in 33627
the teaching of reading in grades kindergarten through three. In 33628

addition, the state board shall provide in-service training 33629
programs for teachers on the use of phonics as a technique in the 33630
teaching of reading in grades kindergarten through three. 33631

(N) ~~Develop~~ The state board shall develop and modify as 33632
necessary a state plan for technology to encourage and promote the 33633
use of technological advancements in educational settings. 33634

The board may adopt rules necessary for carrying out any 33635
function imposed on it by law, and may provide rules as are 33636
necessary for its government and the government of its employees, 33637
and may delegate to the superintendent of public instruction the 33638
management and administration of any function imposed on it by 33639
law. It may provide for the appointment of board members to serve 33640
on temporary committees established by the board for such purposes 33641
as are necessary. Permanent or standing committees shall not be 33642
created. 33643

Sec. 3301.075. The state board of education shall adopt rules 33644
governing the purchasing and leasing of data processing services 33645
and equipment for all local, exempted village, city, and joint 33646
vocational school districts and all educational service centers. 33647
Such rules shall include provisions for the establishment of an 33648
Ohio education computer network under procedures, guidelines, and 33649
specifications of the department of education. 33650

The department shall administer funds appropriated for the 33651
Ohio education computer network to ensure its efficient and 33652
economical operation and shall approve no more than twenty-seven 33653
information technology centers to operate concurrently. Such 33654
centers shall be approved for funding in accordance with rules of 33655
the state board adopted under this section that shall provide for 33656
the superintendent of public instruction to require the membership 33657
of each information technology center to be composed of 33658
33659

combinations of school districts and educational service centers 33660
having sufficient students to support an efficient, economical 33661
comprehensive program of computer services to member districts and 33662
educational service centers. However, no such rule shall prohibit 33663
a school district or educational service center from receiving 33664
computer services from any information technology center 33665
established under this section or from any other public or private 33666
vendor. Each information technology center shall be organized in 33667
accordance with section 3313.92 or Chapter 167. of the Revised 33668
Code. 33669

~~The department of education may contract with an independent 33670
for profit or nonprofit entity to provide current and historical 33671
information on Ohio government through the Ohio education computer 33672
network to school district libraries operating in accordance with 33673
section 3375.14 of the Revised Code in order to assist school 33674
teachers in social studies course instruction and support student 33675
research projects. Any such contract shall be awarded in 33676
accordance with Chapter 125. of the Revised Code. 33677~~

The department may approve and administer funding for 33678
programs to provide technical support, maintenance, consulting, 33679
and group purchasing services for information technology centers, 33680
school districts, educational service centers, and other client 33681
entities or governmental entities served in accordance with rules 33682
adopted by the department or as otherwise authorized by law, and 33683
to deliver to schools programs operated by the infOhio network and 33684
the technology solutions group of the management council of the 33685
Ohio education computer network. 33686

Sec. 3301.076. No information technology center established 33687
under section 3301.075 of the Revised Code shall be required to 33688
maintain an operating reserve account or fund or minimum cash 33689
balance. This section does not affect any sinking fund or other 33690

capital improvement fund the center may be required to maintain as 33691
a condition by law or contract relative to the issuance of 33692
securities. Any rule of the state board of education or other 33693
regulation or guideline of the department of education that 33694
conflicts with this section is void. 33695

Sec. 3301.0714. (A) The state board of education shall adopt 33696
rules for a statewide education management information system. The 33697
rules shall require the state board to establish guidelines for 33698
the establishment and maintenance of the system in accordance with 33699
this section and the rules adopted under this section. The 33700
guidelines shall include: 33701

(1) Standards identifying and defining the types of data in 33702
the system in accordance with divisions (B) and (C) of this 33703
section; 33704

(2) Procedures for annually collecting and reporting the data 33705
to the state board in accordance with division (D) of this 33706
section; 33707

(3) Procedures for annually compiling the data in accordance 33708
with division (G) of this section; 33709

(4) Procedures for annually reporting the data to the public 33710
in accordance with division (H) of this section. 33711

(B) The guidelines adopted under this section shall require 33712
the data maintained in the education management information system 33713
to include at least the following: 33714

(1) Student participation and performance data, for each 33715
grade in each school district as a whole and for each grade in 33716
each school building in each school district, that includes: 33717

(a) The numbers of students receiving each category of 33718
instructional service offered by the school district, such as 33719

regular education instruction, vocational education instruction, 33720
specialized instruction programs or enrichment instruction that is 33721
part of the educational curriculum, instruction for gifted 33722
students, instruction for students with disabilities, and remedial 33723
instruction. The guidelines shall require instructional services 33724
under this division to be divided into discrete categories if an 33725
instructional service is limited to a specific subject, a specific 33726
type of student, or both, such as regular instructional services 33727
in mathematics, remedial reading instructional services, 33728
instructional services specifically for students gifted in 33729
mathematics or some other subject area, or instructional services 33730
for students with a specific type of disability. The categories of 33731
instructional services required by the guidelines under this 33732
division shall be the same as the categories of instructional 33733
services used in determining cost units pursuant to division 33734
(C)(3) of this section. 33735

(b) The numbers of students receiving support or 33736
extracurricular services for each of the support services or 33737
extracurricular programs offered by the school district, such as 33738
counseling services, health services, and extracurricular sports 33739
and fine arts programs. The categories of services required by the 33740
guidelines under this division shall be the same as the categories 33741
of services used in determining cost units pursuant to division 33742
(C)(4)(a) of this section. 33743

(c) Average student grades in each subject in grades nine 33744
through twelve; 33745

(d) Academic achievement levels as assessed by the testing of 33746
student achievement under sections 3301.0710 and 3301.0711 of the 33747
Revised Code; 33748

(e) The number of students designated as having a disabling 33749
condition pursuant to division (C)(1) of section 3301.0711 of the 33750
Revised Code; 33751

(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	33752 33753 33754
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	33755 33756 33757 33758
(h) Expulsion rates;	33759
(i) Suspension rates;	33760
(j) The percentage of students receiving corporal punishment;	33761
(k) Dropout rates;	33762
(l) Rates of retention in grade;	33763
(m) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	33764 33765 33766
(n) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	33767 33768 33769 33770 33771
(o) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student if the parent of that student requests the district not to report those results.	33772 33773 33774 33775 33776 33777 33778
(2) Personnel and classroom enrollment data for each school district, including:	33779 33780
(a) The total numbers of licensed employees and nonlicensed	33781

employees and the numbers of full-time equivalent licensed 33782
employees and nonlicensed employees providing each category of 33783
instructional service, instructional support service, and 33784
administrative support service used pursuant to division (C)(3) of 33785
this section. The guidelines adopted under this section shall 33786
require these categories of data to be maintained for the school 33787
district as a whole and, wherever applicable, for each grade in 33788
the school district as a whole, for each school building as a 33789
whole, and for each grade in each school building. 33790

(b) The total number of employees and the number of full-time 33791
equivalent employees providing each category of service used 33792
pursuant to divisions (C)(4)(a) and (b) of this section, and the 33793
total numbers of licensed employees and nonlicensed employees and 33794
the numbers of full-time equivalent licensed employees and 33795
nonlicensed employees providing each category used pursuant to 33796
division (C)(4)(c) of this section. The guidelines adopted under 33797
this section shall require these categories of data to be 33798
maintained for the school district as a whole and, wherever 33799
applicable, for each grade in the school district as a whole, for 33800
each school building as a whole, and for each grade in each school 33801
building. 33802

(c) The total number of regular classroom teachers teaching 33803
classes of regular education and the average number of pupils 33804
enrolled in each such class, in each of grades kindergarten 33805
through five in the district as a whole and in each school 33806
building in the school district. 33807

(d) The number of ~~master lead~~ lead teachers employed by each 33808
school district and each school building, ~~once a definition of~~ 33809
~~master teacher has been developed by the educator standards board~~ 33810
~~pursuant to section 3319.61 of the Revised Code.~~ 33811

(3)(a) Student demographic data for each school district, 33812
including information regarding the gender ratio of the school 33813

district's pupils, the racial make-up of the school district's 33814
pupils, the number of limited English proficient students in the 33815
district, and an appropriate measure of the number of the school 33816
district's pupils who reside in economically disadvantaged 33817
households. The demographic data shall be collected in a manner to 33818
allow correlation with data collected under division (B)(1) of 33819
this section. Categories for data collected pursuant to division 33820
(B)(3) of this section shall conform, where appropriate, to 33821
standard practices of agencies of the federal government. 33822

(b) With respect to each student entering kindergarten, 33823
whether the student previously participated in a public preschool 33824
program, a private preschool program, or a head start program, and 33825
the number of years the student participated in each of these 33826
programs. 33827

(4) Any data required to be collected pursuant to federal 33828
law. 33829

(C) The education management information system shall include 33830
cost accounting data for each district as a whole and for each 33831
school building in each school district. The guidelines adopted 33832
under this section shall require the cost data for each school 33833
district to be maintained in a system of mutually exclusive cost 33834
units and shall require all of the costs of each school district 33835
to be divided among the cost units. The guidelines shall require 33836
the system of mutually exclusive cost units to include at least 33837
the following: 33838

(1) Administrative costs for the school district as a whole. 33839
The guidelines shall require the cost units under this division 33840
(C)(1) to be designed so that each of them may be compiled and 33841
reported in terms of average expenditure per pupil in formula ADM 33842
in the school district, as determined pursuant to section 3317.03 33843
of the Revised Code. 33844

(2) Administrative costs for each school building in the school district. The guidelines shall require the cost units under this division (C)(2) to be designed so that each of them may be compiled and reported in terms of average expenditure per full-time equivalent pupil receiving instructional or support services in each building.

(3) Instructional services costs for each category of instructional service provided directly to students and required by guidelines adopted pursuant to division (B)(1)(a) of this section. The guidelines shall require the cost units under division (C)(3) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for each category of service and, as a breakdown of the total cost, a cost for each of the following components:

(a) The cost of each instructional services category required by guidelines adopted under division (B)(1)(a) of this section that is provided directly to students by a classroom teacher;

(b) The cost of the instructional support services, such as services provided by a speech-language pathologist, classroom aide, multimedia aide, or librarian, provided directly to students in conjunction with each instructional services category;

(c) The cost of the administrative support services related to each instructional services category, such as the cost of personnel that develop the curriculum for the instructional services category and the cost of personnel supervising or coordinating the delivery of the instructional services category.

(4) Support or extracurricular services costs for each category of service directly provided to students and required by

guidelines adopted pursuant to division (B)(1)(b) of this section. 33876
The guidelines shall require the cost units under division (C)(4) 33877
of this section to be designed so that each of them may be 33878
compiled and reported in terms of average expenditure per pupil 33879
receiving the service in the school district as a whole and 33880
average expenditure per pupil receiving the service in each 33881
building in the school district and in terms of a total cost for 33882
each category of service and, as a breakdown of the total cost, a 33883
cost for each of the following components: 33884

(a) The cost of each support or extracurricular services 33885
category required by guidelines adopted under division (B)(1)(b) 33886
of this section that is provided directly to students by a 33887
licensed employee, such as services provided by a guidance 33888
counselor or any services provided by a licensed employee under a 33889
supplemental contract; 33890

(b) The cost of each such services category provided directly 33891
to students by a nonlicensed employee, such as janitorial 33892
services, cafeteria services, or services of a sports trainer; 33893

(c) The cost of the administrative services related to each 33894
services category in division (C)(4)(a) or (b) of this section, 33895
such as the cost of any licensed or nonlicensed employees that 33896
develop, supervise, coordinate, or otherwise are involved in 33897
administering or aiding the delivery of each services category. 33898

(D)(1) The guidelines adopted under this section shall 33899
require school districts to collect information about individual 33900
students, staff members, or both in connection with any data 33901
required by division (B) or (C) of this section or other reporting 33902
requirements established in the Revised Code. The guidelines may 33903
also require school districts to report information about 33904
individual staff members in connection with any data required by 33905
division (B) or (C) of this section or other reporting 33906
requirements established in the Revised Code. The guidelines shall 33907

not authorize school districts to request social security numbers 33908
of individual students. The guidelines shall prohibit the 33909
reporting under this section of a student's name, address, and 33910
social security number to the state board of education or the 33911
department of education. The guidelines shall also prohibit the 33912
reporting under this section of any personally identifiable 33913
information about any student, except for the purpose of assigning 33914
the data verification code required by division (D)(2) of this 33915
section, to any other person unless such person is employed by the 33916
school district or the information technology center operated 33917
under section 3301.075 of the Revised Code and is authorized by 33918
the district or technology center to have access to such 33919
information or is employed by an entity with which the department 33920
contracts for the scoring of tests administered under section 33921
3301.0711 or 3301.0712 of the Revised Code. The guidelines may 33922
require school districts to provide the social security numbers of 33923
individual staff members. 33924

(2) The guidelines shall provide for each school district or 33925
community school to assign a data verification code that is unique 33926
on a statewide basis over time to each student whose initial Ohio 33927
enrollment is in that district or school and to report all 33928
required individual student data for that student utilizing such 33929
code. The guidelines shall also provide for assigning data 33930
verification codes to all students enrolled in districts or 33931
community schools on the effective date of the guidelines 33932
established under this section. 33933

Individual student data shall be reported to the department 33934
through the information technology centers utilizing the code but, 33935
except as provided in sections 3310.11, 3310.42, 3310.63, 33936
3313.978, and 3317.20 of the Revised Code, at no time shall the 33937
state board or the department have access to information that 33938
would enable any data verification code to be matched to 33939

personally identifiable student data. 33940

Each school district shall ensure that the data verification 33941
code is included in the student's records reported to any 33942
subsequent school district or community school in which the 33943
student enrolls. Any such subsequent district or school shall 33944
utilize the same identifier in its reporting of data under this 33945
section. 33946

The director of health shall request and receive, pursuant to 33947
sections 3301.0723 and 3701.62 of the Revised Code, a data 33948
verification code for a child who is receiving services under 33949
division (A)(2) of section 3701.61 of the Revised Code. 33950

(E) The guidelines adopted under this section may require 33951
school districts to collect and report data, information, or 33952
reports other than that described in divisions (A), (B), and (C) 33953
of this section for the purpose of complying with other reporting 33954
requirements established in the Revised Code. The other data, 33955
information, or reports may be maintained in the education 33956
management information system but are not required to be compiled 33957
as part of the profile formats required under division (G) of this 33958
section or the annual statewide report required under division (H) 33959
of this section. 33960

(F) Beginning with the school year that begins July 1, 1991, 33961
the board of education of each school district shall annually 33962
collect and report to the state board, in accordance with the 33963
guidelines established by the board, the data required pursuant to 33964
this section. A school district may collect and report these data 33965
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 33966

(G) The state board shall, in accordance with the procedures 33967
it adopts, annually compile the data reported by each school 33968
district pursuant to division (D) of this section. The state board 33969
shall design formats for profiling each school district as a whole 33970

and each school building within each district and shall compile 33971
the data in accordance with these formats. These profile formats 33972
shall: 33973

(1) Include all of the data gathered under this section in a 33974
manner that facilitates comparison among school districts and 33975
among school buildings within each school district; 33976

(2) Present the data on academic achievement levels as 33977
assessed by the testing of student achievement maintained pursuant 33978
to division (B)(1)(d) of this section. 33979

(H)(1) The state board shall, in accordance with the 33980
procedures it adopts, annually prepare a statewide report for all 33981
school districts and the general public that includes the profile 33982
of each of the school districts developed pursuant to division (G) 33983
of this section. Copies of the report shall be sent to each school 33984
district. 33985

(2) The state board shall, in accordance with the procedures 33986
it adopts, annually prepare an individual report for each school 33987
district and the general public that includes the profiles of each 33988
of the school buildings in that school district developed pursuant 33989
to division (G) of this section. Copies of the report shall be 33990
sent to the superintendent of the district and to each member of 33991
the district board of education. 33992

(3) Copies of the reports received from the state board under 33993
divisions (H)(1) and (2) of this section shall be made available 33994
to the general public at each school district's offices. Each 33995
district board of education shall make copies of each report 33996
available to any person upon request and payment of a reasonable 33997
fee for the cost of reproducing the report. The board shall 33998
annually publish in a newspaper of general circulation in the 33999
school district, at least twice during the two weeks prior to the 34000
week in which the reports will first be available, a notice 34001

containing the address where the reports are available and the 34002
date on which the reports will be available. 34003

(I) Any data that is collected or maintained pursuant to this 34004
section and that identifies an individual pupil is not a public 34005
record for the purposes of section 149.43 of the Revised Code. 34006

(J) As used in this section: 34007

(1) "School district" means any city, local, exempted 34008
village, or joint vocational school district and, in accordance 34009
with section 3314.17 of the Revised Code, any community school. As 34010
used in division (L) of this section, "school district" also 34011
includes any educational service center or other educational 34012
entity required to submit data using the system established under 34013
this section. 34014

(2) "Cost" means any expenditure for operating expenses made 34015
by a school district excluding any expenditures for debt 34016
retirement except for payments made to any commercial lending 34017
institution for any loan approved pursuant to section 3313.483 of 34018
the Revised Code. 34019

(K) Any person who removes data from the information system 34020
established under this section for the purpose of releasing it to 34021
any person not entitled under law to have access to such 34022
information is subject to section 2913.42 of the Revised Code 34023
prohibiting tampering with data. 34024

(L)(1) In accordance with division (L)(2) of this section and 34025
the rules adopted under division (L)(10) of this section, the 34026
department of education may sanction any school district that 34027
reports incomplete or inaccurate data, reports data that does not 34028
conform to data requirements and descriptions published by the 34029
department, fails to report data in a timely manner, or otherwise 34030
does not make a good faith effort to report data as required by 34031
this section. 34032

(2) If the department decides to sanction a school district under this division, the department shall take the following sequential actions:

(a) Notify the district in writing that the department has determined that data has not been reported as required under this section and require the district to review its data submission and submit corrected data by a deadline established by the department. The department also may require the district to develop a corrective action plan, which shall include provisions for the district to provide mandatory staff training on data reporting procedures.

(b) Withhold up to ten per cent of the total amount of state funds due to the district for the current fiscal year and, if not previously required under division (L)(2)(a) of this section, require the district to develop a corrective action plan in accordance with that division;

(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year;

(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions:

(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;

(ii) Conduct a site visit and evaluation of the district;

(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;

(iv) Continue monitoring the district's data reporting;

(v) Assign department staff to supervise the district's data management system; 34063
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(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section; 34065
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(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section; 34068
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(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district; 34072
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(ix) Any other action designed to correct the district's data reporting problems. 34077
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(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files. 34079
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(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that if the department withheld funding under division (L)(2)(c) of this section, the department shall not release the funds withheld under division (L)(2)(b) of this section and, if the department withheld 34085
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funding under division (L)(2)(d) of this section, the department 34094
shall not release the funds withheld under division (L)(2)(b) or 34095
(c) of this section. 34096

(5) Notwithstanding anything in this section to the contrary, 34097
the department may use its own staff or an outside entity to 34098
conduct an audit of a school district's data reporting practices 34099
any time the department has reason to believe the district has not 34100
made a good faith effort to report data as required by this 34101
section. If any audit conducted by an outside entity under 34102
division (L)(2)(d)(i) or (5) of this section confirms that a 34103
district has not made a good faith effort to report data as 34104
required by this section, the district shall reimburse the 34105
department for the full cost of the audit. The department may 34106
withhold state funds due to the district for this purpose. 34107

(6) Prior to issuing a revised report card for a school 34108
district under division (L)(2)(d)(viii) of this section, the 34109
department may hold a hearing to provide the district with an 34110
opportunity to demonstrate that it made a good faith effort to 34111
report data as required by this section. The hearing shall be 34112
conducted by a referee appointed by the department. Based on the 34113
information provided in the hearing, the referee shall recommend 34114
whether the department should issue a revised report card for the 34115
district. If the referee affirms the department's contention that 34116
the district did not make a good faith effort to report data as 34117
required by this section, the district shall bear the full cost of 34118
conducting the hearing and of issuing any revised report card. 34119

(7) If the department determines that any inaccurate data 34120
reported under this section caused a school district to receive 34121
excess state funds in any fiscal year, the district shall 34122
reimburse the department an amount equal to the excess funds, in 34123
accordance with a payment schedule determined by the department. 34124
The department may withhold state funds due to the district for 34125

this purpose. 34126

(8) Any school district that has funds withheld under 34127
division (L)(2) of this section may appeal the withholding in 34128
accordance with Chapter 119. of the Revised Code. 34129

(9) In all cases of a disagreement between the department and 34130
a school district regarding the appropriateness of an action taken 34131
under division (L)(2) of this section, the burden of proof shall 34132
be on the district to demonstrate that it made a good faith effort 34133
to report data as required by this section. 34134

(10) The state board of education shall adopt rules under 34135
Chapter 119. of the Revised Code to implement division (L) of this 34136
section. 34137

(M) No information technology center or school district shall 34138
acquire, change, or update its student administration software 34139
package to manage and report data required to be reported to the 34140
department unless it converts to a student software package that 34141
is certified by the department. 34142

(N) The state board of education, in accordance with sections 34143
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 34144
license as defined under division (A) of section 3319.31 of the 34145
Revised Code that has been issued to any school district employee 34146
found to have willfully reported erroneous, inaccurate, or 34147
incomplete data to the education management information system. 34148

(O) No person shall release or maintain any information about 34149
any student in violation of this section. Whoever violates this 34150
division is guilty of a misdemeanor of the fourth degree. 34151

(P) The department shall disaggregate the data collected 34152
under division (B)(1)(o) of this section according to the race and 34153
socioeconomic status of the students assessed. No data collected 34154
under that division shall be included on the report cards required 34155
by section 3302.03 of the Revised Code. 34156

(Q) If the department cannot compile any of the information 34157
required by division (C)(5) of section 3302.03 of the Revised Code 34158
based upon the data collected under this section, the department 34159
shall develop a plan and a reasonable timeline for the collection 34160
of any data necessary to comply with that division. 34161

Sec. 3301.0719. (A) As used in this section, "business 34162
education" includes, but is not limited to, accounting, career 34163
development, economics and personal finance, entrepreneurship, 34164
information technology, management, and marketing. 34165

(B) Not later than July 1, 2010, the state board of education 34166
shall adopt standards for business education in grades 34167
kindergarten through twelve. The standards shall incorporate 34168
existing business education standards as appropriate to help guide 34169
instruction in the state's schools. The department shall provide 34170
the standards, and any revisions of the standards, to all school 34171
districts, community schools established under Chapter 3314. of 34172
the Revised Code, and STEM schools established under Chapter 3326. 34173
of the Revised Code. Any school district, community school or STEM 34174
school may utilize the standards. Standards adopted under this 34175
division shall supplement, and not supersede, academic content 34176
standards adopted under section 3301.079 of the Revised Code. 34177

Sec. 3301.12. (A) The superintendent of public instruction in 34178
addition to the authority otherwise imposed on the superintendent, 34179
shall perform the following duties: 34180

(1) The superintendent shall provide technical and 34181
professional assistance and advice to all school districts in 34182
reference to all aspects of education, including finance, 34183
buildings and equipment, administration, organization of school 34184
districts, curriculum and instruction, transportation of pupils, 34185
personnel problems, and the interpretation of school laws and 34186

state regulations. 34187

(2) The superintendent shall prescribe and require the 34188
preparation and filing of such financial and other reports from 34189
school districts, officers, and employees as are necessary or 34190
proper. The superintendent shall prescribe and require the 34191
installation by school districts of such standardized reporting 34192
forms and accounting procedures as are essential to the 34193
businesslike operations of the public schools of the state. 34194

(3) The superintendent shall conduct such studies and 34195
research projects as are necessary or desirable for the 34196
improvement of public school education in Ohio, and such as may be 34197
assigned to the superintendent by the state board of education. 34198
Such studies and projects may include analysis of data contained 34199
in the education management information system established under 34200
section 3301.0714 of the Revised Code. For any study or project 34201
that requires the analysis of individual student data, the 34202
department of education or any entity with which the 34203
superintendent or department contracts to conduct the study or 34204
project shall maintain the confidentiality of student data at all 34205
times. For this purpose, the department or contracting entity 34206
shall use the data verification code assigned pursuant to division 34207
(D)(2) of section 3301.0714 of the Revised Code for each student 34208
whose data is analyzed. Except as otherwise provided in division 34209
(D)(1) of section 3301.0714 of the Revised Code, at no time shall 34210
the superintendent, the department, the state board of education, 34211
or any entity conducting a study or research project on the 34212
superintendent's behalf have access to a student's name, address, 34213
or social security number while analyzing individual student data. 34214

(4) The superintendent shall prepare and submit annually to 34215
the state board of education a report of the activities of the 34216
department of education and the status, problems, and needs of 34217
education in the state of Ohio. 34218

(5) The superintendent shall supervise all agencies over which the board exercises administrative control, including schools for education of persons with disabilities.

(6) In accordance with section 3333.048 of the Revised Code, the superintendent, jointly with the chancellor of the Ohio board of regents, shall establish metrics and courses of study for institutions of higher education that prepare educators and other school personnel and shall provide for inspection of those institutions.

(B) The superintendent of public instruction may annually inspect and analyze the expenditures of each school district and make a determination as to the efficiency of each district's costs, relative to other school districts in the state, for instructional, administrative, and student support services. The superintendent shall notify each school district as to the nature of, and reasons for, the determination. The state board of education shall adopt rules in accordance with Chapter 119. of the Revised Code setting forth the procedures and standards for the performance of the inspection and analysis.

Sec. 3301.122. Not later than December 1, 2009, the superintendent of public instruction shall develop a ten-year strategic plan aligned with the strategic plan for higher education developed by the chancellor under division (D) of Section 375.30.25 of Am. Sub. H.B. 119 of the 127th general assembly. The superintendent shall submit the plan to the general assembly, in accordance with section 101.68 of the Revised Code, and to the governor. The plan shall include recommendations for:

(A) A framework for collaborative, professional, innovative, and thinking twenty-first century learning environments;

(B) Ways to prepare and support Ohio's educators for successful instructional careers;

<u>(C) Enhancement of the current financial and resource management accountability systems;</u>	34250
	34251
<u>(D) Implementation of an effective school funding system.</u>	34252
<u>Sec. 3301.163. (A)(1) This section applies to any school operated by a school district that meets one of the following criteria after July 1, 2009:</u>	34253
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<u>(a) The school does not offer a grade level higher than three and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for four consecutive school years.</u>	34256
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<u>(b) The school satisfies all of the following conditions:</u>	34260
<u>(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine.</u>	34261
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<u>(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three consecutive school years.</u>	34263
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<u>(iii) For two of those school years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department of education in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.</u>	34266
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<u>(c) The school offers any of grade levels ten to twelve and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for four consecutive school years.</u>	34271
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<u>(2) This section does not apply to any school in which a majority of the students are enrolled in a dropout prevention and recovery program that is operated by the school and that has been granted a waiver under section 3301.164 of the Revised Code.</u>	34275
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(B) The state board of education shall revoke the charter issued under section 3301.16 of the Revised Code of any school operated by a school district to which this section applies effective at the conclusion of the school year in which the school first becomes subject to this section. 34279
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(C) If the revocation of a school's charter under this section causes a school district to no longer maintain all grades kindergarten through twelve, as required by section 3311.29 of the Revised Code, the district board of education shall enter into a contract with another school district pursuant to section 3327.04 of the Revised Code for enrollment of students in the schools of that other district to the extent necessary to comply with the requirement of section 3311.29 of the Revised Code. Notwithstanding any provision of the Revised Code to the contrary, if the district board enters into and maintains a contract under section 3327.04 of the Revised Code, the district shall not be considered to have failed to comply with the requirement of section 3311.29 of the Revised Code. If, however, the district board fails to or is unable to enter into or maintain such a contract, the state board shall take all necessary actions to dissolve the district as provided in division (A) of section 3311.29 of the Revised Code. 34284
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Sec. 3301.164. Section 3301.163 of the Revised Code does not apply to any school in which a majority of the students are enrolled in a dropout prevention and recovery program that is operated by the school and that has been granted a waiver by the department of education. The department shall grant a waiver to a dropout prevention and recovery program, within sixty days after the program applies for the waiver, if the program meets all of the following conditions: 34301
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(A) The program serves only students not younger than sixteen 34309

years of age and not older than twenty-one years of age. 34310

(B) The program enrolls students who, at the time of their initial enrollment, either, or both, are at least one grade level behind their cohort age groups or experience crises that significantly interfere with their academic progress such that they are prevented from continuing their traditional programs. 34311
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(C) The program requires students to attain at least the applicable score designated for each of the assessments prescribed under division (B)(1) of section 3301.0710 of the Revised Code or, to the extent prescribed by rule of the state board of education under division (E)(6) of section 3301.0712 of the Revised Code, division (B)(2) of that section. 34316
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(D) The program develops an individual career plan for the student that specifies the student's matriculating to a two-year degree program, acquiring a business and industry credential, or entering an apprenticeship. 34322
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(E) The program provides counseling and support for the student related to the plan developed under division (D) of this section during the remainder of the student's high school experience. 34326
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(F) Prior to receiving the waiver, the program has submitted to the department an instructional plan that demonstrates how the academic content standards adopted by the state board of education under section 3301.079 of the Revised Code will be taught and assessed. 34330
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If the department does not act either to grant the waiver or to reject the program application for the waiver within sixty days as required under this section, the waiver shall be considered to be granted. 34335
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Sec. 3301.42. The partnership for continued learning shall 34339

promote systemic approaches to education by supporting regional 34340
efforts to foster collaboration among providers of preschool 34341
through postsecondary education, identifying the workforce needs 34342
of private sector employers in the state, and making 34343
recommendations for facilitating collaboration among providers of 34344
preschool through postsecondary education and for maintaining a 34345
high-quality workforce in the state. Copies of the recommendations 34346
shall be provided to the governor, the president and minority 34347
leader of the senate, the speaker and minority leader of the house 34348
of representatives, the chairpersons and ranking minority members 34349
of the standing committees of the senate and the house of 34350
representatives that consider education legislation, the 34351
~~chairperson~~ chancellor of the Ohio board of regents, and the 34352
president of the state board of education. The recommendations 34353
shall address at least the following issues: 34354

(A) Expansion of access to preschool and other learning 34355
opportunities for children under five years old; 34356

(B) Increasing opportunities for students to earn credit 34357
toward a degree from an institution of higher education while 34358
enrolled in high school, including expanded opportunities for 34359
students to earn that credit on their high school campuses; a 34360
definition of "in good standing" for purposes of section 3313.6013 34361
of the Revised Code; and legislative changes that the partnership, 34362
in consultation with the Ohio board of regents and the state board 34363
of education, determines would improve the operation of the 34364
post-secondary enrollment options program established under 34365
Chapter 3365. of the Revised Code and other dual enrollment 34366
programs. The recommendations for legislative changes required by 34367
this division shall be issued not later than May 31, 2007. 34368

(C) Expansion of access to workforce development programs 34369
administered by school districts, institutions of higher 34370

education, and other providers of career-technical education;	34371
(D) Alignment of the statewide academic standards for grades	34372
nine through twelve adopted under section 3301.079 of the Revised	34373
Code, the Ohio graduation tests prescribed by division (B) of	34374
section 3301.0710 of the Revised Code, and the curriculum	34375
requirements for a high school diploma prescribed by section	34376
3313.603 of the Revised Code with the expectations of employers	34377
and institutions of higher education regarding the knowledge and	34378
skills that high school graduates should attain prior to entering	34379
the workforce or enrolling in an institution of higher education;	34380
(E) Improving the science and mathematics skills of students	34381
and employees to meet the needs of a knowledge-intensive economy;	34382
(F) Reducing the number of students who need academic	34383
remediation after enrollment in an institution of higher	34384
education;	34385
(G) Expansion of school counseling career and educational	34386
programs, access programs, and other strategies to overcome	34387
financial, cultural, and organizational barriers that interfere	34388
with students' planning for postsecondary education and that	34389
prevent students from obtaining a postsecondary education;	34390
(H) Alignment of teacher preparation programs approved by the	34391
state board of education <u>chancellor of the Ohio board of regents</u>	34392
pursuant to section 3319.23 <u>3333.048</u> of the Revised Code with the	34393
instructional needs and expectations of school districts;	34394
(I) Strategies for retaining more graduates of Ohio	34395
institutions of higher education in the state and for attracting	34396
talented individuals from outside Ohio to work in the state;	34397
(J) Strategies for promoting lifelong continuing education as	34398
a component of maintaining a strong workforce and economy;	34399
(K) Appropriate measures of the impact of statewide efforts	34400

to promote collaboration among providers of preschool through 34401
postsecondary education and to develop a high-quality workforce 34402
and strategies for collecting and sharing data relevant to such 34403
measures; 34404

(L) Strategies for developing and improving opportunities and 34405
for removing barriers to achievement for children identified as 34406
gifted under Chapter 3324. of the Revised Code; 34407

(M) Legislative changes to establish criteria by which state 34408
universities may waive the general requirement, under division (B) 34409
of section 3345.06 of the Revised Code, that a student complete 34410
the Ohio core curriculum to be admitted as an undergraduate. The 34411
partnership at least shall consider criteria for waiving the 34412
requirement for students who have served in the military and 34413
students who entered ninth grade on or after July 1, 2010, in 34414
another state and moved to Ohio prior to high school graduation. 34415
The recommendations for legislative changes under this division 34416
shall be developed in consultation with the Ohio board of regents 34417
and shall be issued not later than July 1, 2007. 34418

Sec. 3301.56. (A) The director of each preschool program 34419
shall be responsible for the following: 34420

(1) Ensuring that the health and safety of the children are 34421
safeguarded by an organized program of school health services 34422
designed to identify child health problems and to coordinate 34423
school and community health resources for children, as evidenced 34424
by but not limited to: 34425

(a) Requiring immunization and compliance with emergency 34426
medical authorization requirements in accordance with rules 34427
adopted by the state board of education under section 3301.53 of 34428
the Revised Code; 34429

(b) Providing procedures for emergency situations, including 34430

fire drills, rapid dismissals, tornado drills, and school safety	34431
drills in accordance with section 3737.73 of the Revised Code, and	34432
keeping records of such drills or dismissals;	34433
(c) Posting emergency procedures in preschool rooms and	34434
making them available to school personnel, children, and parents;	34435
(d) Posting emergency numbers by each telephone;	34436
(e) Supervising grounds, play areas, and other facilities	34437
when scheduled for use by children;	34438
(f) Providing first-aid facilities and materials.	34439
(2) Maintaining cumulative records for each child;	34440
(3) Supervising each child's admission, placement, and	34441
withdrawal according to established procedures;	34442
(4) Preparing at least once annually for each group of	34443
children in the program a roster of names and telephone numbers of	34444
parents, guardians, and custodians of children in the group and,	34445
on request, furnishing the roster for each group to the parents,	34446
guardians, and custodians of children in that group. The director	34447
may prepare a similar roster of all children in the program and,	34448
on request, make it available to the parents, guardians, and	34449
custodians, of children in the program. The director shall not	34450
include in either roster the name or telephone number of any	34451
parent, guardian, or custodian who requests that the parent's,	34452
guardian's, or custodian's name or number not be included, and	34453
shall not furnish any roster to any person other than a parent,	34454
guardian, or custodian of a child in the program.	34455
(5) Ensuring that clerical and custodial services are	34456
provided for the program;	34457
(6) Supervising the instructional program and the daily	34458
operation of the program;	34459
(7) Supervising and evaluating preschool staff members	34460

according to a planned sequence of observations and evaluation 34461
conferences, and supervising nonteaching employees. 34462

(B)(1) In each program the maximum number of children per 34463
preschool staff member and the maximum group size by age category 34464
of children shall be as follows: 34465

	Maximum		
Age Group	Group	Staff Member/ Child Ratio	
Birth to less than 12 months	12	1:5, or 2:12 if two preschool staff members are in the room	34466 34467 34468 34469 34470 34471 34472
12 months to less than 18 months	12	1:6	34473
18 months to less than 30 months	14	1:7	34474
30 months to less than 3 years	16	1:8	34475
3-year-olds	24	1:12	34476
4- and 5-year-olds not in school	28	1:14	34477

(2) When age groups are combined, the maximum number of 34478
children per preschool staff member shall be determined by the age 34479
of the youngest child in the group, except that when no more than 34480
one child thirty months of age or older receives child care in a 34481
group in which all the other children are in the next older age 34482
group, the maximum number of children per child-care staff member 34483
and maximum group size requirements of the older age group 34484
established under division (B)(1) of this section shall apply. 34485

(3) In a room where children are napping, if all the children 34486
are at least eighteen months of age, the maximum number of 34487
children per preschool staff member shall, for a period not to 34488
exceed one and one-half hours in any twenty-four hour day, be 34489
twice the maximum number of children per preschool staff member 34490
established under division (B)(1) of this section if all the 34491
following criteria are met: 34492

(a) At least one preschool staff member is present in the room; 34493
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(b) Sufficient preschool staff members are present on the preschool program premises to comply with division (B)(1) of this section; 34495
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(c) Naptime preparations have been completed and the children are resting or napping. 34498
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(4) Any accredited program that uses the Montessori method endorsed by the American Montessori society or the association Montessori internationale as its primary method of instruction and is licensed as a preschool program under section 3301.58 of the Revised Code may combine preschool children of ages three to five years old with children enrolled in kindergarten. Notwithstanding anything to the contrary in division (B)(2) of this section, when such age groups are combined, the maximum number of children per preschool staff member ~~shall be twelve~~ and the maximum group size shall be ~~twenty-four children~~ consistent with the accreditation standards of the society or association. 34500
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(C) In each building in which a preschool program is operated there shall be on the premises, and readily available at all times, at least one employee who has completed a course in first aid and in the prevention, recognition, and management of communicable diseases which is approved by the state department of health, and an employee who has completed a course in child abuse recognition and prevention. 34511
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(D) Any parent, guardian, or custodian of a child enrolled in a preschool program shall be permitted unlimited access to the school during its hours of operation to contact the parent's, guardian's, or custodian's child, evaluate the care provided by the program, or evaluate the premises, or for other purposes approved by the director. Upon entering the premises, the parent, 34518
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guardian, or custodian shall report to the school office. 34524

Sec. 3301.60. The interstate compact on educational 34525
opportunity for military children is hereby ratified, enacted into 34526
law, and entered into by this state as a party thereto with any 34527
other state that heretofore has legally joined or hereafter 34528
legally joins the compact, as follows: 34529

Interstate Compact on Educational 34530
Opportunity for Military Children 34531

ARTICLE I. PURPOSE 34532

It is the purpose of this compact to remove barriers to 34533
educational success imposed on children of military families 34534
because of frequent moves and deployment of their parents by: 34535

A. Facilitating the timely enrollment of children of military 34536
families and ensuring that they are not placed at a disadvantage 34537
due to difficulty in the transfer of education records from the 34538
previous school district or variations in entrance or age 34539
requirements. 34540

B. Facilitating the student placement process through which 34541
children of military families are not disadvantaged by variations 34542
in attendance requirements, scheduling, sequencing, grading, 34543
course content, or assessment. 34544

C. Facilitating the qualification and eligibility for 34545
enrollment, educational programs, and participation in 34546
extracurricular academic, athletic, and social activities. 34547

D. Facilitating the on-time graduation of children of 34548
military families. 34549

E. Providing for the promulgation and enforcement of 34550
administrative rules implementing the provisions of this compact. 34551

F. Providing for the uniform collection and sharing of 34552
information between and among member states, schools, and military 34553

<u>families under this compact.</u>	34554
<u>G. Promoting coordination between this compact and other compacts affecting military children.</u>	34555
<u>H. Promoting flexibility and cooperation between the educational system, parents, and the student in order to achieve educational success for the student.</u>	34557
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<u>ARTICLE II. DEFINITIONS</u>	34560
<u>As used in this compact, unless the context clearly requires a different construction:</u>	34561
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<u>A. "Active duty" means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. 1209 and 1211.</u>	34563
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<u>B. "Children of military families" means school-aged children, enrolled in kindergarten through twelfth grade, in the household of an active duty member.</u>	34567
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<u>C. "Compact commissioner" means the voting representative of each compacting state appointed pursuant to Article VIII of this compact.</u>	34570
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<u>D. "Deployment" means the period one month prior to the service members' departure from their home station on military orders through six months after return to their home station.</u>	34573
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<u>E. "Educational records" or "education records" means those official records, files, and data directly related to a student and maintained by the school or local education agency, including, but not limited to, records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education</u>	34576
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<u>programs.</u>	34584
<u>F. "Extracurricular activities" means a voluntary activity</u>	34585
<u>sponsored by the school or local education agency or an</u>	34586
<u>organization sanctioned by the local education agency.</u>	34587
<u>Extracurricular activities include, but are not limited to,</u>	34588
<u>preparation for and involvement in public performances, contests,</u>	34589
<u>athletic competitions, demonstrations, displays, and club</u>	34590
<u>activities.</u>	34591
<u>G. "Interstate Commission on Educational Opportunity for</u>	34592
<u>Military Children" means the commission that is created under</u>	34593
<u>Article IX of this compact, which is generally referred to as</u>	34594
<u>Interstate Commission.</u>	34595
<u>H. "Local education agency" means a public authority legally</u>	34596
<u>constituted by the state as an administrative agency to provide</u>	34597
<u>control of and direction for kindergarten through twelfth grade</u>	34598
<u>public educational institutions.</u>	34599
<u>I. "Member state" means a state that has enacted this</u>	34600
<u>compact.</u>	34601
<u>J. "Military installation" means a base, camp, post, station,</u>	34602
<u>yard, center, homeport facility for any ship, or other activity</u>	34603
<u>under the jurisdiction of the Department of Defense, including any</u>	34604
<u>leased facility, which is located within any of the several</u>	34605
<u>states, the District of Columbia, the Commonwealth of Puerto Rico,</u>	34606
<u>the U.S. Virgin Islands, Guam, American Samoa, the Northern</u>	34607
<u>Marianas Islands, and any other United States territory. Such term</u>	34608
<u>does not include any facility used primarily for civil works,</u>	34609
<u>rivers and harbors projects, or flood control projects.</u>	34610
<u>K. "Nonmember state" means a state that has not enacted this</u>	34611
<u>compact.</u>	34612
<u>L. "Receiving state" means the state to which a child of a</u>	34613
<u>military family is sent, brought, or caused to be sent or brought.</u>	34614

M. "Rule" means a written statement by the Interstate Commission promulgated pursuant to Article XII of this compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule. 34615
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N. "Sending state" means the state from which a child of a military family is sent, brought, or caused to be sent or brought. 34623
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O. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other United States territory. 34625
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P. "Student" means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through twelfth grade. 34629
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Q. "Transition" means 1) the formal and physical process of transferring from school to school or 2) the period of time in which a student moves from one school in the sending state to another school in the receiving state. 34632
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R. "Uniformed services" means the Army, Navy, Air Force, Marine Corps, and Coast Guard, as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration and Public Health Service. 34636
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S. "Veteran" means a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable. 34640
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ARTICLE III. APPLICABILITY 34643

A. Except as otherwise provided in Section B, this compact 34644

<u>shall apply to the children of:</u>	34645
<u>1. Active duty members of the uniformed services as defined</u>	34646
<u>in this compact, including members of the national guard and</u>	34647
<u>reserve on active duty orders pursuant to 10 U.S.C. 1209 and 1211;</u>	34648
<u>2. Members or veterans of the uniformed services who are</u>	34649
<u>severely injured and medically discharged or retired for a period</u>	34650
<u>of one year after medical discharge or retirement; and</u>	34651
<u>3. Members of the uniformed services who die on active duty</u>	34652
<u>or as a result of injuries sustained on active duty for a period</u>	34653
<u>of one year after death.</u>	34654
<u>B. The provisions of this interstate compact shall only apply</u>	34655
<u>to local education agencies as defined in this compact.</u>	34656
<u>C. The provisions of this compact shall not apply to the</u>	34657
<u>children of:</u>	34658
<u>1. Inactive members of the national guard and military</u>	34659
<u>reserves;</u>	34660
<u>2. Members of the uniformed services now retired, except as</u>	34661
<u>provided in Section A;</u>	34662
<u>3. Veterans of the uniformed services, except as provided in</u>	34663
<u>Section A; and</u>	34664
<u>4. Other Department of Defense personnel and other federal</u>	34665
<u>agency civilian and contract employees not defined as active duty</u>	34666
<u>members of the uniformed services.</u>	34667
<u>ARTICLE IV. EDUCATIONAL RECORDS AND ENROLLMENT</u>	34668
<u>A. Unofficial or "hand-carried" education records - In the</u>	34669
<u>event that official education records cannot be released to the</u>	34670
<u>parents for the purpose of transfer, the custodian of the records</u>	34671
<u>in the sending state shall prepare and furnish to the parent a</u>	34672
<u>complete set of unofficial educational records containing uniform</u>	34673
<u>information as determined by the Interstate Commission. Upon</u>	34674

receipt of the unofficial education records by a school in the 34675
receiving state, the school shall enroll and appropriately place 34676
the student based on the information provided in the unofficial 34677
records pending validation by the official records, as quickly as 34678
possible. 34679

B. Official education records and transcripts - Simultaneous 34680
with the enrollment and conditional placement of the student, the 34681
school in the receiving state shall request the student's official 34682
education record from the school in the sending state. Upon 34683
receipt of this request, the school in the sending state will 34684
process and furnish the official education records to the school 34685
in the receiving state within ten days or within such time as is 34686
reasonably determined under the rules promulgated by the 34687
Interstate Commission. 34688

C. Immunizations - Compacting states shall give thirty days 34689
from the date of enrollment or within such time as is reasonably 34690
determined under the rules promulgated by the Interstate 34691
Commission, for students to obtain any immunizations required by 34692
the receiving state. For a series of immunizations, initial 34693
vaccinations must be obtained within thirty days or within such 34694
time as is reasonably determined under the rules promulgated by 34695
the Interstate Commission. 34696

D. Kindergarten and first grade entrance age - Students shall 34697
be allowed to continue their enrollment at grade level in the 34698
receiving state commensurate with their grade level (including 34699
kindergarten) from a local education agency in the sending state 34700
at the time of transition, regardless of age. A student that has 34701
satisfactorily completed the prerequisite grade level in the local 34702
education agency in the sending state shall be eligible for 34703
enrollment in the next highest grade level in the receiving state, 34704
regardless of age. A student transferring after the start of the 34705
school year in the receiving state shall enter the school in the 34706

receiving state on their validated level from an accredited school 34707
in the sending state. 34708

ARTICLE V. PLACEMENT AND ATTENDANCE 34709

A. Course placement - When the student transfers before or 34710
during the school year, the receiving state school shall initially 34711
honor placement of the student in educational courses based on the 34712
student's enrollment in the sending state school or educational 34713
assessments conducted at the school in the sending state if the 34714
courses are offered. Course placement includes but is not limited 34715
to Honors, International Baccalaureate, Advanced Placement, 34716
vocational, technical, and career pathways courses. Continuing the 34717
student's academic program from the previous school and promoting 34718
placement in academically and career challenging courses should be 34719
paramount when considering placement. This does not preclude the 34720
school in the receiving state from performing subsequent 34721
evaluations to ensure appropriate placement and continued 34722
enrollment of the student in the courses. 34723

B. Educational program placement - The receiving state school 34724
shall initially honor placement of the student in educational 34725
programs based on current educational assessments conducted at the 34726
school in the sending state or participation/placement in like 34727
programs in the sending state. Such programs include, but are not 34728
limited to: 1) gifted and talented programs; and 2) English as a 34729
second language. This does not preclude the school in the 34730
receiving state from performing subsequent evaluations to ensure 34731
appropriate placement of the student. 34732

C. Special education services - 1) In compliance with the 34733
federal requirements of the Individuals with Disabilities 34734
Education Act (IDEA), 20 U.S.C. 1400 et seq., the receiving state 34735
shall initially provide comparable services to a student with 34736
disabilities based on the student's current individualized 34737
education program (IEP); and 2) in compliance with the 34738

requirements of Section 504 of the Rehabilitation Act, 29 U.S.C. 34739
794, and with Title II of the Americans with Disabilities Act, 42 34740
U.S.C. 12131 to 12165, the receiving state shall make reasonable 34741
accommodations and modifications to address the needs of incoming 34742
students with disabilities, subject to an existing Section 504 or 34743
Title II Plan, to provide the student with equal access to 34744
education. This does not preclude the school in the receiving 34745
state from performing subsequent evaluations to ensure appropriate 34746
placement of the student. 34747

D. Placement flexibility - Local education agency 34748
administrative officials shall have flexibility in waiving course 34749
or program prerequisites, or other preconditions for placement in 34750
courses or programs offered under the jurisdiction of the local 34751
education agency. 34752

E. Absence as related to deployment activities - A student 34753
whose parent or legal guardian is an active duty member of the 34754
uniformed services, as defined by the compact, and has been called 34755
to duty for, is on leave from, or immediately returned from 34756
deployment to a combat zone or combat support posting, shall be 34757
granted additional excused absences at the discretion of the local 34758
education agency superintendent to visit with the student's parent 34759
or legal guardian relative to such leave or deployment of the 34760
parent or guardian. 34761

ARTICLE VI. ELIGIBILITY 34762

A. Eligibility for enrollment 34763

1. A special power of attorney, relative to the guardianship 34764
of a child of a military family and executed under applicable law 34765
shall be sufficient for the purposes of enrollment and all other 34766
actions requiring parental participation and consent. 34767

2. A local education agency shall be prohibited from charging 34768
local tuition to a transitioning military child placed in the care 34769

of a noncustodial parent or other person standing in loco parentis 34770
who lives in a jurisdiction other than that of the custodial 34771
parent. 34772

3. A transitioning military child, placed in the care of a 34773
noncustodial parent or other person standing in loco parentis who 34774
lives in a jurisdiction other than that of the custodial parent, 34775
may continue to attend the school in which the child was enrolled 34776
while residing with the custodial parent. 34777

B. Eligibility for extracurricular participation - State and 34778
local education agencies shall facilitate the opportunity for 34779
transitioning military children's inclusion in extracurricular 34780
activities, regardless of application deadlines, to the extent 34781
they are otherwise qualified. 34782

ARTICLE VII. GRADUATION 34783

In order to facilitate the on-time graduation of children of 34784
military families states and local education agencies shall 34785
incorporate the following procedures: 34786

A. Waiver requirements - Local education agency 34787
administrative officials shall waive specific courses required for 34788
graduation if similar coursework has been satisfactorily completed 34789
in another local education agency or shall provide reasonable 34790
justification for denial. Should a waiver not be granted to a 34791
student who would qualify to graduate from the sending school, the 34792
local education agency shall provide an alternative means of 34793
acquiring required coursework so that graduation may occur on 34794
time. 34795

B. Exit exams - States shall accept: 1) exit or end-of-course 34796
exams required for graduation from the sending state; or 2) 34797
national norm-referenced achievement tests; or 3) alternative 34798
testing, in lieu of testing requirements for graduation in the 34799
receiving state. In the event the above alternatives cannot be 34800

accommodated by the receiving state for a student transferring in 34801
his or her Senior year, then the provisions of Article VII, 34802
Section C shall apply. 34803

C. Transfers during Senior year - Should a military student 34804
transferring at the beginning or during the student's Senior year 34805
be ineligible to graduate from the receiving local education 34806
agency after all alternatives have been considered, the sending 34807
and receiving local education agencies shall ensure the receipt of 34808
a diploma from the sending local education agency, if the student 34809
meets the graduation requirements of the sending local education 34810
agency. In the event that one of the states in question is not a 34811
member of this compact, the member state shall use best efforts to 34812
facilitate the on-time graduation of the student in accordance 34813
with Sections A and B of this Article. 34814

ARTICLE VIII. STATE COORDINATION 34815

A. Each member state shall, through the creation of a state 34816
council or use of an existing body or board, provide for the 34817
coordination among its agencies of government, local education 34818
agencies and military installations concerning the state's 34819
participation in, and compliance with, this compact and Interstate 34820
Commission activities. While each member state may determine the 34821
membership of its own state council, its membership must include 34822
at least: the state superintendent of education, superintendent of 34823
a school district with a high concentration of military children, 34824
representative from a military installation, one representative 34825
each from the legislative and executive branches of government, 34826
and other offices and stakeholder groups the state council deems 34827
appropriate. A member state that does not have a school district 34828
deemed to contain a high concentration of military children may 34829
appoint a superintendent from another school district to represent 34830
local education agencies on the state council. 34831

B. The state council of each member state shall appoint or 34832

designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact. 34833
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C. The compact commissioner responsible for the administration and management of the state's participation in the compact shall be appointed by the governor or as otherwise determined by each member state. 34836
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D. The compact commissioner and the military family education liaison designated herein shall be ex officio members of the state council, unless either is already a full voting member of the state council. 34840
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ARTICLE IX. INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN 34844
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The member states hereby create the "Interstate Commission on Educational Opportunity for Military Children." The activities of the Interstate Commission are the formation of public policy and are a discretionary state function. The Interstate Commission shall: 34846
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A. Be a body corporate and joint agency of the member states and shall have all the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact. 34851
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B. Consist of one Interstate Commission voting representative from each member state who shall be that state's compact commissioner. 34857
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1. Each member state represented at a meeting of the Interstate Commission is entitled to one vote. 34860
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2. A majority of the total member states shall constitute a 34862

quorum for the transaction of business, unless a larger quorum is 34863
required by the bylaws of the Interstate Commission. 34864

3. A representative shall not delegate a vote to another 34865
member state. In the event the compact commissioner is unable to 34866
attend a meeting of the Interstate Commission, the governor or 34867
state council may delegate voting authority to another person from 34868
their state for a specified meeting. 34869

4. The bylaws may provide for meetings of the Interstate 34870
Commission to be conducted by telecommunication or electronic 34871
communication. 34872

C. Consist of ex officio, nonvoting representatives who are 34873
members of interested organizations. Such ex officio members, as 34874
defined in the bylaws, may include but not be limited to, members 34875
of the representative organizations of military family advocates, 34876
local education agency officials, parent and teacher groups, the 34877
Department of Defense, the Education Commission of the States, the 34878
Interstate Agreement on the Qualification of Educational Personnel 34879
and other interstate compacts affecting the education of children 34880
of military members. 34881

D. Meet at least once each calendar year. The chairperson may 34882
call additional meetings and, upon the request of a simple 34883
majority of the member states, shall call additional meetings. 34884

E. Establish an executive committee, whose members shall 34885
include the officers of the Interstate Commission and such other 34886
members of the Interstate Commission as determined by the bylaws. 34887
Members of the executive committee shall serve a one year term. 34888
Members of the executive committee shall be entitled to one vote 34889
each. The executive committee shall have the power to act on 34890
behalf of the Interstate Commission, with the exception of 34891
rulemaking, during periods when the Interstate Commission is not 34892
in session. The executive committee shall oversee the day-to-day 34893

activities of the administration of the compact including 34894
enforcement and compliance with the provisions of the compact, its 34895
bylaws and rules, and other such duties as deemed necessary. The 34896
Department of Defense, shall serve as an ex officio, nonvoting 34897
member of the executive committee. 34898

F. Establish bylaws and rules that provide for conditions and 34899
procedures under which the Interstate Commission shall make its 34900
information and official records available to the public for 34901
inspection or copying. The Interstate Commission may exempt from 34902
disclosure information or official records to the extent they 34903
would adversely affect personal privacy rights or proprietary 34904
interests. 34905

G. Give public notice of all meetings and all meetings shall 34906
be open to the public, except as set forth in the rules or as 34907
otherwise provided in the compact. The Interstate Commission and 34908
its committees may close a meeting, or portion thereof, where it 34909
determines by two-thirds vote that an open meeting would be likely 34910
to: 34911

1. Relate solely to the Interstate Commission's internal 34912
personnel practices and procedures; 34913

2. Disclose matters specifically exempted from disclosure by 34914
federal and state statute; 34915

3. Disclose trade secrets or commercial or financial 34916
information which is privileged or confidential; 34917

4. Involve accusing a person of a crime, or formally 34918
censuring a person; 34919

5. Disclose information of a personal nature where disclosure 34920
would constitute a clearly unwarranted invasion of personal 34921
privacy; 34922

6. Disclose investigative records compiled for law 34923

enforcement purposes; or 34924

7. Specifically relate to the Interstate Commission's 34925
participation in a civil action or other legal proceeding. 34926

H. Shall cause its legal counsel or designee to certify that 34927
a meeting may be closed and shall reference each relevant 34928
exemptible provision for any meeting, or portion of a meeting, 34929
which is closed pursuant to this provision. The Interstate 34930
Commission shall keep minutes which shall fully and clearly 34931
describe all matters discussed in a meeting and shall provide a 34932
full and accurate summary of actions taken, and the reasons 34933
therefore, including a description of the views expressed and the 34934
record of a roll call vote. All documents considered in connection 34935
with an action shall be identified in such minutes. All minutes 34936
and documents of a closed meeting shall remain under seal, subject 34937
to release by a majority vote of the Interstate Commission. 34938

I. Shall collect standardized data concerning the educational 34939
transition of the children of military families under this compact 34940
as directed through its rules which shall specify the data to be 34941
collected, the means of collection and data exchange, and 34942
reporting requirements. Such methods of data collection, exchange, 34943
and reporting shall, in so far as is reasonably possible, conform 34944
to current technology and coordinate its information functions 34945
with the appropriate custodian of records as identified in the 34946
bylaws and rules. 34947

J. Shall create a process that permits military officials, 34948
education officials and parents to inform the Interstate 34949
Commission if and when there are alleged violations of the compact 34950
or its rules or when issues subject to the jurisdiction of the 34951
compact or its rules are not addressed by the state or local 34952
education agency. This section shall not be construed to create a 34953
private right of action against the Interstate Commission or any 34954
member state. 34955

<u>ARTICLE X. POWERS AND DUTIES OF THE INTERSTATE COMMISSION</u>	34956
<u>The Interstate Commission shall have the following powers:</u>	34957
<u>A. To provide for dispute resolution among member states.</u>	34958
<u>B. To promulgate rules and take all necessary actions to</u>	34959
<u>effect the goals, purposes, and obligations as enumerated in this</u>	34960
<u>compact. The rules shall have the force and effect of statutory</u>	34961
<u>law and shall be binding in the compact states to the extent and</u>	34962
<u>in the manner provided in this compact.</u>	34963
<u>C. To issue, upon request of a member state, advisory</u>	34964
<u>opinions concerning the meaning or interpretation of the</u>	34965
<u>interstate compact, its bylaws, rules, and actions.</u>	34966
<u>D. To enforce compliance with the compact provisions, the</u>	34967
<u>rules promulgated by the Interstate Commission, and the bylaws,</u>	34968
<u>using all necessary and proper means, including but not limited to</u>	34969
<u>the use of judicial process.</u>	34970
<u>E. To establish and maintain offices which shall be located</u>	34971
<u>within one or more of the member states.</u>	34972
<u>F. To purchase and maintain insurance and bonds.</u>	34973
<u>G. To borrow, accept, hire, or contract for services of</u>	34974
<u>personnel.</u>	34975
<u>H. To establish and appoint committees including, but not</u>	34976
<u>limited to, an executive committee as required by Article IX,</u>	34977
<u>Section E, which shall have the power to act on behalf of the</u>	34978
<u>Interstate Commission in carrying out its powers and duties</u>	34979
<u>hereunder.</u>	34980
<u>I. To elect or appoint such officers, attorneys, employees,</u>	34981
<u>agents, or consultants, and to fix their compensation, define</u>	34982
<u>their duties and determine their qualifications; and to establish</u>	34983
<u>the Interstate Commission's personnel policies and programs</u>	34984
<u>relating to conflicts of interest, rates of compensation, and</u>	34985

<u>qualifications of personnel.</u>	34986
<u>J. To accept any and all donations and grants of money,</u>	34987
<u>equipment, supplies, materials, and services, and to receive,</u>	34988
<u>utilize, and dispose of it.</u>	34989
<u>K. To lease, purchase, accept contributions or donations of,</u>	34990
<u>or otherwise to own, hold, improve, or use any property, real,</u>	34991
<u>personal, or mixed.</u>	34992
<u>L. To sell, convey, mortgage, pledge, lease, exchange,</u>	34993
<u>abandon, or otherwise dispose of any property, real, personal, or</u>	34994
<u>mixed.</u>	34995
<u>M. To establish a budget and make expenditures.</u>	34996
<u>N. To adopt a seal and bylaws governing the management and</u>	34997
<u>operation of the Interstate Commission.</u>	34998
<u>O. To report annually to the legislatures, governors,</u>	34999
<u>judiciary, and state councils of the member states concerning the</u>	35000
<u>activities of the Interstate Commission during the preceding year.</u>	35001
<u>Such reports shall also include any recommendations that may have</u>	35002
<u>been adopted by the Interstate Commission.</u>	35003
<u>P. To coordinate education, training, and public awareness</u>	35004
<u>regarding the compact, its implementation and operation for</u>	35005
<u>officials and parents involved in such activity.</u>	35006
<u>Q. To establish uniform standards for the reporting,</u>	35007
<u>collecting and exchanging of data.</u>	35008
<u>R. To maintain corporate books and records in accordance with</u>	35009
<u>the bylaws.</u>	35010
<u>S. To perform such functions as may be necessary or</u>	35011
<u>appropriate to achieve the purposes of this compact.</u>	35012
<u>T. To provide for the uniform collection and sharing of</u>	35013
<u>information between and among member states, schools, and military</u>	35014
<u>families under this compact.</u>	35015

<u>ARTICLE XI. ORGANIZATION AND OPERATION OF THE INTERSTATE</u>	35016
<u>COMMISSION</u>	35017
<u>A. The Interstate Commission shall, by a majority of the</u>	35018
<u>members present and voting, within twelve months after the first</u>	35019
<u>Interstate Commission meeting, adopt bylaws to govern its conduct</u>	35020
<u>as may be necessary or appropriate to carry out the purposes of</u>	35021
<u>the compact, including, but not limited to:</u>	35022
<u>1. Establishing the fiscal year of the Interstate Commission;</u>	35023
<u>2. Establishing an executive committee, and such other</u>	35024
<u>committees as may be necessary;</u>	35025
<u>3. Providing for the establishment of committees and for</u>	35026
<u>governing any general or specific delegation of authority or</u>	35027
<u>function of the Interstate Commission;</u>	35028
<u>4. Providing reasonable procedures for calling and conducting</u>	35029
<u>meetings of the Interstate Commission, and ensuring reasonable</u>	35030
<u>notice of each such meeting;</u>	35031
<u>5. Establishing the titles and responsibilities of the</u>	35032
<u>officers and staff of the Interstate Commission;</u>	35033
<u>6. Providing a mechanism for concluding the operations of the</u>	35034
<u>Interstate Commission and the return of surplus funds that may</u>	35035
<u>exist upon the termination of the compact after the payment and</u>	35036
<u>reserving of all of its debts and obligations.</u>	35037
<u>7. Providing "start up" rules for initial administration of</u>	35038
<u>the compact.</u>	35039
<u>B. The Interstate Commission shall, by a majority of the</u>	35040
<u>members, elect annually from among its members a chairperson, a</u>	35041
<u>vice-chairperson, and a treasurer, each of whom shall have such</u>	35042
<u>authority and duties as may be specified in the bylaws. The</u>	35043
<u>chairperson or, in the chairperson's absence or disability, the</u>	35044
<u>vice-chairperson, shall preside at all meetings of the Interstate</u>	35045

Commission. The officers so elected shall serve without 35046
compensation or remuneration from the Interstate Commission; 35047
provided that, subject to the availability of budgeted funds, the 35048
officers shall be reimbursed for ordinary and necessary costs and 35049
expenses incurred by them in the performance of their 35050
responsibilities as officers of the Interstate Commission. 35051

C. Executive Committee, Officers, and Personnel 35052

1. The executive committee shall have such authority and 35053
duties as may be set forth in the bylaws, including but not 35054
limited to: 35055

a. Managing the affairs of the Interstate Commission in a 35056
manner consistent with the bylaws and purposes of the Interstate 35057
Commission; 35058

b. Overseeing an organizational structure within, and 35059
appropriate procedures for the Interstate Commission to provide 35060
for the creation of rules, operating procedures, and 35061
administrative and technical support functions; and 35062

c. Planning, implementing, and coordinating communications 35063
and activities with other state, federal, and local government 35064
organizations in order to advance the goals of the Interstate 35065
Commission. 35066

2. The executive committee may, subject to the approval of 35067
the Interstate Commission, appoint or retain an executive director 35068
for such period, upon such terms and conditions and for such 35069
compensation, as the Interstate Commission may deem appropriate. 35070
The executive director shall serve as secretary to the Interstate 35071
Commission, but shall not be a Member of the Interstate 35072
Commission. The executive director shall hire and supervise such 35073
other persons as may be authorized by the Interstate Commission. 35074

D. The Interstate Commission's executive director and its 35075
employees shall be immune from suit and liability, either 35076

personally or in their official capacity, for a claim for damage 35077
to or loss of property or personal injury or other civil liability 35078
caused or arising out of or relating to an actual or alleged act, 35079
error, or omission that occurred, or that such person had a 35080
reasonable basis for believing occurred, within the scope of 35081
Interstate Commission employment, duties, or responsibilities; 35082
provided, that such person shall not be protected from suit or 35083
liability for damage, loss, injury, or liability caused by the 35084
intentional or willful and wanton misconduct of such person. 35085

1. The liability of the Interstate Commission's executive 35086
director and employees or Interstate Commission representatives, 35087
acting within the scope of such person's employment or duties for 35088
acts, errors, or omissions occurring within such person's state 35089
may not exceed the limits of liability set forth under the 35090
Constitution and laws of that state for state officials, 35091
employees, and agents. The Interstate Commission is considered to 35092
be an instrumentality of the states for the purposes of any such 35093
action. Nothing in this subsection shall be construed to protect 35094
such person from suit or liability for damage, loss, injury, or 35095
liability caused by the intentional or willful and wanton 35096
misconduct of such person. 35097

2. The Interstate Commission shall defend the executive 35098
director and its employees and, subject to the approval of the 35099
Attorney General or other appropriate legal counsel of the member 35100
state represented by an Interstate Commission representative, 35101
shall defend such Interstate Commission representative in any 35102
civil action seeking to impose liability arising out of an actual 35103
or alleged act, error or omission that occurred within the scope 35104
of Interstate Commission employment, duties or responsibilities, 35105
or that the defendant had a reasonable basis for believing 35106
occurred within the scope of Interstate Commission employment, 35107
duties, or responsibilities, provided that the actual or alleged 35108

act, error, or omission did not result from intentional or willful 35109
and wanton misconduct on the part of such person. 35110

3. To the extent not covered by the state involved, member 35111
state, or the Interstate Commission, the representatives or 35112
employees of the Interstate Commission shall be held harmless in 35113
the amount of a settlement or judgment, including attorney's fees 35114
and costs, obtained against such persons arising out of an actual 35115
or alleged act, error, or omission that occurred within the scope 35116
of Interstate Commission employment, duties, or responsibilities, 35117
or that such persons had a reasonable basis for believing occurred 35118
within the scope of Interstate Commission employment, duties, or 35119
responsibilities, provided that the actual or alleged act, error, 35120
or omission did not result from intentional or willful and wanton 35121
misconduct on the part of such persons. 35122

ARTICLE XII. RULEMAKING FUNCTIONS OF THE INTERSTATE 35123
COMMISSION 35124

A. Rulemaking Authority - The Interstate Commission shall 35125
promulgate reasonable rules in order to effectively and 35126
efficiently achieve the purposes of this compact. Notwithstanding 35127
the foregoing, in the event the Interstate Commission exercises 35128
its rulemaking authority in a manner that is beyond the scope of 35129
the purposes of this act, or the powers granted hereunder, then 35130
such an action by the Interstate Commission shall be invalid and 35131
have no force or effect. 35132

B. Rulemaking Procedure - Rules shall be made pursuant to a 35133
rulemaking process that substantially conforms to the "Model State 35134
Administrative Procedure Act," of 1981 Act, Uniform Laws 35135
Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate 35136
to the operations of the Interstate Commission. 35137

C. Not later than thirty days after a rule is promulgated, 35138
any person may file a petition for judicial review of the rule; 35139

provided, that the filing of such a petition shall not stay or 35140
otherwise prevent the rule from becoming effective unless the 35141
court finds that the petitioner has a substantial likelihood of 35142
success. The court shall give deference to the actions of the 35143
Interstate Commission consistent with applicable law and shall not 35144
find the rule to be unlawful if the rule represents a reasonable 35145
exercise of the Interstate Commission's authority. 35146

D. If a majority of the legislatures of the compacting states 35147
rejects a rule by enactment of a statute or resolution in the same 35148
manner used to adopt the compact, then such rule shall have no 35149
further force and effect in any compacting state. 35150

ARTICLE XIII. OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION 35151

A. Oversight 35152

1. The executive, legislative, and judicial branches of state 35153
government in each member state shall enforce this compact and 35154
shall take all actions necessary and appropriate to effectuate the 35155
compact's purposes and intent. The provisions of this compact and 35156
the rules promulgated hereunder shall have standing as statutory 35157
law. 35158

2. All courts shall take judicial notice of the compact and 35159
the rules in any judicial or administrative proceeding in a member 35160
state pertaining to the subject matter of this compact which may 35161
affect the powers, responsibilities or actions of the Interstate 35162
Commission. 35163

3. The Interstate Commission shall be entitled to receive all 35164
service of process in any such proceeding, and shall have standing 35165
to intervene in the proceeding for all purposes. Failure to 35166
provide service of process to the Interstate Commission shall 35167
render a judgment or order void as to the Interstate Commission, 35168
this compact or promulgated rules. 35169

B. Default, Technical Assistance, Suspension, and Termination 35170

- If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, the Interstate Commission shall: 35171
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1. Provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default. 35175
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2. Provide remedial training and specific technical assistance regarding the default. 35180
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3. If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the member states and all rights, privileges and benefits conferred by this compact shall be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default. 35182
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4. Suspension or termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Interstate Commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states. 35189
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5. The state which has been suspended or terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of suspension or termination including obligations, the performance of which extends beyond the effective date of suspension or termination. 35195
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6. The Interstate Commission shall not bear any costs relating to any state that has been found to be in default or 35200
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which has been suspended or terminated from the compact, unless 35202
otherwise mutually agreed upon in writing between the Interstate 35203
Commission and the defaulting state. 35204

7. The defaulting state may appeal the action of the 35205
Interstate Commission by petitioning the United States District 35206
Court for the District of Columbia or the federal district where 35207
the Interstate Commission has its principal offices. The 35208
prevailing party shall be awarded all costs of such litigation 35209
including reasonable attorney's fees. 35210

C. Dispute Resolution 35211

1. The Interstate Commission shall attempt, upon the request 35212
of a member state, to resolve disputes which are subject to the 35213
compact and which may arise among member states and between member 35214
and nonmember states. 35215

2. The Interstate Commission shall promulgate a rule 35216
providing for both mediation and binding dispute resolution for 35217
disputes as appropriate. 35218

D. Enforcement 35219

1. The Interstate Commission, in the reasonable exercise of 35220
its discretion, shall enforce the provisions and rules of this 35221
compact. 35222

2. The Interstate Commission, may by majority vote of the 35223
members, initiate legal action in the United States District Court 35224
for the District of Columbia or, at the discretion of the 35225
Interstate Commission, in the federal district where the 35226
Interstate Commission has its principal offices, to enforce 35227
compliance with the provisions of the compact, its promulgated 35228
rules and bylaws, against a member state in default. The relief 35229
sought may include both injunctive relief and damages. In the 35230
event judicial enforcement is necessary the prevailing party shall 35231
be awarded all costs of such litigation including reasonable 35232

attorney's fees. 35233

3. The remedies herein shall not be the exclusive remedies of 35234
the Interstate Commission. The Interstate Commission may avail 35235
itself of any other remedies available under state law or the 35236
regulation of a profession. 35237

ARTICLE XIV. FINANCING OF THE INTERSTATE COMMISSION 35238

A. The Interstate Commission shall pay, or provide for the 35239
payment of the reasonable expenses of its establishment, 35240
organization, and ongoing activities. 35241

B. The Interstate Commission may levy on and collect an 35242
annual assessment from each member state to cover the cost of the 35243
operations and activities of the Interstate Commission and its 35244
staff which must be in a total amount sufficient to cover the 35245
Interstate Commission's annual budget as approved each year. The 35246
aggregate annual assessment amount shall be allocated based upon a 35247
formula to be determined by the Interstate Commission, which shall 35248
promulgate a rule binding upon all member states. 35249

C. The Interstate Commission shall not incur obligations of 35250
any kind prior to securing the funds adequate to meet the same; 35251
nor shall the Interstate Commission pledge the credit of any of 35252
the member states, except by and with the authority of the member 35253
state. 35254

D. The Interstate Commission shall keep accurate accounts of 35255
all receipts and disbursements. The receipts and disbursements of 35256
the Interstate Commission shall be subject to the audit and 35257
accounting procedures established under its bylaws. However, all 35258
receipts and disbursements of funds handled by the Interstate 35259
Commission shall be audited yearly by a certified or licensed 35260
public accountant and the report of the audit shall be included in 35261
and become part of the annual report of the Interstate Commission. 35262

ARTICLE XV. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT 35263

<u>A. Any state is eligible to become a member state.</u>	35264
<u>B. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than ten of the states. The effective date shall be no earlier than December 1, 2007. Thereafter it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The governors of nonmember states or their designees shall be invited to participate in the activities of the Interstate Commission on a nonvoting basis prior to adoption of the compact by all states.</u>	35265 35266 35267 35268 35269 35270 35271 35272 35273
<u>C. The Interstate Commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the Interstate Commission and the member states unless and until it is enacted into law by unanimous consent of the member states.</u>	35274 35275 35276 35277 35278
<u>ARTICLE XVI. WITHDRAWAL AND DISSOLUTION</u>	35279
<u>A. Withdrawal</u>	35280
<u>1. Once effective, the compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the compact by specifically repealing the statute, which enacted the compact into law.</u>	35281 35282 35283 35284
<u>2. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until one year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the Governor of each other member jurisdiction.</u>	35285 35286 35287 35288 35289
<u>3. The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw</u>	35290 35291 35292 35293 35294

<u>within sixty days of its receipt thereof.</u>	35295
<u>4. The withdrawing state is responsible for all assessments,</u>	35296
<u>obligations and liabilities incurred through the effective date of</u>	35297
<u>withdrawal, including obligations, the performance of which extend</u>	35298
<u>beyond the effective date of withdrawal.</u>	35299
<u>5. Reinstatement following withdrawal of a member state shall</u>	35300
<u>occur upon the withdrawing state reenacting the compact or upon</u>	35301
<u>such later date as determined by the Interstate Commission.</u>	35302
<u>B. Dissolution of Compact</u>	35303
<u>1. This compact shall dissolve effective upon the date of the</u>	35304
<u>withdrawal or default of the member state which reduces the</u>	35305
<u>membership in the compact to one member state.</u>	35306
<u>2. Upon the dissolution of this compact, the compact becomes</u>	35307
<u>null and void and shall be of no further force or effect, and the</u>	35308
<u>business and affairs of the Interstate Commission shall be</u>	35309
<u>concluded and surplus funds shall be distributed in accordance</u>	35310
<u>with the bylaws.</u>	35311
<u>ARTICLE XVII. SEVERABILITY AND CONSTRUCTION</u>	35312
<u>A. The provisions of this compact shall be severable, and if</u>	35313
<u>any phrase, clause, sentence or provision is deemed unenforceable,</u>	35314
<u>the remaining provisions of the compact shall be enforceable.</u>	35315
<u>B. The provisions of this compact shall be liberally</u>	35316
<u>construed to effectuate its purposes.</u>	35317
<u>C. Nothing in this compact shall be construed to prohibit the</u>	35318
<u>applicability of other interstate compacts to which the states are</u>	35319
<u>members.</u>	35320
<u>ARTICLE XVIII. BINDING EFFECT OF COMPACT AND OTHER LAWS</u>	35321
<u>A. Other Laws</u>	35322
<u>1. Nothing herein prevents the enforcement of any other law</u>	35323

<u>of a member state that is not inconsistent with this compact.</u>	35324
<u>2. All member states' laws conflicting with this compact are superseded to the extent of the conflict.</u>	35325 35326
<u>B. Binding Effect of the Compact</u>	35327
<u>1. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the member states.</u>	35328 35329 35330
<u>2. All agreements between the Interstate Commission and the member states are binding in accordance with their terms.</u>	35331 35332
<u>3. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.</u>	35333 35334 35335 35336 35337
<u>Sec. 3301.61. (A) The state council on educational opportunity for military children is hereby established within the department of education. The council shall consist of the following members:</u>	35338 35339 35340 35341
<u>(1) The superintendent of public instruction or the superintendent's designee;</u>	35342 35343
<u>(2) The director of veterans services or the director's designee;</u>	35344 35345
<u>(3) The superintendent of a school district that has a high concentration of children of military families, appointed by the governor;</u>	35346 35347 35348
<u>(4) A representative of a military installation located in this state, appointed by the governor;</u>	35349 35350
<u>(5) A representative of the governor's office, appointed by the governor;</u>	35351 35352

<u>(6) Four members of the general assembly, appointed as follows:</u>	35353 35354
<u>(a) One member of the house of representatives appointed by the speaker of the house of representatives;</u>	35355 35356
<u>(b) One member of the house of representatives appointed by the minority leader of the house of representatives;</u>	35357 35358
<u>(c) One member of the senate appointed by the president of the senate;</u>	35359 35360
<u>(d) One member of the senate appointed by the minority leader of the senate.</u>	35361 35362
<u>(7) The compact commissioner appointed under section 3301.62 of the Revised Code;</u>	35363 35364
<u>(8) The military family education liaison appointed under section 3301.63 of the Revised Code;</u>	35365 35366
<u>(9) Other members appointed in the manner prescribed by and seated at the discretion of the voting members of the council.</u>	35367 35368
<u>The members of the council shall serve at the pleasure of their appointing authorities. Vacancies shall be filled in the manner of the initial appointments.</u>	35369 35370 35371
<u>The members appointed under divisions (A)(6) to (9) of this section shall be nonvoting members of the council.</u>	35372 35373
<u>The members of the council shall serve without compensation.</u>	35374
<u>(B) The council shall oversee and provide coordination for the state's participation in and compliance with the interstate compact on educational opportunity for military children, as ratified by section 3301.60 of the Revised Code.</u>	35375 35376 35377 35378
<u>(C) The department of education shall provide staff support for the council.</u>	35379 35380
<u>(D) Sections 101.82 to 101.87 of the Revised Code do not</u>	35381

apply to the council. 35382

(E) As used in this section, "children of military families" and "military installation" have the same meanings as in Article II of the interstate compact on educational opportunity for military children. 35383
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Sec. 3301.62. The governor shall appoint a compact commissioner who shall be responsible for administering the state's participation in the interstate compact on educational opportunity for military children, as ratified by section 3301.60 of the Revised Code. The compact commissioner shall be a state officer within the department of education and shall serve at the pleasure of the governor. 35387
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Sec. 3301.63. The state council on educational opportunity for military children, established under section 3301.61 of the Revised Code, shall appoint a military family education liaison to assist families and the state in implementing the interstate compact on educational opportunity for military children, as ratified by section 3301.60 of the Revised Code. The department of education shall provide staff support for the military family education liaison. 35394
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Sec. 3301.64. The annual assessment charged to the state for participating in the interstate compact on educational opportunity for military children shall be divided equally between the department of education and the department of veterans services. 35402
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Sec. 3301.90. The governor shall create the early childhood advisory council in accordance with 42 U.S.C. 9837b(b)(1) and shall appoint one of its members to serve as chairperson of the council. The council shall serve as the state advisory council on early childhood education and care, as described in 42 U.S.C. 35406
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9837b(b)(1). In addition to the duties specified in 42 U.S.C. 35411
9837b(b)(1), the council shall advise the state regarding the 35412
creation and duties of the center for early childhood development 35413
and shall promote family-centered programs and services that 35414
acknowledge and support the social, emotional, cognitive, 35415
intellectual, and physical development of children and the vital 35416
role of families in ensuring the well-being and success of 35417
children. 35418

Sec. 3301.95. Each school district that receives federal 35419
funding under the "American Recovery and Reinvestment Act of 35420
2009," Pub. L. No. 111-5, 123 Stat. 115, shall use the required 35421
amounts of that funding for services for students enrolled in 35422
nonpublic schools located in the district as prescribed under 35423
Title I of the "Elementary and Secondary Education Act of 1965," 35424
20 U.S.C. 6301 et seq., the "Individuals with Disabilities 35425
Education Improvement Act of 2004," 20 U.S.C. 1400 et seq., or the 35426
"Enhancing Education Through Technology Act of 2001," 20 U.S.C. 35427
6751 et seq., and under section 3323.041 of the Revised Code. 35428

The department of education shall ensure compliance with this 35429
section. 35430

Sec. 3302.021. (A) Not earlier than July 1, 2005, and not 35431
later than July 1, 2007, the department of education shall 35432
implement a value-added progress dimension for school districts 35433
and buildings and shall incorporate the value-added progress 35434
dimension into the report cards and performance ratings issued for 35435
districts and buildings under section 3302.03 of the Revised Code. 35436

The state board of education shall adopt rules, pursuant to 35437
Chapter 119. of the Revised Code, for the implementation of the 35438
value-added progress dimension. In adopting rules, the state board 35439
shall consult with the Ohio accountability task force established 35440

under division ~~(D)~~(E) of this section. The rules adopted under 35441
this division shall specify both of the following: 35442

(1) A scale for describing the levels of academic progress in 35443
reading and mathematics relative to a standard year of academic 35444
growth in those subjects for each of grades three through eight; 35445

(2) That the department shall maintain the confidentiality of 35446
individual student test scores and individual student reports in 35447
accordance with sections 3301.0711, 3301.0714, and 3319.321 of the 35448
Revised Code and federal law. The department may require school 35449
districts to use a unique identifier for each student for this 35450
purpose. Individual student test scores and individual student 35451
reports shall be made available only to a student's classroom 35452
teacher and other appropriate educational personnel and to the 35453
student's parent or guardian. 35454

(B) The department shall use a system designed for collecting 35455
necessary data, calculating the value-added progress dimension, 35456
analyzing data, and generating reports, which system has been used 35457
previously by a non-profit organization led by the Ohio business 35458
community for at least one year in the operation of a pilot 35459
program in cooperation with school districts to collect and report 35460
student achievement data via electronic means and to provide 35461
information to the districts regarding the academic performance of 35462
individual students, grade levels, school buildings, and the 35463
districts as a whole. 35464

(C) The department shall not pay more than two dollars per 35465
student for data analysis and reporting to implement the 35466
value-added progress dimension in the same manner and with the 35467
same services as under the pilot program described by division (B) 35468
of this section. However, nothing in this section shall preclude 35469
the department or any school district from entering into a 35470
contract for the provision of more services at a higher fee per 35471
student. Any data analysis conducted under this section by an 35472

entity under contract with the department shall be completed in 35473
accordance with timelines established by the superintendent of 35474
public instruction. 35475

(D) The department shall share any aggregate student data and 35476
any calculation, analysis, or report utilizing aggregate student 35477
data that is generated under this section with the chancellor of 35478
the Ohio board of regents. The department shall not share 35479
individual student test scores and individual student reports with 35480
the chancellor. 35481

(E)(1) There is hereby established the Ohio accountability 35482
task force. The task force shall consist of the following thirteen 35483
members: 35484

(a) The chairpersons and ranking minority members of the 35485
house of representatives and senate standing committees primarily 35486
responsible for education legislation, who shall be nonvoting 35487
members; 35488

(b) One representative of the governor's office, appointed by 35489
the governor; 35490

(c) The superintendent of public instruction, or the 35491
superintendent's designee; 35492

(d) One representative of teacher employee organizations 35493
formed pursuant to Chapter 4117. of the Revised Code, appointed by 35494
the speaker of the house of representatives; 35495

(e) One representative of school district boards of 35496
education, appointed by the president of the senate; 35497

(f) One school district superintendent, appointed by the 35498
speaker of the house of representatives; 35499

(g) One representative of business, appointed by the 35500
president of the senate; 35501

(h) One representative of a non-profit organization led by 35502

the Ohio business community, appointed by the governor; 35503

(i) One school building principal, appointed by the president 35504
of the senate; 35505

(j) A member of the state board of education, appointed by 35506
the speaker of the house of representatives. 35507

Initial appointed members of the task force shall serve until 35508
January 1, 2005. Thereafter, terms of office for appointed members 35509
shall be for two years, each term ending on the same day of the 35510
same month as did the term that it succeeds. Each appointed member 35511
shall hold office from the date of appointment until the end of 35512
the term for which the member was appointed. Members may be 35513
reappointed. Vacancies shall be filled in the same manner as the 35514
original appointment. Any member appointed to fill a vacancy 35515
occurring prior to the expiration of the term for which the 35516
member's predecessor was appointed shall hold office for the 35517
remainder of that term. 35518

The task force shall select from among its members a 35519
chairperson. The task force shall meet at least six times each 35520
calendar year and at other times upon the call of the chairperson 35521
to conduct its business. Members of the task force shall serve 35522
without compensation. 35523

(2) The task force shall do all of the following: 35524

(a) Examine the implementation of the value-added progress 35525
dimension by the department, including the system described in 35526
division (B) of this section, the reporting of performance data to 35527
school districts and buildings, and the provision of professional 35528
development on the interpretation of the data to classroom 35529
teachers and administrators; 35530

(b) Periodically review any fees for data analysis and 35531
reporting paid by the department pursuant to division (C) of this 35532
section and determine if the fees are appropriate based upon the 35533

level of services provided;	35534
(c) Periodically report to the department and the state board	35535
on all issues related to the school district and building	35536
accountability system established under this chapter;	35537
(d) Not later than seven years after its initial meeting,	35538
make recommendations to improve the school district and building	35539
accountability system established under this chapter. The task	35540
force shall adopt recommendations by a majority vote of its	35541
members. Copies of the recommendations shall be provided to the	35542
state board, the governor, the speaker of the house of	35543
representatives, and the president of the senate.	35544
(e) Determine starting dates for the implementation of the	35545
value-added progress dimension and its incorporation into school	35546
district and building report cards and performance ratings.	35547
Sec. 3302.03. (A) Annually the department of education shall	35548
report for each school district and each school building in a	35549
district all of the following:	35550
(1) The extent to which the school district or building meets	35551
each of the applicable performance indicators created by the state	35552
board of education under section 3302.02 of the Revised Code and	35553
the number of applicable performance indicators that have been	35554
achieved;	35555
(2) The performance index score of the school district or	35556
building;	35557
(3) Whether the school district or building has made adequate	35558
yearly progress;	35559
(4) Whether the school district or building is excellent,	35560
effective, needs continuous improvement, is under an academic	35561
watch, or is in a state of academic emergency.	35562
(B) Except as otherwise provided in divisions <u>division</u> (B)(6)	35563

and ~~(7)~~ of this section: 35564

(1) A school district or building shall be declared excellent 35565
if it ~~fulfills one of the following requirements:~~ 35566

~~(a) It makes adequate yearly progress and either meets at 35567
least ninety four per cent of the applicable state performance 35568
indicators or has a performance index score established by the 35569
department. 35570~~

~~(b) It has failed to make adequate yearly progress for not 35571
more than two consecutive years and either meets at least 35572
ninety-four per cent of the applicable state performance 35573
indicators or has a performance index score established by the 35574
department, except that if it does not make adequate yearly 35575
progress for two more of the same subgroups for three or more 35576
consecutive years, it shall be declared effective. 35577~~

(2) A school district or building shall be declared effective 35578
if it ~~fulfills one of the following requirements:~~ 35579

~~(a) It makes adequate yearly progress and either meets at 35580
least seventy-five per cent but less than ninety-four per cent of 35581
the applicable state performance indicators or has a performance 35582
index score established by the department. 35583~~

~~(b) It does not make adequate yearly progress and either 35584
meets at least seventy five per cent of the applicable state 35585
performance indicators or has a performance index score 35586
established by the department, except that if it does not make 35587
adequate yearly progress for two or more of the same subgroups for 35588
three or more consecutive years, it shall be declared in need of 35589
continuous improvement. 35590~~

(3) A school district or building shall be declared to be in 35591
need of continuous improvement if it fulfills one of the following 35592
requirements: 35593

(a) It makes adequate yearly progress, meets at least thirty-one per cent but less than seventy-five per cent of the applicable state performance indicators, and has a performance index score established by the department. 35594
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(b) It does not make adequate yearly progress and either meets at least fifty per cent but less than seventy-five per cent of the applicable state performance indicators or has a performance index score established by the department. 35598
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(4) A school district or building shall be declared to be under an academic watch if it fulfills one of the following requirements: 35602
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(a) It makes adequate yearly progress, does not meet at least thirty-one per cent of the applicable state performance indicators, and has a performance index score established by the department. 35605
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(b) It does not make adequate yearly progress and either meets at least thirty-one per cent but less than fifty per cent of the applicable state performance indicators or has a performance index score established by the department. 35609
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(5) A school district or building shall be declared to be in a state of academic emergency if it does not make adequate yearly progress, does not meet at least thirty-one per cent of the applicable state performance indicators, and has a performance index score established by the department. 35613
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~~(6) When designating performance ratings for school districts and buildings under divisions (B)(1) to (5) of this section, the department shall not assign a school district or building a lower designation from its previous year's designation based solely on one subgroup not making adequate yearly progress.~~ 35618
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~~(7)~~ Division (B)~~(7)~~(6) of this section does not apply to any community school established under Chapter 3314. of the Revised 35623
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Code in which a majority of the students are enrolled in a dropout prevention and recovery program. 35625
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A school district or building shall not be assigned a higher performance rating than in need of continuous improvement if at least ten per cent but not more than fifteen per cent of the enrolled students do not take all achievement tests prescribed for their grade level under section 3301.0710 of the Revised Code from which they are not excused pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code. A school district or building shall not be assigned a higher performance rating than under an academic watch if more than fifteen per cent but not more than twenty per cent of the enrolled students do not take all achievement tests prescribed for their grade level under section 3301.0710 of the Revised Code from which they are not excused pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code. A school district or building shall not be assigned a higher performance rating than in a state of academic emergency if more than twenty per cent of the enrolled students do not take all achievement tests prescribed for their grade level under section 3301.0710 of the Revised Code from which they are not excused pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code. 35627
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(C)(1) The department shall issue annual report cards for each school district, each building within each district, and for the state as a whole reflecting performance on the indicators created by the state board under section 3302.02 of the Revised Code, the performance index score, and adequate yearly progress. 35647
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(2) The department shall include on the report card for each district information pertaining to any change from the previous year made by the school district or school buildings within the district on any performance indicator. 35652
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(3) When reporting data on student performance, the 35656

department shall disaggregate that data according to the following	35657
categories:	35658
(a) Performance of students by age group;	35659
(b) Performance of students by race and ethnic group;	35660
(c) Performance of students by gender;	35661
(d) Performance of students grouped by those who have been	35662
enrolled in a district or school for three or more years;	35663
(e) Performance of students grouped by those who have been	35664
enrolled in a district or school for more than one year and less	35665
than three years;	35666
(f) Performance of students grouped by those who have been	35667
enrolled in a district or school for one year or less;	35668
(g) Performance of students grouped by those who are	35669
economically disadvantaged;	35670
(h) Performance of students grouped by those who are enrolled	35671
in a conversion community school established under Chapter 3314.	35672
of the Revised Code;	35673
(i) Performance of students grouped by those who are	35674
classified as limited English proficient;	35675
(j) Performance of students grouped by those who have	35676
disabilities;	35677
(k) Performance of students grouped by those who are	35678
classified as migrants;	35679
(l) Performance of students grouped by those who are	35680
identified as gifted pursuant to Chapter 3324. of the Revised	35681
Code.	35682
The department may disaggregate data on student performance	35683
according to other categories that the department determines are	35684
appropriate. To the extent possible, the department shall	35685

disaggregate data on student performance according to any 35686
combinations of two or more of the categories listed in divisions 35687
(C)(3)(a) to (1) of this section that it deems relevant. 35688

In reporting data pursuant to division (C)(3) of this 35689
section, the department shall not include in the report cards any 35690
data statistical in nature that is statistically unreliable or 35691
that could result in the identification of individual students. 35692
For this purpose, the department shall not report student 35693
performance data for any group identified in division (C)(3) of 35694
this section that contains less than ten students. 35695

(4) The department may include with the report cards any 35696
additional education and fiscal performance data it deems 35697
valuable. 35698

(5) The department shall include on each report card a list 35699
of additional information collected by the department that is 35700
available regarding the district or building for which the report 35701
card is issued. When available, such additional information shall 35702
include student mobility data disaggregated by race and 35703
socioeconomic status, college enrollment data, and the reports 35704
prepared under section 3302.031 of the Revised Code. 35705

The department shall maintain a site on the world wide web. 35706
The report card shall include the address of the site and shall 35707
specify that such additional information is available to the 35708
public at that site. The department shall also provide a copy of 35709
each item on the list to the superintendent of each school 35710
district. The district superintendent shall provide a copy of any 35711
item on the list to anyone who requests it. 35712

(6)(a) This division does not apply to conversion community 35713
schools that primarily enroll students between sixteen and 35714
twenty-two years of age who dropped out of high school or are at 35715
risk of dropping out of high school due to poor attendance, 35716

disciplinary problems, or suspensions. 35717

For any district that sponsors a conversion community school 35718
under Chapter 3314. of the Revised Code, the department shall 35719
combine data regarding the academic performance of students 35720
enrolled in the community school with comparable data from the 35721
schools of the district for the purpose of calculating the 35722
performance of the district as a whole on the report card issued 35723
for the district. 35724

(b) Any district that leases a building to a community school 35725
located in the district or that enters into an agreement with a 35726
community school located in the district whereby the district and 35727
the school endorse each other's programs may elect to have data 35728
regarding the academic performance of students enrolled in the 35729
community school combined with comparable data from the schools of 35730
the district for the purpose of calculating the performance of the 35731
district as a whole on the district report card. Any district that 35732
so elects shall annually file a copy of the lease or agreement 35733
with the department. 35734

(7) The department shall include on each report card the 35735
percentage of teachers in the district or building who are highly 35736
qualified, as defined by the "No Child Left Behind Act of 2001," 35737
and a comparison of that percentage with the percentages of such 35738
teachers in similar districts and buildings. 35739

(8) The department shall include on the report card the 35740
number of ~~master~~ lead teachers employed by each district and each 35741
building once the data is available from the education management 35742
information system established under section 3301.0714 of the 35743
Revised Code. 35744

(D)(1) In calculating reading, writing, mathematics, social 35745
studies, or science proficiency or achievement test passage rates 35746
used to determine school district or building performance under 35747

this section, the department shall include all students taking a 35748
test with accommodation or to whom an alternate assessment is 35749
administered pursuant to division (C)(1) or (3) of section 35750
3301.0711 of the Revised Code. 35751

(2) In calculating performance index scores, rates of 35752
achievement on the performance indicators established by the state 35753
board under section 3302.02 of the Revised Code, and adequate 35754
yearly progress for school districts and buildings under this 35755
section, the department shall do all of the following: 35756

(a) Include for each district or building only those students 35757
who are included in the ADM certified for the first full school 35758
week of October and are continuously enrolled in the district or 35759
building through the time of the spring administration of any test 35760
prescribed by section 3301.0710 of the Revised Code that is 35761
administered to the student's grade level; 35762

(b) Include cumulative totals from both the fall and spring 35763
administrations of the third grade reading achievement test; 35764

(c) Except as required by the "No Child Left Behind Act of 35765
2001" for the calculation of adequate yearly progress, exclude for 35766
each district or building any limited English proficient student 35767
who has been enrolled in United States schools for less than one 35768
full school year. 35769

Sec. 3304.16. In carrying out the purposes of sections 35770
3304.11 to 3304.27 of the Revised Code, the rehabilitation 35771
services commission: 35772

(A) Shall develop all necessary rules; 35773

(B) Shall prepare and submit to the governor annual reports 35774
of activities and expenditures and, prior to each first regular 35775
session of the general assembly, an estimate of sums required to 35776
carry out the commission's responsibilities; 35777

(C) Shall certify any disbursement of funds available to the commission for vocational rehabilitation activities;	35778 35779
(D) Shall serve as the sole state agency designated to administer the plan under the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 701, as amended;	35780 35781 35782
(E) Shall take appropriate action to guarantee rights of and services to handicapped persons;	35783 35784
(F) Shall consult with and advise other state agencies to assist them in meeting the needs of handicapped persons more effectively and to achieve maximum coordination among programs for the handicapped;	35785 35786 35787 35788
(G) Shall establish an administrative division of consumer affairs and advocacy within the commission to promote and help guarantee the rights of handicapped persons;	35789 35790 35791
(H) Shall maintain an inventory of state services that are available to handicapped persons;	35792 35793
(I) Shall utilize, support, assist, and cooperate with the governor's committee on employment of the handicapped;	35794 35795
(J) May delegate to any officer or employee of the commission any necessary powers and duties;	35796 35797
(K) May take any other necessary or appropriate action for cooperation with public and private agencies and organizations which may include:	35798 35799 35800
(1) Reciprocal agreements with other states to provide for the vocational rehabilitation of individuals within the states concerned;	35801 35802 35803
(2) Contracts or other arrangements with public and other nonprofit agencies and organizations for the construction or establishment and operation of vocational rehabilitation programs and facilities;	35804 35805 35806 35807

(3) Cooperative arrangements with the federal government for carrying out sections 3304.11 to 3304.27 of the Revised Code, the "Vocational Rehabilitation Act," 41 Stat. 735 (1920), 29 U.S.C. 31, as amended, or other federal statutes pertaining to vocational rehabilitation, and to this end, may adopt plans and methods of administration found necessary by the federal government for the efficient operation of any joint arrangements or the efficient application of any federal statutes;

(4) Upon the designation of the governor, performing functions and services for the federal government relating to individuals under a physical or mental disability;

~~(5) Compliance~~ (L) Shall comply with any requirements necessary to obtain federal funds in the maximum amount and most advantageous proportion possible.

~~(L)~~ (M) May conduct research and demonstration projects, including inquiries concerning the causes of blindness and its prevention, provide training and instruction, including the establishment and maintenance of research fellowships and traineeships along with all necessary stipends and allowances, disseminate information, and provide technical assistance relating to vocational rehabilitation;

~~(M)~~ (N) May plan, establish, and operate programs, facilities, and services relating to vocational rehabilitation;

~~(N)~~ (O) May accept and hold, invest, reinvest, or otherwise use gifts made for the purpose of furthering vocational rehabilitation;

~~(O)~~ (P) May ameliorate the condition of the aged blind or other severely disabled individuals by establishing a program of home visitation by commission employees for the purpose of instruction;

~~(P)~~ (Q) May establish and manage small business enterprises

that are operated by persons with a substantial handicap to 35839
employment, including blind persons; 35840

~~(Q)~~(R) May purchase from insurance companies licensed to do 35841
business in this state any insurance deemed necessary by the 35842
commission for the efficient operation of a suitable vending 35843
facility as defined in division (A) of section 3304.28 of the 35844
Revised Code; 35845

~~(R)~~(S) May accept directly from any state agency, and any 35846
state agency may transfer directly to the commission, surplus 35847
computers and computer equipment to be used for any purposes the 35848
commission considers appropriate, notwithstanding sections 125.12 35849
to 125.14 of the Revised Code. 35850

Sec. 3304.181. If the total of all funds available from 35851
nonfederal sources to support the activities of the rehabilitation 35852
services commission does not comply with the expenditure 35853
requirements of 34 C.F.R. 80.24 for those activities or would 35854
cause the state to lose an allotment or fail to receive a 35855
reallotment under 34 C.F.R. 361.65, the commission shall solicit 35856
additional funds from, and enter into agreements for the use of 35857
those funds with, private or public entities, including local 35858
government entities of this state. The commission shall continue 35859
to solicit additional funds and enter into agreements until the 35860
total funding available is sufficient for the commission to 35861
receive federal funds at the maximum amount and in the most 35862
advantageous proportion possible. 35863

Any agreement entered into between the commission and a 35864
private or public entity to provide funds under this section shall 35865
be in accordance with section 3304.182 of the Revised Code. 35866

Sec. 3304.182. Any agreement between the rehabilitation 35867
services commission and a private or public entity providing funds 35868

under section 3304.181 of the Revised Code may permit the 35869
commission to receive a specified percentage of the funds for 35870
administration, but the percentage shall be not more than ten per 35871
cent of the total funds available under the agreement. The 35872
agreement shall not be for less than six months or be discontinued 35873
by the commission without the commission first providing six 35874
months notice of intent to discontinue the agreement. The 35875
commission may terminate an agreement only for good cause. 35876

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Any services provided under an agreement entered into under 35878
section 3304.181 of the Revised Code shall be provided by a person 35879
or government entity that meets the accreditation standards 35880
established in rules adopted by the commission under section 35881
3304.16 of the Revised Code. 35882

Sec. 3304.231. There is hereby created a brain injury 35883
advisory committee, which shall advise the administrator of the 35884
rehabilitation services commission and the brain injury program 35885
with regard to unmet needs of survivors of brain injury, 35886
development of programs for survivors and their families, 35887
establishment of training programs for health care professionals, 35888
and any other matter within the province of the brain injury 35889
program. The committee shall consist of not ~~less~~ fewer than 35890
~~eighteen~~ twenty and not more than ~~twenty-one~~ twenty-two members as 35891
follows: 35892

(A) Not ~~less~~ fewer than ten and not more than twelve members 35893
appointed by the administrator of the rehabilitation services 35894
commission, including all of the following: a survivor of brain 35895
injury, a relative of a survivor of brain injury, a licensed 35896
physician recommended by the Ohio chapter of the American college 35897
of emergency physicians, a licensed physician recommended by the 35898
Ohio state medical association, one other health care 35899

professional, a rehabilitation professional, an individual who 35900
represents the brain injury association of Ohio, and not ~~less~~ 35901
fewer than three nor more than five individuals who shall 35902
represent the public; 35903

(B) The directors of the departments of health, alcohol and 35904
drug addiction services, mental retardation and developmental 35905
disabilities, mental health, job and family services, aging, and 35906
~~highway~~ public safety; the administrator of workers' compensation; 35907
the superintendent of public instruction; and the administrator of 35908
the rehabilitation services commission. Any of the officials 35909
specified in this division may designate an individual to serve in 35910
the official's place as a member of the committee. 35911

~~The director of health shall make initial appointments to the 35912
committee by November 1, 1990. Appointments made after July 26,~~ 35913
~~1991, shall be made by the administrator of the rehabilitation 35914
services commission.~~ Terms of office of the appointed members 35915
shall be two years. Members may be reappointed. Vacancies shall be 35916
filled in the manner provided for original appointments. Any 35917
member appointed to fill a vacancy occurring prior to the 35918
expiration date of the term for which the member's predecessor was 35919
appointed shall hold office as a member for the remainder of that 35920
term. 35921

Members of the committee shall serve without compensation, 35922
but shall be reimbursed for actual and necessary expenses incurred 35923
in the performance of their duties. 35924

Sec. 3310.03. (A) A student is an "eligible student" for 35925
purposes of the educational choice scholarship pilot program if 35926
the student's resident district is not a school district in which 35927
the pilot project scholarship program is operating under sections 35928
3313.974 to 3313.979 of the Revised Code and the student satisfies 35929
one of the following conditions: 35930

(1) The student is enrolled in a school building that is 35931
operated by the student's resident district and to which both of 35932
the following apply: 35933

(a) The building was declared, in at least two of the three 35934
most recent ratings of school buildings published prior to the 35935
first day of July of the school year for which a scholarship is 35936
sought, to be in a state of academic emergency or academic watch 35937
under section 3302.03 of the Revised Code; 35938

(b) The building was not declared to be excellent or 35939
effective under that section in the most recent rating published 35940
prior to the first day of July of the school year for which a 35941
scholarship is sought. 35942

(2) The student is eligible to enroll in kindergarten in the 35943
school year for which a scholarship is sought and otherwise would 35944
be assigned under section 3319.01 of the Revised Code to a school 35945
building described in division (A)(1) of this section. 35946

(3) The student is enrolled in a community school established 35947
under Chapter 3314. of the Revised Code but otherwise would be 35948
assigned under section 3319.01 of the Revised Code to a building 35949
described in division (A)(1) of this section. 35950

(4) The student is enrolled in a school building that is 35951
operated by the student's resident district or in a community 35952
school established under Chapter 3314. of the Revised Code and 35953
otherwise would be assigned under section 3319.01 of the Revised 35954
Code to a school building described in division (A)(1) of this 35955
section in the school year for which the scholarship is sought. 35956

(5) The student is eligible to enroll in kindergarten in the 35957
school year for which a scholarship is sought, or is enrolled in a 35958
community school established under Chapter 3314. of the Revised 35959
Code, and all of the following apply to the student's resident 35960
district: 35961

(a) The district has in force an intradistrict open enrollment policy under which no student in kindergarten or the community school student's grade level, respectively, is automatically assigned to a particular school building;

(b) In at least two of the three most recent ratings of school districts published prior to the first day of July of the school year for which a scholarship is sought, the district was declared to be in a state of academic emergency under section 3302.03 of the Revised Code;

(c) The district was not declared to be excellent or effective under that section in the most recent rating published prior to the first day of July of the school year for which a scholarship is sought.

(6) The student is enrolled in a new school building that is operated by the student's resident district and to which all of the following apply:

(a) The new building is open for instruction for its second or third school year.

(b) For the first school year that the new building was open for instruction, at least seventy-five per cent of the enrolled students had transferred directly from two or more school buildings that closed and to each of which all of the following apply:

(i) The closed buildings were operated by the same school district that operates the new building.

(ii) The closed buildings offered at least some of the grade levels that the new building also offers.

(iii) The closed buildings were declared, for at least two of their last three ratings under section 3302.03 of the Revised Code, to be in a state of academic emergency or academic watch.

(iv) The closed buildings were not declared to be excellent or effective in their last rating under section 3302.03 of the Revised Code. 35992
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(c) If the new building is conducting its second school year of instruction, the building was declared, based on its first school year of instruction, to be in a state of academic emergency or academic watch under section 3302.03 of the Revised Code. 35995
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(d) If the new building is conducting its third school year of instruction, the building was declared, based on either its first or second school year of instruction, to be in a state of academic emergency or academic watch under section 3302.03 of the Revised Code, but was not declared to be excellent or effective under that section based on its second school year of instruction. 35999
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(7) The student is eligible to enroll in kindergarten in the school year for which a scholarship is sought and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(6) of this section. 36005
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(8) The student is enrolled in a community school established under Chapter 3314. of the Revised Code but otherwise would be assigned under section 3319.01 of the Revised Code to a building described in division (A)(6) of this section. 36009
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(B) A student who receives a scholarship under the educational choice scholarship pilot program remains an eligible student and may continue to receive scholarships in subsequent school years until the student completes grade twelve, so long as all of the following apply: 36013
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(1) The student's resident district remains the same, or the student transfers to a new resident district and otherwise would be assigned in the new resident district to a school building described in division (A)(1) or (6) of this section; 36018
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(2) The student takes each state test prescribed for the 36022

student's grade level under section 3301.0710 or 3301.0712 of the Revised Code while enrolled in a chartered nonpublic school;

(3) In each school year that the student is enrolled in a chartered nonpublic school, the student is absent from school for not more than twenty days that the school is open for instruction, not including excused absences.

(C) The department shall cease awarding first-time scholarships pursuant to divisions (A)(1) to (4) of this section with respect to a school building that, in the most recent ratings of school buildings published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A)(1) of this section. The department shall cease awarding first-time scholarships pursuant to division (A)(5) of this section with respect to a school district that, in the most recent ratings of school districts published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A)(5) of this section. However, students who have received scholarships in the prior school year remain eligible students pursuant to division (B) of this section.

(D) The state board of education shall adopt rules defining excused absences for purposes of division (B)(3) of this section.

Sec. 3310.14. Notwithstanding division (K) of section 3301.0711 of the Revised Code, each chartered nonpublic school that enrolls students awarded scholarships under sections 3310.01 to 3310.17 of the Revised Code annually shall administer the tests prescribed by section 3301.0710 or 3301.0712 of the Revised Code to each scholarship student enrolled in the school in accordance with section 3301.0711 of the Revised Code. Each chartered nonpublic school shall report to the department of education the results of each test administered to each scholarship student

under this section. 36054

Nothing in this section requires a chartered nonpublic school 36055
to administer any achievement test, except for an Ohio graduation 36056
test prescribed by division (B) of section 3301.0710 of the 36057
Revised Code, as required by section 3313.612 of the Revised Code, 36058
to any student enrolled in the school who is not a scholarship 36059
student. 36060

Sec. 3310.15. (A) The department of education annually shall 36061
compile the scores attained by scholarship students to whom a test 36062
is administered under section 3310.14 of the Revised Code. The 36063
scores shall be aggregated as follows: 36064

(1) By state, which shall include all students awarded a 36065
scholarship under the educational choice scholarship pilot program 36066
and who were required to take a test under section 3310.14 of the 36067
Revised Code; 36068

(2) By school district, which shall include all scholarship 36069
students who were required to take a test under section 3310.14 of 36070
the Revised Code and for whom the district is the student's 36071
resident district; 36072

(3) By chartered nonpublic school, which shall include all 36073
scholarship students enrolled in that school who were required to 36074
take a test under section 3310.14 of the Revised Code. 36075

(B) The department shall disaggregate the student performance 36076
data described in division (A) of this section according to the 36077
following categories: 36078

(1) Age; 36079

(2) Race and ethnicity; 36080

(3) Gender; 36081

(4) Students who have participated in the scholarship program 36082

<u>for three or more years;</u>	36083
<u>(5) Students who have participated in the scholarship program</u>	36084
<u>for more than one year and less than three years;</u>	36085
<u>(6) Students who have participated in the scholarship program</u>	36086
<u>for one year or less;</u>	36087
<u>(7) Economically disadvantaged students.</u>	36088
<u>(C) The department shall post the student performance data</u>	36089
<u>required under divisions (A) and (B) of this section on its web</u>	36090
<u>site and, by the first day of February each year, shall distribute</u>	36091
<u>that data to the parent of each eligible student. In reporting</u>	36092
<u>student performance data under this division, the department shall</u>	36093
<u>not include any data that is statistically unreliable or that</u>	36094
<u>could result in the identification of individual students. For</u>	36095
<u>this purpose, the department shall not report performance data for</u>	36096
<u>any group that contains less than ten students.</u>	36097
<u>(D) The department shall provide the parent of each</u>	36098
<u>scholarship student with information comparing the student's</u>	36099
<u>performance on the tests administered under section 3310.14 of the</u>	36100
<u>Revised Code with the average performance of similar students</u>	36101
<u>enrolled in the building operated by the student's resident</u>	36102
<u>district that the scholarship student would otherwise attend. In</u>	36103
<u>calculating the performance of similar students, the department</u>	36104
<u>shall consider age, grade, race and ethnicity, gender, and</u>	36105
<u>socioeconomic status.</u>	36106
<u>Sec. 3310.51. As used in sections 3310.51 to 3310.64 of the</u>	36107
<u>Revised Code:</u>	36108
<u>(A) "Alternative public provider" means either of the</u>	36109
<u>following providers that agrees to enroll a child in the</u>	36110
<u>provider's special education program to implement the child's</u>	36111
<u>individualized education program and to which the eligible</u>	36112

<u>applicant owes fees for the services provided to the child:</u>	36113
<u>(1) A school district that is not the school district in</u>	36114
<u>which the child is entitled to attend school or the child's school</u>	36115
<u>district of residence, if different;</u>	36116
<u>(2) A public entity other than a school district.</u>	36117
<u>(B) "Applicable special education weight" means the multiple</u>	36118
<u>specified in section 3317.013 of the Revised Code for the</u>	36119
<u>corresponding disability described in that section.</u>	36120
<u>(C) "Category one through six special education ADM" means</u>	36121
<u>the respective categories prescribed in divisions (F)(1) to (6) of</u>	36122
<u>section 3317.02 of the Revised Code.</u>	36123
<u>(D) "Child with a disability" and "individualized education</u>	36124
<u>program" have the same meanings as in section 3323.01 of the</u>	36125
<u>Revised Code.</u>	36126
<u>(E) "Eligible applicant" means any of the following:</u>	36127
<u>(1) Either of the natural or adoptive parents of a qualified</u>	36128
<u>special education child, except as otherwise specified in this</u>	36129
<u>division. When the marriage of the natural or adoptive parents of</u>	36130
<u>the student has been terminated by a divorce, dissolution of</u>	36131
<u>marriage, or annulment, or when the natural or adoptive parents of</u>	36132
<u>the student are living separate and apart under a legal separation</u>	36133
<u>decree, and a court has issued an order allocating the parental</u>	36134
<u>rights and responsibilities with respect to the child, "eligible</u>	36135
<u>applicant" means the residential parent as designated by the</u>	36136
<u>court. If the court issues a shared parenting decree, "eligible</u>	36137
<u>applicant" means either parent. "Eligible applicant" does not mean</u>	36138
<u>a parent whose custodial rights have been terminated.</u>	36139
<u>(2) The custodian of a qualified special education child,</u>	36140
<u>when a court has granted temporary, legal, or permanent custody of</u>	36141
<u>the child to an individual other than either of the natural or</u>	36142

<u>adoptive parents of the child or to a government agency;</u>	36143
<u>(3) The guardian of a qualified special education child, when</u>	36144
<u>a court has appointed a guardian for the child;</u>	36145
<u>(4) The grandparent of a qualified special education child,</u>	36146
<u>when the grandparent is the child's attorney in fact under a power</u>	36147
<u>of attorney executed under sections 3109.51 to 3109.62 of the</u>	36148
<u>Revised Code or when the grandparent has executed a caregiver</u>	36149
<u>authorization affidavit under sections 3109.65 to 3109.73 of the</u>	36150
<u>Revised Code;</u>	36151
<u>(5) The surrogate parent appointed for a qualified special</u>	36152
<u>education child pursuant to division (B) of section 3323.05 and</u>	36153
<u>section 3323.051 of the Revised Code;</u>	36154
<u>(6) A qualified special education child, if the child does</u>	36155
<u>not have a custodian or guardian and the child is at least</u>	36156
<u>eighteen years of age.</u>	36157
<u>(F) "Entitled to attend school" means entitled to attend</u>	36158
<u>school in a school district under sections 3313.64 and 3313.65 of</u>	36159
<u>the Revised Code.</u>	36160
<u>(G) "Formula ADM" and "formula amount" have the same meanings</u>	36161
<u>as in section 3317.02 of the Revised Code.</u>	36162
<u>(H) "Qualified special education child" is a child for whom</u>	36163
<u>all of the following conditions apply:</u>	36164
<u>(1) The child is at least five years of age and less than</u>	36165
<u>twenty-two years of age.</u>	36166
<u>(2) The school district in which the child is entitled to</u>	36167
<u>attend school, or the child's school district of residence if</u>	36168
<u>different, has identified the child as a child with a disability.</u>	36169
<u>(3) The school district in which the child is entitled to</u>	36170
<u>attend school, or the child's school district of residence if</u>	36171
<u>different, has developed an individualized education program under</u>	36172

<u>Chapter 3323. of the Revised Code for the child.</u>	36173
<u>(4) The child either:</u>	36174
<u>(a) Was enrolled in the schools of the school district in which the child is entitled to attend school in any grade from kindergarten through twelve in the school year prior to the school year in which a scholarship is first sought for the child;</u>	36175 36176 36177 36178
<u>(b) Is eligible to enter school in any grade kindergarten through twelve in the school district in which the child is entitled to attend school in the school year in which a scholarship is first sought for the child.</u>	36179 36180 36181 36182
<u>(5) The department of education has not approved a scholarship for the child under the autism scholarship program under section 3310.41 of the Revised Code for the same school year in which a scholarship under the special education scholarship pilot program is sought.</u>	36183 36184 36185 36186 36187
<u>(I) "Registered private provider" means a nonpublic school or other nonpublic entity that has been registered by the superintendent of public instruction under section 3310.58 of the Revised Code.</u>	36188 36189 36190 36191
<u>(J) "Scholarship" means a scholarship awarded under the special education scholarship pilot program pursuant to sections 3310.51 to 3310.64 of the Revised Code.</u>	36192 36193 36194
<u>(K) "School district of residence" has the same meaning as in section 3323.01 of the Revised Code. A community school established under Chapter 3314. of the Revised Code is not a "school district of residence" for purposes of sections 3310.51 to 3310.64 of the Revised Code.</u>	36195 36196 36197 36198 36199
<u>(L) "School year" has the same meaning as in section 3313.62 of the Revised Code.</u>	36200 36201
<u>(M) "Special education program" means a school or facility</u>	36202

that provides special education and related services to children 36203
with disabilities. 36204

Sec. 3310.52. (A) The special education scholarship pilot 36205
program is hereby established. Under the program, in fiscal years 36206
2012 through 2017, subject to division (B) of this section, the 36207
department of education annually shall pay a scholarship to an 36208
eligible applicant for services provided by an alternative public 36209
provider or a registered private provider for a qualified special 36210
education child. The scholarship shall be used only to pay all or 36211
part of the fees for the child to attend the special education 36212
program operated by the alternative public provider or registered 36213
private provider to implement the child's individualized education 36214
program, in lieu of the child's attending the special education 36215
program operated by the school district in which the child is 36216
entitled to attend school, and other services agreed to by the 36217
provider and eligible applicant that are not included in the 36218
individualized education program but are associated with educating 36219
the child. Upon agreement with the eligible applicant, the 36220
alternative public provider or registered private provider may 36221
modify the services provided to the child. 36222

(B) The number of scholarships awarded under the pilot 36223
program in any fiscal year shall not exceed three per cent of the 36224
total number of students residing in the state identified as 36225
children with disabilities during the previous fiscal year. 36226

(C) No scholarship or renewal of a scholarship shall be 36227
awarded to an eligible applicant on behalf of a qualified special 36228
education child for the next school year, unless on or before the 36229
fifteenth day of April the eligible applicant completes the 36230
application for the scholarship or renewal, in the manner 36231
prescribed by the department, and notifies the school district in 36232
which the child is entitled to attend school that the eligible 36233

applicant has applied for the scholarship or renewal. 36234

Sec. 3310.521. (A) As a condition of receiving payments for a scholarship, each eligible applicant shall attest to receipt of the profile prescribed by division (B) of this section. Such attestation shall be made and submitted to the department of education in the form and manner as required by the department. 36235
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(B) The alternative public provider or registered private provider that enrolls a qualified special education child shall submit in writing to the eligible applicant to whom a scholarship is awarded on behalf of that child a profile of the provider's special education program, in a form as prescribed by the department, that shall contain all of the following: 36240
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(1) Information regarding the financial status of the provider; 36246
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(2) Methods of instruction that will be utilized by the provider to provide services to the qualified special education child; 36248
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(3) Qualifications of teachers, instructors, and other persons who will be engaged by the provider to provide services to the qualified special education child; 36251
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(4) Results of the evaluation of the academic program of the provider; 36254
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(5) Any other information required by the department. 36256

Sec. 3310.53. (A) Except for development of the child's individualized education program, as specified in division (B) of this section, the school district in which a qualified special education child is entitled to attend school and the child's school district of residence, if different, are not obligated to provide the child with a free appropriate public education under 36257
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Chapter 3323. of the Revised Code for as long as the child 36263
continues to attend the special education program operated by 36264
either an alternative public provider or a registered private 36265
provider for which a scholarship is awarded under the special 36266
education scholarship pilot program. If at any time, the eligible 36267
applicant for the child decides no longer to accept scholarship 36268
payments and enrolls the child in the special education program of 36269
the school district in which the child is entitled to attend 36270
school, that district shall provide the child with a free 36271
appropriate public education under Chapter 3323. of the Revised 36272
Code. 36273

(B) Each eligible applicant and each qualified special 36274
education child have a continuing right to the development of an 36275
individualized education program for the child that complies with 36276
Chapter 3323. of the Revised Code, 20 U.S.C. 1400 et seq., and 36277
administrative rules or guidelines adopted by the Ohio department 36278
of education or the United States department of education. The 36279
school district in which a qualified special education child is 36280
entitled to attend school, or the child's school district of 36281
residence if different, shall develop each individualized 36282
education program for the child in accordance with those 36283
provisions. 36284

(C) Each school district shall notify an eligible applicant 36285
of the applicant's and qualified special education child's rights 36286
under sections 3310.51 to 3310.64 of the Revised Code by providing 36287
to each eligible applicant the comparison document prescribed in 36288
section 3323.052 of the Revised Code. An eligible applicant's 36289
receipt of that document, as acknowledged in a format prescribed 36290
by the department of education, shall constitute notice that the 36291
eligible applicant has been informed of those rights. Upon receipt 36292
of that document, subsequent acceptance of a scholarship 36293
constitutes the eligible applicant's informed consent to the 36294

provisions of sections 3310.51 to 3310.64 of the Revised Code. 36295

Sec. 3310.54. As prescribed in divisions (A)(2)(f), 36296
(B)(3)(g), and (B)(5) to (10) of section 3317.03 of the Revised 36297
Code, a qualified special education child in any of grades 36298
kindergarten through twelve for whom a scholarship is awarded 36299
under the special education scholarship pilot program shall be 36300
counted in the formula ADM and category one through six special 36301
education ADM, as appropriate, of the school district in which the 36302
child is entitled to attend school. A qualified special education 36303
child shall not be counted in the formula ADM or category one 36304
through six special education ADM of any other school district. 36305

Sec. 3310.55. The department of education shall deduct from a 36306
school district's state education aid, as defined in section 36307
3317.02 of the Revised Code, and if necessary, from its payment 36308
under sections 321.24 and 323.156 of the Revised Code, the 36309
aggregate amount of scholarships paid under section 3310.57 of the 36310
Revised Code for qualified special education children included in 36311
the formula ADM and the category one through six special education 36312
ADM of that school district. 36313

Sec. 3310.56. The amount of the scholarship awarded and paid 36314
to an eligible applicant for services for a qualified special 36315
education child under the special education scholarship pilot 36316
program in each school year shall be the least of the following: 36317

(A) The amount of fees charged for that school year by the 36318
alternative public provider or registered private provider; 36319

(B) The sum of the amounts calculated under divisions (B)(1) 36320
and (2) of this section: 36321

(1) The sum of the formula amount plus the per pupil amount 36322
of the base funding supplements specified in divisions (C)(1) to 36323

<u>(4) of section 3317.012 of the Revised Code;</u>	36324
<u>(2) The formula amount times the applicable special education weight for the child's disability;</u>	36325
<u>(C) Twenty thousand dollars.</u>	36326
<u>Sec. 3310.57. The department of education shall make periodic payments to an eligible applicant for services for each qualified special education child for whom a scholarship has been awarded.</u>	36327
<u>The total of all payments made to an applicant in each school year shall not exceed the amount calculated for the child under section 3310.56 of the Revised Code.</u>	36328
<u>The scholarship amount shall be proportionately reduced in the case of a child who is not enrolled in the special education program of an alternative public provider or a registered private provider for the entire school year.</u>	36329
<u>In accordance with division (A) of section 3310.62 of the Revised Code, the department shall make no payments to an applicant for a first-time scholarship for a qualified special education child while any administrative or judicial mediation or proceedings with respect to the content of the child's individualized education program are pending.</u>	36330
<u>Sec. 3310.58. No nonpublic school or entity shall receive payments from an eligible applicant for services for a qualified special education child under the special education scholarship pilot program until the school or entity registers with the superintendent of public instruction. The superintendent shall register and designate as a registered private provider any nonpublic school or entity that meets the following requirements:</u>	36331
<u>(A) The special education program operated by the school or entity meets the minimum education standards established by the state board of education.</u>	36332
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(B) The school or entity complies with the antidiscrimination provisions of 42 U.S.C. 2000d, regardless of whether the school or entity receives federal financial assistance. 36354
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(C) If the school or entity is not chartered by the state board under section 3301.16 of the Revised Code, the school or entity agrees to comply with section 3319.39 of the Revised Code as if it were a school district. 36357
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(D) The teaching and nonteaching professionals employed by the school or entity, or employed by any subcontractors of the school or entity, hold credentials determined by the state board to be appropriate for the qualified special education children enrolled in the special education program it operates. 36361
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(E) The school or entity meets applicable health and safety standards established by law for school buildings. 36366
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(F) The school or entity agrees to retain on file documentation as required by the department of education. 36368
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(G) The school or entity demonstrates fiscal soundness to the satisfaction of the department. 36370
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(H) The school or entity agrees to provide a record of the implementation of the individualized education program for each qualified special education child enrolled in the school's or entity's special education program, including evaluation of the child's progress, to the school district in which the child is entitled to attend school, in the form and manner prescribed by the department. 36372
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(I) The school or entity agrees that, if it declines to enroll a particular qualified special education child, it will notify in writing the eligible applicant of its reasons for declining to enroll the child. 36379
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(J) The school or entity agrees to meet other requirements 36383

established by rule of the state board under section 3310.64 of 36384
the Revised Code. 36385

Sec. 3310.59. The superintendent of public instruction shall 36386
revoke the registration of any school or entity if, after a 36387
hearing, the superintendent determines that the school or entity 36388
is in violation of any provision of section 3310.58 of the Revised 36389
Code. 36390

Sec. 3310.60. A qualified special education child attending a 36391
special education program at an alternative public provider or a 36392
registered private provider with a scholarship shall be entitled 36393
to transportation to and from that program in the manner 36394
prescribed by law for any child with a disability attending a 36395
nonpublic special education program. 36396

Sec. 3310.61. An eligible applicant on behalf of a child who 36397
currently attends a public special education program under a 36398
contract, compact, or other bilateral agreement, or on behalf of a 36399
child who currently attends a community school, shall not be 36400
prohibited from applying for and accepting a scholarship so that 36401
the applicant may withdraw the child from that program or 36402
community school and use the scholarship for the child to attend a 36403
special education program operated by an alternative public 36404
provider or a registered private provider. 36405

Sec. 3310.62. (A) A scholarship under the special education 36406
scholarship pilot program shall not be awarded for the first time 36407
to an eligible applicant on behalf of a qualified special 36408
education child while the child's individualized education program 36409
is being developed by the school district in which the child is 36410
entitled to attend school, or by the child's school district of 36411
residence if different, or while any administrative or judicial 36412

mediation or proceedings with respect to the content of that 36413
individualized education program are pending. 36414

(B) Development of individualized education programs 36415
subsequent to the one developed for the child the first time a 36416
scholarship was awarded on behalf of the child and the 36417
prosecuting, by the eligible applicant on behalf of the child, of 36418
administrative or judicial mediation or proceedings with respect 36419
to any of those subsequent individualized education programs do 36420
not affect the applicant's and the child's continued eligibility 36421
for scholarship payments. 36422

(C) In the case of any child for whom a scholarship has been 36423
awarded, if the school district in which the child is entitled to 36424
attend school has agreed to provide some services for the child 36425
under an agreement entered into with the eligible applicant or 36426
with the alternative public provider or registered private 36427
provider implementing the child's individualized education 36428
program, or if the district is required by law to provide some 36429
services for the child, including transportation services under 36430
sections 3310.60 and 3327.01 of the Revised Code, the district 36431
shall not discontinue the services it is providing pending 36432
completion of any administrative proceedings regarding those 36433
services. The prosecuting, by the eligible applicant on behalf of 36434
the child, of administrative proceedings regarding the services 36435
provided by the district does not affect the applicant's and the 36436
child's continued eligibility for scholarship payments. 36437

(D) The department of education shall continue to make 36438
payments to the eligible applicant under section 3310.57 of the 36439
Revised Code while either of the following are pending: 36440

(1) Administrative or judicial mediation or proceedings with 36441
respect to a subsequent individualized education program for the 36442
child referred to in division (B) of this section; 36443

(2) Administrative proceedings regarding services provided by the district under division (C) of this section. 36444
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Sec. 3310.63. (A) Only for the purpose of administering the special education scholarship pilot program, the department of education may request from any of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any qualified special education child for whom a scholarship is sought under the program: 36446
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(1) The school district in which the child is entitled to attend school; 36452
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(2) If applicable, the community school in which the child is enrolled; 36454
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(3) The independent contractor engaged to create and maintain data verification codes. 36456
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(B) Upon a request by the department under division (A) of this section for the data verification code of a qualified special education child or a request by the eligible applicant for the child for that code, the school district or community school shall submit that code to the department or applicant in the manner specified by the department. If the child has not been assigned a code, because the child will be entering kindergarten during the school year for which the scholarship is sought, the district shall assign a code to that child and submit the code to the department or applicant by a date specified by the department. If the district does not assign a code to the child by the specified date, the department shall assign a code to the child. 36458
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The department annually shall submit to each school district the name and data verification code of each child residing in the district who is entering kindergarten, who has been awarded a 36471
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scholarship under the program, and for whom the department has 36474
assigned a code under this division. 36475

(C) The department shall not release any data verification 36476
code that it receives under this section to any person except as 36477
provided by law. 36478

(D) Any document relative to the special education 36479
scholarship pilot program that the department holds in its files 36480
that contains both a qualified special education child's name or 36481
other personally identifiable information and the child's data 36482
verification code shall not be a public record under section 36483
149.43 of the Revised Code. 36484

Sec. 3310.64. The state board of education shall adopt rules 36485
in accordance with Chapter 119. of the Revised Code prescribing 36486
procedures necessary to implement sections 3310.51 to 3310.62 of 36487
the Revised Code including, but not limited to, procedures for 36488
parents to apply for scholarships, standards for registered 36489
private providers, and procedures for registration of private 36490
providers. 36491

Sec. 3311.059. The procedure prescribed in this section may 36492
be used in lieu of a transfer prescribed under section 3311.231 of 36493
the Revised Code. 36494

(A) Subject to divisions (B) and (C) of this section, a board 36495
of education of a local school district may by a resolution 36496
approved by a majority of all its members propose to sever that 36497
local school district from the territory of the educational 36498
service center in which the local school district is currently 36499
included and to instead annex the local school district to the 36500
territory of another educational service center, the current 36501
territory of which is adjacent to the territory of the educational 36502
service center in which the local school district is currently 36503

included. The resolution shall promptly be filed with the 36504
governing board of each educational service center affected by the 36505
resolution and with the superintendent of public instruction. 36506

(B) The resolution adopted under division (A) of this section 36507
shall not be effective unless it is approved by the state board of 36508
education. In deciding whether to approve the resolution, the 36509
state board shall consider the ~~impact~~ financial, staffing, 36510
programmatic, and other impacts of ~~an~~ the severance and annexation 36511
on ~~both~~ the school district ~~and,~~ the educational service center to 36512
which the district is proposed to be annexed, and the service 36513
center in which the district is currently located, including the 36514
effect on cost of operation and the ability of ~~that~~ both service 36515
~~center~~ centers to continue to deliver services in a cost-effective 36516
and efficient manner. ~~The~~ The state board shall not vote on 36517
whether to approve the resolution until it has been presented on 36518
its agenda, which is not a consent agenda, and heard before the 36519
state board at not fewer than two separate meetings of the state 36520
board. There shall be at least thirty days between the meeting at 36521
which the state board first hears the matter of the resolution and 36522
the meeting at which the state board votes on whether to approve 36523
the resolution. The state board shall provide for public testimony 36524
at each hearing on the matter of the resolution, shall provide 36525
written prior notice of each hearing to the governing board of 36526
both educational service centers affected by the proposed action, 36527
and shall attach to that written notice any documentation about 36528
the proposed action provided to the state board by the board of 36529
education of the local school district. 36530

The severance of the local school district from one 36532
educational service center and its annexation to another 36533
educational service center under this section shall not be 36534
effective until one year after the first day of July following the 36535

later of the date that the state board of education approves the 36536
resolution or the date the board of elections certifies the 36537
results of the referendum election as provided in division (C) of 36538
this section. 36539

(C) Within sixty days following the date of the adoption of 36540
the resolution under division (A) of this section, the electors of 36541
the local school district may petition for a referendum vote on 36542
the resolution. The question whether to approve or disapprove the 36543
resolution shall be submitted to the electors of such school 36544
district if a number of qualified electors equal to twenty per 36545
cent of the number of electors in the school district who voted 36546
for the office of governor at the most recent general election for 36547
that office sign a petition asking that the question of whether 36548
the resolution shall be disapproved be submitted to the electors. 36549
The petition shall be filed with the board of elections of the 36550
county in which the school district is located. If the school 36551
district is located in more than one county, the petition shall be 36552
filed with the board of elections of the county in which the 36553
majority of the territory of the school district is located. The 36554
board shall certify the validity and sufficiency of the signatures 36555
on the petition. 36556

The board of elections shall immediately notify the board of 36557
education of the local school district and the governing board of 36558
each educational service center affected by the resolution that 36559
the petition has been filed. 36560

The effect of the resolution shall be stayed until the board 36561
of elections certifies the validity and sufficiency of the 36562
signatures on the petition. If the board of elections determines 36563
that the petition does not contain a sufficient number of valid 36564
signatures and sixty days have passed since the adoption of the 36565
resolution, the resolution shall become effective as provided in 36566
division (B) of this section. 36567

If the board of elections certifies that the petition 36568
contains a sufficient number of valid signatures, the board shall 36569
submit the question to the qualified electors of the school 36570
district on the day of the next general or primary election held 36571
at least seventy-five days after the board of elections certifies 36572
the validity and sufficiency of signatures on the petition. The 36573
election shall be conducted and canvassed and the results shall be 36574
certified in the same manner as in regular elections for the 36575
election of members of a board of education. 36576

If a majority of the electors voting on the question 36577
disapprove the resolution, the resolution shall not become 36578
effective. If a majority of the electors voting on the question 36579
approve the resolution, the resolution shall become effective as 36580
provided in division (B) of this section. 36581

(D) Upon the effective date of the severance of the local 36582
school district from one educational service center and its 36583
annexation to another educational service center as provided in 36584
division (B) of this section, the governing board of each 36585
educational service center shall take such steps for the election 36586
of members of the governing board and for organization of the 36587
governing board as prescribed in Chapter 3313. of the Revised 36588
Code. 36589

(E) If a school district is severed from one educational 36590
service center and annexed to another service center under this 36591
section, the board of education of that school district shall not 36592
propose a subsequent severance and annexation action under this 36593
section that would be effective sooner than five years after the 36594
effective date of the next previous severance and annexation 36595
action under this section. 36596

Sec. 3311.0510. (A) If all of the local school districts that 36597
make up the territory of an educational service center have 36598

severed from the territory of that service center pursuant to 36599
section 3311.059 of the Revised Code, upon the effective date of 36600
the severance of the last remaining local school district to make 36601
up the territory of the service center, the governing board of 36602
that service center shall be abolished and such service center 36603
shall be dissolved by order of the superintendent of public 36604
instruction. The superintendent's order shall provide for the 36605
equitable division and disposition of the assets, property, debts, 36606
and obligations of the service center among the local school 36607
districts, of which the territory of the service center is or 36608
previously was made up, and the city and exempted village school 36609
districts with which the service center had agreements under 36610
section 3313.843 of the Revised Code for the service center's last 36611
fiscal year of operation. The superintendent's order shall provide 36612
that the tax duplicate of each of those school districts shall be 36613
bound for and assume the district's equitable share of the 36614
outstanding indebtedness of the service center. The 36615
superintendent's order is final and is not appealable. 36616

Immediately upon the abolishment of the service center 36617
governing board pursuant to this section, the superintendent of 36618
public instruction shall appoint a qualified individual to 36619
administer the dissolution of the service center and to implement 36620
the terms of the superintendent's dissolution order. Prior to 36621
distributing assets to any school district under this section, but 36622
after paying in full other debts and obligations of the service 36623
center, the superintendent of public instruction may assess 36624
against the remaining assets of the service center the amount of 36625
the costs incurred by the department of education in performing 36626
the superintendent's duties under this division, including the 36627
fees, if any, owed to the individual appointed to administer the 36628
superintendent's dissolution order. Any excess cost incurred by 36629
the department under this division shall be divided equitably 36630

among the local school districts, of which the territory of the 36631
service center is or previously was made up, and the city and 36632
exempted village school districts with which the service center 36633
had agreements under section 3313.843 of the Revised Code for the 36634
service center's last fiscal year of operation. Each district's 36635
share of that excess cost shall be bound against the tax duplicate 36636
of that district. 36637

(B) A final audit of the former service center shall be 36638
performed in accordance with procedures established by the auditor 36639
of state. 36640

(C) The public records of an educational service center that 36641
is dissolved under this section shall be transferred in accordance 36642
with this division. Public records maintained by the service 36643
center in connection with services provided by the service center 36644
to local school districts shall be transferred to each of the 36645
respective local school districts. Public records maintained by 36646
the service center in connection with services provided under an 36647
agreement with a city or exempted village school district pursuant 36648
to section 3313.843 of the Revised Code shall be transferred to 36649
each of the respective city or exempted village school districts. 36650
All other public records maintained by the service center at the 36651
time the service center ceases operations shall be transferred to 36652
the Ohio historical society for analysis and disposition by the 36653
society in its capacity as archives administrator for the state 36654
and its political subdivisions pursuant to division (C) of section 36655
149.30 and section 149.31 of the Revised Code. 36656

Sec. 3313.46. (A) In addition to any other law governing the 36657
bidding for contracts by the board of education of any school 36658
district, when any such board determines to build, repair, 36659
enlarge, improve, or demolish any school building, the cost of 36660
which will exceed ~~twenty-five~~ fifty thousand dollars, except in 36661

cases of urgent necessity, or for the security and protection of school property, and except as otherwise provided in division (D) of section 713.23 and in section 125.04 of the Revised Code, all of the following shall apply:

(1) The board shall cause to be prepared the plans, specifications, and related information as required in divisions (A), (B), and (D) of section 153.01 of the Revised Code unless the board determines that other information is sufficient to inform any bidders of the board's requirements. However, if the board determines that such other information is sufficient for bidding a project, the board shall not engage in the construction of any such project involving the practice of professional engineering, professional surveying, or architecture, for which plans, specifications, and estimates have not been made by, and the construction thereof inspected by, a licensed professional engineer, licensed professional surveyor, or registered architect.

(2) The board shall advertise for bids once each week for a period of not less than two consecutive weeks in a newspaper of general circulation in the district before the date specified by the board for receiving bids. The board may also cause notice to be inserted in trade papers or other publications designated by it or to be distributed by electronic means, including posting the notice on the board's internet web site. If the board posts the notice on its web site, it may eliminate the second notice otherwise required to be published in a newspaper of general circulation within the school district, provided that the first notice published in such newspaper meets all of the following requirements:

(a) It is published at least two weeks before the opening of bids.

(b) It includes a statement that the notice is posted on the board of education's internet web site.

(c) It includes the internet address of the board's internet web site. 36694
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(d) It includes instructions describing how the notice may be accessed on the board's internet web site. 36696
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(3) Unless the board extends the time for the opening of bids they shall be opened at the time and place specified by the board in the advertisement for the bids. 36698
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(4) Each bid shall contain the name of every person interested therein. Each bid shall meet the requirements of section 153.54 of the Revised Code. 36701
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(5) When both labor and materials are embraced in the work bid for, the board may require that each be separately stated in the bid, with the price thereof, or may require that bids be submitted without such separation. 36704
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(6) None but the lowest responsible bid shall be accepted. The board may reject all the bids, or accept any bid for both labor and material for such improvement or repair, which is the lowest in the aggregate. In all other respects, the award of contracts for improvement or repair, but not for purchases made under section 3327.08 of the Revised Code, shall be pursuant to section 153.12 of the Revised Code. 36708
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(7) The contract shall be between the board and the bidders. The board shall pay the contract price for the work pursuant to sections 153.13 and 153.14 of the Revised Code. The board shall approve and retain the estimates referred to in section 153.13 of the Revised Code and make them available to the auditor of state upon request. 36715
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(8) When two or more bids are equal, in the whole, or in any part thereof, and are lower than any others, either may be accepted, but in no case shall the work be divided between such bidders. 36721
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(9) When there is reason to believe there is collusion or combination among the bidders, or any number of them, the bids of those concerned therein shall be rejected. 36725
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(B) Division (A) of this section does not apply to the board of education of any school district in any of the following situations: 36728
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(1) The acquisition of educational materials used in teaching. 36731
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(2) If the board determines and declares by resolution adopted by two-thirds of all its members that any item is available and can be acquired only from a single source. 36733
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(3) If the board declares by resolution adopted by two-thirds of all its members that division (A) of this section does not apply to any installation, modification, or remodeling involved in any energy conservation measure undertaken through an installment payment contract under section 3313.372 of the Revised Code or undertaken pursuant to division (G) of section 133.06 of the Revised Code. 36736
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(4) The acquisition of computer software for instructional purposes and computer hardware for instructional purposes pursuant to division (B)(4) of section 3313.37 of the Revised Code. 36743
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(C) No resolution adopted pursuant to division (B)(2) or (3) of this section shall have any effect on whether sections 153.12 to 153.14 and 153.54 of the Revised Code apply to the board of education of any school district with regard to any item. 36746
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Sec. 3313.461. If the board of education of any school district determines to contract for the purchase of maintenance services for its buildings or grounds or for its school buses or other transportation equipment, the cost of which services will exceed fifty thousand dollars, the board shall make such purchase 36750
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only after selecting the contractor through a competitive bidding process in accordance with divisions (A)(2) to (9) of section 3313.46 of the Revised Code, except that any provisions of Chapter 153. of the Revised Code prescribed in those divisions shall not apply to a purchase made under this section.

Sec. 3313.53. (A) As used in this section: 36760

(1) "Licensed individual" means an individual who holds a valid educator license, certificate, or permit issued by the state board of education under section 3319.22, 3319.26, or 3319.27, ~~3319.302, or 3319.304~~ of the Revised Code. 36761
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(2) "Nonlicensed individual" means an individual who does not hold a valid educator license, certificate, or permit issued by the state board of education under section 3319.22, 3319.26, or 3319.27, ~~3319.302, or 3319.304~~ of the Revised Code. 36765
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(B) The board of education of any city, exempted village, or local school district may establish and maintain in connection with the public school systems: 36769
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(1) Manual training, industrial arts, domestic science, and commercial departments; 36772
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(2) Agricultural, industrial, vocational, and trades schools. 36774

Such board may pay from the public school funds, as other school expenses are paid, the expenses of establishing and maintaining such departments and schools and of directing, supervising, and coaching the pupil-activity programs in music, language, arts, speech, government, athletics, and any others directly related to the curriculum. 36775
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(C) The board of education of any city, exempted village, or local school district may employ a nonlicensed individual to direct, supervise, or coach a pupil-activity program as long as that individual holds a valid pupil-activity program permit issued 36781
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by the state board of education under division (A) of section 3319.303 of the Revised Code. 36785
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(D)(1) Except as provided in division (D)(2) of this section, 36787
a nonlicensed individual who holds a valid pupil-activity program 36788
permit may be employed under division (C) of this section only 36789
after the school district's board of education adopts a resolution 36790
stating that it has offered such position to those employees of 36791
the district who are licensed individuals and no such employee 36792
qualified to fill the position has accepted it, and has then 36793
advertised the position as available to any licensed individual 36794
who is qualified to fill it and who is not employed by the board, 36795
and no such person has applied for and accepted the position. 36796

(2) A board of education may renew the contract of any 36797
nonlicensed individual, currently employed by the board under 36798
division (C) of this section for one or more years, without first 36799
offering the position held by that individual to employees of the 36800
district who are licensed individuals or advertising the position 36801
as available to any qualified licensed individuals who are not 36802
currently employed by the board as otherwise required under 36803
division (D)(1) of this section. 36804

(E) A nonlicensed individual employed under this section is a 36805
nonteaching employee and is not an educational assistant as 36806
defined in section 3319.088 of the Revised Code. A nonlicensed 36807
individual may direct, supervise, or coach a pupil-activity 36808
program under this section as long as that pupil-activity program 36809
does not include any class or course required or offered for 36810
credit toward a pupil's promotion to the next grade or for 36811
graduation, or any activity conducted as a part of or required for 36812
such a class or course. A nonlicensed individual employed under 36813
this section may perform only the duties of the director, 36814
supervisor, or coach of the pupil-activity program for which the 36815
nonlicensed individual is employed. 36816

(F) The board shall fix the compensation of each nonlicensed individual employed under this section, which shall be the same amount as the position was or would be offered to the district's licensed employees, and execute a written contract with the nonlicensed individual for a term not to exceed one year. The contract shall specify the compensation, duration, and other terms of employment, and the compensation shall not be reduced unless such reduction is a part of a uniform plan affecting the entire district.

If the state board suspends, revokes, or limits the pupil-activity program permit of a nonlicensed individual, the school district board may terminate or suspend the employment contract of that individual. Otherwise, no contract issued under this section shall be terminated or suspended except pursuant to the procedure established by division (C) of section 3319.081 of the Revised Code.

Sec. 3313.536. (A) The board of education of each city, exempted village, and local school district and the governing authority of each chartered nonpublic school shall adopt a comprehensive school safety plan for each school building under the board's or governing authority's control. The board or governing authority shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff safety and shall propose operating changes to promote the prevention of potentially dangerous problems and circumstances. In developing the plan for each building, the board or governing authority shall involve community law enforcement and safety officials, parents of students who are assigned to the building, and teachers and nonteaching employees who are assigned to the building. The board or governing authority shall consider incorporating remediation strategies into the plan for any building where documented safety problems have occurred.

The board or governing authority shall incorporate into the 36849
plan both of the following: 36850

(1) A protocol for addressing serious threats to the safety 36851
of school property, students, employees, or administrators; 36852

(2) A protocol for responding to any emergency events that do 36853
occur and that compromise the safety of school property, students, 36854
employees, or administrators. 36855

Each protocol shall include procedures deemed appropriate by 36856
the board or governing authority for responding to threats and 36857
emergency events, respectively, including such things as 36858
notification of appropriate law enforcement personnel, calling 36859
upon specified emergency response personnel for assistance, and 36860
informing parents of affected students. Prior to the opening day 36861
of each school year, the board or governing authority shall inform 36862
each student enrolled in the school and the student's parent of 36863
the parental notification procedures included in the protocol. 36864

(B) The board or governing authority shall update the safety 36865
plan at least once every three years and whenever a major 36866
modification to the building requires changes in the procedures 36867
outlined in the plan. 36868

(C) The board or governing authority shall file a copy of the 36869
current safety plan and building blueprint with each law 36870
enforcement agency that has jurisdiction over the school building 36871
and, upon request, the fire department that serves the political 36872
subdivision in which the school building is located. The board or 36873
governing authority also shall file a copy of the current safety 36874
plan and a floor plan of the building, but not a building 36875
blueprint, with the attorney general, who shall post that 36876
information on the Ohio law enforcement gateway or its successor. 36877

Copies of safety plans, building blueprints, and floor plans 36878
shall be filed as described in this division not later than the 36879

ninety-first day after ~~the effective date of this amendment~~ March 36880
30, 2007. If a board or governing authority revises a safety plan, 36881
building blueprint, or floor plan after the initial filing, the 36882
board or governing authority shall file copies of the revised 36883
safety plan, building blueprint, or floor plan in the manner 36884
described in this division not later than the ninety-first day 36885
after the revision is adopted. 36886

Copies of the safety plan and building blueprint are not a 36887
public record pursuant to section 149.433 of the Revised Code. 36888

Notwithstanding section 149.433 of the Revised Code, a 36889
building floor plan filed with the attorney general pursuant to 36890
this division is not a public record to the extent it is a record 36891
kept by the attorney general. This paragraph does not affect the 36892
status of a floor plan kept as a record by another public office. 36893

The board or governing authority, each law enforcement agency 36894
and fire department to which copies of the safety plan and 36895
building blueprint are provided, and the attorney general shall 36896
keep the copies in a secure place. 36897

(D) The board or governing authority shall grant access to 36898
each school building under its control to law enforcement 36899
personnel to enable the personnel to hold training sessions for 36900
responding to threats and emergency events affecting the building, 36901
provided that the access occurs outside of student instructional 36902
hours and an employee of the board or governing authority is 36903
present in the building during the training sessions. 36904

Sec. 3313.60. Notwithstanding division (D) of section 3311.52 36905
of the Revised Code, divisions (A) to (E) of this section do not 36906
apply to any cooperative education school district established 36907
pursuant to divisions (A) to (C) of section 3311.52 of the Revised 36908
Code. 36909

(A) The board of education of each city and exempted village school district, the governing board of each educational service center, and the board of each cooperative education school district established pursuant to section 3311.521 of the Revised Code shall prescribe a curriculum for all schools under their control. Except as provided in division (E) of this section, in any such curriculum there shall be included the study of the following subjects:

(1) The language arts, including reading, writing, spelling, oral and written English, and literature;

(2) Geography, the history of the United States and of Ohio, and national, state, and local government in the United States, including a balanced presentation of the relevant contributions to society of men and women of African, Mexican, Puerto Rican, and American Indian descent as well as other ethnic and racial groups in Ohio and the United States;

(3) Mathematics;

(4) Natural science, including instruction in the conservation of natural resources;

(5) Health education, which shall include instruction in:

(a) The nutritive value of foods, including natural and organically produced foods, the relation of nutrition to health, the use and effects of food additives;

(b) The harmful effects of and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco;

(c) Venereal disease education, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in venereal disease education;

(d) In grades kindergarten through six, instruction in personal safety and assault prevention, except that upon written

request of the student's parent or guardian, a student shall be 36940
excused from taking instruction in personal safety and assault 36941
prevention. 36942

(6) Physical education; 36943

(7) The fine arts, including music; 36944

(8) First aid, including a training program in 36945
cardiopulmonary resuscitation, safety, and fire prevention, except 36946
that upon written request of the student's parent or guardian, a 36947
student shall be excused from taking instruction in 36948
cardiopulmonary resuscitation. 36949

(B) Except as provided in division (E) of this section, every 36950
school or school district shall include in the requirements for 36951
promotion from the eighth grade to the ninth grade one year's 36952
course of study of American history. A board may waive this 36953
requirement for academically accelerated students who, in 36954
accordance with procedures adopted by the board, are able to 36955
demonstrate mastery of essential concepts and skills of the eighth 36956
grade American history course of study. 36957

(C) Except as provided in division (E) of this section, every 36958
high school shall include in the requirements for graduation from 36959
any curriculum one unit of American history and government, 36960
including a study of the constitutions of the United States and of 36961
Ohio. 36962

(D) Except as provided in division (E) of this section, basic 36963
instruction in geography, United States history, the government of 36964
the United States, the government of the state of Ohio, local 36965
government in Ohio, the Declaration of Independence, the United 36966
States Constitution, and the Constitution of the state of Ohio 36967
shall be required before pupils may participate in courses 36968
involving the study of social problems, economics, foreign 36969
affairs, United Nations, world government, socialism and 36970

communism.	36971
(E) For each cooperative education school district established pursuant to section 3311.521 of the Revised Code and each city, exempted village, and local school district that has territory within such a cooperative district, the curriculum adopted pursuant to divisions (A) to (D) of this section shall only include the study of the subjects that apply to the grades operated by each such school district. The curriculums for such schools, when combined, shall provide to each student of these districts all of the subjects required under divisions (A) to (D) of this section.	36972 36973 36974 36975 36976 36977 36978 36979 36980 36981
(F) The board of education of any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code shall prescribe a curriculum for the subject areas and grade levels offered in any school under its control.	36982 36983 36984 36985 36986
(G) Upon the request of any parent or legal guardian of a student, the board of education of any school district shall permit the parent or guardian to promptly examine, with respect to the parent's or guardian's own child:	36987 36988 36989 36990
(1) Any survey or questionnaire, prior to its administration to the child;	36991 36992
(2) Any textbook, workbook, software, video, or other instructional materials being used by the district in connection with the instruction of the child;	36993 36994 36995
(3) Any completed and graded test taken or survey or questionnaire filled out by the child;	36996 36997
(4) Copies of the statewide academic standards and each model curriculum developed pursuant to section 3301.079 of the Revised Code, which copies shall be available at all times during school hours in each district school building.	36998 36999 37000 37001

Sec. 3313.602. (A) The board of education of each city, 37002
local, exempted village, and joint vocational school district 37003
shall adopt a policy specifying whether or not oral recitation of 37004
the pledge of allegiance to the flag shall be a part of the 37005
school's program and, if so, establishing a time and manner for 37006
the recitation. However, no board of education shall prohibit a 37007
classroom teacher from providing in the teacher's classroom 37008
reasonable periods of time for the oral recitation of the pledge 37009
of allegiance to the flag. The policy adopted under this division, 37010
and a teacher who includes recitation of the pledge in the 37011
classroom, shall not require any student to participate in the 37012
recitation and shall prohibit the intimidation of any student by 37013
other students or staff aimed at coercing participation. 37014

No board of education or employee of a city, local, exempted 37015
village, or joint vocational school district shall alter the words 37016
used in the oral recitation of the pledge of allegiance to the 37017
flag from the words set forth in 4 U.S.C. 4. 37018

(B) In the development of its graded course of study, the 37019
board of education of each city and exempted village school 37020
district and the governing board of each educational service 37021
center shall ensure that the principles of democracy and ethics 37022
are emphasized and discussed wherever appropriate in all parts of 37023
the curriculum for grades kindergarten through twelve. 37024

(C) Each city, local, exempted village, and joint vocational 37025
school board shall adopt policies that encourage all certificated 37026
and noncertificated employees to be cognizant of their roles in 37027
instilling ethical principles and democratic ideals in all 37028
district pupils. 37029

(D) The board of education of each city, local, joint 37030
vocational, chartered community, and exempted village school 37031
district, and the Cleveland scholarship and tutoring program, 37032

shall require each district school to devote time on or about 37033
Veterans' day to an observance that conveys the meaning and 37034
significance of that day. The amount of time each school devotes 37035
to this observance shall be at least one hour or, in schools that 37036
schedule class periods of less than one hour, at least one 37037
standard class period. The board shall determine the specific 37038
activities to constitute the observance in each school in the 37039
district after consultation with the school's administrators. 37040

Sec. 3313.603. (A) As used in this section: 37041

(1) "One unit" means a minimum of one hundred twenty hours of 37042
course instruction, except that for a laboratory course, "one 37043
unit" means a minimum of one hundred fifty hours of course 37044
instruction. 37045

(2) "One-half unit" means a minimum of sixty hours of course 37046
instruction, except that for physical education courses, "one-half 37047
unit" means a minimum of one hundred twenty hours of course 37048
instruction. 37049

(B) Beginning September 15, 2001, except as required in 37050
division (C) of this section and division (C) of section 3313.614 37051
of the Revised Code, the requirements for graduation from every 37052
high school shall include twenty units earned in grades nine 37053
through twelve and shall be distributed as follows: 37054

(1) English language arts, four units; 37055

(2) Health, one-half unit; 37056

(3) Mathematics, three units; 37057

(4) Physical education, one-half unit; 37058

(5) Science, two units until September 15, 2003, and three 37059
units thereafter, which at all times shall include both of the 37060
following: 37061

(a) Biological sciences, one unit;	37062
(b) Physical sciences, one unit.	37063
(6) Social studies, three units, which shall include both of the following:	37064 37065
(a) American history, one-half unit;	37066
(b) American government, one-half unit.	37067
(7) Elective units, seven units until September 15, 2003, and six units thereafter.	37068 37069
Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language.	37070 37071 37072
(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school shall include twenty units that are designed to prepare students for the workforce and college. The units shall be distributed as follows:	37073 37074 37075 37076 37077 37078 37079
(1) English language arts, four units;	37080
(2) Health, one-half unit;	37081
(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II;	37082 37083
(4) Physical education, one-half unit;	37084
(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent:	37085 37086 37087 37088
(a) Physical sciences, one unit;	37089
(b) Life sciences, one unit;	37090

(c) Advanced study in one or more of the following sciences,	37091
one unit:	37092
(i) Chemistry, physics, or other physical science;	37093
(ii) Advanced biology or other life science;	37094
(iii) Astronomy, physical geology, or other earth or space	37095
science.	37096
(6) Social studies, three units, which shall include both of	37097
the following:	37098
(a) American history, one-half unit;	37099
(b) American government, one-half unit.	37100
Each school shall integrate the study of economics and	37101
financial literacy, as expressed in the social studies academic	37102
content standards adopted by the state board of education under	37103
section 3301.079 of the Revised Code, into one or more existing	37104
social studies credits required under division (C)(6) of this	37105
section, or into the content of another class, so that every high	37106
school student receives instruction in those concepts. In	37107
developing the curriculum required by this paragraph, schools	37108
shall use available public-private partnerships and resources and	37109
materials that exist in business, industry, and through the	37110
centers for economics education at institutions of higher	37111
education in the state.	37112
(7) Five units consisting of one or any combination of	37113
foreign language, fine arts, business, career-technical education,	37114
family and consumer sciences, technology, agricultural education,	37115
or English language arts, mathematics, science, or social studies	37116
courses not otherwise required under division (C) of this section.	37117
Ohioans must be prepared to apply increased knowledge and	37118
skills in the workplace and to adapt their knowledge and skills	37119
quickly to meet the rapidly changing conditions of the	37120

twenty-first century. National studies indicate that all high 37121
school graduates need the same academic foundation, regardless of 37122
the opportunities they pursue after graduation. The goal of Ohio's 37123
system of elementary and secondary education is to prepare all 37124
students for and seamlessly connect all students to success in 37125
life beyond high school graduation, regardless of whether the next 37126
step is entering the workforce, beginning an apprenticeship, 37127
engaging in post-secondary training, serving in the military, or 37128
pursuing a college degree. 37129

The Ohio core curriculum is the standard expectation for all 37130
students entering ninth grade for the first time at a public or 37131
chartered nonpublic high school on or after July 1, 2010. A 37132
student may satisfy this expectation through a variety of methods, 37133
including, but not limited to, integrated, applied, 37134
career-technical, and traditional coursework. 37135

Whereas teacher quality is essential for student success in 37136
completing the Ohio core curriculum, the general assembly shall 37137
appropriate funds for strategic initiatives designed to strengthen 37138
schools' capacities to hire and retain highly qualified teachers 37139
in the subject areas required by the curriculum. Such initiatives 37140
are expected to require an investment of \$120,000,000 over five 37141
years. 37142

Stronger coordination between high schools and institutions 37143
of higher education is necessary to prepare students for more 37144
challenging academic endeavors and to lessen the need for academic 37145
remediation in college, thereby reducing the costs of higher 37146
education for Ohio's students, families, and the state. The state 37147
board of education, the Ohio board of regents, and the partnership 37148
for continued learning shall develop policies to ensure that only 37149
in rare instances will students who complete the Ohio core 37150
curriculum require academic remediation after high school. 37151

School districts, community schools, and chartered nonpublic 37152

schools shall integrate technology into learning experiences 37153
whenever practicable across the curriculum in order to maximize 37154
efficiency, enhance learning, and prepare students for success in 37155
the technology-driven twenty-first century. Districts and schools 37156
may use distance and web-based course delivery as a method of 37157
providing or augmenting all instruction required under this 37158
division, including laboratory experience in science. Districts 37159
and schools shall whenever practicable utilize technology access 37160
and electronic learning opportunities provided by the eTech Ohio 37161
commission, the Ohio learning network, education technology 37162
centers, public television stations, and other public and private 37163
providers. 37164

(D) Except as provided in division (E) of this section, a 37165
student who enters ninth grade on or after July 1, 2010, and 37166
before July 1, 2014, may qualify for graduation from a public or 37167
chartered nonpublic high school even though the student has not 37168
completed the Ohio core curriculum prescribed in division (C) of 37169
this section if all of the following conditions are satisfied: 37170

(1) After the student has attended high school for two years, 37171
as determined by the school, the student and the student's parent, 37172
guardian, or custodian sign and file with the school a written 37173
statement asserting the parent's, guardian's, or custodian's 37174
consent to the student's graduating without completing the Ohio 37175
core curriculum and acknowledging that one consequence of not 37176
completing the Ohio core curriculum is ineligibility to enroll in 37177
most state universities in Ohio without further coursework. 37178

(2) The student and parent, guardian, or custodian fulfill 37179
any procedural requirements the school stipulates to ensure the 37180
student's and parent's, guardian's, or custodian's informed 37181
consent and to facilitate orderly filing of statements under 37182
division (D)(1) of this section. 37183

(3) The student and the student's parent, guardian, or 37184

custodian and a representative of the student's high school 37185
jointly develop an individual career plan for the student that 37186
specifies the student matriculating to a two-year degree program, 37187
acquiring a business and industry credential, or entering an 37188
apprenticeship. 37189

(4) The student's high school provides counseling and support 37190
for the student related to the plan developed under division 37191
(D)(3) of this section during the remainder of the student's high 37192
school experience. 37193

(5) The student successfully completes, at a minimum, the 37194
curriculum prescribed in division (B) of this section. 37195

The partnership for continued learning, in collaboration with 37196
the department of education and the Ohio board of regents, shall 37197
analyze student performance data to determine if there are 37198
mitigating factors that warrant extending the exception permitted 37199
by division (D) of this section to high school classes beyond 37200
those entering ninth grade before July 1, 2014. The partnership 37201
shall submit its findings and any recommendations not later than 37202
August 1, 2014, to the speaker and minority leader of the house of 37203
representatives, the president and minority leader of the senate, 37204
the chairpersons and ranking minority members of the standing 37205
committees of the house of representatives and the senate that 37206
consider education legislation, the state board of education, and 37207
the superintendent of public instruction. 37208

(E) Each school district and chartered nonpublic school 37209
retains the authority to require an even more rigorous minimum 37210
curriculum for high school graduation than specified in division 37211
(B) or (C) of this section. A school district board of education, 37212
through the adoption of a resolution, or the governing authority 37213
of a chartered nonpublic school may stipulate any of the 37214
following: 37215

(1) A minimum high school curriculum that requires more than twenty units of academic credit to graduate;	37216 37217
(2) An exception to the district's or school's minimum high school curriculum that is comparable to the exception provided in division (D) of this section but with additional requirements, which may include a requirement that the student successfully complete more than the minimum curriculum prescribed in division (B) of this section;	37218 37219 37220 37221 37222 37223
(3) That no exception comparable to that provided in division (D) of this section is available.	37224 37225
(F) A student enrolled in a dropout prevention and recovery program, which program has received a waiver from the department of education, may qualify for graduation from high school by successfully completing a competency-based instructional program administered by the dropout prevention and recovery program in lieu of completing the Ohio core curriculum prescribed in division (C) of this section. The department shall grant a waiver to a dropout prevention and recovery program, within sixty days after the program applies for the waiver, if the program meets all of the following conditions:	37226 37227 37228 37229 37230 37231 37232 37233 37234 37235
(1) The program serves only students not younger than sixteen years of age and not older than twenty-one years of age.	37236 37237
(2) The program enrolls students who, at the time of their initial enrollment, either, or both, are at least one grade level behind their cohort age groups or experience crises that significantly interfere with their academic progress such that they are prevented from continuing their traditional programs.	37238 37239 37240 37241 37242
(3) The program requires students to attain at least the applicable score designated for each of the tests prescribed under division (B) of section 3301.0710 of the Revised Code.	37243 37244 37245
(4) The program develops an individual career plan for the	37246

student that specifies the student's matriculating to a two-year 37247
degree program, acquiring a business and industry credential, or 37248
entering an apprenticeship. 37249

(5) The program provides counseling and support for the 37250
student related to the plan developed under division (F)(4) of 37251
this section during the remainder of the student's high school 37252
experience. 37253

(6) The program requires the student and the student's 37254
parent, guardian, or custodian to sign and file, in accordance 37255
with procedural requirements stipulated by the program, a written 37256
statement asserting the parent's, guardian's, or custodian's 37257
consent to the student's graduating without completing the Ohio 37258
core curriculum and acknowledging that one consequence of not 37259
completing the Ohio core curriculum is ineligibility to enroll in 37260
most state universities in Ohio without further coursework. 37261

(7) Prior to receiving the waiver, the program has submitted 37262
to the department an instructional plan that demonstrates how the 37263
academic content standards adopted by the state board of education 37264
under section 3301.079 of the Revised Code will be taught and 37265
assessed. 37266

If the department does not act either to grant the waiver or 37267
to reject the program application for the waiver within sixty days 37268
as required under this section, the waiver shall be considered to 37269
be granted. 37270

(G) Every high school may permit students below the ninth 37271
grade to take advanced work ~~for~~. If a high school so permits, it 37272
shall award high school credit. A high school for successful 37273
completion of the advanced work and shall count such advanced work 37274
toward the graduation requirements of division (B) or (C) of this 37275
section if the advanced work was both: 37276

(1) Taught by a person who possesses a license or certificate 37277

issued under section 3301.071, 3319.22, or 3319.222 of the Revised Code that is valid for teaching high school;

(2) Designated by the board of education of the city, local, or exempted village school district, the board of the cooperative education school district, or the governing authority of the chartered nonpublic school as meeting the high school curriculum requirements.

Each high school shall record on the student's high school transcript all high school credit awarded under division (G) of this section. In addition, if the student completed a seventh- or eighth-grade fine arts course described in division (K) of this section and the course qualified for high school credit under that division, the high school shall record that course on the student's high school transcript.

(H) The department shall make its individual academic career plan available through its Ohio career information system web site for districts and schools to use as a tool for communicating with and providing guidance to students and families in selecting high school courses.

(I) Units earned in English language arts, mathematics, science, and social studies that are delivered through integrated academic and career-technical instruction are eligible to meet the graduation requirements of division (B) or (C) of this section.

(J) The state board of education, in consultation with the Ohio board of regents and the partnership for continued learning, shall adopt a statewide plan implementing methods for students to earn units of high school credit based on a demonstration of subject area competency, instead of or in combination with completing hours of classroom instruction. The state board shall adopt the plan not later than March 31, 2009, and commence phasing in the plan during the 2009-2010 school year. The plan shall

include a standard method for recording demonstrated proficiency 37309
on high school transcripts. Each school district, community 37310
school, and chartered nonpublic school shall comply with the state 37311
board's plan adopted under this division and award units of high 37312
school credit in accordance with the plan. The state board may 37313
adopt existing methods for earning high school credit based on a 37314
demonstration of subject area competency as necessary prior to the 37315
2009-2010 school year. 37316

(K) This division does not apply to students who qualify for 37317
graduation from high school under division (D) or (F) of this 37318
section, or to students pursuing a career-technical instructional 37319
track as determined by the school district board of education or 37320
the chartered nonpublic school's governing authority. 37321
Nevertheless, the general assembly encourages such students to 37322
consider enrolling in a fine arts course as an elective. 37323

Beginning with students who enter ninth grade for the first 37324
time on or after July 1, 2010, each student enrolled in a public 37325
or chartered nonpublic high school shall complete two semesters or 37326
the equivalent of fine arts to graduate from high school. The 37327
coursework may be completed in any of grades seven to twelve. Each 37328
student who completes a fine arts course in grade seven or eight 37329
may elect to count that course toward the five units of electives 37330
required for graduation under division (C)(7) of this section, if 37331
the course satisfied the requirements of division (G) of this 37332
section. In that case, the high school shall award the student 37333
high school credit for the course and count the course toward the 37334
five units required under division (C)(7) of this section. If the 37335
course in grade seven or eight did not satisfy the requirements of 37336
division (G) of this section, the high school shall not award the 37337
student high school credit for the course but shall count the 37338
course toward the two semesters or the equivalent of fine arts 37339
required by this division. 37340

(L) Notwithstanding anything to the contrary in this section, 37341
the board of education of each school district and the governing 37342
authority of each chartered nonpublic school may adopt a policy to 37343
excuse from the high school physical education requirement each 37344
student who, during high school, has participated in 37345
interscholastic athletics, marching band, or cheerleading for at 37346
least two full seasons. If the board or authority adopts such a 37347
policy, the board or authority shall not require the student to 37348
complete any physical education course as a condition to graduate. 37349
However, the student shall be required to complete one-half unit, 37350
consisting of at least sixty hours of instruction, in another 37351
course of study. 37352

Sec. 3313.64. (A) As used in this section and in section 37353
3313.65 of the Revised Code: 37354

(1)(a) Except as provided in division (A)(1)(b) of this 37355
section, "parent" means either parent, unless the parents are 37356
separated or divorced or their marriage has been dissolved or 37357
annulled, in which case "parent" means the parent who is the 37358
residential parent and legal custodian of the child. When a child 37359
is in the legal custody of a government agency or a person other 37360
than the child's natural or adoptive parent, "parent" means the 37361
parent with residual parental rights, privileges, and 37362
responsibilities. When a child is in the permanent custody of a 37363
government agency or a person other than the child's natural or 37364
adoptive parent, "parent" means the parent who was divested of 37365
parental rights and responsibilities for the care of the child and 37366
the right to have the child live with the parent and be the legal 37367
custodian of the child and all residual parental rights, 37368
privileges, and responsibilities. 37369

(b) When a child is the subject of a power of attorney 37370
executed under sections 3109.51 to 3109.62 of the Revised Code, 37371

"parent" means the grandparent designated as attorney in fact under the power of attorney. When a child is the subject of a caretaker authorization affidavit executed under sections 3109.64 to 3109.73 of the Revised Code, "parent" means the grandparent that executed the affidavit.

(2) "Legal custody," "permanent custody," and "residual parental rights, privileges, and responsibilities" have the same meanings as in section 2151.011 of the Revised Code.

(3) "School district" or "district" means a city, local, or exempted village school district and excludes any school operated in an institution maintained by the department of youth services.

(4) Except as used in division (C)(2) of this section, "home" means a home, institution, foster home, group home, or other residential facility in this state that receives and cares for children, to which any of the following applies:

(a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services.

(b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose.

(c) The home accepted the child through a placement by a person licensed, certified, or approved to place a child in such a home by the state.

(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.

(5) "Agency" means all of the following:

(a) A public children services agency;

(b) An organization that holds a certificate issued by the Ohio department of job and family services in accordance with the

requirements of section 5103.03 of the Revised Code and assumes 37402
temporary or permanent custody of children through commitment, 37403
agreement, or surrender, and places children in family homes for 37404
the purpose of adoption; 37405

(c) Comparable agencies of other states or countries that 37406
have complied with applicable requirements of section 2151.39 of 37407
the Revised Code or as applicable, sections 5103.20 to 5103.22 or 37408
5103.23 to 5103.237 of the Revised Code. 37409

(6) A child is placed for adoption if either of the following 37410
occurs: 37411

(a) An agency to which the child has been permanently 37412
committed or surrendered enters into an agreement with a person 37413
pursuant to section 5103.16 of the Revised Code for the care and 37414
adoption of the child. 37415

(b) The child's natural parent places the child pursuant to 37416
section 5103.16 of the Revised Code with a person who will care 37417
for and adopt the child. 37418

(7) "Preschool child with a disability" has the same meaning 37419
as in section 3323.01 of the Revised Code. 37420

(8) "Child," unless otherwise indicated, includes preschool 37421
children with disabilities. 37422

(9) "Active duty" means active duty pursuant to an executive 37423
order of the president of the United States, an act of the 37424
congress of the United States, or section 5919.29 or 5923.21 of 37425
the Revised Code. 37426

(B) Except as otherwise provided in section 3321.01 of the 37427
Revised Code for admittance to kindergarten and first grade, a 37428
child who is at least five but under twenty-two years of age and 37429
any preschool child with a disability shall be admitted to school 37430
as provided in this division. 37431

(1) A child shall be admitted to the schools of the school district in which the child's parent resides. 37432
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(2) A child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies: 37434
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(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent. 37438
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37440

(b) The child resides in a home. 37441

(c) The child requires special education. 37442

(3) A child who is not entitled under division (B)(2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies: 37443
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(a) The placement for adoption has been terminated. 37449

(b) Another school district is required to admit the child under division (B)(1) of this section. 37450
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Division (B) of this section does not prohibit the board of education of a school district from placing a child with a disability who resides in the district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code. 37452
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(C) A district shall not charge tuition for children admitted under division (B)(1) or (3) of this section. If the district admits a child under division (B)(2) of this section, tuition shall be paid to the district that admits the child as ~~follows~~ provided in divisions (C)(1) to (3) of this section, unless 37457
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division (C)(4) of this section applies to the child: 37462

(1) If the child receives special education in accordance 37463
with Chapter 3323. of the Revised Code, the school district of 37464
residence, as defined in section 3323.01 of the Revised Code, 37465
shall pay tuition for the child in accordance with section 37466
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 37467
regardless of who has custody of the child or whether the child 37468
resides in a home. 37469

(2) For a child that does not receive special education in 37470
accordance with Chapter 3323. of the Revised Code, except as 37471
otherwise provided in division (C)(2)(d) of this section, if the 37472
child is in the permanent or legal custody of a government agency 37473
or person other than the child's parent, tuition shall be paid by: 37474

(a) The district in which the child's parent resided at the 37475
time the court removed the child from home or at the time the 37476
court vested legal or permanent custody of the child in the person 37477
or government agency, whichever occurred first; 37478

(b) If the parent's residence at the time the court removed 37479
the child from home or placed the child in the legal or permanent 37480
custody of the person or government agency is unknown, tuition 37481
shall be paid by the district in which the child resided at the 37482
time the child was removed from home or placed in legal or 37483
permanent custody, whichever occurred first; 37484

(c) If a school district cannot be established under division 37485
(C)(2)(a) or (b) of this section, tuition shall be paid by the 37486
district determined as required by section 2151.362 of the Revised 37487
Code by the court at the time it vests custody of the child in the 37488
person or government agency; 37489

(d) If at the time the court removed the child from home or 37490
vested legal or permanent custody of the child in the person or 37491
government agency, whichever occurred first, one parent was in a 37492

residential or correctional facility or a juvenile residential 37493
placement and the other parent, if living and not in such a 37494
facility or placement, was not known to reside in this state, 37495
tuition shall be paid by the district determined under division 37496
(D) of section 3313.65 of the Revised Code as the district 37497
required to pay any tuition while the parent was in such facility 37498
or placement; 37499

(e) If the department of education has determined, pursuant 37500
to division (A)(2) of section 2151.362 of the Revised Code, that a 37501
school district other than the one named in the court's initial 37502
order, or in a prior determination of the department, is 37503
responsible to bear the cost of educating the child, the district 37504
so determined shall be responsible for that cost. 37505

(3) If the child is not in the permanent or legal custody of 37506
a government agency or person other than the child's parent and 37507
the child resides in a home, tuition shall be paid by one of the 37508
following: 37509

(a) The school district in which the child's parent resides; 37510

(b) If the child's parent is not a resident of this state, 37511
the home in which the child resides. 37512

(4) Division (C)(4) of this section applies to any child who 37513
is admitted to a school district under division (B)(2) of this 37514
section, resides in a home that is not a foster home or a home 37515
maintained by the department of youth services, receives 37516
educational services at the home in which the child resides 37517
pursuant to a contract between the home and the school district 37518
providing those services, and does not receive special education. 37519

In the case of a child to which division (C)(4) of this 37520
section applies, the total educational cost to be paid for the 37521
child shall be determined by a formula approved by the department 37522
of education, which formula shall be designed to calculate a per 37523

diem cost for the educational services provided to the child for 37524
each day the child is served and shall reflect the total actual 37525
cost incurred in providing those services. The department shall 37526
certify the total educational cost to be paid for the child to 37527
both the school district providing the educational services and, 37528
if different, the school district that is responsible to pay 37529
tuition for the child. The department shall deduct the certified 37530
amount from the state basic aid funds payable under Chapter 3317. 37531
of the Revised Code to the district responsible to pay tuition and 37532
shall pay that amount to the district providing the educational 37533
services to the child. 37534

(D) Tuition required to be paid under divisions (C)(2) and 37535
(3)(a) of this section shall be computed in accordance with 37536
section 3317.08 of the Revised Code. Tuition required to be paid 37537
under division (C)(3)(b) of this section shall be computed in 37538
accordance with section 3317.081 of the Revised Code. If a home 37539
fails to pay the tuition required by division (C)(3)(b) of this 37540
section, the board of education providing the education may 37541
recover in a civil action the tuition and the expenses incurred in 37542
prosecuting the action, including court costs and reasonable 37543
attorney's fees. If the prosecuting attorney or city director of 37544
law represents the board in such action, costs and reasonable 37545
attorney's fees awarded by the court, based upon the prosecuting 37546
attorney's, director's, or one of their designee's time spent 37547
preparing and presenting the case, shall be deposited in the 37548
county or city general fund. 37549

(E) A board of education may enroll a child free of any 37550
tuition obligation for a period not to exceed sixty days, on the 37551
sworn statement of an adult resident of the district that the 37552
resident has initiated legal proceedings for custody of the child. 37553

(F) In the case of any individual entitled to attend school 37554
under this division, no tuition shall be charged by the school 37555

district of attendance and no other school district shall be 37556
required to pay tuition for the individual's attendance. 37557

Notwithstanding division (B), (C), or (E) of this section: 37558

(1) All persons at least eighteen but under twenty-two years 37559
of age who live apart from their parents, support themselves by 37560
their own labor, and have not successfully completed the high 37561
school curriculum or the individualized education program 37562
developed for the person by the high school pursuant to section 37563
3323.08 of the Revised Code, are entitled to attend school in the 37564
district in which they reside. 37565

(2) Any child under eighteen years of age who is married is 37566
entitled to attend school in the child's district of residence. 37567

(3) A child is entitled to attend school in the district in 37568
which either of the child's parents is employed if the child has a 37569
medical condition that may require emergency medical attention. 37570
The parent of a child entitled to attend school under division 37571
(F)(3) of this section shall submit to the board of education of 37572
the district in which the parent is employed a statement from the 37573
child's physician certifying that the child's medical condition 37574
may require emergency medical attention. The statement shall be 37575
supported by such other evidence as the board may require. 37576

(4) Any child residing with a person other than the child's 37577
parent is entitled, for a period not to exceed twelve months, to 37578
attend school in the district in which that person resides if the 37579
child's parent files an affidavit with the superintendent of the 37580
district in which the person with whom the child is living resides 37581
stating all of the following: 37582

(a) That the parent is serving outside of the state in the 37583
armed services of the United States; 37584

(b) That the parent intends to reside in the district upon 37585
returning to this state; 37586

(c) The name and address of the person with whom the child is living while the parent is outside the state. 37587
37588

(5) Any child under the age of twenty-two years who, after the death of a parent, resides in a school district other than the district in which the child attended school at the time of the parent's death is entitled to continue to attend school in the district in which the child attended school at the time of the parent's death for the remainder of the school year, subject to approval of that district board. 37589
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(6) A child under the age of twenty-two years who resides with a parent who is having a new house built in a school district outside the district where the parent is residing is entitled to attend school for a period of time in the district where the new house is being built. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following: 37596
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(a) A sworn statement explaining the situation, revealing the location of the house being built, and stating the parent's intention to reside there upon its completion; 37603
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37605

(b) A statement from the builder confirming that a new house is being built for the parent and that the house is at the location indicated in the parent's statement. 37606
37607
37608

(7) A child under the age of twenty-two years residing with a parent who has a contract to purchase a house in a school district outside the district where the parent is residing and who is waiting upon the date of closing of the mortgage loan for the purchase of such house is entitled to attend school for a period of time in the district where the house is being purchased. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following: 37609
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(a) A sworn statement explaining the situation, revealing the 37617

location of the house being purchased, and stating the parent's 37618
intent to reside there; 37619

(b) A statement from a real estate broker or bank officer 37620
confirming that the parent has a contract to purchase the house, 37621
that the parent is waiting upon the date of closing of the 37622
mortgage loan, and that the house is at the location indicated in 37623
the parent's statement. 37624

The district superintendent shall establish a period of time 37625
not to exceed ninety days during which the child entitled to 37626
attend school under division (F)(6) or (7) of this section may 37627
attend without tuition obligation. A student attending a school 37628
under division (F)(6) or (7) of this section shall be eligible to 37629
participate in interscholastic athletics under the auspices of 37630
that school, provided the board of education of the school 37631
district where the student's parent resides, by a formal action, 37632
releases the student to participate in interscholastic athletics 37633
at the school where the student is attending, and provided the 37634
student receives any authorization required by a public agency or 37635
private organization of which the school district is a member 37636
exercising authority over interscholastic sports. 37637

(8) A child whose parent is a full-time employee of a city, 37638
local, or exempted village school district, or of an educational 37639
service center, may be admitted to the schools of the district 37640
where the child's parent is employed, or in the case of a child 37641
whose parent is employed by an educational service center, in the 37642
district that serves the location where the parent's job is 37643
primarily located, provided the district board of education 37644
establishes such an admission policy by resolution adopted by a 37645
majority of its members. Any such policy shall take effect on the 37646
first day of the school year and the effective date of any 37647
amendment or repeal may not be prior to the first day of the 37648
subsequent school year. The policy shall be uniformly applied to 37649

all such children and shall provide for the admission of any such 37650
child upon request of the parent. No child may be admitted under 37651
this policy after the first day of classes of any school year. 37652

(9) A child who is with the child's parent under the care of 37653
a shelter for victims of domestic violence, as defined in section 37654
3113.33 of the Revised Code, is entitled to attend school free in 37655
the district in which the child is with the child's parent, and no 37656
other school district shall be required to pay tuition for the 37657
child's attendance in that school district. 37658

The enrollment of a child in a school district under this 37659
division shall not be denied due to a delay in the school 37660
district's receipt of any records required under section 3313.672 37661
of the Revised Code or any other records required for enrollment. 37662
Any days of attendance and any credits earned by a child while 37663
enrolled in a school district under this division shall be 37664
transferred to and accepted by any school district in which the 37665
child subsequently enrolls. The state board of education shall 37666
adopt rules to ensure compliance with this division. 37667

(10) Any child under the age of twenty-two years whose parent 37668
has moved out of the school district after the commencement of 37669
classes in the child's senior year of high school is entitled, 37670
subject to the approval of that district board, to attend school 37671
in the district in which the child attended school at the time of 37672
the parental move for the remainder of the school year and for one 37673
additional semester or equivalent term. A district board may also 37674
adopt a policy specifying extenuating circumstances under which a 37675
student may continue to attend school under division (F)(10) of 37676
this section for an additional period of time in order to 37677
successfully complete the high school curriculum for the 37678
individualized education program developed for the student by the 37679
high school pursuant to section 3323.08 of the Revised Code. 37680

(11) As used in this division, "grandparent" means a parent 37681

of a parent of a child. A child under the age of twenty-two years 37682
who is in the custody of the child's parent, resides with a 37683
grandparent, and does not require special education is entitled to 37684
attend the schools of the district in which the child's 37685
grandparent resides, provided that, prior to such attendance in 37686
any school year, the board of education of the school district in 37687
which the child's grandparent resides and the board of education 37688
of the school district in which the child's parent resides enter 37689
into a written agreement specifying that good cause exists for 37690
such attendance, describing the nature of this good cause, and 37691
consenting to such attendance. 37692

In lieu of a consent form signed by a parent, a board of 37693
education may request the grandparent of a child attending school 37694
in the district in which the grandparent resides pursuant to 37695
division (F)(11) of this section to complete any consent form 37696
required by the district, including any authorization required by 37697
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 37698
Code. Upon request, the grandparent shall complete any consent 37699
form required by the district. A school district shall not incur 37700
any liability solely because of its receipt of a consent form from 37701
a grandparent in lieu of a parent. 37702

Division (F)(11) of this section does not create, and shall 37703
not be construed as creating, a new cause of action or substantive 37704
legal right against a school district, a member of a board of 37705
education, or an employee of a school district. This section does 37706
not affect, and shall not be construed as affecting, any 37707
immunities from defenses to tort liability created or recognized 37708
by Chapter 2744. of the Revised Code for a school district, 37709
member, or employee. 37710

(12) A child under the age of twenty-two years is entitled to 37711
attend school in a school district other than the district in 37712
which the child is entitled to attend school under division (B), 37713

(C), or (E) of this section provided that, prior to such 37714
attendance in any school year, both of the following occur: 37715

(a) The superintendent of the district in which the child is 37716
entitled to attend school under division (B), (C), or (E) of this 37717
section contacts the superintendent of another district for 37718
purposes of this division; 37719

(b) The superintendents of both districts enter into a 37720
written agreement that consents to the attendance and specifies 37721
that the purpose of such attendance is to protect the student's 37722
physical or mental well-being or to deal with other extenuating 37723
circumstances deemed appropriate by the superintendents. 37724

While an agreement is in effect under this division for a 37725
student who is not receiving special education under Chapter 3323. 37726
of the Revised Code and notwithstanding Chapter 3327. of the 37727
Revised Code, the board of education of neither school district 37728
involved in the agreement is required to provide transportation 37729
for the student to and from the school where the student attends. 37730

A student attending a school of a district pursuant to this 37731
division shall be allowed to participate in all student 37732
activities, including interscholastic athletics, at the school 37733
where the student is attending on the same basis as any student 37734
who has always attended the schools of that district while of 37735
compulsory school age. 37736

(13) All school districts shall comply with the 37737
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 37738
seq., for the education of homeless children. Each city, local, 37739
and exempted village school district shall comply with the 37740
requirements of that act governing the provision of a free, 37741
appropriate public education, including public preschool, to each 37742
homeless child. 37743

When a child loses permanent housing and becomes a homeless 37744

person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 37745
such a homeless person changes temporary living arrangements, the 37746
child's parent or guardian shall have the option of enrolling the 37747
child in either of the following: 37748

(a) The child's school of origin, as defined in 42 U.S.C.A. 37749
11432(g)(3)(C); 37750

(b) The school that is operated by the school district in 37751
which the shelter where the child currently resides is located and 37752
that serves the geographic area in which the shelter is located. 37753

(14) A child under the age of twenty-two years who resides 37754
with a person other than the child's parent is entitled to attend 37755
school in the school district in which that person resides if both 37756
of the following apply: 37757

(a) That person has been appointed, through a military power 37758
of attorney executed under section 574(a) of the "National Defense 37759
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 37760
U.S.C. 1044b, or through a comparable document necessary to 37761
complete a family care plan, as the parent's agent for the care, 37762
custody, and control of the child while the parent is on active 37763
duty as a member of the national guard or a reserve unit of the 37764
armed forces of the United States or because the parent is a 37765
member of the armed forces of the United States and is on a duty 37766
assignment away from the parent's residence. 37767

(b) The military power of attorney or comparable document 37768
includes at least the authority to enroll the child in school. 37769

The entitlement to attend school in the district in which the 37770
parent's agent under the military power of attorney or comparable 37771
document resides applies until the end of the school year in which 37772
the military power of attorney or comparable document expires. 37773

(G) A board of education, after approving admission, may 37774
waive tuition for students who will temporarily reside in the 37775

district and who are either of the following: 37776

(1) Residents or domiciliaries of a foreign nation who 37777
request admission as foreign exchange students; 37778

(2) Residents or domiciliaries of the United States but not 37779
of Ohio who request admission as participants in an exchange 37780
program operated by a student exchange organization. 37781

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 37782
3327.04, and 3327.06 of the Revised Code, a child may attend 37783
school or participate in a special education program in a school 37784
district other than in the district where the child is entitled to 37785
attend school under division (B) of this section. 37786

(I)(1) Notwithstanding anything to the contrary in this 37787
section or section 3313.65 of the Revised Code, a child under 37788
twenty-two years of age may attend school in the school district 37789
in which the child, at the end of the first full week of October 37790
of the school year, was entitled to attend school as otherwise 37791
provided under this section or section 3313.65 of the Revised 37792
Code, if at that time the child was enrolled in the schools of the 37793
district but since that time the child or the child's parent has 37794
relocated to a new address located outside of that school district 37795
and within the same county as the child's or parent's address 37796
immediately prior to the relocation. The child may continue to 37797
attend school in the district, and at the school to which the 37798
child was assigned at the end of the first full week of October of 37799
the current school year, for the balance of the school year. 37800
Division (I)(1) of this section applies only if both of the 37801
following conditions are satisfied: 37802

(a) The board of education of the school district in which 37803
the child was entitled to attend school at the end of the first 37804
full week in October and of the district to which the child or 37805
child's parent has relocated each has adopted a policy to enroll 37806

children described in division (I)(1) of this section. 37807

(b) The child's parent provides written notification of the 37808
relocation outside of the school district to the superintendent of 37809
each of the two school districts. 37810

(2) At the beginning of the school year following the school 37811
year in which the child or the child's parent relocated outside of 37812
the school district as described in division (I)(1) of this 37813
section, the child is not entitled to attend school in the school 37814
district under that division. 37815

(3) Any person or entity owing tuition to the school district 37816
on behalf of the child at the end of the first full week in 37817
October, as provided in division (C) of this section, shall 37818
continue to owe such tuition to the district for the child's 37819
attendance under division (I)(1) of this section for the lesser of 37820
the balance of the school year or the balance of the time that the 37821
child attends school in the district under division (I)(1) of this 37822
section. 37823

(4) A pupil who may attend school in the district under 37824
division (I)(1) of this section shall be entitled to 37825
transportation services pursuant to an agreement between the 37826
district and the district in which the child or child's parent has 37827
relocated unless the districts have not entered into such 37828
agreement, in which case the child shall be entitled to 37829
transportation services in the same manner as a pupil attending 37830
school in the district under interdistrict open enrollment as 37831
described in division (H) of section 3313.981 of the Revised Code, 37832
regardless of whether the district has adopted an open enrollment 37833
policy as described in division (B)(1)(b) or (c) of section 37834
3313.98 of the Revised Code. 37835

(J) This division does not apply to a child receiving special 37836
education. 37837

A school district required to pay tuition pursuant to 37838
division (C)(2) or (3) of this section or section 3313.65 of the 37839
Revised Code shall have an amount deducted under division (F) of 37840
section 3317.023 of the Revised Code equal to its own tuition rate 37841
for the same period of attendance. A school district entitled to 37842
receive tuition pursuant to division (C)(2) or (3) of this section 37843
or section 3313.65 of the Revised Code shall have an amount 37844
credited under division (F) of section 3317.023 of the Revised 37845
Code equal to its own tuition rate for the same period of 37846
attendance. If the tuition rate credited to the district of 37847
attendance exceeds the rate deducted from the district required to 37848
pay tuition, the department of education shall pay the district of 37849
attendance the difference from amounts deducted from all 37850
districts' payments under division (F) of section 3317.023 of the 37851
Revised Code but not credited to other school districts under such 37852
division and from appropriations made for such purpose. The 37853
treasurer of each school district shall, by the fifteenth day of 37854
January and July, furnish the superintendent of public instruction 37855
a report of the names of each child who attended the district's 37856
schools under divisions (C)(2) and (3) of this section or section 37857
3313.65 of the Revised Code during the preceding six calendar 37858
months, the duration of the attendance of those children, the 37859
school district responsible for tuition on behalf of the child, 37860
and any other information that the superintendent requires. 37861

Upon receipt of the report the superintendent, pursuant to 37862
division (F) of section 3317.023 of the Revised Code, shall deduct 37863
each district's tuition obligations under divisions (C)(2) and (3) 37864
of this section or section 3313.65 of the Revised Code and pay to 37865
the district of attendance that amount plus any amount required to 37866
be paid by the state. 37867

(K) In the event of a disagreement, the superintendent of 37868
public instruction shall determine the school district in which 37869

the parent resides. 37870

(L) Nothing in this section requires or authorizes, or shall 37871
be construed to require or authorize, the admission to a public 37872
school in this state of a pupil who has been permanently excluded 37873
from public school attendance by the superintendent of public 37874
instruction pursuant to sections 3301.121 and 3313.662 of the 37875
Revised Code. 37876

(M) In accordance with division (B)(1) of this section, a 37877
child whose parent is a member of the national guard or a reserve 37878
unit of the armed forces of the United States and is called to 37879
active duty, or a child whose parent is a member of the armed 37880
forces of the United States and is ordered to a temporary duty 37881
assignment outside of the district, may continue to attend school 37882
in the district in which the child's parent lived before being 37883
called to active duty or ordered to a temporary duty assignment 37884
outside of the district, as long as the child's parent continues 37885
to be a resident of that district, and regardless of where the 37886
child lives as a result of the parent's active duty status or 37887
temporary duty assignment. However, the district is not 37888
responsible for providing transportation for the child if the 37889
child lives outside of the district as a result of the parent's 37890
active duty status or temporary duty assignment. 37891

Sec. 3313.642. (A) Except as provided in division (B) of this 37892
section and notwithstanding the provisions of sections 3313.48 and 37893
3313.64 of the Revised Code, the board of education of a city, 37894
exempted village, or local school district shall not be required 37895
to furnish, free of charge, to the pupils attending the public 37896
schools any materials used in a course of instruction with the 37897
exception of the necessary textbooks or electronic textbooks 37898
required to be furnished without charge pursuant to section 37899
3329.06 of the Revised Code. The board may, however, make 37900

provision by appropriations transferred from the general fund of 37901
the district or otherwise for furnishing free of charge any 37902
materials used in a course of instruction to such pupils as it 37903
determines are in serious financial need of such materials. 37904

(B) No board of education of a school district ~~that receives~~ 37905
~~funds under section 3317.029 of the Revised Code~~ shall charge a 37906
fee to a ~~recipient of aid under Chapter 5107. or 5115. of the~~ 37907
~~Revised Code~~ pupil who is eligible for a free lunch under the 37908
"National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, 37909
as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 37910
42 U.S.C. 1771, as amended, for any materials needed to enable the 37911
~~recipient~~ pupil to participate fully in a course of instruction. 37912
The prohibition in this division against charging a fee does not 37913
apply to any fee charged for any materials needed to enable a 37914
~~recipient~~ pupil to participate fully in extracurricular activities 37915
or in any pupil enrichment program that is not a course of 37916
instruction. 37917

(C) Boards of education may adopt rules and regulations 37918
prescribing a schedule of fees for materials used in a course of 37919
instruction and prescribing a schedule of charges which may be 37920
imposed upon pupils for the loss, damage, or destruction of school 37921
apparatus, equipment, musical instruments, library material, 37922
textbooks, or electronic textbooks required to be furnished 37923
without charge, and for damage to school buildings, and may 37924
enforce the payment of such fees and charges by withholding the 37925
grades and credits of the pupils concerned. 37926

Sec. 3313.65. (A) As used in this section and section 3313.64 37927
of the Revised Code: 37928

(1) A person is "in a residential facility" if the person is 37929
a resident or a resident patient of an institution, home, or other 37930
residential facility that is: 37931

(a) Licensed as a nursing home, residential care facility, or home for the aging by the director of health under section 3721.02 of the Revised Code or licensed as a community alternative home by the director of health under section 3724.03 of the Revised Code;	37932 37933 37934 37935
(b) Licensed as an adult care facility by the director of health under Chapter 3722. of the Revised Code;	37936 37937
(c) Maintained as a county home or district home by the board of county commissioners or a joint board of county commissioners under Chapter 5155. of the Revised Code;	37938 37939 37940
(d) Operated or administered by a board of alcohol, drug addiction, and mental health services under section 340.03 or 340.06 of the Revised Code, or provides residential care pursuant to contracts made under section 340.03 or 340.033 of the Revised Code;	37941 37942 37943 37944 37945
(e) Maintained as a state institution for the mentally ill under Chapter 5119. of the Revised Code;	37946 37947
(f) Licensed by the department of mental health under section 5119.20 or 5119.22 of the Revised Code;	37948 37949
(g) Licensed as a residential facility by the department of mental retardation and developmental disabilities under section 5123.19 of the Revised Code;	37950 37951 37952
(h) Operated by the veteran's administration or another agency of the United States government;	37953 37954
(i) The Ohio soldiers' and sailors' home.	37955
(2) A person is "in a correctional facility" if any of the following apply:	37956 37957
(a) The person is an Ohio resident and is:	37958
(i) Imprisoned, as defined in section 1.05 of the Revised Code;	37959 37960

(ii) Serving a term in a community-based correctional facility or a district community-based correctional facility;	37961 37962
(iii) Required, as a condition of parole, a post-release control sanction, a community control sanction, transitional control, or early release from imprisonment, as a condition of shock parole or shock probation granted under the law in effect prior to July 1, 1996, or as a condition of a furlough granted under the version of section 2967.26 of the Revised Code in effect prior to March 17, 1998, to reside in a halfway house or other community residential center licensed under section 2967.14 of the Revised Code or a similar facility designated by the court of common pleas that established the condition or by the adult parole authority.	37963 37964 37965 37966 37967 37968 37969 37970 37971 37972 37973
(b) The person is imprisoned in a state correctional institution of another state or a federal correctional institution but was an Ohio resident at the time the sentence was imposed for the crime for which the person is imprisoned.	37974 37975 37976 37977
(3) A person is "in a juvenile residential placement" if the person is an Ohio resident who is under twenty-one years of age and has been removed, by the order of a juvenile court, from the place the person resided at the time the person became subject to the court's jurisdiction in the matter that resulted in the person's removal.	37978 37979 37980 37981 37982 37983
(4) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	37984 37985
(5) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.	37986 37987
(B) If the circumstances described in division (C) of this section apply, the determination of what school district must admit a child to its schools and what district, if any, is liable for tuition shall be made in accordance with this section, rather	37988 37989 37990 37991

than section 3313.64 of the Revised Code. 37992

(C) A child who does not reside in the school district in 37993
which the child's parent resides and for whom a tuition obligation 37994
previously has not been established under division (C)(2) of 37995
section 3313.64 of the Revised Code shall be admitted to the 37996
schools of the district in which the child resides if at least one 37997
of the child's parents is in a residential or correctional 37998
facility or a juvenile residential placement and the other parent, 37999
if living and not in such a facility or placement, is not known to 38000
reside in this state. 38001

(D) Regardless of who has custody or care of the child, 38002
whether the child resides in a home, or whether the child receives 38003
special education, if a district admits a child under division (C) 38004
of this section, tuition shall be paid to that district as 38005
follows: 38006

(1) If the child's parent is in a juvenile residential 38007
placement, by the district in which the child's parent resided at 38008
the time the parent became subject to the jurisdiction of the 38009
juvenile court; 38010

(2) If the child's parent is in a correctional facility, by 38011
the district in which the child's parent resided at the time the 38012
sentence was imposed; 38013

(3) If the child's parent is in a residential facility, by 38014
the district in which the parent resided at the time the parent 38015
was admitted to the residential facility, except that if the 38016
parent was transferred from another residential facility, tuition 38017
shall be paid by the district in which the parent resided at the 38018
time the parent was admitted to the facility from which the parent 38019
first was transferred; 38020

(4) In the event of a disagreement as to which school 38021
district is liable for tuition under division (C)(1), (2), or (3) 38022

of this section, the superintendent of public instruction shall 38023
determine which district shall pay tuition. 38024

(E) If a child covered by division (D) of this section 38025
receives special education in accordance with Chapter 3323. of the 38026
Revised Code, the tuition shall be paid in accordance with section 38027
3323.13 or 3323.14 of the Revised Code. Tuition for children who 38028
do not receive special education shall be paid in accordance with 38029
division (J) of section 3313.64 of the Revised Code. 38030

Sec. 3313.719. The board of education of each city, local, 38031
exempted village, and joint vocational school district and the 38032
governing authority of each chartered nonpublic school shall 38033
establish a written policy with respect to protecting students 38034
with peanut or other food allergies. The policy shall be developed 38035
in consultation with parents, school nurses and other school 38036
employees, school volunteers, students, and community members. 38037

Sec. 3313.843. (A) Notwithstanding division (D) of section 38038
3311.52 of the Revised Code, this section does not apply to either 38039
of the following: 38040

(1) Any cooperative education school district; 38041

(2) Any city or exempted village school district with a total 38042
student count of thirteen thousand or more determined pursuant to 38043
section 3317.03 of the Revised Code that has not entered into one 38044
or more agreements pursuant to this section prior to July 1, 1993, 38045
unless the district's total student count did not exceed thirteen 38046
thousand at the time it entered into an initial agreement under 38047
this section. 38048

(B) The board of education of a city or exempted village 38049
school district and the governing board of an educational service 38050
center may enter into an agreement, through adoption of identical 38051
resolutions, under which the educational service center governing 38052

board will provide services to the city or exempted village school district. 38053
38054

Services provided under the agreement shall be specified in 38055
the agreement, and may include any one or a combination of the 38056
following: supervisory teachers; in-service and continuing 38057
education programs for city or exempted village school district 38058
personnel; curriculum services as provided to the local school 38059
districts under the supervision of the service center governing 38060
board; research and development programs; academic instruction for 38061
which the governing board employs teachers pursuant to section 38062
3319.02 of the Revised Code; and assistance in the provision of 38063
special accommodations and classes for students with disabilities. 38064
Services included in the agreement shall be provided to the city 38065
or exempted village district in the same manner they are provided 38066
to local school districts under the governing board's supervision, 38067
unless otherwise specified in the agreement. The city or exempted 38068
village board of education shall reimburse the educational service 38069
center governing board pursuant to section 3317.11 of the Revised 38070
Code. 38071

(C) If an educational service center received funding under 38072
division (B) of former section 3317.11 or division (F) of section 38073
3317.11 of the Revised Code for an agreement under this section 38074
involving a city school district whose total student count was 38075
less than thirteen thousand, the service center may continue to 38076
receive funding under that division for such an agreement in any 38077
subsequent year if the city district's total student count exceeds 38078
thirteen thousand. However, only the first thirteen thousand 38079
pupils in the formula ADM of such district shall be included in 38080
determining the amount of the per pupil subsidy the service center 38081
shall receive under division (F) of section 3317.11 of the Revised 38082
Code. 38083

(D) ~~Any~~ If an educational service center that has received 38084

funding under division (F) of section 3317.11 of the Revised Code, 38085
or under division (B) of former section 3317.11 of the Revised 38086
Code as it existed prior to September 26, 2003, for services 38087
provided to a city or exempted village school district pursuant to 38088
an agreement entered into under this section is dissolved or is 38089
scheduled to be dissolved under section 3311.0510 of the Revised 38090
Code, the city or exempted village school district that entered 38091
into that agreement with the service center may enter into a new 38092
agreement under this section with another service center for the 38093
same or similar services. In that case, the other service center 38094
shall receive funding under division (F) of section 3317.11 of the 38095
Revised Code for services to that district for any subsequent year 38096
that the new agreement is in force. An agreement entered into 38097
under this division shall be effective on the first day of July 38098
following the date both the service center governing board and the 38099
city or exempted village school district board approved the 38100
agreement, unless the agreement is so approved after the initial 38101
service center is dissolved, in which case the agreement shall be 38102
effective on the date that both boards have approved the 38103
agreement. 38104

(E) Except for an agreement under division (D) of this 38105
section that is approved by the boards of the district and the new 38106
service center after the initial service center is dissolved, any 38107
agreement entered into pursuant to this section shall be valid 38108
only if a copy is filed with the department of education by the 38109
first day of the school year for which the agreement is in effect. 38110
An agreement under division (D) of this section that is approved 38111
by the boards of the district and the new service center after the 38112
initial service center is dissolved shall be valid only if a copy 38113
is filed with the department within ten days after both boards 38114
have approved the agreement. 38115

Sec. 3313.86. The board of education of each city, exempted 38116

village, local, and joint vocational school district and the 38117
governing authority of each chartered nonpublic school 38118
periodically shall review its policies and procedures to ensure 38119
the safety of students, employees, and other persons using a 38120
school building from any known hazards in the building or on 38121
building grounds that, in the judgment of the board or governing 38122
authority, pose an immediate risk to health or safety. The board 38123
or governing authority shall further ensure that its policies and 38124
procedures comply with all federal laws and regulations regarding 38125
health and safety applicable to school buildings. 38126

Sec. 3313.976. (A) No private school may receive scholarship 38127
payments from parents pursuant to section 3313.979 of the Revised 38128
Code until the chief administrator of the private school registers 38129
the school with the superintendent of public instruction. The 38130
state superintendent shall register any school that meets the 38131
following requirements: 38132

(1) The school is located within the boundaries of the pilot 38133
project school district; 38134

(2) The school indicates in writing its commitment to follow 38135
all requirements for a state-sponsored scholarship program 38136
specified under sections 3313.974 to 3313.979 of the Revised Code, 38137
including, but not limited to, the requirements for admitting 38138
students pursuant to section 3313.977 of the Revised Code; 38139

(3) The school meets all state minimum standards for 38140
chartered nonpublic schools in effect on July 1, 1992, except that 38141
the state superintendent at the superintendent's discretion may 38142
register nonchartered nonpublic schools meeting the other 38143
requirements of this division; 38144

(4) The school does not discriminate on the basis of race, 38145
religion, or ethnic background; 38146

- (5) The school enrolls a minimum of ten students per class or a sum of at least twenty-five students in all the classes offered; 38147
38148
- (6) The school does not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion; 38149
38150
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- (7) The school does not provide false or misleading information about the school to parents, students, or the general public; 38152
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- (8) For students in grades kindergarten through eight, the school agrees not to charge any tuition to low-income families receiving ninety per cent of the scholarship amount through the scholarship program, pursuant to division (A) of section 3313.978 of the Revised Code, in excess of ten per cent of the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section. The school shall permit any such tuition, at the discretion of the parent, to be satisfied by the low-income family's provision of in-kind contributions or services. 38155
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- (9) For students in grades kindergarten through eight, the school agrees not to charge any tuition to low-income families receiving a seventy-five per cent scholarship amount through the scholarship program, pursuant to division (A) of section 3313.978 of the Revised Code, in excess of the difference between the actual tuition charge of the school and seventy-five per cent of the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section. The school shall permit such tuition, at the discretion of the parent, to be satisfied by the low-income family's provision of in-kind contributions or services. 38165
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- (10) The school agrees not to charge any tuition to families 38177

of students in grades nine through twelve receiving a scholarship 38178
in excess of the actual tuition charge of the school less 38179
seventy-five or ninety per cent of the scholarship amount 38180
established pursuant to division (C)(1) of section 3313.978 of the 38181
Revised Code, as applicable, excluding any increase described in 38182
division (C)(2) of that section. 38183

(11) Notwithstanding division (K) of section 3301.0711 of the 38184
Revised Code, the school annually administers the tests prescribed 38185
by section 3301.0710 of the Revised Code to each scholarship 38186
student enrolled in the school in accordance with section 38187
3301.0711 of the Revised Code and reports to the department of 38188
education the results of each such test administered to each 38189
scholarship student. 38190

(B) The state superintendent shall revoke the registration of 38191
any school if, after a hearing, the superintendent determines that 38192
the school is in violation of any of the provisions of division 38193
(A) of this section. 38194

(C) Any public school located in a school district adjacent 38195
to the pilot project district may receive scholarship payments on 38196
behalf of parents pursuant to section 3313.979 of the Revised Code 38197
if the superintendent of the district in which such public school 38198
is located notifies the statesuperintendent prior to the first 38199
day of March that the district intends to admit students from the 38200
pilot project district for the ensuing school year pursuant to 38201
section 3327.06 of the Revised Code. 38202

(D) Any parent wishing to purchase tutorial assistance from 38203
any person or governmental entity pursuant to the pilot project 38204
program under sections 3313.974 to 3313.979 of the Revised Code 38205
shall apply to the state superintendent. The state superintendent 38206
shall approve providers who appear to possess the capability of 38207
furnishing the instructional services they are offering to 38208
provide. 38209

Sec. 3313.978. (A) Annually by the first day of November, the 38210
superintendent of public instruction shall notify the pilot 38211
project school district of the number of initial scholarships that 38212
the state superintendent will be awarding in each of grades 38213
kindergarten through eight. 38214

The state superintendent shall provide information about the 38215
scholarship program to all students residing in the district, 38216
shall accept applications from any such students until such date 38217
as shall be established by the state superintendent as a deadline 38218
for applications, and shall establish criteria for the selection 38219
of students to receive scholarships from among all those applying 38220
prior to the deadline, which criteria shall give preference to 38221
students from low-income families. For each student selected, the 38222
state superintendent shall also determine whether the student 38223
qualifies for seventy-five or ninety per cent of the scholarship 38224
amount. Students whose family income is at or above two hundred 38225
per cent of the maximum income level established by the state 38226
superintendent for low-income families shall qualify for 38227
seventy-five per cent of the scholarship amount and students whose 38228
family income is below two hundred per cent of that maximum income 38229
level shall qualify for ninety per cent of the scholarship amount. 38230
The state superintendent shall notify students of their selection 38231
prior to the fifteenth day of January and whether they qualify for 38232
seventy-five or ninety per cent of the scholarship amount. 38233

(1) A student receiving a pilot project scholarship may 38234
utilize it at an alternative public school by notifying the 38235
district superintendent, at any time before the beginning of the 38236
school year, of the name of the public school in an adjacent 38237
school district to which the student has been accepted pursuant to 38238
section 3327.06 of the Revised Code. 38239

(2) A student may decide to utilize a pilot project 38240

scholarship at a registered private school in the district if all 38241
of the following conditions are met: 38242

(a) By the fifteenth day of February of the preceding school 38243
year, or at any time prior to the start of the school year, the 38244
parent makes an application on behalf of the student to a 38245
registered private school. 38246

(b) The registered private school notifies the parent and the 38247
state superintendent as follows that the student has been 38248
admitted: 38249

(i) By the fifteenth day of March of the preceding school 38250
year if the student filed an application by the fifteenth day of 38251
February and was admitted by the school pursuant to division (A) 38252
of section 3313.977 of the Revised Code; 38253

(ii) Within one week of the decision to admit the student if 38254
the student is admitted pursuant to division (C) of section 38255
3313.977 of the Revised Code. 38256

(c) The student actually enrolls in the registered private 38257
school to which the student was first admitted or in another 38258
registered private school in the district or in a public school in 38259
an adjacent school district. 38260

(B) The state superintendent shall also award in any school 38261
year tutorial assistance grants to a number of students equal to 38262
the number of students who receive scholarships under division (A) 38263
of this section. Tutorial assistance grants shall be awarded 38264
solely to students who are enrolled in the public schools of the 38265
district in a grade level covered by the pilot project. Tutorial 38266
assistance grants may be used solely to obtain tutorial assistance 38267
from a provider approved pursuant to division (D) of section 38268
3313.976 of the Revised Code. 38269

All students wishing to obtain tutorial assistance grants 38270
shall make application to the state superintendent by the first 38271

day of the school year in which the assistance will be used. The 38272
state superintendent shall award assistance grants in accordance 38273
with criteria the superintendent shall establish. For each student 38274
awarded a grant, the state superintendent shall also determine 38275
whether the student qualifies for seventy-five or ninety per cent 38276
of the grant amount and so notify the student. Students whose 38277
family income is at or above two hundred per cent of the maximum 38278
income level established by the state superintendent for 38279
low-income families shall qualify for seventy-five per cent of the 38280
grant amount and students whose family income is below two hundred 38281
per cent of that maximum income level shall qualify for ninety per 38282
cent of the grant amount. 38283

(C)(1) In the case of basic scholarships for students in 38284
grades kindergarten through eight, the scholarship amount shall 38285
not exceed the lesser of the tuition charges of the alternative 38286
school the scholarship recipient attends or three thousand dollars 38287
before fiscal year 2007 and three thousand four hundred fifty 38288
dollars in fiscal year 2007 and thereafter. 38289

In the case of basic scholarships for students in grades nine 38290
through twelve, the scholarship amount shall not exceed the lesser 38291
of the tuition charges of the alternative school the scholarship 38292
recipient attends or two thousand seven hundred dollars before 38293
fiscal year 2007 and three thousand four hundred fifty dollars in 38294
fiscal year 2007 and thereafter. 38295

(2) The state superintendent shall provide for an increase in 38296
the basic scholarship amount in the case of any student who is a 38297
mainstreamed student with a disability and shall further increase 38298
such amount in the case of any separately educated student with a 38299
disability. Such increases shall take into account the 38300
instruction, related services, and transportation costs of 38301
educating such students. 38302

(3) In the case of tutorial assistance grants, the grant 38303

amount shall not exceed the lesser of the provider's actual 38304
charges for such assistance or: 38305

(a) Before fiscal year 2007, a percentage established by the 38306
state superintendent, not to exceed twenty per cent, of the amount 38307
of the pilot project school district's average basic scholarship 38308
amount; 38309

(b) In fiscal year 2007 and thereafter, four hundred dollars. 38310

(4) No scholarship or tutorial assistance grant shall be 38311
awarded unless the state superintendent determines that 38312
twenty-five or ten per cent, as applicable, of the amount 38313
specified for such scholarship or grant pursuant to division 38314
(C)(1), (2), or (3) of this section will be furnished by a 38315
political subdivision, a private nonprofit or for profit entity, 38316
or another person. Only seventy-five or ninety per cent of such 38317
amounts, as applicable, shall be paid from state funds pursuant to 38318
section 3313.979 of the Revised Code. 38319

(D)(1) Annually by the first day of November, the state 38320
superintendent shall estimate the maximum per-pupil scholarship 38321
amounts for the ensuing school year. The state superintendent 38322
shall make this estimate available to the general public at the 38323
offices of the district board of education together with the forms 38324
required by division (D)(2) of this section. 38325

(2) Annually by the fifteenth day of January, the chief 38326
administrator of each registered private school located in the 38327
pilot project district and the principal of each public school in 38328
such district shall complete a parental information form and 38329
forward it to the president of the board of education. The 38330
parental information form shall be prescribed by the department of 38331
education and shall provide information about the grade levels 38332
offered, the numbers of students, tuition amounts, achievement 38333
test results, and any sectarian or other organizational 38334

affiliations. 38335

(E)(1) Only for the purpose of administering the pilot 38336
project scholarship program, the department may request from any 38337
of the following entities the data verification code assigned 38338
under division (D)(2) of section 3301.0714 of the Revised Code to 38339
any student who is seeking a scholarship under the program: 38340

(a) The school district in which the student is entitled to 38341
attend school under section 3313.64 or 3313.65 of the Revised 38342
Code; 38343

(b) If applicable, the community school in which the student 38344
is enrolled; 38345

(c) The independent contractor engaged to create and maintain 38346
data verification codes. 38347

(2) Upon a request by the department under division (E)(1) of 38348
this section for the data verification code of a student seeking a 38349
scholarship or a request by the student's parent for that code, 38350
the school district or community school shall submit that code to 38351
the department or parent in the manner specified by the 38352
department. If the student has not been assigned a code, because 38353
the student will be entering kindergarten during the school year 38354
for which the scholarship is sought, the district shall assign a 38355
code to that student and submit the code to the department or 38356
parent by a date specified by the department. If the district does 38357
not assign a code to the student by the specified date, the 38358
department shall assign a code to the student. 38359

The department annually shall submit to each school district 38360
the name and data verification code of each student residing in 38361
the district who is entering kindergarten, who has been awarded a 38362
scholarship under the program, and for whom the department has 38363
assigned a code under this division. 38364

(3) The department shall not release any data verification 38365

code that it receives under division (E) of this section to any person except as provided by law. 38366
38367

(F) Any document relative to the pilot project scholarship program that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code. 38368
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(G)(1) The department annually shall compile the scores attained by scholarship students enrolled in registered private schools on the tests administered to the students pursuant to division (A)(11) of section 3313.976 of the Revised Code. The scores shall be aggregated as follows: 38373
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(a) By school district, which shall include all scholarship students residing in the pilot project school district who are enrolled in a registered private school and were required to take a test pursuant to division (A)(11) of section 3313.976 of the Revised Code; 38378
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(b) By registered private school, which shall include all scholarship students enrolled in that school who were required to take a test pursuant to division (A)(11) of section 3313.976 of the Revised Code. 38383
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(2) The department shall disaggregate the student performance data described in division (G)(1) of this section according to the following categories: 38387
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(a) Age; 38390

(b) Race and ethnicity; 38391

(c) Gender; 38392

(d) Students who have participated in the scholarship program for three or more years; 38393
38394

(e) Students who have participated in the scholarship program 38395

for more than one year and less than three years; 38396

(f) Students who have participated in the scholarship program 38397
for one year or less; 38398

(g) Economically disadvantaged students. 38399

(3) The department shall post the student performance data 38400
required under divisions (G)(1) and (2) of this section on its web 38401
site and shall include that data in the information about the 38402
scholarship program provided to students under division (A) of 38403
this section. In reporting student performance data under this 38404
division, the department shall not include any data that is 38405
statistically unreliable or that could result in the 38406
identification of individual students. For this purpose, the 38407
department shall not report performance data for any group that 38408
contains less than ten students. 38409

(4) The department shall provide the parent of each 38410
scholarship student enrolled in a registered private school with 38411
information comparing the student's performance on the tests 38412
administered pursuant to division (A)(11) of section 3313.976 of 38413
the Revised Code with the average performance of similar students 38414
enrolled in the building operated by the pilot project school 38415
district that the scholarship student would otherwise attend. In 38416
calculating the performance of similar students, the department 38417
shall consider age, grade, race and ethnicity, gender, and 38418
socioeconomic status. 38419

Sec. 3314.02. (A) As used in this chapter: 38420

(1) "Sponsor" means an entity listed in division (C)(1) of 38421
this section, which has been approved by the department of 38422
education to sponsor community schools and with which the 38423
governing authority of the proposed community school enters into a 38424
contract pursuant to this section. 38425

(2) "Pilot project area" means the school districts included	38426
in the territory of the former community school pilot project	38427
established by former Section 50.52 of Am. Sub. H.B. No. 215 of	38428
the 122nd general assembly.	38429
(3) "Challenged school district" means any of the following:	38430
(a) A school district that is part of the pilot project area;	38431
(b) A school district that is either in a state of academic	38432
emergency or in a state of academic watch under section 3302.03 of	38433
the Revised Code;	38434
(c) A big eight school district.	38435
(4) "Big eight school district" means a school district that	38436
for fiscal year 1997 had both of the following:	38437
(a) A percentage of children residing in the district and	38438
participating in the predecessor of Ohio works first greater than	38439
thirty per cent, as reported pursuant to section 3317.10 of the	38440
Revised Code;	38441
(b) An average daily membership greater than twelve thousand,	38442
as reported pursuant to former division (A) of section 3317.03 of	38443
the Revised Code.	38444
(5) "New start-up school" means a community school other than	38445
one created by converting all or part of an existing public school	38446
or educational service center building, as designated in the	38447
school's contract pursuant to division (A)(17) of section 3314.03	38448
of the Revised Code.	38449
(6) "Urban school district" means one of the state's	38450
twenty-one urban school districts as defined in division (O) of	38451
section 3317.02 of the Revised Code as that section existed prior	38452
to July 1, 1998.	38453
(7) "Internet- or computer-based community school" means a	38454
community school established under this chapter in which the	38455

enrolled students work primarily from their residences on 38456
assignments in nonclassroom-based learning opportunities provided 38457
via an internet- or other computer-based instructional method that 38458
does not rely on regular classroom instruction or via 38459
comprehensive instructional methods that include internet-based, 38460
other computer-based, and noncomputer-based learning 38461
opportunities. 38462

(B) Any person or group of individuals may initially propose 38463
under this division the conversion of all or a portion of a public 38464
school or a building operated by an educational service center to 38465
a community school. The proposal shall be made to the board of 38466
education of the city, local, ~~or~~ exempted village, or joint 38467
vocational school district in which the public school is proposed 38468
to be converted or, in the case of the conversion of a building 38469
operated by an educational service center, to the governing board 38470
of the service center. Upon receipt of a proposal, a board may 38471
enter into a preliminary agreement with the person or group 38472
proposing the conversion of the public school or service center 38473
building, indicating the intention of the board to support the 38474
conversion to a community school. A proposing person or group that 38475
has a preliminary agreement under this division may proceed to 38476
finalize plans for the school, establish a governing authority for 38477
the school, and negotiate a contract with the board. Provided the 38478
proposing person or group adheres to the preliminary agreement and 38479
all provisions of this chapter, the board shall negotiate in good 38480
faith to enter into a contract in accordance with section 3314.03 38481
of the Revised Code and division (C) of this section. 38482

(C)(1) Any person or group of individuals may propose under 38484
this division the establishment of a new start-up school to be 38485
located in a challenged school district. The proposal may be made 38486
to any of the following entities: 38487

(a) The board of education of the district in which the school is proposed to be located;	38488 38489
(b) The board of education of any joint vocational school district with territory in the county in which is located the majority of the territory of the district in which the school is proposed to be located;	38490 38491 38492 38493
(c) The board of education of any other city, local, or exempted village school district having territory in the same county where the district in which the school is proposed to be located has the major portion of its territory;	38494 38495 38496 38497
(d) The governing board of any educational service center, as long as the proposed school will be located in a county within the territory of the service center or in a county contiguous to such county;	38498 38499 38500 38501
(e) A sponsoring authority designated by the board of trustees of any of the thirteen state universities listed in section 3345.011 of the Revised Code or the board of trustees itself as long as a mission of the proposed school to be specified in the contract under division (A)(2) of section 3314.03 of the Revised Code and as approved by the department of education under division (B)(2) of section 3314.015 of the Revised Code will be the practical demonstration of teaching methods, educational technology, or other teaching practices that are included in the curriculum of the university's teacher preparation program approved by the state board of education;	38502 38503 38504 38505 38506 38507 38508 38509 38510 38511 38512
(f) Any qualified tax-exempt entity under section 501(c)(3) of the Internal Revenue Code as long as all of the following conditions are satisfied:	38513 38514 38515
(i) The entity has been in operation for at least five years prior to applying to be a community school sponsor.	38516 38517
(ii) The entity has assets of at least five hundred thousand	38518

dollars and a demonstrated record of financial responsibility. 38519

(iii) The department of education has determined that the 38520
entity is an education-oriented entity under division (B)(3) of 38521
section 3314.015 of the Revised Code and the entity has a 38522
demonstrated record of successful implementation of educational 38523
programs. 38524

(iv) The entity is not a community school. 38525

Any entity described in division (C)(1) of this section may 38526
enter into a preliminary agreement pursuant to division (C)(2) of 38527
this section with the proposing person or group. 38528

(2) A preliminary agreement indicates the intention of an 38529
entity described in division (C)(1) of this section to sponsor the 38530
community school. A proposing person or group that has such a 38531
preliminary agreement may proceed to finalize plans for the 38532
school, establish a governing authority as described in division 38533
(E) of this section for the school, and negotiate a contract with 38534
the entity. Provided the proposing person or group adheres to the 38535
preliminary agreement and all provisions of this chapter, the 38536
entity shall negotiate in good faith to enter into a contract in 38537
accordance with section 3314.03 of the Revised Code. 38538

(3) A new start-up school that is established in a school 38539
district while that district is either in a state of academic 38540
emergency or in a state of academic watch under section 3302.03 of 38541
the Revised Code may continue in existence once the school 38542
district is no longer in a state of academic emergency or academic 38543
watch, provided there is a valid contract between the school and a 38544
sponsor. 38545

(4) A copy of every preliminary agreement entered into under 38546
this division shall be filed with the superintendent of public 38547
instruction. 38548

(D) A majority vote of the board of a sponsoring entity and a 38549

majority vote of the members of the governing authority of a 38550
community school shall be required to adopt a contract and convert 38551
the public school or educational service center building to a 38552
community school or establish the new start-up school. Beginning 38553
September 29, 2005, adoption of the contract shall occur not later 38554
than the fifteenth day of March, and signing of the contract shall 38555
occur not later than the fifteenth day of May, prior to the school 38556
year in which the school will open. The governing authority shall 38557
notify the department of education when the contract has been 38558
signed. Subject to sections 3314.013, 3314.014, 3314.016, and 38559
3314.017 of the Revised Code, an unlimited number of community 38560
schools may be established in any school district provided that a 38561
contract is entered into for each community school pursuant to 38562
this chapter. 38563

(E)(1) As used in this division, "immediate relatives" are 38564
limited to spouses, children, parents, grandparents, siblings, and 38565
in-laws. 38566

Each new start-up community school established under this 38567
chapter shall be under the direction of a governing authority 38568
which shall consist of a board of not less than five individuals. 38569

No person shall serve on the governing authority or operate 38570
the community school under contract with the governing authority 38571
so long as the person owes the state any money or is in a dispute 38572
over whether the person owes the state any money concerning the 38573
operation of a community school that has closed. 38574

(2) No person shall serve on the governing authorities of 38575
more than two start-up community schools at the same time. 38576

(3) No present or former member, or immediate relative of a 38577
present or former member, of the governing authority of any 38578
community school established under this chapter shall be an owner, 38579
employee, or consultant of any nonprofit or for-profit operator of 38580

a community school, unless at least one year has elapsed since the conclusion of the person's membership.

(F)(1) A new start-up school that is established prior to August 15, 2003, in an urban school district that is not also a big-eight school district may continue to operate after that date and the contract between the school's governing authority and the school's sponsor may be renewed, as provided under this chapter, after that date, but no additional new start-up schools may be established in such a district unless the district is a challenged school district as defined in this section as it exists on and after that date.

(2) A community school that was established prior to June 29, 1999, and is located in a county contiguous to the pilot project area and in a school district that is not a challenged school district may continue to operate after that date, provided the school complies with all provisions of this chapter. The contract between the school's governing authority and the school's sponsor may be renewed, but no additional start-up community school may be established in that district unless the district is a challenged school district.

(3) Any educational service center that, on June 30, 2007, sponsors a community school that is not located in a county within the territory of the service center or in a county contiguous to such county may continue to sponsor that community school on and after June 30, 2007, and may renew its contract with the school. However, the educational service center shall not enter into a contract with any additional community school unless the school is located in a county within the territory of the service center or in a county contiguous to such county.

Sec. 3314.028. Notwithstanding any provision of this chapter to the contrary, beginning in the 2009-2010 school year, a

community school that meets the following conditions may operate 38612
from the facility in which the school was located in the 2008-2009 38613
school year and shall not be required to locate to another school 38614
district: 38615

(A) The school was located in the facility for at least the 38616
three school years prior to the 2009-2010 school year. 38617

(B) The school's sponsor is a school district that is 38618
adjacent to the school district in which the school is located. 38619

(C) The school's education program emphasizes serving 38620
students identified as gifted under Chapter 3324. of the Revised 38621
Code. 38622

(D) The school has been rated in need of continuous 38623
improvement or higher under section 3302.03 of the Revised Code 38624
for the previous three school years. 38625

Sec. 3314.03. A copy of every contract entered into under 38626
this section shall be filed with the superintendent of public 38627
instruction. 38628

(A) Each contract entered into between a sponsor and the 38629
governing authority of a community school shall specify the 38630
following: 38631

(1) That the school shall be established as either of the 38632
following: 38633

(a) A nonprofit corporation established under Chapter 1702. 38634
of the Revised Code, if established prior to April 8, 2003; 38635

(b) A public benefit corporation established under Chapter 38636
1702. of the Revised Code, if established after April 8, 2003; 38637

(2) The education program of the school, including the 38638
school's mission, the characteristics of the students the school 38639
is expected to attract, the ages and grades of students, and the 38640

focus of the curriculum;	38641
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement tests;	38642 38643 38644
(4) Performance standards by which the success of the school will be evaluated by the sponsor;	38645 38646
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	38647 38648
(6)(a) Dismissal procedures;	38649
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	38650 38651 38652 38653 38654 38655
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	38656 38657
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state, and the audits. <u>Audits</u> shall be conducted in accordance with section 117.10 of the Revised Code.	38658 38659 38660 38661 38662 38663
(9) The facilities to be used and their locations;	38664
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;	38665 38666 38667 38668 38669 38670

(11) That the school will comply with the following requirements: 38671
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(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year. 38673
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(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school. 38676
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(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution. 38679
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(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.643, 3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.80, 3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code. 38683
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(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code. 38696
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(f) The school will comply with sections 3313.61, 3313.611, and 3313.614 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code 38698
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that a person must successfully complete the curriculum in any 38702
high school prior to receiving a high school diploma may be met by 38703
completing the curriculum adopted by the governing authority of 38704
the community school rather than the curriculum specified in Title 38705
XXXIII of the Revised Code or any rules of the state board of 38706
education. Beginning with students who enter ninth grade for the 38707
first time on or after July 1, 2010, the requirement in sections 38708
3313.61 and 3313.611 of the Revised Code that a person must 38709
successfully complete the curriculum of a high school prior to 38710
receiving a high school diploma shall be met by completing the 38711
Ohio core curriculum prescribed in division (C) of section 38712
3313.603 of the Revised Code, unless the person qualifies under 38713
division (D) or (F) of that section. Each school shall comply with 38714
the plan for awarding high school credit based on demonstration of 38715
subject area competency, adopted by the state board of education 38716
under division (J) of section 3313.603 of the Revised Code. 38717

(g) The school governing authority will submit within four 38718
months after the end of each school year a report of its 38719
activities and progress in meeting the goals and standards of 38720
divisions (A)(3) and (4) of this section and its financial status 38721
to the sponsor and the parents of all students enrolled in the 38722
school. 38723

(h) The school, unless it is an internet- or computer-based 38724
community school, will comply with section 3313.801 of the Revised 38725
Code as if it were a school district. 38726

(12) Arrangements for providing health and other benefits to 38727
employees; 38728

(13) The length of the contract, which shall begin at the 38729
beginning of an academic year. No contract shall exceed five years 38730
unless such contract has been renewed pursuant to division (E) of 38731
this section. 38732

(14) The governing authority of the school, which shall be 38733
responsible for carrying out the provisions of the contract; 38734

(15) A financial plan detailing an estimated school budget 38735
for each year of the period of the contract and specifying the 38736
total estimated per pupil expenditure amount for each such year. 38737
The plan shall specify for each year the base formula amount that 38738
will be used for purposes of funding calculations under section 38739
3314.08 of the Revised Code. This base formula amount for any year 38740
shall not exceed the formula amount defined under section 3317.02 38741
of the Revised Code. The plan may also specify for any year a 38742
percentage figure to be used for reducing the per pupil amount of 38743
the subsidy calculated pursuant to section 3317.029 of the Revised 38744
Code the school is to receive that year under section 3314.08 of 38745
the Revised Code. 38746

(16) Requirements and procedures regarding the disposition of 38747
employees of the school in the event the contract is terminated or 38748
not renewed pursuant to section 3314.07 of the Revised Code; 38749

(17) Whether the school is to be created by converting all or 38750
part of an existing public school or educational service center 38751
building or is to be a new start-up school, and if it is a 38752
converted public school or service center building, specification 38753
of any duties or responsibilities of an employer that the board of 38754
education or service center governing board that operated the 38755
school or building before conversion is delegating to the 38756
governing authority of the community school with respect to all or 38757
any specified group of employees provided the delegation is not 38758
prohibited by a collective bargaining agreement applicable to such 38759
employees; 38760

(18) Provisions establishing procedures for resolving 38761
disputes or differences of opinion between the sponsor and the 38762
governing authority of the community school; 38763

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;

(c) Permit the enrollment of students who reside in any other district in the state.

(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;

(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;

(22) A provision recognizing both of the following:

(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;

(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to

take such action; 38794

(23) A description of the learning opportunities that will be 38795
offered to students including both classroom-based and 38796
non-classroom-based learning opportunities that is in compliance 38797
with criteria for student participation established by the 38798
department under division (L)(2) of section 3314.08 of the Revised 38799
Code; 38800

(24) The school will comply with sections 3302.04 and 38801
3302.041 of the Revised Code, except that any action required to 38802
be taken by a school district pursuant to those sections shall be 38803
taken by the sponsor of the school. However, the sponsor shall not 38804
be required to take any action described in division (F) of 38805
section 3302.04 of the Revised Code. 38806

(25) Beginning in the 2006-2007 school year, the school will 38807
open for operation not later than the thirtieth day of September 38808
each school year, unless the mission of the school as specified 38809
under division (A)(2) of this section is solely to serve dropouts. 38810
In its initial year of operation, if the school fails to open by 38811
the thirtieth day of September, or within one year after the 38812
adoption of the contract pursuant to division (D) of section 38813
3314.02 of the Revised Code if the mission of the school is solely 38814
to serve dropouts, the contract shall be void. 38815

(B) The community school shall also submit to the sponsor a 38816
comprehensive plan for the school. The plan shall specify the 38817
following: 38818

(1) The process by which the governing authority of the 38819
school will be selected in the future; 38820

(2) The management and administration of the school; 38821

(3) If the community school is a currently existing public 38822
school or educational service center building, alternative 38823
arrangements for current public school students who choose not to 38824

attend the converted school and for teachers who choose not to	38825
teach in the school or building after conversion;	38826
(4) The instructional program and educational philosophy of	38827
the school;	38828
(5) Internal financial controls.	38829
(C) A contract entered into under section 3314.02 of the	38830
Revised Code between a sponsor and the governing authority of a	38831
community school may provide for the community school governing	38832
authority to make payments to the sponsor, which is hereby	38833
authorized to receive such payments as set forth in the contract	38834
between the governing authority and the sponsor. The total amount	38835
of such payments for oversight and monitoring of the school shall	38836
not exceed three per cent of the total amount of payments for	38837
operating expenses that the school receives from the state.	38838
(D) The contract shall specify the duties of the sponsor	38839
which shall be in accordance with the written agreement entered	38840
into with the department of education under division (B) of	38841
section 3314.015 of the Revised Code and shall include the	38842
following:	38843
(1) Monitor the community school's compliance with all laws	38844
applicable to the school and with the terms of the contract;	38845
(2) Monitor and evaluate the academic and fiscal performance	38846
and the organization and operation of the community school on at	38847
least an annual basis;	38848
(3) Report on an annual basis the results of the evaluation	38849
conducted under division (D)(2) of this section to the department	38850
of education and to the parents of students enrolled in the	38851
community school;	38852
(4) Provide technical assistance to the community school in	38853
complying with laws applicable to the school and terms of the	38854

contract; 38855

(5) Take steps to intervene in the school's operation to 38856
correct problems in the school's overall performance, declare the 38857
school to be on probationary status pursuant to section 3314.073 38858
of the Revised Code, suspend the operation of the school pursuant 38859
to section 3314.072 of the Revised Code, or terminate the contract 38860
of the school pursuant to section 3314.07 of the Revised Code as 38861
determined necessary by the sponsor; 38862

(6) Have in place a plan of action to be undertaken in the 38863
event the community school experiences financial difficulties or 38864
closes prior to the end of a school year. 38865

(E) Upon the expiration of a contract entered into under this 38866
section, the sponsor of a community school may, with the approval 38867
of the governing authority of the school, renew that contract for 38868
a period of time determined by the sponsor, but not ending earlier 38869
than the end of any school year, if the sponsor finds that the 38870
school's compliance with applicable laws and terms of the contract 38871
and the school's progress in meeting the academic goals prescribed 38872
in the contract have been satisfactory. Any contract that is 38873
renewed under this division remains subject to the provisions of 38874
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 38875

(F) If a community school fails to open for operation within 38876
one year after the contract entered into under this section is 38877
adopted pursuant to division (D) of section 3314.02 of the Revised 38878
Code or permanently closes prior to the expiration of the 38879
contract, the contract shall be void and the school shall not 38880
enter into a contract with any other sponsor. A school shall not 38881
be considered permanently closed because the operations of the 38882
school have been suspended pursuant to section 3314.072 of the 38883
Revised Code. Any contract that becomes void under this division 38884
shall not count toward any statewide limit on the number of such 38885
contracts prescribed by section 3314.013 of the Revised Code. 38886

Sec. 3314.08. (A) As used in this section:	38887
(1) "Base formula amount" means the amount specified as such	38888
in a community school's financial plan for a school year pursuant	38889
to division (A)(15) of section 3314.03 of the Revised Code.	38890
(2) "IEP" has the same meaning as in section 3323.01 of the	38891
Revised Code.	38892
(3) "Applicable special education weight" means the multiple	38893
specified in section 3317.013 of the Revised Code for a disability	38894
described in that section.	38895
(4) "Applicable vocational education weight" means:	38896
(a) For a student enrolled in vocational education programs	38897
or classes described in division (A) of section 3317.014 of the	38898
Revised Code, the multiple specified in that division;	38899
(b) For a student enrolled in vocational education programs	38900
or classes described in division (B) of section 3317.014 of the	38901
Revised Code, the multiple specified in that division.	38902
(5) "Entitled to attend school" means entitled to attend	38903
school in a district under section 3313.64 or 3313.65 of the	38904
Revised Code.	38905
(6) A community school student is "included in the poverty	38906
student count" of a school district if the student is entitled to	38907
attend school in the district and the student's family receives	38908
assistance under the Ohio works first program.	38909
(7) "Poverty-based assistance reduction factor" means the	38910
percentage figure, if any, for reducing the per pupil amount of	38911
poverty-based assistance a community school is entitled to receive	38912
pursuant to divisions (D)(5) to (9) of this section in any year,	38913
as specified in the school's financial plan for the year pursuant	38914
to division (A)(15) of section 3314.03 of the Revised Code.	38915

(8) "All-day kindergarten" has the same meaning as in section 3317.029 of the Revised Code.	38916 38917
(9) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.	38918 38919
(B) The state board of education shall adopt rules requiring both of the following:	38920 38921
(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in grades one through twelve in a community school established under this chapter, the number of students entitled to attend school in the district who are enrolled in kindergarten in a community school, the number of those kindergartners who are enrolled in all-day kindergarten in their community school, and for each child, the community school in which the child is enrolled.	38922 38923 38924 38925 38926 38927 38928 38929 38930 38931
(2) The governing authority of each community school established under this chapter to annually report all of the following:	38932 38933 38934
(a) The number of students enrolled in grades one through twelve and the number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;	38935 38936 38937 38938
(b) The number of enrolled students in grades one through twelve and the number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;	38939 38940 38941 38942
(c) The number of students reported under division (B)(2)(b) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;	38943 38944 38945 38946

(d) The full-time equivalent number of students reported 38947
under divisions (B)(2)(a) and (b) of this section who are enrolled 38948
in vocational education programs or classes described in each of 38949
divisions (A) and (B) of section 3317.014 of the Revised Code that 38950
are provided by the community school; 38951

(e) Twenty per cent of the number of students reported under 38952
divisions (B)(2)(a) and (b) of this section who are not reported 38953
under division (B)(2)(d) of this section but who are enrolled in 38954
vocational education programs or classes described in each of 38955
divisions (A) and (B) of section 3317.014 of the Revised Code at a 38956
joint vocational school district under a contract between the 38957
community school and the joint vocational school district and are 38958
entitled to attend school in a city, local, or exempted village 38959
school district whose territory is part of the territory of the 38960
joint vocational district; 38961

(f) The number of enrolled preschool children with 38962
disabilities receiving special education services in a 38963
state-funded unit; 38964

(g) The community school's base formula amount; 38965

(h) For each student, the city, exempted village, or local 38966
school district in which the student is entitled to attend school; 38967

(i) Any poverty-based assistance reduction factor that 38968
applies to a school year. 38969

(C) From the state education aid calculated for a city, 38970
exempted village, or local school district and, if necessary, from 38971
the payment made to the district under sections 321.24 and 323.156 38972
of the Revised Code, the department of education shall annually 38973
subtract the sum of the amounts described in divisions (C)(1) to 38974
(9) of this section. However, when deducting payments on behalf of 38975
students enrolled in internet- or computer-based community 38976
schools, the department shall deduct only those amounts described 38977

in divisions (C)(1) and (2) of this section. Furthermore, the 38978
aggregate amount deducted under this division shall not exceed the 38979
sum of the district's state education aid and its payment under 38980
sections 321.24 and 323.156 of the Revised Code. 38981
38982

(1) An amount equal to the sum of the amounts obtained when, 38983
for each community school where the district's students are 38984
enrolled, the number of the district's students reported under 38985
divisions (B)(2)(a), (b), and (e) of this section who are enrolled 38986
in grades one through twelve, and one-half the number of students 38987
reported under those divisions who are enrolled in kindergarten, 38988
in that community school is multiplied by the sum of the base 38989
formula amount of that community school plus the per pupil amount 38990
of the base funding supplements specified in divisions (C)(1) to 38991
(4) of section 3317.012 of the Revised Code. 38992

(2) The sum of the amounts calculated under divisions 38993
(C)(2)(a) and (b) of this section: 38994

(a) For each of the district's students reported under 38995
division (B)(2)(c) of this section as enrolled in a community 38996
school in grades one through twelve and receiving special 38997
education and related services pursuant to an IEP for a disability 38998
described in section 3317.013 of the Revised Code, the product of 38999
the applicable special education weight times the community 39000
school's base formula amount; 39001

(b) For each of the district's students reported under 39002
division (B)(2)(c) of this section as enrolled in kindergarten in 39003
a community school and receiving special education and related 39004
services pursuant to an IEP for a disability described in section 39005
3317.013 of the Revised Code, one-half of the amount calculated as 39006
prescribed in division (C)(2)(a) of this section. 39007

(3) For each of the district's students reported under 39008

division (B)(2)(d) of this section for whom payment is made under 39009
division (D)(4) of this section, the amount of that payment; 39010

(4) An amount equal to the sum of the amounts obtained when, 39011
for each community school where the district's students are 39012
enrolled, the number of the district's students enrolled in that 39013
community school who are included in the district's poverty 39014
student count is multiplied by the per pupil amount of 39015
poverty-based assistance the school district receives that year 39016
pursuant to division (C) of section 3317.029 of the Revised Code, 39017
as adjusted by any poverty-based assistance reduction factor of 39018
that community school. The per pupil amount of that aid for the 39019
district shall be calculated by the department. 39020

(5) An amount equal to the sum of the amounts obtained when, 39021
for each community school where the district's students are 39022
enrolled, the district's per pupil amount of aid received under 39023
division (E) of section 3317.029 of the Revised Code, as adjusted 39024
by any poverty-based assistance reduction factor of the community 39025
school, is multiplied by the sum of the following: 39026

(a) The number of the district's students reported under 39027
division (B)(2)(a) of this section who are enrolled in grades one 39028
to three in that community school and who are not receiving 39029
special education and related services pursuant to an IEP; 39030

(b) One-half of the district's students who are enrolled in 39031
all-day or any other kindergarten class in that community school 39032
and who are not receiving special education and related services 39033
pursuant to an IEP; 39034

(c) One-half of the district's students who are enrolled in 39035
all-day kindergarten in that community school and who are not 39036
receiving special education and related services pursuant to an 39037
IEP. 39038

The district's per pupil amount of aid under division (E) of 39039

section 3317.029 of the Revised Code is the quotient of the amount 39040
the district received under that division divided by the 39041
district's kindergarten through third grade ADM, as defined in 39042
that section. 39043

(6) An amount equal to the sum of the amounts obtained when, 39044
for each community school where the district's students are 39045
enrolled, the district's per pupil amount received under division 39046
(F) of section 3317.029 of the Revised Code, as adjusted by any 39047
poverty-based assistance reduction factor of that community 39048
school, is multiplied by the number of the district's students 39049
enrolled in the community school who are identified as 39050
limited-English proficient. 39051

(7) An amount equal to the sum of the amounts obtained when, 39052
for each community school where the district's students are 39053
enrolled, the district's per pupil amount received under division 39054
(G) of section 3317.029 of the Revised Code, as adjusted by any 39055
poverty-based assistance reduction factor of that community 39056
school, is multiplied by the sum of the following: 39057

(a) The number of the district's students enrolled in grades 39058
one through twelve in that community school; 39059

(b) One-half of the number of the district's students 39060
enrolled in kindergarten in that community school. 39061

The district's per pupil amount under division (G) of section 39062
3317.029 of the Revised Code is the district's amount per teacher 39063
calculated under division (G)(1) or (2) of that section divided by 39064
17. 39065

(8) An amount equal to the sum of the amounts obtained when, 39066
for each community school where the district's students are 39067
enrolled, the district's per pupil amount received under divisions 39068
(H) and (I) of section 3317.029 of the Revised Code, as adjusted 39069
by any poverty-based assistance reduction factor of that community 39070

school, is multiplied by the sum of the following: 39071

(a) The number of the district's students enrolled in grades 39072
one through twelve in that community school; 39073

(b) One-half of the number of the district's students 39074
enrolled in kindergarten in that community school. 39075

The district's per pupil amount under divisions (H) and (I) 39076
of section 3317.029 of the Revised Code is the amount calculated 39077
under each division divided by the district's formula ADM, as 39078
defined in section 3317.02 of the Revised Code. 39079

(9) An amount equal to the per pupil state parity aid funding 39080
calculated for the school district under either division (C) or 39081
(D) of section 3317.0217 of the Revised Code multiplied by the sum 39082
of the number of students in grades one through twelve, and 39083
one-half of the number of students in kindergarten, who are 39084
entitled to attend school in the district and are enrolled in a 39085
community school as reported under division (B)(1) of this 39086
section. 39087

(D) The department shall annually pay to a community school 39088
established under this chapter the sum of the amounts described in 39089
divisions (D)(1) to (10) of this section. However, the department 39090
shall calculate and pay to each internet- or computer-based 39091
community school only the amounts described in divisions (D)(1) to 39092
(3) of this section. Furthermore, the sum of the payments to all 39093
community schools under divisions (D)(1), (2), and (4) to (10) of 39094
this section for the students entitled to attend school in any 39095
particular school district shall not exceed the sum of that 39096
district's state education aid and its payment under sections 39097
321.24 and 323.156 of the Revised Code. If the sum of the payments 39098
calculated under those divisions for the students entitled to 39099
attend school in a particular school district exceeds the sum of 39100
that district's state education aid and its payment under sections 39101

321.24 and 323.156 of the Revised Code, the department shall 39102
calculate and apply a proration factor to the payments to all 39103
community schools under those divisions for the students entitled 39104
to attend school in that district. 39105

(1) Subject to section 3314.085 of the Revised Code, an 39106
amount equal to the sum of the amounts obtained when the number of 39107
students enrolled in grades one through twelve, plus one-half of 39108
the kindergarten students in the school, reported under divisions 39109
(B)(2)(a), (b), and (e) of this section who are not receiving 39110
special education and related services pursuant to an IEP for a 39111
disability described in section 3317.013 of the Revised Code is 39112
multiplied by the sum of the community school's base formula 39113
amount plus the per pupil amount of the base funding supplements 39114
specified in divisions (C)(1) to (4) of section 3317.012 of the 39115
Revised Code. 39116

(2) Prior to fiscal year 2007, the greater of the amount 39117
calculated under division (D)(2)(a) or (b) of this section, and in 39118
fiscal year 2007 and thereafter, the amount calculated under 39119
division (D)(2)(b) of this section: 39120

(a) The aggregate amount that the department paid to the 39121
community school in fiscal year 1999 for students receiving 39122
special education and related services pursuant to IEPs, excluding 39123
federal funds and state disadvantaged pupil impact aid funds; 39124

(b) The sum of the amounts calculated under divisions 39125
(D)(2)(b)(i) and (ii) of this section: 39126

(i) For each student reported under division (B)(2)(c) of 39127
this section as enrolled in the school in grades one through 39128
twelve and receiving special education and related services 39129
pursuant to an IEP for a disability described in section 3317.013 39130
of the Revised Code, the following amount: 39131

(the school's base formula amount plus 39132

the per pupil amount of the base funding supplements specified in 39133
divisions (C)(1) to (4) of section 3317.012 of the Revised Code) 39134
+ (the applicable special education weight X the 39135
community school's base formula amount); 39136

(ii) For each student reported under division (B)(2)(c) of 39137
this section as enrolled in kindergarten and receiving special 39138
education and related services pursuant to an IEP for a disability 39139
described in section 3317.013 of the Revised Code, one-half of the 39140
amount calculated under the formula prescribed in division 39141
(D)(2)(b)(i) of this section. 39142

(3) An amount received from federal funds to provide special 39143
education and related services to students in the community 39144
school, as determined by the superintendent of public instruction. 39145

(4) For each student reported under division (B)(2)(d) of 39146
this section as enrolled in vocational education programs or 39147
classes that are described in section 3317.014 of the Revised 39148
Code, are provided by the community school, and are comparable as 39149
determined by the superintendent of public instruction to school 39150
district vocational education programs and classes eligible for 39151
state weighted funding under section 3317.014 of the Revised Code, 39152
an amount equal to the applicable vocational education weight 39153
times the community school's base formula amount times the 39154
percentage of time the student spends in the vocational education 39155
programs or classes. 39156

(5) An amount equal to the sum of the amounts obtained when, 39157
for each school district where the community school's students are 39158
entitled to attend school, the number of that district's students 39159
enrolled in the community school who are included in the 39160
district's poverty student count is multiplied by the per pupil 39161
amount of poverty-based assistance that school district receives 39162
that year pursuant to division (C) of section 3317.029 of the 39163
Revised Code, as adjusted by any poverty-based assistance 39164

reduction factor of the community school. The per pupil amount of 39165
aid shall be determined as described in division (C)(4) of this 39166
section. 39167

(6) An amount equal to the sum of the amounts obtained when, 39168
for each school district where the community school's students are 39169
entitled to attend school, the district's per pupil amount of aid 39170
received under division (E) of section 3317.029 of the Revised 39171
Code, as adjusted by any poverty-based assistance reduction factor 39172
of the community school, is multiplied by the sum of the 39173
following: 39174

(a) The number of the district's students reported under 39175
division (B)(2)(a) of this section who are enrolled in grades one 39176
to three in that community school and who are not receiving 39177
special education and related services pursuant to an IEP; 39178

(b) One-half of the district's students who are enrolled in 39179
all-day or any other kindergarten class in that community school 39180
and who are not receiving special education and related services 39181
pursuant to an IEP; 39182

(c) One-half of the district's students who are enrolled in 39183
all-day kindergarten in that community school and who are not 39184
receiving special education and related services pursuant to an 39185
IEP. 39186

The district's per pupil amount of aid under division (E) of 39187
section 3317.029 of the Revised Code shall be determined as 39188
described in division (C)(5) of this section. 39189

(7) An amount equal to the sum of the amounts obtained when, 39190
for each school district where the community school's students are 39191
entitled to attend school, the number of that district's students 39192
enrolled in the community school who are identified as 39193
limited-English proficient is multiplied by the district's per 39194
pupil amount received under division (F) of section 3317.029 of 39195

the Revised Code, as adjusted by any poverty-based assistance 39196
reduction factor of the community school. 39197

(8) An amount equal to the sum of the amounts obtained when, 39198
for each school district where the community school's students are 39199
entitled to attend school, the district's per pupil amount 39200
received under division (G) of section 3317.029 of the Revised 39201
Code, as adjusted by any poverty-based assistance reduction factor 39202
of the community school, is multiplied by the sum of the 39203
following: 39204

(a) The number of the district's students enrolled in grades 39205
one through twelve in that community school; 39206

(b) One-half of the number of the district's students 39207
enrolled in kindergarten in that community school. 39208

The district's per pupil amount under division (G) of section 39209
3317.029 of the Revised Code shall be determined as described in 39210
division (C)(7) of this section. 39211

(9) An amount equal to the sum of the amounts obtained when, 39212
for each school district where the community school's students are 39213
entitled to attend school, the district's per pupil amount 39214
received under divisions (H) and (I) of section 3317.029 of the 39215
Revised Code, as adjusted by any poverty-based assistance 39216
reduction factor of the community school, is multiplied by the sum 39217
of the following: 39218

(a) The number of the district's students enrolled in grades 39219
one through twelve in that community school; 39220

(b) One-half of the number of the district's students 39221
enrolled in kindergarten in that community school. 39222

The district's per pupil amount under divisions (H) and (I) 39223
of section 3317.029 of the Revised Code shall be determined as 39224
described in division (C)(8) of this section. 39225

(10) An amount equal to the sum of the amounts obtained when, 39226
for each school district where the community school's students are 39227
entitled to attend school, the district's per pupil amount of 39228
state parity aid funding calculated under either division (C) or 39229
(D) of section 3317.0217 of the Revised Code is multiplied by the 39230
sum of the number of that district's students enrolled in grades 39231
one through twelve, and one-half of the number of that district's 39232
students enrolled in kindergarten, in the community school as 39233
reported under division (B)(2)(a) and (b) of this section. 39234

(E)(1) If a community school's costs for a fiscal year for a 39235
student receiving special education and related services pursuant 39236
to an IEP for a disability described in divisions (B) to (F) of 39237
section 3317.013 of the Revised Code exceed the threshold 39238
catastrophic cost for serving the student as specified in division 39239
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 39240
submit to the superintendent of public instruction documentation, 39241
as prescribed by the superintendent, of all its costs for that 39242
student. Upon submission of documentation for a student of the 39243
type and in the manner prescribed, the department shall pay to the 39244
community school an amount equal to the school's costs for the 39245
student in excess of the threshold catastrophic costs. 39246

(2) The community school shall only report under division 39247
(E)(1) of this section, and the department shall only pay for, the 39248
costs of educational expenses and the related services provided to 39249
the student in accordance with the student's individualized 39250
education program. Any legal fees, court costs, or other costs 39251
associated with any cause of action relating to the student may 39252
not be included in the amount. 39253

(F) A community school may apply to the department of 39254
education for preschool children with disabilities or gifted unit 39255
funding the school would receive if it were a school district. 39256
Upon request of its governing authority, a community school that 39257

received unit funding as a school district-operated school before 39258
it became a community school shall retain any units awarded to it 39259
as a school district-operated school provided the school continues 39260
to meet eligibility standards for the unit. 39261

A community school shall be considered a school district and 39262
its governing authority shall be considered a board of education 39263
for the purpose of applying to any state or federal agency for 39264
grants that a school district may receive under federal or state 39265
law or any appropriations act of the general assembly. The 39266
governing authority of a community school may apply to any private 39267
entity for additional funds. 39268

(G) A board of education sponsoring a community school may 39269
utilize local funds to make enhancement grants to the school or 39270
may agree, either as part of the contract or separately, to 39271
provide any specific services to the community school at no cost 39272
to the school. 39273

(H) A community school may not levy taxes or issue bonds 39274
secured by tax revenues. 39275

(I) No community school shall charge tuition for the 39276
enrollment of any student. 39277

(J)(1)(a) A community school may borrow money to pay any 39278
necessary and actual expenses of the school in anticipation of the 39279
receipt of any portion of the payments to be received by the 39280
school pursuant to division (D) of this section. The school may 39281
issue notes to evidence such borrowing. The proceeds of the notes 39282
shall be used only for the purposes for which the anticipated 39283
receipts may be lawfully expended by the school. 39284

(b) A school may also borrow money for a term not to exceed 39285
fifteen years for the purpose of acquiring facilities. 39286

(2) Except for any amount guaranteed under section 3318.50 of 39287
the Revised Code, the state is not liable for debt incurred by the 39288

governing authority of a community school. 39289

(K) For purposes of determining the number of students for 39290
which divisions (D)(5) and (6) of this section applies in any 39291
school year, a community school may submit to the department of 39292
job and family services, no later than the first day of March, a 39293
list of the students enrolled in the school. For each student on 39294
the list, the community school shall indicate the student's name, 39295
address, and date of birth and the school district where the 39296
student is entitled to attend school. Upon receipt of a list under 39297
this division, the department of job and family services shall 39298
determine, for each school district where one or more students on 39299
the list is entitled to attend school, the number of students 39300
residing in that school district who were included in the 39301
department's report under section 3317.10 of the Revised Code. The 39302
department shall make this determination on the basis of 39303
information readily available to it. Upon making this 39304
determination and no later than ninety days after submission of 39305
the list by the community school, the department shall report to 39306
the state department of education the number of students on the 39307
list who reside in each school district who were included in the 39308
department's report under section 3317.10 of the Revised Code. In 39309
complying with this division, the department of job and family 39310
services shall not report to the state department of education any 39311
personally identifiable information on any student. 39312

(L) The department of education shall adjust the amounts 39313
subtracted and paid under divisions (C) and (D) of this section to 39314
reflect any enrollment of students in community schools for less 39315
than the equivalent of a full school year. The state board of 39316
education within ninety days after April 8, 2003, shall adopt in 39317
accordance with Chapter 119. of the Revised Code rules governing 39318
the payments to community schools under this section and section 39319
3314.13 of the Revised Code including initial payments in a school 39320

year and adjustments and reductions made in subsequent periodic 39321
payments to community schools and corresponding deductions from 39322
school district accounts as provided under divisions (C) and (D) 39323
of this section and section 3314.13 of the Revised Code. For 39324
purposes of this section and section 3314.13 of the Revised Code: 39325

(1) A student shall be considered enrolled in the community 39326
school for any portion of the school year the student is 39327
participating at a college under Chapter 3365. of the Revised 39328
Code. 39329

(2) A student shall be considered to be enrolled in a 39330
community school during a school year for the period of time 39331
beginning on the later of the date on which the school both has 39332
received documentation of the student's enrollment from a parent 39333
and the student has commenced participation in learning 39334
opportunities as defined in the contract with the sponsor, or 39335
thirty days prior to the date on which the student is entered into 39336
the education management information system established under 39337
section 3301.0714 of the Revised Code. For purposes of applying 39338
this division and ~~division~~ divisions (L)(3) and (4) of this 39339
section to a community school student, "learning opportunities" 39340
shall be defined in the contract, which shall describe both 39341
classroom-based and non-classroom-based learning opportunities and 39342
shall be in compliance with criteria and documentation 39343
requirements for student participation which shall be established 39344
by the department. Any student's instruction time in 39345
non-classroom-based learning opportunities shall be certified by 39346
an employee of the community school. A student's enrollment shall 39347
be considered to cease on the date on which any of the following 39348
occur: 39349

(a) The community school receives documentation from a parent 39350
terminating enrollment of the student. 39351

(b) The community school is provided documentation of a 39352

student's enrollment in another public or private school. 39353

(c) The community school ceases to offer learning 39354
opportunities to the student pursuant to the terms of the contract 39355
with the sponsor or the operation of any provision of this 39356
chapter. 39357

(3) The department shall determine each community school 39358
student's percentage of full-time equivalency based on the 39359
percentage of learning opportunities offered by the community 39360
school to that student, reported either as number of hours or 39361
number of days, is of the total learning opportunities offered by 39362
the community school to a student who attends for the school's 39363
entire school year. However, no internet- or computer-based 39364
community school shall be credited for any time a student spends 39365
participating in learning opportunities beyond ten hours within 39366
any period of twenty-four consecutive hours. Whether it reports 39367
hours or days of learning opportunities, each community school 39368
shall offer not less than nine hundred twenty hours of learning 39369
opportunities during the school year. 39370

(4) With respect to the calculation of full-time equivalency 39371
under division (L)(3) of this section, the department shall waive 39372
the number of hours or days of learning opportunities not offered 39373
to a student because the community school was closed during the 39374
school year due to disease epidemic, hazardous weather conditions, 39375
inoperability of school buses or other equipment necessary to the 39376
school's operation, damage to a school building, or other 39377
temporary circumstances due to utility failure rendering the 39378
school building unfit for school use, so long as the school was 39379
actually open for instruction with students in attendance during 39380
that school year for not less than the minimum number of hours 39381
required by this chapter. The department shall treat the school as 39382
if it were open for instruction with students in attendance during 39383
the hours or days waived under this division. 39384

(M) The department of education shall reduce the amounts paid 39385
under division (D) of this section to reflect payments made to 39386
colleges under division (B) of section 3365.07 of the Revised Code 39387
or through alternative funding agreements entered into under rules 39388
adopted under section 3365.12 of the Revised Code. 39389

(N)(1) No student shall be considered enrolled in any 39390
internet- or computer-based community school or, if applicable to 39391
the student, in any community school that is required to provide 39392
the student with a computer pursuant to division (C) of section 39393
3314.22 of the Revised Code, unless both of the following 39394
conditions are satisfied: 39395

(a) The student possesses or has been provided with all 39396
required hardware and software materials and all such materials 39397
are operational so that the student is capable of fully 39398
participating in the learning opportunities specified in the 39399
contract between the school and the school's sponsor as required 39400
by division (A)(23) of section 3314.03 of the Revised Code; 39401

(b) The school is in compliance with division (A) of section 39402
3314.22 of the Revised Code, relative to such student. 39403

(2) In accordance with policies adopted jointly by the 39404
superintendent of public instruction and the auditor of state, the 39405
department shall reduce the amounts otherwise payable under 39406
division (D) of this section to any community school that includes 39407
in its program the provision of computer hardware and software 39408
materials to any student, if such hardware and software materials 39409
have not been delivered, installed, and activated for each such 39410
student in a timely manner or other educational materials or 39411
services have not been provided according to the contract between 39412
the individual community school and its sponsor. 39413

The superintendent of public instruction and the auditor of 39414
state shall jointly establish a method for auditing any community 39415

school to which this division pertains to ensure compliance with 39416
this section. 39417

The superintendent, auditor of state, and the governor shall 39418
jointly make recommendations to the general assembly for 39419
legislative changes that may be required to assure fiscal and 39420
academic accountability for such schools. 39421

(O)(1) If the department determines that a review of a 39422
community school's enrollment is necessary, such review shall be 39423
completed and written notice of the findings shall be provided to 39424
the governing authority of the community school and its sponsor 39425
within ninety days of the end of the community school's fiscal 39426
year, unless extended for a period not to exceed thirty additional 39427
days for one of the following reasons: 39428

(a) The department and the community school mutually agree to 39429
the extension. 39430

(b) Delays in data submission caused by either a community 39431
school or its sponsor. 39432

(2) If the review results in a finding that additional 39433
funding is owed to the school, such payment shall be made within 39434
thirty days of the written notice. If the review results in a 39435
finding that the community school owes moneys to the state, the 39436
following procedure shall apply: 39437

(a) Within ten business days of the receipt of the notice of 39438
findings, the community school may appeal the department's 39439
determination to the state board of education or its designee. 39440

(b) The board or its designee shall conduct an informal 39441
hearing on the matter within thirty days of receipt of such an 39442
appeal and shall issue a decision within fifteen days of the 39443
conclusion of the hearing. 39444

(c) If the board has enlisted a designee to conduct the 39445

hearing, the designee shall certify its decision to the board. The 39446
board may accept the decision of the designee or may reject the 39447
decision of the designee and issue its own decision on the matter. 39448

(d) Any decision made by the board under this division is 39449
final. 39450

(3) If it is decided that the community school owes moneys to 39451
the state, the department shall deduct such amount from the 39452
school's future payments in accordance with guidelines issued by 39453
the superintendent of public instruction. 39454

~~(Q)~~(P) The department shall not subtract from a school 39455
district's state aid account under division (C) of this section 39456
and shall not pay to a community school under division (D) of this 39457
section any amount for any of the following: 39458

(1) Any student who has graduated from the twelfth grade of a 39459
public or nonpublic high school; 39460

(2) Any student who is not a resident of the state; 39461

(3) Any student who was enrolled in the community school 39462
during the previous school year when tests were administered under 39463
section 3301.0711 of the Revised Code but did not take one or more 39464
of the tests required by that section and was not excused pursuant 39465
to division (C)(1) or (3) of that section, unless the 39466
superintendent of public instruction grants the student a waiver 39467
from the requirement to take the test and a parent is not paying 39468
tuition for the student pursuant to section 3314.26 of the Revised 39469
Code. The superintendent may grant a waiver only for good cause in 39470
accordance with rules adopted by the state board of education. 39471

(4) Any student who has attained the age of twenty-two years, 39472
except for veterans of the armed services whose attendance was 39473
interrupted before completing the recognized twelve-year course of 39474
the public schools by reason of induction or enlistment in the 39475
armed forces and who apply for enrollment in a community school 39476

not later than four years after termination of war or their 39477
honorable discharge. If, however, any such veteran elects to 39478
enroll in special courses organized for veterans for whom tuition 39479
is paid under federal law, or otherwise, the department shall not 39480
subtract from a school district's state aid account under division 39481
(C) of this section and shall not pay to a community school under 39482
division (D) of this section any amount for that veteran. 39483

Sec. 3314.085. (A) In each fiscal year beginning in fiscal 39484
year 2007, each internet- or computer-based community school shall 39485
spend for pupil instruction at least the amount per pupil 39486
designated in division (B)(1) of section 3317.012 of the Revised 39487
Code as the amount for base classroom teachers. For this purpose, 39488
expenditures for pupil instruction include expenditures for 39489
teachers, curriculum, academic materials ~~other than~~, computers, 39490
software, and any other instructional purposes designated in the 39491
rules adopted under this section. Expenditures to provide the 39492
computer hardware and filtering software required by sections 39493
3314.21 and 3314.22 of the Revised Code ~~do not~~ qualify as pupil 39494
instruction for purposes of this section. 39495

(B) Beginning in fiscal year 2007, each internet- or 39496
computer-based community school annually shall report data to the 39497
department of education concerning its expenditures for pupil 39498
instruction. Each school shall report the data in the form and 39499
manner required by the department. 39500

(C) If the department determines, after offering the school 39501
an opportunity for a hearing in accordance with Chapter 119. of 39502
the Revised Code, that an internet- or computer-based community 39503
school has failed in any fiscal year to comply with division (A) 39504
or (B) of this section, the department shall assess a fine against 39505
the school equivalent to the greater of the following: 39506

(1) Five per cent of the total state payments to the school 39507

under this chapter for the fiscal year in which the failure
occurred;

(2) The difference between the amount the department
determines the school was required to have spent for pupil
instruction and the amount the department determines the school
actually spent for pupil instruction.

The department's methods of collecting the fine may include
withholding state payments under this chapter in the current or
subsequent fiscal year.

The department may cancel a fine it has imposed under this
section if the school submits a plan for coming into compliance
with the requirements of this section that the department
approves, and the school demonstrates to the department's
satisfaction that it is implementing the plan.

(D) The superintendent of public instruction shall adopt
rules in accordance with Chapter 119. of the Revised Code
specifying expenditures that qualify as expenditures for pupil
instruction for purposes of this section.

Sec. 3314.26. (A) Each internet- or computer-based community
school shall withdraw from the school any student who, for two
consecutive school years, has failed to participate in the spring
administration of any test prescribed under section 3301.0710 or
3301.0712 of the Revised Code for the student's grade level and
was not excused from the test pursuant to division (C)(1) or (3)
of section 3301.0711 of the Revised Code, regardless of whether a
waiver was granted for the student under division ~~(Q)~~(P)(3) of
section 3314.08 of the Revised Code. The school shall report any
such student's data verification code, as assigned pursuant to
section 3301.0714 of the Revised Code, to the department of
education. The department shall maintain a list of all data
verification codes reported under this division and section

3313.6410 of the Revised Code and provide that list to each 39539
internet- or computer-based community school and to each school to 39540
which section 3313.6410 of the Revised Code applies. 39541

(B) No internet- or computer-based community school shall 39542
receive any state funds under this chapter for any enrolled 39543
student whose data verification code appears on the list 39544
maintained by the department under division (A) of this section. 39545

Notwithstanding any provision of the Revised Code to the 39546
contrary, the parent of any such student shall pay tuition to the 39547
internet- or computer-based community school in an amount equal to 39548
the state funds the school otherwise would receive for that 39549
student, as determined by the department. An internet- or 39550
computer-based community school may withdraw any student for whom 39551
the parent does not pay tuition as required by this division. 39552

Sec. 3314.35. (A)(1) Except as provided in division (A)(2) of 39553
this section, this section applies to any community school that 39554
meets one of the following criteria after July 1, 2008: 39555

(a) The school does not offer a grade level higher than three 39556
and has been declared to be in a state of academic emergency under 39557
section 3302.03 of the Revised Code for four consecutive school 39558
years. 39559

(b) The school satisfies all of the following conditions: 39560

(i) The school offers any of grade levels four to eight but 39561
does not offer a grade level higher than nine. 39562

(ii) The school has been declared to be in a state of 39563
academic emergency under section 3302.03 of the Revised Code for 39564
three consecutive school years. 39565

(iii) For two of those school years, the school showed less 39566
than one standard year of academic growth in either reading or 39567
mathematics, as determined by the department of education in 39568

accordance with rules adopted under division (A) of section 3302.021 of the Revised Code. 39569
39570

(c) The school satisfies all of the following conditions: 39571

(i) The school offers any of grade levels ten to twelve. 39572

(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three consecutive school years. 39573
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(iii) For two of those school years, the school showed less than two standard years of academic growth in either reading or mathematics, as determined by the department in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code. 39576
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(2) This section does not apply to any either of the following: 39581
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(a) Any community school in which a majority of the students are enrolled in a dropout prevention and recovery program that is operated by the school and that has been granted a waiver under section 3314.36 of the Revised Code; 39583
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(b) Any community school in which a majority of the enrolled students are children with disabilities receiving special education and related services in accordance with Chapter 3323. of the Revised Code. 39587
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(B) Any community school to which this section applies shall permanently close at the conclusion of the school year in which the school first becomes subject to this section. The sponsor and governing authority of the school shall comply with all procedures for closing a community school adopted by the department under division (E) of section 3314.015 of the Revised Code. The governing authority of the school shall not enter into a contract with any other sponsor under section 3314.03 of the Revised Code 39591
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after the school closes. 39599

(C) Not later than July 1, 2008, the department shall 39600
determine the feasibility of using the value-added progress 39601
dimension, as defined in section 3302.01 of the Revised Code, as a 39602
factor in evaluating the academic performance of community schools 39603
described in division (A)(1)(c)(i) of this section. 39604
Notwithstanding divisions (A)(1)(c)(ii) and (iii) of this section, 39605
if the department determines that using the value-added progress 39606
dimension to evaluate community schools described in division 39607
(A)(1)(c)(i) of this section is not feasible, a community school 39608
described in that division shall be required to permanently close 39609
under this section only if it has been declared to be in a state 39610
of academic emergency under section 3302.03 of the Revised Code 39611
for four consecutive school years. 39612

Sec. 3314.44. (A) If a community school established under 39613
this chapter closes for any reason, the chief administrative 39614
officer of the school at the time the school closes shall in good 39615
faith take all reasonable steps necessary to collect and assemble 39616
in an orderly manner the educational records of each student who 39617
is or has been enrolled in the school so that those records may be 39618
transmitted in accordance with this division. The chief 39619
administrative officer shall transmit the records within seven 39620
business days of the school closing to the student's school 39621
district of residence. 39622

(B) No person required to collect, assemble, and transmit 39623
student records under division (A) of this section shall fail to 39624
comply with that division. 39625

(C) Whoever violates division (B) of this section is guilty 39626
of a misdemeanor in the third degree. 39627

Sec. 3315.37. The board of education of a school district may 39628

establish a teacher education loan program and may expend school 39629
funds for the program. The program shall be for the purpose of 39630
making loans to students who are residents of the school district 39631
or graduates of schools in the school district, who are enrolled 39632
in teacher preparation programs at institutions approved by the 39633
~~state board~~ chancellor of the Ohio board of regents pursuant to 39634
section ~~3319.23~~ 3333.048 of the Revised Code, and who indicate an 39635
intent to teach in the school district providing the loan. The 39636
district board may forgive the obligation to repay any or all of 39637
the principal and interest on the loan if the borrower teaches in 39638
that school district. 39639

The district board shall adopt rules establishing eligibility 39640
criteria, application procedures, procedures for review of 39641
applications, loan amounts, interest, repayment schedules, 39642
conditions under which principal and interest obligations incurred 39643
under the program will be forgiven, and any other matter 39644
incidental to the operation of the program. 39645

The board may contract with a private, nonprofit foundation, 39646
one or more institutions of higher education, or other educational 39647
agencies to administer the program. 39648

The receipt of a loan under this section does not affect a 39649
student's eligibility for assistance, or the amount of such 39650
assistance, granted under section 3315.33, 3333.12, 3333.122, 39651
3333.22, 3333.26, ~~3333.27~~, 5910.04, or 5919.34 of the Revised 39652
Code, but the board's rules may provide for taking such assistance 39653
into consideration when determining a student's eligibility for a 39654
loan under this section. 39655

Sec. 3317.013. Except for a preschool child with a disability 39656
for whom a scholarship has been awarded under section 3310.41 of 39657
the Revised Code, this section does not apply to preschool 39658
children with disabilities. 39659

Analysis of special education cost data has resulted in a finding that the average special education additional cost per pupil, including the costs of related services, can be expressed as a multiple of the base cost per pupil calculated under section 3317.012 of the Revised Code. The multiples for the following categories of special education programs, as these programs are defined for purposes of Chapter 3323. of the Revised Code, and adjusted as provided in this section, are as follows:

(A) A multiple of 0.2892 for students whose primary or only identified disability is a speech and language disability, as this term is defined pursuant to Chapter 3323. of the Revised Code;

(B) A multiple of 0.3691 for students identified as specific learning disabled or developmentally disabled, as these terms are defined pursuant to Chapter 3323. of the Revised Code, or as having an other health impairment-minor;

(C) A multiple of 1.7695 for students identified as hearing disabled, vision impaired, or severe behavior disabled, as these terms are defined pursuant to Chapter 3323. of the Revised Code;

(D) A multiple of 2.3646 for students identified as orthopedically disabled, as this term is defined pursuant to Chapter 3323. of the Revised Code or as having an other health impairment-major;

(E) A multiple of 3.1129 for students identified as having multiple disabilities, as this term is defined pursuant to Chapter 3323. of the Revised Code;

(F) A multiple of 4.7342 for students identified as autistic, having traumatic brain injuries, or as both visually and hearing impaired, as these terms are defined pursuant to Chapter 3323. of the Revised Code.

In fiscal years 2008 ~~and~~, 2009, 2010, and 2011, the multiples

specified in divisions (A) to (F) of this section shall be 39691
adjusted by multiplying them by 0.90. 39692

Not later than the thirtieth day of December in 2007, 2008, 39693
and 2009, the department of education shall submit to the office 39694
of budget and management a report that specifies for each city, 39695
local, exempted village, and joint vocational school district the 39696
fiscal year allocation of the state and local shares of special 39697
education and related services additional weighted funding and 39698
federal special education funds passed through to the district. 39699

Sec. 3317.02. As used in this chapter: 39700

(A) Unless otherwise specified, "school district" means city, 39701
local, and exempted village school districts. 39702

(B) "Formula Except for fiscal years 2010 and 2011, "formula 39703
amount" means the base cost for the fiscal year specified in 39704
division (B)(4) of section 3317.012 of the Revised Code. "Formula 39705
amount," for fiscal year 2010, is \$5,746 and, for fiscal year 39706
2011, is \$5,775. 39707

(C) "FTE basis" means a count of students based on full-time 39708
equivalency, in accordance with rules adopted by the department of 39709
education pursuant to section 3317.03 of the Revised Code. In 39710
adopting its rules under this division, the department shall 39711
provide for counting any student in category one, two, three, 39712
four, five, or six special education ADM or in category one or two 39713
vocational education ADM in the same proportion the student is 39714
counted in formula ADM. 39715

(D) "Formula ADM" means, for a city, local, or exempted 39716
village school district, the final number verified by the 39717
superintendent of public instruction, based on the number reported 39718
pursuant to division (A) of section 3317.03 of the Revised Code, 39719
as adjusted, if so ordered, under division (K) of that section. 39720

"Formula ADM" means, for a joint vocational school district, the final number verified by the superintendent of public instruction, based on the number reported pursuant to division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section. Beginning in fiscal year 2007, for payments in which formula ADM is a factor, the formula ADM for each school district for the fiscal year is the sum of one-half of the number verified and adjusted for October of that fiscal year plus one-half of the average of the numbers verified and adjusted for October and February of that fiscal year.

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(E) "Three-year average formula ADM" means the average of formula ADMs for the preceding three fiscal years.

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(F)(1) "Category one special education ADM" means the average daily membership of children with disabilities receiving special education services for the disability specified in division (A) of section 3317.013 of the Revised Code and reported under division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code. Beginning in fiscal year 2007, the district's category one special education ADM for a fiscal year is the sum of one-half of the number reported for October of that fiscal year plus one-half of the average of the numbers reported for October and February of that fiscal year.

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(2) "Category two special education ADM" means the average daily membership of children with disabilities receiving special education services for those disabilities specified in division (B) of section 3317.013 of the Revised Code and reported under division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised Code. Beginning in fiscal year 2007, the district's category two special education ADM for a fiscal year is the sum of one-half of the number reported for October of that fiscal year plus one-half of the average of the numbers reported for October and February of

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that fiscal year. 39753

(3) "Category three special education ADM" means the average 39754
daily membership of students receiving special education services 39755
for those disabilities specified in division (C) of section 39756
3317.013 of the Revised Code, and reported under division (B)(7) 39757
or (D)(2)(d) of section 3317.03 of the Revised Code. Beginning in 39758
fiscal year 2007, the district's category three special education 39759
ADM for a fiscal year is the sum of one-half of the number 39760
reported for October of that fiscal year plus one-half of the 39761
average of the numbers reported for October and February of that 39762
fiscal year. 39763

(4) "Category four special education ADM" means the average 39764
daily membership of students receiving special education services 39765
for those disabilities specified in division (D) of section 39766
3317.013 of the Revised Code and reported under division (B)(8) or 39767
(D)(2)(e) of section 3317.03 of the Revised Code. Beginning in 39768
fiscal year 2007, the district's category four special education 39769
ADM for a fiscal year is the sum of one-half of the number 39770
reported for October of that fiscal year plus one-half of the 39771
average of the numbers reported for October and February of that 39772
fiscal year. 39773

(5) "Category five special education ADM" means the average 39774
daily membership of students receiving special education services 39775
for the disabilities specified in division (E) of section 3317.013 39776
of the Revised Code and reported under division (B)(9) or 39777
(D)(2)(f) of section 3317.03 of the Revised Code. Beginning in 39778
fiscal year 2007, the district's category five special education 39779
ADM for a fiscal year is the sum of one-half of the number 39780
reported for October of that fiscal year plus one-half of the 39781
average of the numbers reported for October and February of that 39782
fiscal year. 39783

(6) "Category six special education ADM" means the average 39784

daily membership of students receiving special education services 39785
for the disabilities specified in division (F) of section 3317.013 39786
of the Revised Code and reported under division (B)(10) or 39787
(D)(2)(g) of section 3317.03 of the Revised Code. Beginning in 39788
fiscal year 2007, the district's category six special education 39789
ADM for a fiscal year is the sum of one-half of the number 39790
reported for October of that fiscal year plus one-half of the 39791
average of the numbers reported for October and February of that 39792
fiscal year. 39793

(7) "Category one vocational education ADM" means the average 39794
daily membership of students receiving vocational education 39795
services described in division (A) of section 3317.014 of the 39796
Revised Code and reported under division (B)(11) or (D)(2)(h) of 39797
section 3317.03 of the Revised Code. Beginning in fiscal year 39798
2007, the district's category one vocational education ADM for a 39799
fiscal year is the sum of one-half of the number reported for 39800
October of that fiscal year plus one-half of the average of the 39801
numbers reported for October and February of that fiscal year. 39802

(8) "Category two vocational education ADM" means the average 39803
daily membership of students receiving vocational education 39804
services described in division (B) of section 3317.014 of the 39805
Revised Code and reported under division (B)(12) or (D)(2)(i) of 39806
section 3317.03 of the Revised Code. Beginning in fiscal year 39807
2007, the district's category two vocational education ADM for a 39808
fiscal year is the sum of one-half of the number reported for 39809
October of that fiscal year plus one-half of the average of the 39810
numbers reported for October and February of that fiscal year. 39811

(G) "Preschool child with a disability" means a child with a 39812
disability, as defined in section 3323.01 of the Revised Code, who 39813
is at least age three but is not of compulsory school age, as 39814
defined in section 3321.01 of the Revised Code, and who is not 39815
currently enrolled in kindergarten. 39816

(H) "County MR/DD board" means a county board of mental retardation and developmental disabilities.	39817 39818
(I) "Recognized valuation" means the amount calculated for a school district pursuant to section 3317.015 of the Revised Code.	39819 39820
(J) "Transportation ADM" means the number of children reported under division (B)(13) of section 3317.03 of the Revised Code.	39821 39822 39823
(K) "Average efficient transportation use cost per student" means a statistical representation of transportation costs as calculated under division (D)(2) of section 3317.022 of the Revised Code.	39824 39825 39826 39827
(L) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.	39828 39829 39830 39831
(M) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.	39832 39833 39834 39835
(N) "Tax exempt value" of a school district means the amount certified for a school district under division (A)(4) of section 3317.021 of the Revised Code.	39836 39837 39838
(O) "Potential value" of a school district means the recognized valuation of a school district plus the tax exempt value of the district.	39839 39840 39841
(P) "District median income" means the median Ohio adjusted gross income certified for a school district. On or before the first day of July of each year, the tax commissioner shall certify to the department of education and the office of budget and management for each city, exempted village, and local school	39842 39843 39844 39845 39846

district the median Ohio adjusted gross income of the residents of 39847
the school district determined on the basis of tax returns filed 39848
for the second preceding tax year by the residents of the 39849
district. 39850

(Q) "Statewide median income" means the median district 39851
median income of all city, exempted village, and local school 39852
districts in the state. 39853

(R) "Income factor" for a city, exempted village, or local 39854
school district means the quotient obtained by dividing that 39855
district's median income by the statewide median income. 39856

(S) "Medically fragile child" means a child to whom all of 39857
the following apply: 39858

(1) The child requires the services of a doctor of medicine 39859
or osteopathic medicine at least once a week due to the 39860
instability of the child's medical condition. 39861

(2) The child requires the services of a registered nurse on 39862
a daily basis. 39863

(3) The child is at risk of institutionalization in a 39864
hospital, skilled nursing facility, or intermediate care facility 39865
for the mentally retarded. 39866

(T) A child may be identified as having an "other health 39867
impairment-major" if the child's condition meets the definition of 39868
"other health impaired" established in rules adopted by the state 39869
board of education prior to July 1, 2001, and if either of the 39870
following apply: 39871

(1) The child is identified as having a medical condition 39872
that is among those listed by the superintendent of public 39873
instruction as conditions where a substantial majority of cases 39874
fall within the definition of "medically fragile child." The 39875
superintendent of public instruction shall issue an initial list 39876

no later than September 1, 2001. 39877

(2) The child is determined by the superintendent of public 39878
instruction to be a medically fragile child. A school district 39879
superintendent may petition the superintendent of public 39880
instruction for a determination that a child is a medically 39881
fragile child. 39882

(U) A child may be identified as having an "other health 39883
impairment-minor" if the child's condition meets the definition of 39884
"other health impaired" established in rules adopted by the state 39885
board of education prior to July 1, 2001, but the child's 39886
condition does not meet either of the conditions specified in 39887
division (T)(1) or (2) of this section. 39888

(V) "State education aid" has the same meaning as in section 39889
5751.20 of the Revised Code. 39890

(W) "Property exemption value" means zero in fiscal year 39891
2006, and in fiscal year 2007 and each fiscal year thereafter, the 39892
amount certified for a school district under divisions (A)(6) and 39893
(7) of section 3317.021 of the Revised Code. 39894

(X) "Internet- or computer-based community school" has the 39895
same meaning as in section 3314.02 of the Revised Code. 39896

Sec. 3317.021. (A) On or before the first day of June of each 39897
year, the tax commissioner shall certify to the department of 39898
education and the office of budget and management the information 39899
described in divisions (A)(1) to ~~(8)~~(7) of this section for each 39900
city, exempted village, and local school district, and the 39901
information required by divisions (A)(1) and (2) of this section 39902
for each joint vocational school district, and it shall be used, 39903
along with the information certified under division (B) of this 39904
section, in making the computations for the district under 39905
~~sections 3317.022, 3317.0216, and 3317.0217 or section 3317.16~~ 39906

<u>this chapter</u> of the Revised Code.	39907
(1) The taxable value of real and public utility real property in the school district subject to taxation in the preceding tax year, by class and by county of location.	39908 39909 39910
(2) The taxable value of tangible personal property, including public utility personal property, subject to taxation by the district for the preceding tax year.	39911 39912 39913
(3)(a) The total property tax rate and total taxes charged and payable for the current expenses for the preceding tax year and the total property tax rate and the total taxes charged and payable to a joint vocational district for the preceding tax year that are limited to or to the extent apportioned to current expenses.	39914 39915 39916 39917 39918 39919
(b) The portion of the amount of taxes charged and payable reported for each city, local, and exempted village school district under division (A)(3)(a) of this section attributable to a joint vocational school district.	39920 39921 39922 39923
(4) The value of all real and public utility real property in the school district exempted from taxation minus both of the following:	39924 39925 39926
(a) The value of real and public utility real property in the district owned by the United States government and used exclusively for a public purpose;	39927 39928 39929
(b) The value of real and public utility real property in the district exempted from taxation under Chapter 725. or 1728. or section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code.	39930 39931 39932 39933
(5) The total federal adjusted gross income of the residents of the school district, based on tax returns filed by the residents of the district, for the most recent year for which this	39934 39935 39936

information is available. 39937

(6) The sum of the school district compensation value as 39938
indicated on the list of exempted property for the preceding tax 39939
year under section 5713.08 of the Revised Code as if such property 39940
had been assessed for taxation that year and the other 39941
compensation value for the school district, minus the amounts 39942
described in divisions (A)(6)(c) to (i) of this section. The 39943
portion of school district compensation value or other 39944
compensation value attributable to an incentive district exemption 39945
may be subtracted only once even if that incentive district 39946
satisfies more than one of the criteria in divisions (A)(6)(c) to 39947
(i) of this section. 39948

(a) "School district compensation value" means the aggregate 39949
value of real property in the school district exempted from 39950
taxation pursuant to an ordinance or resolution adopted under 39951
division (C) of section 5709.40, division (C) of section 5709.73, 39952
or division (B) of section 5709.78 of the Revised Code to the 39953
extent that the exempted value results in the charging of payments 39954
in lieu of taxes required to be paid to the school district under 39955
division (D)(1) or (2) of section 5709.40, division (D) of section 39956
5709.73, or division (C) of section 5709.78 of the Revised Code. 39957

(b) "Other compensation value" means the quotient that 39958
results from dividing (i) the dollar value of compensation 39959
received by the school district during the preceding tax year 39960
pursuant to division (B), (C), or (D) of section 5709.82 of the 39961
Revised Code and the amounts received pursuant to an agreement as 39962
specified in division (D)(2) of section 5709.40, division (D) of 39963
section 5709.73, or division (C) of section 5709.78 of the Revised 39964
Code to the extent those amounts were not previously reported or 39965
included in division (A)(6)(a) of this section, and so that any 39966
such amount is reported only once under division (A)(6)(b) of this 39967
section, in relation to exemptions from taxation granted pursuant 39968

to an ordinance or resolution adopted under division (C) of 39969
section 5709.40, division (C) of section 5709.73, or division (B) 39970
of section 5709.78 of the Revised Code, by (ii) the real property 39971
tax rate in effect for the preceding tax year for 39972
nonresidential/agricultural real property after making the 39973
reductions required by section 319.301 of the Revised Code. 39974

(c) The portion of school district compensation value or 39975
other compensation value that was exempted from taxation pursuant 39976
to such an ordinance or resolution for the preceding tax year, if 39977
the ordinance or resolution is adopted prior to January 1, 2006, 39978
and the legislative authority or board of township trustees or 39979
county commissioners, prior to January 1, 2006, executes a 39980
contract or agreement with a developer, whether for-profit or 39981
not-for-profit, with respect to the development of a project 39982
undertaken or to be undertaken and identified in the ordinance or 39983
resolution, and upon which parcels such project is being, or will 39984
be, undertaken; 39985

(d) The portion of school district compensation value that 39986
was exempted from taxation for the preceding tax year and for 39987
which payments in lieu of taxes for the preceding tax year were 39988
provided to the school district under division (D)(1) of section 39989
5709.40 of the Revised Code. 39990

(e) The portion of school district compensation value that 39991
was exempted from taxation for the preceding tax year pursuant to 39992
such an ordinance or resolution, if and to the extent that, on or 39993
before April 1, 2006, the fiscal officer of the municipal 39994
corporation that adopted the ordinance, or of the township or 39995
county that adopted the resolution, certifies and provides 39996
appropriate supporting documentation to the tax commissioner and 39997
the director of development that, based on hold-harmless 39998
provisions in any agreement between the school district and the 39999
legislative authority of the municipal corporation, board of 40000

township trustees, or board of county commissioners that was 40001
entered into on or before June 1, 2005, the ability or obligation 40002
of the municipal corporation, township, or county to repay bonds, 40003
notes, or other financial obligations issued or entered into prior 40004
to January 1, 2006, will be impaired, including obligations to or 40005
of any other body corporate and politic with whom the legislative 40006
authority of the municipal corporation or board of township 40007
trustees or county commissioners has entered into an agreement 40008
pertaining to the use of service payments derived from the 40009
improvements exempted; 40010

(f) The portion of school district compensation value that 40011
was exempted from taxation for the preceding tax year pursuant to 40012
such an ordinance or resolution, if the ordinance or resolution is 40013
adopted prior to January 1, 2006, in a municipal corporation with 40014
a population that exceeds one hundred thousand, as shown by the 40015
most recent federal decennial census, that includes a major 40016
employment center and that is adjacent to historically distressed 40017
neighborhoods, if the legislative authority of the municipal 40018
corporation that exempted the property prepares an economic 40019
analysis that demonstrates that all taxes generated within the 40020
incentive district accruing to the state by reason of improvements 40021
constructed within the district during its existence exceed the 40022
amount the state pays the school district under section 3317.022 40023
of the Revised Code attributable to such property exemption from 40024
the school district's recognized valuation. The analysis shall be 40025
submitted to and approved by the department of development prior 40026
to January 1, 2006, and the department shall not unreasonably 40027
withhold approval. 40028

(g) The portion of school district compensation value that 40029
was exempted from taxation for the preceding tax year under such 40030
an ordinance or resolution, if the ordinance or resolution is 40031
adopted prior to January 1, 2006, and if service payments have 40032

been pledged to be used for mixed-use riverfront entertainment 40033
development in any county with a population that exceeds six 40034
hundred thousand, as shown by the most recent federal decennial 40035
census; 40036

(h) The portion of school district compensation value that 40037
was exempted from taxation for the preceding tax year under such 40038
an ordinance or resolution, if, prior to January 1, 2006, the 40039
legislative authority of a municipal corporation, board of 40040
township trustees, or board of county commissioners has pledged 40041
service payments for a designated transportation capacity project 40042
approved by the transportation review advisory council under 40043
Chapter 5512. of the Revised Code; 40044

(i) The portion of school district compensation value that 40045
was exempted from taxation for the preceding tax year under such 40046
an ordinance or resolution if the legislative authority of a 40047
municipal corporation, board of township trustees, or board of 40048
county commissioners have, by January 1, 2006, pledged proceeds 40049
for designated transportation improvement projects that involve 40050
federal funds for which the proceeds are used to meet a local 40051
share match requirement for such funding. 40052

As used in division (A)(6) of this section, "project" has the 40053
same meaning as in section 5709.40 of the Revised Code. 40054

(7) The aggregate value of real property in the school 40055
district for which an exemption from taxation is granted by an 40056
ordinance or resolution adopted on or after January 1, 2006, under 40057
Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 40058
5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised 40059
Code, as indicated on the list of exempted property for the 40060
preceding tax year under section 5713.08 of the Revised Code and 40061
as if such property had been assessed for taxation that year, 40062
minus the product determined by multiplying (a) the aggregate 40063
value of the real property in the school district exempted from 40064

taxation for the preceding tax year under any of the chapters or 40065
sections specified in this division, by (b) a fraction, the 40066
numerator of which is the difference between (i) the amount of 40067
anticipated revenue such school district would have received for 40068
the preceding tax year if the real property exempted from taxation 40069
had not been exempted from taxation and (ii) the aggregate amount 40070
of payments in lieu of taxes on the exempt real property for the 40071
preceding tax year and other compensation received for the 40072
preceding tax year by the school district pursuant to any 40073
agreements entered into on or after January 1, 2006, under section 40074
5709.82 of the Revised Code between the school district and the 40075
legislative authority of a political subdivision that acted under 40076
the authority of a chapter or statute specified in this division, 40077
that were entered into in relation to such exemption, and the 40078
denominator of which is the amount of anticipated revenue such 40079
school district would have received in the preceding fiscal year 40080
if the real property exempted from taxation had not been exempted. 40081

~~(8) For each school district receiving payments under 40082
division (B) or (C) of section 3317.0216 of the Revised Code 40083
during the current fiscal year, as included on the most recent 40084
list of such districts sent to the tax commissioner under division 40085
(F) of that section, the following: 40086~~

~~(a) The portion of the total amount of taxes charged and 40087
payable for current expenses certified under division (A)(3)(a) of 40088
this section that is attributable to each new levy approved and 40089
charged in the preceding tax year and the respective tax rate of 40090
each of those new levies; 40091~~

~~(b) The portion of the total taxes collected for current 40092
expenses under a school district income tax adopted pursuant to 40093
section 5748.03 or 5748.08 of the Revised Code, as certified under 40094
division (A)(2) of section 3317.08 of the Revised Code, that is 40095
attributable to each new school district income tax first 40096~~

~~effective in the current taxable year or in the preceding taxable
year.~~ 40097
40098

(B) On or before the first day of May each year, the tax 40099
commissioner shall certify to the department of education and the 40100
office of budget and management the total taxable real property 40101
value of railroads and, separately, the total taxable tangible 40102
personal property value of all public utilities for the preceding 40103
tax year, by school district and by county of location. 40104

(C) If a public utility has properly and timely filed a 40105
petition for reassessment under section 5727.47 of the Revised 40106
Code with respect to an assessment issued under section 5727.23 of 40107
the Revised Code affecting taxable property apportioned by the tax 40108
commissioner to a school district, the taxable value of public 40109
utility tangible personal property included in the certification 40110
under divisions (A)(2) and (B) of this section for the school 40111
district shall include only the amount of taxable value on the 40112
basis of which the public utility paid tax for the preceding year 40113
as provided in division (B)(1) or (2) of section 5727.47 of the 40114
Revised Code. 40115

(D) If on the basis of the information certified under 40116
division (A) of this section, the department determines that any 40117
district fails in any year to meet the qualification requirement 40118
specified in division (A) of section 3317.01 of the Revised Code, 40119
the department shall immediately request the tax commissioner to 40120
determine the extent to which any school district income tax 40121
levied by the district under Chapter 5748. of the Revised Code 40122
shall be included in meeting that requirement. Within five days of 40123
receiving such a request from the department, the tax commissioner 40124
shall make the determination required by this division and report 40125
the quotient obtained under division (D)(3) of this section to the 40126
department and the office of budget and management. This quotient 40127
represents the number of mills that the department shall include 40128

in determining whether the district meets the qualification 40129
requirement of division (A) of section 3317.01 of the Revised 40130
Code. 40131

The tax commissioner shall make the determination required by 40132
this division as follows: 40133

(1) Multiply one mill times the total taxable value of the 40134
district as determined in divisions (A)(1) and (2) of this 40135
section; 40136

(2) Estimate the total amount of tax liability for the 40137
current tax year under taxes levied by Chapter 5748. of the 40138
Revised Code that are apportioned to current operating expenses of 40139
the district, excluding any income tax receipts allocated for the 40140
project cost, debt service, or maintenance set-aside associated 40141
with a state-assisted classroom facilities project as authorized 40142
by section 3318.052 of the Revised Code; 40143

(3) Divide the amount estimated under division (D)(2) of this 40144
section by the product obtained under division (D)(1) of this 40145
section. 40146

(E)(1) On or before June 1, 2006, and the first day of April 40147
of each year thereafter, the director of development shall report 40148
to the department of education, the tax commissioner, and the 40149
director of budget and management the total amounts of payments 40150
received by each city, local, exempted village, or joint 40151
vocational school district for the preceding tax year pursuant to 40152
division (D) of section 5709.40, division (D) of section 5709.73, 40153
division (C) of section 5709.78, or division (B)(1), (B)(2), (C), 40154
or (D) of section 5709.82 of the Revised Code in relation to 40155
exemptions from taxation granted pursuant to an ordinance adopted 40156
by the legislative authority of a municipal corporation under 40157
division (C) of section 5709.40 of the Revised Code, or a 40158
resolution adopted by a board of township trustees or board of 40159

county commissioners under division (C) of section 5709.73 or 40160
division (B) of section 5709.78 of the Revised Code, respectively. 40161
On or before April 1, 2006, and the first day of March of each 40162
year thereafter, the treasurer of each city, local, exempted 40163
village, or joint vocational school district that has entered into 40164
such an agreement shall report to the director of development the 40165
total amounts of such payments the district received for the 40166
preceding tax year as provided in this section. The state board of 40167
education, in accordance with sections 3319.31 and 3319.311 of the 40168
Revised Code, may suspend or revoke the license of a treasurer 40169
found to have willfully reported erroneous, inaccurate, or 40170
incomplete data under this division. 40171

(2) On or before April 1, 2007, and the first day of April of 40172
each year thereafter, the director of development shall report to 40173
the department of education, the tax commissioner, and the 40174
director of budget and management the total amounts of payments 40175
received by each city, local, exempted village, or joint 40176
vocational school district for the preceding tax year pursuant to 40177
divisions (B), (C), and (D) of section 5709.82 of the Revised Code 40178
in relation to exemptions from taxation granted pursuant to 40179
ordinances or resolutions adopted on or after January 1, 2006, 40180
under Chapter 725. or 1728., sections 3735.65 to 3735.70, or 40181
section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the 40182
Revised Code. On or before March 1, 2007, and the first day of 40183
March of each year thereafter, the treasurer of each city, local, 40184
exempted village, or joint vocational school district that has 40185
entered into such an agreement shall report to the director of 40186
development the total amounts of such payments the district 40187
received for the preceding tax year as provided by this section. 40188
The state board of education, in accordance with sections 3319.31 40189
and 3319.311 of the Revised Code, may suspend or revoke the 40190
license of a treasurer found to have willfully reported erroneous, 40191
inaccurate, or incomplete data under this division. 40192

Sec. 3317.022. (A)(1) The department of education shall 40193
compute and distribute state base cost funding to each eligible 40194
school district for the fiscal year, using the information 40195
obtained under section 3317.021 of the Revised Code in the 40196
calendar year in which the fiscal year begins, according to the 40197
following formula: 40198

{[the formula amount X (formula ADM + 40199
preschool scholarship ADM)] + 40200
the sum of the base funding supplements 40201
prescribed in divisions (C)(1) to (4) 40202
of section 3317.012 of the Revised Code} - 40203
[.023 x (the sum of recognized valuation 40204
and property exemption value)] + 40205
the amounts calculated for the district under 40206
sections 3317.029 and 3317.0217 of the Revised Code 40207

If the difference obtained is a negative number, the 40208
district's computation shall be zero. 40209

(2)(a) For each school district for which the tax exempt 40210
value of the district equals or exceeds twenty-five per cent of 40211
the potential value of the district, the department of education 40212
shall calculate the difference between the district's tax exempt 40213
value and twenty-five per cent of the district's potential value. 40214

(b) For each school district to which division (A)(2)(a) of 40215
this section applies, the department shall adjust the recognized 40216
valuation used in the calculation under division (A)(1) of this 40217
section by subtracting from it the amount calculated under 40218
division (A)(2)(a) of this section. 40219

(B) As used in this section: 40220

(1) The "total special education weight" for a district means 40221
the sum of the following amounts: 40222

(a) The district's category one special education ADM	40223
multiplied by the multiple specified in division (A) of section	40224
3317.013 of the Revised Code;	40225
(b) The district's category two special education ADM	40226
multiplied by the multiple specified in division (B) of section	40227
3317.013 of the Revised Code;	40228
(c) The district's category three special education ADM	40229
multiplied by the multiple specified in division (C) of section	40230
3317.013 of the Revised Code;	40231
(d) The district's category four special education ADM	40232
multiplied by the multiple specified in division (D) of section	40233
3317.013 of the Revised Code;	40234
(e) The district's category five special education ADM	40235
multiplied by the multiple specified in division (E) of section	40236
3317.013 of the Revised Code;	40237
(f) The district's category six special education ADM	40238
multiplied by the multiple specified in division (F) of section	40239
3317.013 of the Revised Code.	40240
(2) "State share percentage" means the percentage calculated	40241
for a district as follows:	40242
(a) Calculate the state base cost funding amount for the	40243
district for the fiscal year under division (A) of this section.	40244
If the district would not receive any state base cost funding for	40245
that year under that division, the district's state share	40246
percentage is zero.	40247
(b) If the district would receive state base cost funding	40248
under that division, divide that amount by an amount equal to the	40249
following:	40250
(the formula amount X formula ADM) +	40251
the sum of the base funding supplements	40252

prescribed in divisions (C)(1) to (4)	40253
of section 3317.012 of the Revised Code +	40254
the sum of the amounts calculated for the district under	40255
sections 3317.029 and 3317.0217 of the Revised Code	40256
The resultant number is the district's state share	40257
percentage.	40258
(3) "Related services" includes:	40259
(a) Child study, special education supervisors and	40260
coordinators, speech and hearing services, adaptive physical	40261
development services, occupational or physical therapy, teacher	40262
assistants for children with disabilities whose disabilities are	40263
described in division (B) of section 3317.013 or division (F)(3)	40264
of section 3317.02 of the Revised Code, behavioral intervention,	40265
interpreter services, work study, nursing services, and	40266
specialized integrative services as those terms are defined by the	40267
department;	40268
(b) Speech and language services provided to any student with	40269
a disability, including any student whose primary or only	40270
disability is a speech and language disability;	40271
(c) Any related service not specifically covered by other	40272
state funds but specified in federal law, including but not	40273
limited to, audiology and school psychological services;	40274
(d) Any service included in units funded under former	40275
division (O)(1) of section 3317.024 of the Revised Code;	40276
(e) Any other related service needed by children with	40277
disabilities in accordance with their individualized education	40278
programs.	40279
(4) The "total vocational education weight" for a district	40280
means the sum of the following amounts:	40281
(a) The district's category one vocational education ADM	40282

multiplied by the multiple specified in division (A) of section 40283
3317.014 of the Revised Code; 40284

(b) The district's category two vocational education ADM 40285
multiplied by the multiple specified in division (B) of section 40286
3317.014 of the Revised Code. 40287

(5) "Preschool scholarship ADM" means the number of preschool 40288
children with disabilities reported under division (B)(3)(h) of 40289
section 3317.03 of the Revised Code. 40290

(C)(1) The department shall compute and distribute state 40291
special education and related services additional weighted costs 40292
funds to each school district in accordance with the following 40293
formula: 40294

The district's state share percentage X 40295
the formula amount for the year for which 40296
the aid is calculated X the district's 40297
total special education weight 40298

(2) The attributed local share of special education and 40299
related services additional weighted costs equals: 40300

(1 - the district's state share percentage) X the district's 40301
total special education weight X the formula amount 40302

(3)(a) The department shall compute and pay in accordance 40303
with this division additional state aid to school districts for 40304
students in categories two through six special education ADM. If a 40305
district's costs for the fiscal year for a student in its 40306
categories two through six special education ADM exceed the 40307
threshold catastrophic cost for serving the student, the district 40308
may submit to the superintendent of public instruction 40309
documentation, as prescribed by the superintendent, of all its 40310
costs for that student. Upon submission of documentation for a 40311
student of the type and in the manner prescribed, the department 40312
shall pay to the district an amount equal to the sum of the 40313

following: 40314

(i) One-half of the district's costs for the student in 40315
excess of the threshold catastrophic cost; 40316

(ii) The product of one-half of the district's costs for the 40317
student in excess of the threshold catastrophic cost multiplied by 40318
the district's state share percentage. 40319

(b) For purposes of division (C)(3)(a) of this section, the 40320
threshold catastrophic cost for serving a student equals: 40321

(i) For a student in the school district's category two, 40322
three, four, or five special education ADM, twenty-seven thousand 40323
three hundred seventy-five dollars in fiscal years 2008 and 2009; 40324

(ii) For a student in the district's category six special 40325
education ADM, thirty-two thousand eight hundred fifty dollars in 40326
fiscal years 2008 and 2009. 40327

(c) The district shall only report under division (C)(3)(a) 40328
of this section, and the department shall only pay for, the costs 40329
of educational expenses and the related services provided to the 40330
student in accordance with the student's individualized education 40331
program. Any legal fees, court costs, or other costs associated 40332
with any cause of action relating to the student may not be 40333
included in the amount. 40334

(4)(a) As used in this division, the "personnel allowance" 40335
means thirty thousand dollars in fiscal years 2008 and 2009. 40336

(b) For the provision of speech language pathology services 40337
to students, including students who do not have individualized 40338
education programs prepared for them under Chapter 3323. of the 40339
Revised Code, and for no other purpose, the department of 40340
education shall pay each school district an amount calculated 40341
under the following formula: 40342

(formula ADM divided by 2000) X 40343

the personnel allowance X 40344
the state share percentage 40345

(5) In any fiscal year, a school district shall spend for 40346
purposes that the department designates as approved for special 40347
education and related services expenses at least the amount 40348
calculated as follows: 40349
 (formula amount X the sum of categories 40350
 one through six special education ADM) + 40351
 (total special education weight X formula amount) 40352

The purposes approved by the department for special education 40353
expenses shall include, but shall not be limited to, 40354
identification of children with disabilities, compliance with 40355
state rules governing the education of children with disabilities 40356
and prescribing the continuum of program options for children with 40357
disabilities, provision of speech language pathology services, and 40358
the portion of the school district's overall administrative and 40359
overhead costs that are attributable to the district's special 40360
education student population. 40361

The scholarships deducted from the school district's account 40362
under section 3310.41 or 3310.55 of the Revised Code shall be 40363
considered to be an approved special education and related 40364
services expense for the purpose of the school district's 40365
compliance with division (C)(5) of this section. 40366

The department shall require school districts to report data 40367
annually to allow for monitoring compliance with division (C)(5) 40368
of this section. The department shall annually report to the 40369
governor and the general assembly the amount of money spent by 40370
each school district for special education and related services. 40371

(6) In any fiscal year, a school district shall spend for the 40372
provision of speech language pathology services not less than the 40373
sum of the amount calculated under division (C)(1) of this section 40374
for the students in the district's category one special education 40375

ADM and the amount calculated under division (C)(4) of this section. 40376
40377

The scholarships deducted from the school district's account under section 3310.55 of the Revised Code for students counted in the district's category one special education ADM shall be considered to be an approved speech language pathology services expense for the purpose of the school district's compliance with division (C)(6) of this section. 40378
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(D)(1) As used in this division: 40384

(a) "Daily bus miles per student" equals the number of bus miles traveled per day, divided by transportation base. 40385
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(b) "Transportation base" equals total student count as defined in section 3301.011 of the Revised Code, minus the number of students enrolled in units for preschool children with disabilities, plus the number of nonpublic school students included in transportation ADM. 40387
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(c) "Transported student percentage" equals transportation ADM divided by transportation base. 40392
40393

(d) "Transportation cost per student" equals total operating costs for board-owned or contractor-operated school buses divided by transportation base. 40394
40395
40396

(2) Analysis of student transportation cost data has resulted in a finding that an average efficient transportation use cost per student can be calculated by means of a regression formula that has as its two independent variables the number of daily bus miles per student and the transported student percentage. For fiscal year 1998 transportation cost data, the average efficient transportation use cost per student is expressed as follows: 40397
40398
40399
40400
40401
40402
40403

51.79027 + (139.62626 X daily bus miles per student) + 40404
(116.25573 X transported student percentage) 40405

The department of education shall annually determine the average efficient transportation use cost per student in accordance with the principles stated in division (D)(2) of this section, updating the intercept and regression coefficients of the regression formula modeled in this division, based on an annual statewide analysis of each school district's daily bus miles per student, transported student percentage, and transportation cost per student data. The department shall conduct the annual update using data, including daily bus miles per student, transported student percentage, and transportation cost per student data, from the prior fiscal year. The department shall notify the office of budget and management of such update by the fifteenth day of February of each year.

(3) In addition to funds paid under divisions (A), (C), and (E) of this section, each district with a transported student percentage greater than zero shall receive a payment equal to a percentage of the product of the district's transportation base from the prior fiscal year times the annually updated average efficient transportation use cost per student, times an inflation factor of two and eight-tenths per cent to account for the one-year difference between the data used in updating the formula and calculating the payment and the year in which the payment is made. The percentage shall be the following percentage of that product specified for the corresponding fiscal year:

FISCAL YEAR	PERCENTAGE	
2000	52.5%	
2001	55%	
2002	57.5%	
2003 and thereafter	The greater of 60% or the district's state share percentage	

The payments made under division (D)(3) of this section each

year shall be calculated based on all of the same prior year's data used to update the formula. 40436
40437

(4) In addition to funds paid under divisions (D)(2) and (3) of this section, a school district shall receive a rough road subsidy if both of the following apply: 40438
40439
40440

(a) Its county rough road percentage is higher than the statewide rough road percentage, as those terms are defined in division (D)(5) of this section; 40441
40442
40443

(b) Its district student density is lower than the statewide student density, as those terms are defined in that division. 40444
40445

(5) The rough road subsidy paid to each district meeting the qualifications of division (D)(4) of this section shall be calculated in accordance with the following formula: 40446
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40448

(per rough mile subsidy X total rough road miles)
X density multiplier 40449
40450

where: 40451

(a) "Per rough mile subsidy" equals the amount calculated in accordance with the following formula: 40452
40453

$0.75 - \{0.75 \times [(\text{maximum rough road percentage} - \text{county rough road percentage}) / (\text{maximum rough road percentage} - \text{statewide rough road percentage})]\}$ 40454
40455
40456

(i) "Maximum rough road percentage" means the highest county rough road percentage in the state. 40457
40458

(ii) "County rough road percentage" equals the percentage of the mileage of state, municipal, county, and township roads that is rated by the department of transportation as type A, B, C, E2, or F in the county in which the school district is located or, if the district is located in more than one county, the county to which it is assigned for purposes of determining its cost-of-doing-business factor. 40459
40460
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(iii) "Statewide rough road percentage" means the percentage of the statewide total mileage of state, municipal, county, and township roads that is rated as type A, B, C, E2, or F by the department of transportation.

(b) "Total rough road miles" means a school district's total bus miles traveled in one year times its county rough road percentage.

(c) "Density multiplier" means a figure calculated in accordance with the following formula:

$$1 - \left[\frac{\text{minimum student density} - \text{district student density}}{\text{minimum student density} - \text{statewide student density}} \right]$$

(i) "Minimum student density" means the lowest district student density in the state.

(ii) "District student density" means a school district's transportation base divided by the number of square miles in the district.

(iii) "Statewide student density" means the sum of the transportation bases for all school districts divided by the sum of the square miles in all school districts.

(6) In addition to funds paid under divisions (D)(2) to (5) of this section, each district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than board-owned or contractor-operated buses and whose transportation is not funded under division (G) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students.

(E)(1) The department shall compute and distribute state vocational education additional weighted costs funds to each school district in accordance with the following formula:

state share percentage X 40497
the formula amount X 40498
total vocational education weight 40499

In any fiscal year, a school district receiving funds under 40500
division (E)(1) of this section shall spend those funds only for 40501
the purposes that the department designates as approved for 40502
vocational education expenses. Vocational educational expenses 40503
approved by the department shall include only expenses connected 40504
to the delivery of career-technical programming to 40505
career-technical students. The department shall require the school 40506
district to report data annually so that the department may 40507
monitor the district's compliance with the requirements regarding 40508
the manner in which funding received under division (E)(1) of this 40509
section may be spent. 40510

(2) The department shall compute for each school district 40511
state funds for vocational education associated services in 40512
accordance with the following formula: 40513

state share percentage X .05 X the formula amount X 40514
the sum of categories one and two vocational education ADM 40515

In any fiscal year, a school district receiving funds under 40516
division (E)(2) of this section, or through a transfer of funds 40517
pursuant to division (L) of section 3317.023 of the Revised Code, 40518
shall spend those funds only for the purposes that the department 40519
designates as approved for vocational education associated 40520
services expenses, which may include such purposes as 40521
apprenticeship coordinators, coordinators for other vocational 40522
education services, vocational evaluation, and other purposes 40523
designated by the department. The department may deny payment 40524
under division (E)(2) of this section to any district that the 40525
department determines is not operating those services or is using 40526
funds paid under division (E)(2) of this section, or through a 40527
transfer of funds pursuant to division (L) of section 3317.023 of 40528

the Revised Code, for other purposes. 40529

(F) The actual local share in any fiscal year for the 40530
combination of special education and related services additional 40531
weighted costs funding calculated under division (C)(1) of this 40532
section, transportation funding calculated under divisions (D)(2) 40533
and (3) of this section, and vocational education and associated 40534
services additional weighted costs funding calculated under 40535
divisions (E)(1) and (2) of this section shall not exceed for any 40536
school district the product of three and three-tenths mills times 40537
the district's recognized valuation. The department annually shall 40538
pay each school district as an excess cost supplement any amount 40539
by which the sum of the district's attributed local shares for 40540
that funding exceeds that product. For purposes of calculating the 40541
excess cost supplement: 40542

(1) The attributed local share for special education and 40543
related services additional weighted costs funding is the amount 40544
specified in division (C)(2) of this section. 40545

(2) The attributed local share of transportation funding 40546
equals the difference of the total amount calculated for the 40547
district using the formula developed under division (D)(2) of this 40548
section minus the actual amount paid to the district after 40549
applying the percentage specified in division (D)(3) of this 40550
section. 40551

(3) The attributed local share of vocational education and 40552
associated services additional weighted costs funding is the 40553
amount determined as follows: 40554

(1 - state share percentage) X 40555
[(total vocational education weight X 40556
the formula amount) + the payment under 40557
division (E)(2) of this section] 40558

Sec. 3317.03. Notwithstanding divisions (A)(1), (B)(1), and 40559

(C) of this section, except as provided in division (A)(2)(h) of 40560
this section, any student enrolled in kindergarten more than half 40561
time shall be reported as one-half student under this section. 40562

(A) The superintendent of each city and exempted village 40563
school district and of each educational service center shall, for 40564
the schools under the superintendent's supervision, certify to the 40565
state board of education on or before the fifteenth day of October 40566
in each year for the first full school week in October the formula 40567
ADM. Beginning in fiscal year 2007, each superintendent also shall 40568
certify to the state board, for the schools under the 40569
superintendent's supervision, the formula ADM for the first full 40570
week in February. If a school under the superintendent's 40571
supervision is closed for one or more days during that week due to 40572
hazardous weather conditions or other circumstances described in 40573
the first paragraph of division (B) of section 3317.01 of the 40574
Revised Code, the superintendent may apply to the superintendent 40575
of public instruction for a waiver, under which the superintendent 40576
of public instruction may exempt the district superintendent from 40577
certifying the formula ADM for that school for that week and 40578
specify an alternate week for certifying the formula ADM of that 40579
school. 40580

The formula ADM shall consist of the average daily membership 40581
during such week of the sum of the following: 40582

(1) On an FTE basis, the number of students in grades 40583
kindergarten through twelve receiving any educational services 40584
from the district, except that the following categories of 40585
students shall not be included in the determination: 40586

(a) Students enrolled in adult education classes; 40587

(b) Adjacent or other district students enrolled in the 40588
district under an open enrollment policy pursuant to section 40589
3313.98 of the Revised Code; 40590

(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;

(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code;

(e) Students receiving services in the district through a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.

(2) On an FTE basis, except as provided in division (A)(2)(h) of this section, the number of students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code, but receiving educational services in grades kindergarten through twelve from one or more of the following entities:

(a) A community school pursuant to Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;

(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;

(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. or a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code;

(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;

(e) An educational service center or cooperative education district; 40621
40622

(f) Another school district under a cooperative education agreement, compact, or contract; 40623
40624

(g) A chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code; 40625
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(h) An alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code. Each such scholarship student who is enrolled in kindergarten shall be counted as one full-time-equivalent student. 40627
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As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 or 3310.51 of the Revised Code, as applicable. 40632
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(i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school. 40635
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(3) Twenty per cent of the number of students enrolled in a joint vocational school district or under a vocational education compact, excluding any students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a vocational education compact; 40639
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(4) The number of children with disabilities, other than preschool children with disabilities, entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are placed by the district with a county MR/DD board, minus the number of such children placed with a county MR/DD board 40647
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in fiscal year 1998. If this calculation produces a negative 40652
number, the number reported under division (A)(4) of this section 40653
shall be zero. 40654

(5) Beginning in fiscal year 2007, in the case of the report 40655
submitted for the first full week in February, or the alternative 40656
week if specified by the superintendent of public instruction, the 40657
number of students reported under division (A)(1) or (2) of this 40658
section for the first full week of the preceding October but who 40659
since that week have received high school diplomas. 40660

(B) To enable the department of education to obtain the data 40661
needed to complete the calculation of payments pursuant to this 40662
chapter, in addition to the formula ADM, each superintendent shall 40663
report separately the following student counts for the same week 40664
for which formula ADM is certified: 40665

(1) The total average daily membership in regular day classes 40666
included in the report under division (A)(1) or (2) of this 40667
section for kindergarten, and each of grades one through twelve in 40668
schools under the superintendent's supervision; 40669

(2) The number of all preschool children with disabilities 40670
enrolled as of the first day of December in classes in the 40671
district that are eligible for approval under division (B) of 40672
section 3317.05 of the Revised Code and the number of those 40673
classes, which shall be reported not later than the fifteenth day 40674
of December, in accordance with rules adopted under that section; 40675

(3) The number of children entitled to attend school in the 40676
district pursuant to section 3313.64 or 3313.65 of the Revised 40677
Code who are: 40678

(a) Participating in a pilot project scholarship program 40679
established under sections 3313.974 to 3313.979 of the Revised 40680
Code as described in division (I)(2)(a) or (b) of this section; 40681

(b) Enrolled in a college under Chapter 3365. of the Revised 40682

Code, except when the student is enrolled in the college while 40683
also enrolled in a community school pursuant to Chapter 3314. or a 40684
science, technology, engineering, and mathematics school 40685
established under Chapter 3326. of the Revised Code; 40686

(c) Enrolled in an adjacent or other school district under 40687
section 3313.98 of the Revised Code; 40688

(d) Enrolled in a community school established under Chapter 40689
3314. of the Revised Code that is not an internet- or 40690
computer-based community school as defined in section 3314.02 of 40691
the Revised Code, including any participation in a college 40692
pursuant to Chapter 3365. of the Revised Code while enrolled in 40693
such community school; 40694

(e) Enrolled in an internet- or computer-based community 40695
school, as defined in section 3314.02 of the Revised Code, 40696
including any participation in a college pursuant to Chapter 3365. 40697
of the Revised Code while enrolled in the school; 40698

(f) Enrolled in a chartered nonpublic school with a 40699
scholarship paid under section 3310.08 of the Revised Code; 40700

(g) Enrolled in kindergarten through grade twelve in an 40701
alternative public provider or a registered private provider with 40702
a scholarship awarded under either section 3310.41 or sections 40703
3310.51 to 3310.64 of the Revised Code; 40704

(h) Enrolled as a preschool child with a disability in an 40705
alternative public provider or a registered private provider with 40706
a scholarship awarded under section 3310.41 of the Revised Code; 40707

(i) Participating in a program operated by a county MR/DD 40708
board or a state institution; 40709

(j) Enrolled in a science, technology, engineering, and 40710
mathematics school established under Chapter 3326. of the Revised 40711
Code, including any participation in a college pursuant to Chapter 40712

3365. of the Revised Code while enrolled in the school.	40713
(4) The number of pupils enrolled in joint vocational schools;	40714 40715
(5) The <u>combined</u> average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, <u>including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;</u>	40716 40717 40718 40719 40720 40721 40722 40723
(6) The <u>combined</u> average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code, <u>including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;</u>	40724 40725 40726 40727 40728 40729 40730 40731
(7) The <u>combined</u> average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code, <u>including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;</u>	40732 40733 40734 40735 40736 40737 40738 40739
(8) The <u>combined</u> average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category four disabilities described in division (D) of section 3317.013 of the	40740 40741 40742 40743

Revised Code, including children attending a special education 40744
program operated by an alternative public provider or a registered 40745
private provider with a scholarship awarded under sections 3310.51 40746
to 3310.64 of the Revised Code; 40747

(9) The combined average daily membership of children with 40748
disabilities reported under division (A)(1) or (2) of this section 40749
receiving special education services for the category five 40750
disabilities described in division (E) of section 3317.013 of the 40751
Revised Code, including children attending a special education 40752
program operated by an alternative public provider or a registered 40753
private provider with a scholarship awarded under sections 3310.51 40754
to 3310.64 of the Revised Code; 40755

(10) The combined average daily membership of children with 40756
disabilities reported under division (A)(1) or (2) and under 40757
division (B)(3)(h) of this section receiving special education 40758
services for category six disabilities described in division (F) 40759
of section 3317.013 of the Revised Code, including children 40760
attending a special education program operated by an alternative 40761
public provider or a registered private provider with a 40762
scholarship awarded under either section 3310.41 or sections 40763
3310.51 to 3310.64 of the Revised Code; 40764

(11) The average daily membership of pupils reported under 40765
division (A)(1) or (2) of this section enrolled in category one 40766
vocational education programs or classes, described in division 40767
(A) of section 3317.014 of the Revised Code, operated by the 40768
school district or by another district, other than a joint 40769
vocational school district, or by an educational service center, 40770
excluding any student reported under division (B)(3)(e) of this 40771
section as enrolled in an internet- or computer-based community 40772
school, notwithstanding division (C) of section 3317.02 of the 40773
Revised Code and division (C)(3) of this section; 40774

(12) The average daily membership of pupils reported under 40775

division (A)(1) or (2) of this section enrolled in category two 40776
vocational education programs or services, described in division 40777
(B) of section 3317.014 of the Revised Code, operated by the 40778
school district or another school district, other than a joint 40779
vocational school district, or by an educational service center, 40780
excluding any student reported under division (B)(3)(e) of this 40781
section as enrolled in an internet- or computer-based community 40782
school, notwithstanding division (C) of section 3317.02 of the 40783
Revised Code and division (C)(3) of this section; 40784

(13) The average number of children transported by the school 40785
district on board-owned or contractor-owned and -operated buses, 40786
reported in accordance with rules adopted by the department of 40787
education; 40788

(14)(a) The number of children, other than preschool children 40789
with disabilities, the district placed with a county MR/DD board 40790
in fiscal year 1998; 40791

(b) The number of children with disabilities, other than 40792
preschool children with disabilities, placed with a county MR/DD 40793
board in the current fiscal year to receive special education 40794
services for the category one disability described in division (A) 40795
of section 3317.013 of the Revised Code; 40796

(c) The number of children with disabilities, other than 40797
preschool children with disabilities, placed with a county MR/DD 40798
board in the current fiscal year to receive special education 40799
services for category two disabilities described in division (B) 40800
of section 3317.013 of the Revised Code; 40801

(d) The number of children with disabilities, other than 40802
preschool children with disabilities, placed with a county MR/DD 40803
board in the current fiscal year to receive special education 40804
services for category three disabilities described in division (C) 40805
of section 3317.013 of the Revised Code; 40806

(e) The number of children with disabilities, other than preschool children with disabilities, placed with a county MR/DD board in the current fiscal year to receive special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;

(f) The number of children with disabilities, other than preschool children with disabilities, placed with a county MR/DD board in the current fiscal year to receive special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;

(g) The number of children with disabilities, other than preschool children with disabilities, placed with a county MR/DD board in the current fiscal year to receive special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code.

(C)(1) Except as otherwise provided in this section for kindergarten students, the average daily membership in divisions (B)(1) to (12) of this section shall be based upon the number of full-time equivalent students. The state board of education shall adopt rules defining full-time equivalent students and for determining the average daily membership therefrom for the purposes of divisions (A), (B), and (D) of this section.

(2) A student enrolled in a community school established under Chapter 3314. or a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code shall be counted in the formula ADM and, if applicable, the category one, two, three, four, five, or six special education ADM of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code for the same proportion of the school year that the student is counted in the enrollment of the community school or the science, technology, engineering, and mathematics school for purposes of

section 3314.08 or 3326.33 of the Revised Code. Notwithstanding 40839
the number of students reported pursuant to division (B)(3)(d), 40840
(e), or (j) of this section, the department may adjust the formula 40841
ADM of a school district to account for students entitled to 40842
attend school in the district under section 3313.64 or 3313.65 of 40843
the Revised Code who are enrolled in a community school or a 40844
science, technology, engineering, and mathematics school for only 40845
a portion of the school year. 40846

(3) No child shall be counted as more than a total of one 40847
child in the sum of the average daily memberships of a school 40848
district under division (A), divisions (B)(1) to (12), or division 40849
(D) of this section, except as follows: 40850

(a) A child with a disability described in section 3317.013 40851
of the Revised Code may be counted both in formula ADM and in 40852
category one, two, three, four, five, or six special education ADM 40853
and, if applicable, in category one or two vocational education 40854
ADM. As provided in division (C) of section 3317.02 of the Revised 40855
Code, such a child shall be counted in category one, two, three, 40856
four, five, or six special education ADM in the same proportion 40857
that the child is counted in formula ADM. 40858

(b) A child enrolled in vocational education programs or 40859
classes described in section 3317.014 of the Revised Code may be 40860
counted both in formula ADM and category one or two vocational 40861
education ADM and, if applicable, in category one, two, three, 40862
four, five, or six special education ADM. Such a child shall be 40863
counted in category one or two vocational education ADM in the 40864
same proportion as the percentage of time that the child spends in 40865
the vocational education programs or classes. 40866

(4) Based on the information reported under this section, the 40867
department of education shall determine the total student count, 40868
as defined in section 3301.011 of the Revised Code, for each 40869
school district. 40870

(D)(1) The superintendent of each joint vocational school 40871
district shall certify to the superintendent of public instruction 40872
on or before the fifteenth day of October in each year for the 40873
first full school week in October the formula ADM. Beginning in 40874
fiscal year 2007, each superintendent also shall certify to the 40875
state superintendent the formula ADM for the first full week in 40876
February. If a school operated by the joint vocational school 40877
district is closed for one or more days during that week due to 40878
hazardous weather conditions or other circumstances described in 40879
the first paragraph of division (B) of section 3317.01 of the 40880
Revised Code, the superintendent may apply to the superintendent 40881
of public instruction for a waiver, under which the superintendent 40882
of public instruction may exempt the district superintendent from 40883
certifying the formula ADM for that school for that week and 40884
specify an alternate week for certifying the formula ADM of that 40885
school. 40886

The formula ADM, except as otherwise provided in this 40887
division, shall consist of the average daily membership during 40888
such week, on an FTE basis, of the number of students receiving 40889
any educational services from the district, including students 40890
enrolled in a community school established under Chapter 3314. or 40891
a science, technology, engineering, and mathematics school 40892
established under Chapter 3326. of the Revised Code who are 40893
attending the joint vocational district under an agreement between 40894
the district board of education and the governing authority of the 40895
community school or the science, technology, engineering, and 40896
mathematics school and are entitled to attend school in a city, 40897
local, or exempted village school district whose territory is part 40898
of the territory of the joint vocational district. Beginning in 40899
fiscal year 2007, in the case of the report submitted for the 40900
first week in February, or the alternative week if specified by 40901
the superintendent of public instruction, the superintendent of 40902
the joint vocational school district may include the number of 40903

students reported under division (D)(1) of this section for the 40904
first full week of the preceding October but who since that week 40905
have received high school diplomas. 40906

40907

The following categories of students shall not be included in 40908
the determination made under division (D)(1) of this section: 40909

(a) Students enrolled in adult education classes; 40910

(b) Adjacent or other district joint vocational students 40911
enrolled in the district under an open enrollment policy pursuant 40912
to section 3313.98 of the Revised Code; 40913

(c) Students receiving services in the district pursuant to a 40914
compact, cooperative education agreement, or a contract, but who 40915
are entitled to attend school in a city, local, or exempted 40916
village school district whose territory is not part of the 40917
territory of the joint vocational district; 40918

(d) Students for whom tuition is payable pursuant to sections 40919
3317.081 and 3323.141 of the Revised Code. 40920

(2) To enable the department of education to obtain the data 40921
needed to complete the calculation of payments pursuant to this 40922
chapter, in addition to the formula ADM, each superintendent shall 40923
report separately the average daily membership included in the 40924
report under division (D)(1) of this section for each of the 40925
following categories of students for the same week for which 40926
formula ADM is certified: 40927

(a) Students enrolled in each grade included in the joint 40928
vocational district schools; 40929

(b) Children with disabilities receiving special education 40930
services for the category one disability described in division (A) 40931
of section 3317.013 of the Revised Code; 40932

(c) Children with disabilities receiving special education 40933

services for the category two disabilities described in division	40934
(B) of section 3317.013 of the Revised Code;	40935
(d) Children with disabilities receiving special education	40936
services for category three disabilities described in division (C)	40937
of section 3317.013 of the Revised Code;	40938
(e) Children with disabilities receiving special education	40939
services for category four disabilities described in division (D)	40940
of section 3317.013 of the Revised Code;	40941
(f) Children with disabilities receiving special education	40942
services for the category five disabilities described in division	40943
(E) of section 3317.013 of the Revised Code;	40944
(g) Children with disabilities receiving special education	40945
services for category six disabilities described in division (F)	40946
of section 3317.013 of the Revised Code;	40947
(h) Students receiving category one vocational education	40948
services, described in division (A) of section 3317.014 of the	40949
Revised Code;	40950
(i) Students receiving category two vocational education	40951
services, described in division (B) of section 3317.014 of the	40952
Revised Code.	40953
The superintendent of each joint vocational school district	40954
shall also indicate the city, local, or exempted village school	40955
district in which each joint vocational district pupil is entitled	40956
to attend school pursuant to section 3313.64 or 3313.65 of the	40957
Revised Code.	40958
(E) In each school of each city, local, exempted village,	40959
joint vocational, and cooperative education school district there	40960
shall be maintained a record of school membership, which record	40961
shall accurately show, for each day the school is in session, the	40962
actual membership enrolled in regular day classes. For the purpose	40963

of determining average daily membership, the membership figure of 40964
any school shall not include any pupils except those pupils 40965
described by division (A) of this section. The record of 40966
membership for each school shall be maintained in such manner that 40967
no pupil shall be counted as in membership prior to the actual 40968
date of entry in the school and also in such manner that where for 40969
any cause a pupil permanently withdraws from the school that pupil 40970
shall not be counted as in membership from and after the date of 40971
such withdrawal. There shall not be included in the membership of 40972
any school any of the following: 40973

(1) Any pupil who has graduated from the twelfth grade of a 40974
public or nonpublic high school; 40975

(2) Any pupil who is not a resident of the state; 40976

(3) Any pupil who was enrolled in the schools of the district 40977
during the previous school year when tests were administered under 40978
section 3301.0711 of the Revised Code but did not take one or more 40979
of the tests required by that section and was not excused pursuant 40980
to division (C)(1) or (3) of that section; 40981

(4) Any pupil who has attained the age of twenty-two years, 40982
except for veterans of the armed services whose attendance was 40983
interrupted before completing the recognized twelve-year course of 40984
the public schools by reason of induction or enlistment in the 40985
armed forces and who apply for reenrollment in the public school 40986
system of their residence not later than four years after 40987
termination of war or their honorable discharge. 40988

If, however, any veteran described by division (E)(4) of this 40989
section elects to enroll in special courses organized for veterans 40990
for whom tuition is paid under the provisions of federal laws, or 40991
otherwise, that veteran shall not be included in average daily 40992
membership. 40993

Notwithstanding division (E)(3) of this section, the 40994

membership of any school may include a pupil who did not take a 40995
test required by section 3301.0711 of the Revised Code if the 40996
superintendent of public instruction grants a waiver from the 40997
requirement to take the test to the specific pupil and a parent is 40998
not paying tuition for the pupil pursuant to section 3313.6410 of 40999
the Revised Code. The superintendent may grant such a waiver only 41000
for good cause in accordance with rules adopted by the state board 41001
of education. 41002

Except as provided in divisions (B)(2) and (F) of this 41003
section, the average daily membership figure of any local, city, 41004
exempted village, or joint vocational school district shall be 41005
determined by dividing the figure representing the sum of the 41006
number of pupils enrolled during each day the school of attendance 41007
is actually open for instruction during the week for which the 41008
formula ADM is being certified by the total number of days the 41009
school was actually open for instruction during that week. For 41010
purposes of state funding, "enrolled" persons are only those 41011
pupils who are attending school, those who have attended school 41012
during the current school year and are absent for authorized 41013
reasons, and those children with disabilities currently receiving 41014
home instruction. 41015

The average daily membership figure of any cooperative 41016
education school district shall be determined in accordance with 41017
rules adopted by the state board of education. 41018

(F)(1) If the formula ADM for the first full school week in 41019
February is at least three per cent greater than that certified 41020
for the first full school week in the preceding October, the 41021
superintendent of schools of any city, exempted village, or joint 41022
vocational school district or educational service center shall 41023
certify such increase to the superintendent of public instruction. 41024
Such certification shall be submitted no later than the fifteenth 41025
day of February. For the balance of the fiscal year, beginning 41026

with the February payments, the superintendent of public 41027
instruction shall use the increased formula ADM in calculating or 41028
recalculating the amounts to be allocated in accordance with 41029
section 3317.022 or 3317.16 of the Revised Code. In no event shall 41030
the superintendent use an increased membership certified to the 41031
superintendent after the fifteenth day of February. Division 41032
(F)(1) of this section does not apply after fiscal year 2006. 41033

(2) If on the first school day of April the total number of 41034
classes or units for preschool children with disabilities that are 41035
eligible for approval under division (B) of section 3317.05 of the 41036
Revised Code exceeds the number of units that have been approved 41037
for the year under that division, the superintendent of schools of 41038
any city, exempted village, or cooperative education school 41039
district or educational service center shall make the 41040
certifications required by this section for that day. If the 41041
department determines additional units can be approved for the 41042
fiscal year within any limitations set forth in the acts 41043
appropriating moneys for the funding of such units, the department 41044
shall approve additional units for the fiscal year on the basis of 41045
such average daily membership. For each unit so approved, the 41046
department shall pay an amount computed in the manner prescribed 41047
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 41048
Code. 41049

(3) If a student attending a community school under Chapter 41050
3314. or a science, technology, engineering, and mathematics 41051
school established under Chapter 3326. of the Revised Code is not 41052
included in the formula ADM certified for the school district in 41053
which the student is entitled to attend school under section 41054
3313.64 or 3313.65 of the Revised Code, the department of 41055
education shall adjust the formula ADM of that school district to 41056
include the student in accordance with division (C)(2) of this 41057
section, and shall recalculate the school district's payments 41058

under this chapter for the entire fiscal year on the basis of that 41059
adjusted formula ADM. This requirement applies regardless of 41060
whether the student was enrolled, as defined in division (E) of 41061
this section, in the community school or the science, technology, 41062
engineering, and mathematics school during the week for which the 41063
formula ADM is being certified. 41064

(4) If a student awarded an educational choice scholarship is 41065
not included in the formula ADM of the school district from which 41066
the department deducts funds for the scholarship under section 41067
3310.08 of the Revised Code, the department shall adjust the 41068
formula ADM of that school district to include the student to the 41069
extent necessary to account for the deduction, and shall 41070
recalculate the school district's payments under this chapter for 41071
the entire fiscal year on the basis of that adjusted formula ADM. 41072
This requirement applies regardless of whether the student was 41073
enrolled, as defined in division (E) of this section, in the 41074
chartered nonpublic school, the school district, or a community 41075
school during the week for which the formula ADM is being 41076
certified. 41077

(5) If a student awarded a scholarship under the special 41078
education scholarship pilot program is not included in the formula 41079
ADM of the school district from which the department deducts funds 41080
for the scholarship under section 3310.55 of the Revised Code, the 41081
department shall adjust the formula ADM of that school district to 41082
include the student to the extent necessary to account for the 41083
deduction, and shall recalculate the school district's payments 41084
under this chapter for the entire fiscal year on the basis of that 41085
adjusted formula ADM. This requirement applies regardless of 41086
whether the student was enrolled, as defined in division (E) of 41087
this section, in an alternative public provider, a registered 41088
private provider, or the school district during the week for which 41089
the formula ADM is being certified. 41090

(G)(1)(a) The superintendent of an institution operating a special education program pursuant to section 3323.091 of the Revised Code shall, for the programs under such superintendent's supervision, certify to the state board of education, in the manner prescribed by the superintendent of public instruction, both of the following:

(i) The average daily membership of all children with disabilities other than preschool children with disabilities receiving services at the institution for each category of disability described in divisions (A) to (F) of section 3317.013 of the Revised Code;

(ii) The average daily membership of all preschool children with disabilities in classes or programs approved annually by the department of education for unit funding under section 3317.05 of the Revised Code.

(b) The superintendent of an institution with vocational education units approved under division (A) of section 3317.05 of the Revised Code shall, for the units under the superintendent's supervision, certify to the state board of education the average daily membership in those units, in the manner prescribed by the superintendent of public instruction.

(2) The superintendent of each county MR/DD board that maintains special education classes under section 3317.20 of the Revised Code or units approved pursuant to section 3317.05 of the Revised Code shall do both of the following:

(a) Certify to the state board, in the manner prescribed by the board, the average daily membership in classes under section 3317.20 of the Revised Code for each school district that has placed children in the classes;

(b) Certify to the state board, in the manner prescribed by the board, the number of all preschool children with disabilities

enrolled as of the first day of December in classes eligible for 41122
approval under division (B) of section 3317.05 of the Revised 41123
Code, and the number of those classes. 41124

(3)(a) If on the first school day of April the number of 41125
classes or units maintained for preschool children with 41126
disabilities by the county MR/DD board that are eligible for 41127
approval under division (B) of section 3317.05 of the Revised Code 41128
is greater than the number of units approved for the year under 41129
that division, the superintendent shall make the certification 41130
required by this section for that day. 41131

(b) If the department determines that additional classes or 41132
units can be approved for the fiscal year within any limitations 41133
set forth in the acts appropriating moneys for the funding of the 41134
classes and units described in division (G)(3)(a) of this section, 41135
the department shall approve and fund additional units for the 41136
fiscal year on the basis of such average daily membership. For 41137
each unit so approved, the department shall pay an amount computed 41138
in the manner prescribed in sections 3317.052 and 3317.053 of the 41139
Revised Code. 41140

(H) Except as provided in division (I) of this section, when 41141
any city, local, or exempted village school district provides 41142
instruction for a nonresident pupil whose attendance is 41143
unauthorized attendance as defined in section 3327.06 of the 41144
Revised Code, that pupil's membership shall not be included in 41145
that district's membership figure used in the calculation of that 41146
district's formula ADM or included in the determination of any 41147
unit approved for the district under section 3317.05 of the 41148
Revised Code. The reporting official shall report separately the 41149
average daily membership of all pupils whose attendance in the 41150
district is unauthorized attendance, and the membership of each 41151
such pupil shall be credited to the school district in which the 41152
pupil is entitled to attend school under division (B) of section 41153

3313.64 or section 3313.65 of the Revised Code as determined by 41154
the department of education. 41155

(I)(1) A city, local, exempted village, or joint vocational 41156
school district admitting a scholarship student of a pilot project 41157
district pursuant to division (C) of section 3313.976 of the 41158
Revised Code may count such student in its average daily 41159
membership. 41160

(2) In any year for which funds are appropriated for pilot 41161
project scholarship programs, a school district implementing a 41162
state-sponsored pilot project scholarship program that year 41163
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 41164
count in average daily membership: 41165

(a) All children residing in the district and utilizing a 41166
scholarship to attend kindergarten in any alternative school, as 41167
defined in section 3313.974 of the Revised Code; 41168

(b) All children who were enrolled in the district in the 41169
preceding year who are utilizing a scholarship to attend any such 41170
alternative school. 41171

(J) The superintendent of each cooperative education school 41172
district shall certify to the superintendent of public 41173
instruction, in a manner prescribed by the state board of 41174
education, the applicable average daily memberships for all 41175
students in the cooperative education district, also indicating 41176
the city, local, or exempted village district where each pupil is 41177
entitled to attend school under section 3313.64 or 3313.65 of the 41178
Revised Code. 41179

(K) If the superintendent of public instruction determines 41180
that a component of the formula ADM certified or reported by a 41181
district superintendent, or other reporting entity, is not 41182
correct, the superintendent of public instruction may order that 41183
the formula ADM used for the purposes of payments under any 41184

section of Title XXXVIII of the Revised Code be adjusted in the 41185
amount of the error. 41186

Sec. 3317.063. The superintendent of public instruction, in 41187
accordance with rules adopted by the department of education, 41188
shall annually reimburse each chartered nonpublic school for the 41189
actual mandated service administrative and clerical costs incurred 41190
by such school during the preceding school year in preparing, 41191
maintaining, and filing reports, forms, and records, and in 41192
providing such other administrative and clerical services that are 41193
not an integral part of the teaching process as may be required by 41194
state law or rule or by requirements duly promulgated by city, 41195
exempted village, or local school districts. The mandated service 41196
costs reimbursed pursuant to this section shall include, but are 41197
not limited to, the preparation, filing and maintenance of forms, 41198
reports, or records and other clerical and administrative services 41199
relating to state chartering or approval of the nonpublic school, 41200
pupil attendance, pupil health and health testing, transportation 41201
of pupils, federally funded education programs, pupil appraisal, 41202
pupil progress, educator licensure, unemployment and workers' 41203
compensation, transfer of pupils, and such other education related 41204
data which are now or hereafter shall be required of such 41205
nonpublic school by state law or rule, or by requirements of the 41206
state department of education, other state agencies, or city, 41207
exempted village, or local school districts. 41208

The reimbursement required by this section shall be for 41209
school years beginning on or after July 1, 1981. 41210

Each nonpublic school which seeks reimbursement pursuant to 41211
this section shall submit to the superintendent of public 41212
instruction an application together with such additional reports 41213
and documents as the department of education may require. Such 41214
application, reports, and documents shall contain such information 41215

as the department of education may prescribe in order to carry out 41216
the purposes of this section. No payment shall be made until the 41217
superintendent of public instruction has approved such 41218
application. 41219

Each nonpublic school which applies for reimbursement 41220
pursuant to this section shall maintain a separate account or 41221
system of accounts for the expenses incurred in rendering the 41222
required services for which reimbursement is sought. Such accounts 41223
shall contain such information as is required by the department of 41224
education and shall be maintained in accordance with rules adopted 41225
by the department of education. 41226

Reimbursement payments to a nonpublic school pursuant to this 41227
section shall not exceed an amount for each school year equal to 41228
three hundred twenty-five dollars per pupil enrolled in that 41229
nonpublic school. 41230

The superintendent of public instruction may, from time to 41231
time, examine any and all accounts and records of a nonpublic 41232
school which have been maintained pursuant to this section in 41233
support of an application for reimbursement, for the purpose of 41234
determining the costs to such school of rendering the services for 41235
which reimbursement is sought. If after such audit it is 41236
determined that any school has received funds in excess of the 41237
actual cost of providing such services, said school shall 41238
immediately reimburse the state in such excess amount. 41239

Any payments made to chartered nonpublic schools under this 41240
section may be disbursed without submission to and approval of the 41241
controlling board. 41242

Sec. 3317.08. A board of education may admit to its schools a 41243
child it is not required by section 3313.64 or 3313.65 of the 41244
Revised Code to admit, if tuition is paid for the child. 41245

Unless otherwise provided by law, tuition shall be computed 41246
in accordance with this section. A district's tuition charge for a 41247
school year shall be one of the following: 41248

(A) For any child, except a preschool child with a disability 41249
described in division (B) of this section, the quotient obtained 41250
by dividing the sum of the amounts described in divisions (A)(1) 41251
and (2) of this section by the district's formula ADM. 41252

(1) The district's total taxes charged and payable for 41254
current expenses for the tax year preceding the tax year in which 41255
the school year begins as certified under division (A)(3) of 41256
section 3317.021 of the Revised Code. 41257

(2) The district's total taxes collected for current expenses 41258
under a school district income tax adopted pursuant to section 41259
5748.03 or 5748.08 of the Revised Code that are disbursed to the 41260
district during the fiscal year, excluding any income tax receipts 41261
allocated for the project cost, debt service, or maintenance 41262
set-aside associated with a state-assisted classroom facilities 41263
project as authorized by section 3318.052 of the Revised Code. On 41264
or before the first day of June of each year, the tax commissioner 41265
shall certify the amount to be used in the calculation under this 41266
division for the next fiscal year to the department of education 41267
and the office of budget and management for each city, local, and 41268
exempted village school district that levies a school district 41269
income tax. 41270

(B) For any preschool child with a disability not included in 41271
a unit approved under division (B) of section 3317.05 of the 41272
Revised Code, an amount computed for the school year as follows: 41273

(1) For each type of special education service provided to 41274
the child for whom tuition is being calculated, determine the 41275
amount of the district's operating expenses in providing that type 41276

of service to all preschool children with disabilities not 41277
included in units approved under division (B) of section 3317.05 41278
of the Revised Code; 41279

(2) For each type of special education service for which 41280
operating expenses are determined under division (B)(1) of this 41281
section, determine the amount of such operating expenses that was 41282
paid from any state funds received under this chapter; 41283

(3) For each type of special education service for which 41284
operating expenses are determined under division (B)(1) of this 41285
section, divide the difference between the amount determined under 41286
division (B)(1) of this section and the amount determined under 41287
division (B)(2) of this section by the total number of preschool 41288
children with disabilities not included in units approved under 41289
division (B) of section 3317.05 of the Revised Code who received 41290
that type of service; 41291

(4) Determine the sum of the quotients obtained under 41292
division (B)(3) of this section for all types of special education 41293
services provided to the child for whom tuition is being 41294
calculated. 41295

The state board of education shall adopt rules defining the 41296
types of special education services and specifying the operating 41297
expenses to be used in the computation under this section. 41298

If any child for whom a tuition charge is computed under this 41299
section for any school year is enrolled in a district for only 41300
part of that school year, the amount of the district's tuition 41301
charge for the child for the school year shall be computed in 41302
proportion to the number of school days the child is enrolled in 41303
the district during the school year. 41304

Except as otherwise provided in division (J) of section 41305
3313.64 of the Revised Code, whenever a district admits a child to 41306
its schools for whom tuition computed in accordance with this 41307

section is an obligation of another school district, the amount of 41308
the tuition shall be certified by the treasurer of the board of 41309
education of the district of attendance, to the board of education 41310
of the district required to pay tuition for its approval and 41311
payment. If agreement as to the amount payable or the district 41312
required to pay the tuition cannot be reached, or the board of 41313
education of the district required to pay the tuition refuses to 41314
pay that amount, the board of education of the district of 41315
attendance shall notify the superintendent of public instruction. 41316
The superintendent shall determine the correct amount and the 41317
district required to pay the tuition and shall deduct that amount, 41318
if any, under division (G) of section 3317.023 of the Revised 41319
Code, from the district required to pay the tuition and add that 41320
amount to the amount allocated to the district attended under such 41321
division. The superintendent of public instruction shall send to 41322
the district required to pay the tuition an itemized statement 41323
showing such deductions at the time of such deduction. 41324

When a political subdivision owns and operates an airport, 41325
welfare, or correctional institution or other project or facility 41326
outside its corporate limits, the territory within which the 41327
facility is located is exempt from taxation by the school district 41328
within which such territory is located, and there are school age 41329
children residing within such territory, the political subdivision 41330
owning such tax exempt territory shall pay tuition to the district 41331
in which such children attend school. The tuition for these 41332
children shall be computed as provided for in this section. 41333

Sec. 3318.011. For purposes of providing assistance under 41334
sections 3318.01 to 3318.20 of the Revised Code, the department of 41335
education shall annually do all of the following: 41336

(A) Calculate the adjusted valuation per pupil of each city, 41337
local, and exempted village school district according to the 41338

following formula: 41339

The district's valuation per pupil - 41340

[\$30,000 X (1 - the district's income factor)]. 41341

For purposes of this calculation: 41342

(1) Except for a district with an open enrollment net gain 41343
that is ten per cent or more of its formula ADM, "valuation per 41344
pupil" for a district means its average taxable value, divided by 41345
its formula ADM for the previous fiscal year. "Valuation per 41346
pupil," for a district with an open enrollment net gain that is 41347
ten per cent or more of its formula ADM, means its average taxable 41348
value, divided by the sum of its formula ADM for the previous 41349
fiscal year plus its open enrollment net gain for the previous 41350
fiscal year. 41351

(2) "Average Except for a tangible personal property 41352
phase-out impacted district, "average taxable value" means the 41353
average of the amounts certified for a district in the second, 41354
third, and fourth preceding fiscal years under divisions (A)(1) 41355
and (2) of section 3317.021 of the Revised Code. For a tangible 41356
personal property phase-out impacted district, "average taxable 41357
value" means the average of the amounts certified for the district 41358
in the second, third, and fourth preceding fiscal years under 41359
division (A)(1) of section 3317.021 of the Revised Code. 41360

(3) "Entitled to attend school" means entitled to attend 41361
school in a city, local, or exempted village school district under 41362
section 3313.64 or 3313.65 of the Revised Code. 41363

(4) "Formula ADM" and "income factor" have the same meanings 41364
as in section 3317.02 of the Revised Code. 41365

(5) "Native student" has the same meaning as in section 41366
3313.98 of the Revised Code. 41367

(6) "Open enrollment net gain" for a district means (a) the 41368
number of the students entitled to attend school in another 41369

district but who are enrolled in the schools of the district under 41370
its open enrollment policy minus (b) the number of the district's 41371
native students who are enrolled in the schools of another 41372
district under the other district's open enrollment policy, both 41373
numbers as certified to the department under section 3313.981 of 41374
the Revised Code. If the difference is a negative number, the 41375
district's "open enrollment net gain" is zero. 41376

(7) "Open enrollment policy" means an interdistrict open 41377
enrollment policy adopted under section 3313.98 of the Revised 41378
Code. 41379

(8) "Tangible personal property phase-out impacted district" 41380
means a school district for which, on August 31, 2005, the taxable 41381
value of its tangible personal property, certified under division 41382
(A)(2) of section 3317.021 of the Revised Code, made up twenty per 41383
cent or more of its total taxable value, as defined in section 41384
3317.02 of the Revised Code. 41385

(B) Calculate for each district the three-year average of the 41386
adjusted valuations per pupil calculated for the district for the 41387
current and two preceding fiscal years; 41388

(C) Rank all such districts in order of adjusted valuation 41389
per pupil from the district with the lowest three-year average 41390
adjusted valuation per pupil to the district with the highest 41391
three-year average adjusted valuation per pupil; 41392

(D) Divide such ranking into percentiles with the first 41393
percentile containing the one per cent of school districts having 41394
the lowest three-year average adjusted valuations per pupil and 41395
the one-hundredth percentile containing the one per cent of school 41396
districts having the highest three-year average adjusted 41397
valuations per pupil; 41398

(E) Determine the school districts that have three-year 41399
average adjusted valuations per pupil that are greater than the 41400

median three-year average adjusted valuation per pupil for all 41401
school districts in the state; 41402

(F) On or before the first day of September, certify the 41403
information described in divisions (A) to (E) of this section to 41404
the Ohio school facilities commission. 41405

Sec. 3318.37. (A)(1) As used in this section: 41406

(a) "Large land area school district" means a school district 41407
with a territory of greater than three hundred square miles in any 41408
percentile as determined under section 3318.011 of the Revised 41409
Code. 41410

(b) "Low wealth school district" means a school district in 41411
the first through seventy-fifth percentiles as determined under 41412
section 3318.011 of the Revised Code. 41413

(c) A "school district with an exceptional need for immediate 41414
classroom facilities assistance" means a low wealth or large land 41415
area school district with an exceptional need for new facilities 41416
in order to protect the health and safety of all or a portion of 41417
its students. 41418

~~(2) No school district reasonably expected to be eligible for 41419
state assistance under sections 3318.01 to 3318.20 of the Revised 41420
Code within three fiscal years after the year of the application 41421
for assistance under this section shall be eligible for assistance 41422
under this section, unless the district's entire classroom 41423
facilities plan consists of only a single building designed to 41424
house grades kindergarten through twelve and the district 41425
satisfies the conditions prescribed in divisions (A)(3)(a) and (b) 41426
of this section. 41427~~

~~(3)~~ No school district that participates in the school 41428
building assistance expedited local partnership program under 41429
section 3318.36 of the Revised Code shall receive assistance under 41430

the program established under this section unless the following 41431
conditions are satisfied: 41432

(a) The district board adopted a resolution certifying its 41433
intent to participate in the school building assistance expedited 41434
local partnership program under section 3318.36 of the Revised 41435
Code prior to September 14, 2000. 41436

(b) The district was selected by the Ohio school facilities 41437
commission for participation in the school building assistance 41438
expedited local partnership program under section 3318.36 of the 41439
Revised Code in the manner prescribed by the commission under that 41440
section as it existed prior to September 14, 2000. 41441

(B)(1) There is hereby established the exceptional needs 41442
school facilities assistance program. Under the program, the Ohio 41443
school facilities commission may set aside from the moneys 41444
annually appropriated to it for classroom facilities assistance 41445
projects up to twenty-five per cent for assistance to school 41446
districts with exceptional needs for immediate classroom 41447
facilities assistance. 41448

(2)(a) After consulting with education and construction 41449
experts, the commission shall adopt guidelines for identifying 41450
school districts with an exceptional need for immediate classroom 41451
facilities assistance. 41452

(b) The guidelines shall include application forms and 41453
instructions for school districts to use in applying for 41454
assistance under this section. 41455

(3) The commission shall evaluate the classroom facilities, 41456
and the need for replacement classroom facilities from the 41457
applications received under this section. The commission, 41458
utilizing the guidelines adopted under division (B)(2)(a) of this 41459
section, shall prioritize the school districts to be assessed. 41460

Notwithstanding section 3318.02 of the Revised Code, the 41461

commission may conduct on-site evaluation of the school districts 41462
prioritized under this section and approve and award funds until 41463
such time as all funds set aside under division (B)(1) of this 41464
section have been encumbered. However, the commission need not 41465
conduct the evaluation of facilities if the commission determines 41466
that a district's assessment conducted under section 3318.36 of 41467
the Revised Code is sufficient for purposes of this section. 41468

(4) Notwithstanding division (A) of section 3318.05 of the 41469
Revised Code, the school district's portion of the basic project 41470
cost under this section shall be the "required percentage of the 41471
basic project costs," as defined in division (K) of section 41472
3318.01 of the Revised Code. 41473

(5) Except as otherwise specified in this section, any 41474
project undertaken with assistance under this section shall comply 41475
with all provisions of sections 3318.01 to 3318.20 of the Revised 41476
Code. A school district may receive assistance under sections 41477
3318.01 to 3318.20 of the Revised Code for the remainder of the 41478
district's classroom facilities needs as assessed under this 41479
section when the district is eligible for such assistance pursuant 41480
to section 3318.02 of the Revised Code, but any classroom facility 41481
constructed with assistance under this section shall not be 41482
included in a district's project at that time unless the 41483
commission determines the district has experienced the increased 41484
enrollment specified in division (B)(1) of section 3318.04 of the 41485
Revised Code. 41486

(C) No school district shall receive assistance under this 41487
section for a classroom facility that has been included in the 41488
discrete part of the district's classroom facilities needs 41489
identified and addressed in the district's project pursuant to an 41490
agreement entered into under section 3318.36 of the Revised Code, 41491
unless the district's entire classroom facilities plan consists of 41492
only a single building designed to house grades kindergarten 41493

through twelve. 41494

Sec. 3318.44. (A) A joint vocational school district board of 41495
education may generate the school district's portion of the basic 41496
project cost of its project under sections 3318.40 to 3318.45 of 41497
the Revised Code using any combination of the following means if 41498
lawfully employed for the acquisition of classroom facilities: 41499

(1) The issuance of securities in accordance with Chapter 41500
133. and section 3311.20 of the Revised Code; 41501

(2) Local donated contributions as authorized under section 41502
3318.084 of the Revised Code; 41503

(3) A levy for permanent improvements under section 3311.21 41504
or 5705.21 of the Revised Code; 41505

(4) Bonds issued pursuant to division (B) of this section. 41506

(B) By resolution adopted by a majority of all its members, a 41507
school district board, in order to pay all or part of the school 41508
district's portion of its basic project cost, may apply the 41509
proceeds of a tax levied under section 5705.21 of the Revised Code 41510
for general permanent improvements if the proceeds of that levy 41511
lawfully may be used for general construction, renovation, repair, 41512
or maintenance of classroom facilities to ~~leverage~~ pay debt 41513
charges on and financing costs related to bonds adequate issued to 41514
pay all or part of the school district portion of the basic 41515
project cost of the school district's project under sections 41516
3318.40 to 3318.45 of the Revised Code or to generate an amount 41517
equivalent to all or part of the amount required under section 41518
3318.43 of the Revised Code to be used for maintenance of 41519
classroom facilities acquired under the project. Bonds issued 41520
under this division shall be Chapter 133. securities, and may be 41521
issued as general obligation securities, but the issuance of the 41522
bonds shall not be subject to a vote of the electors of the school 41523

district as long as the tax proceeds earmarked for payment of the 41524
service debt charges on the bonds may lawfully be used for that 41525
purpose. Such bonds shall not be included in the calculation of 41526
net indebtedness under section 133.06 of the Revised Code if the 41527
resolution authorizing their issuance includes covenants to 41528
appropriate annually, from lawfully available proceeds of a 41529
property tax levied under section 5705.21 of the Revised Code, and 41530
to continue to levy that tax in amounts necessary to pay the debt 41531
charges on and financing costs related to the bonds as they become 41532
due. No property tax levied under section 5705.21 of the Revised 41533
Code that is pledged, or that the school district has covenanted 41534
to levy, collect, and appropriate annually to pay the debt charges 41535
on and financing costs related to the bonds under this section may 41536
be repealed while those bonds are outstanding. If such a tax is 41537
reduced by electors of the district or by the board of education 41538
while the bonds are outstanding, the board of education shall 41539
continue to levy and collect the tax under the authority of the 41540
original election authorizing the tax at a rate in each year that 41541
the board reasonably estimates will produce an amount in that year 41542
equal to the debt charges on the bonds in that year. 41543

No state moneys shall be released for a project to which this 41544
division applies until the proceeds of any bonds issued under this 41545
division that are dedicated for payment of the school district's 41546
portion of the basic project cost are first deposited into the 41547
school district's project construction fund. 41548

(C) A school district board of education may adopt a 41549
resolution proposing that any of the following questions be 41550
combined with a question specified in section 3318.45 of the 41551
Revised Code: 41552

(1) A bond issue question under section 133.18 of the Revised 41553
Code; 41554

(2) A tax levy question under section 3311.21 of the Revised 41555

Code; 41556

(3) A tax levy question under section 5705.21 of the Revised Code. 41557
41558

Any question described in divisions (C)(1) to (3) of this section that is combined with a question proposed under section 3318.45 of the Revised Code shall be for the purpose of either paying for any permanent improvement, as defined in section 133.01 of the Revised Code, or generating operating revenue specifically for the facilities acquired under the school district's project under Chapter 3318. of the Revised Code or for both to the extent such purposes are permitted by the sections of law under which each is proposed. 41559
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(D) The board of education of a joint vocational school district that receives assistance under this section may enter into an agreement for joint issuance of bonds as provided for in section 3318.085 of the Revised Code. 41568
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Sec. 3319.073. (A) The board of education of each city and exempted village school district and the governing board of each educational service center shall adopt or adapt the curriculum developed by the department of education for, or shall develop, in consultation with public or private agencies or persons involved in child abuse prevention or intervention programs, a program of in-service training ~~for persons employed by any school district or service center to work in an elementary school as a nurse, teacher, counselor, school psychologist, or administrator~~ in the prevention of child abuse, violence, and substance abuse and the promotion of positive youth development. Each person employed by any school district or service center to work in ~~an elementary~~ a school as a nurse, teacher, counselor, school psychologist, or administrator shall complete at least four hours of the in-service training ~~in the prevention of child abuse, violence, and substance~~ 41572
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~~abuse and the promotion of positive youth development~~ within two 41587
years of commencing employment with the district or center, and 41588
every five years thereafter. A person who is employed by any 41589
school district or service center to work in an elementary school 41590
as a nurse, teacher, counselor, school psychologist, or 41591
administrator on ~~the effective date of this amendment~~ March 30, 41592
2007, shall complete at least four hours of the in-service 41593
training ~~required by this section within two years of the~~ 41594
~~effective date of this amendment~~ not later than March 30, 2009, 41595
and every five years thereafter. A person who is employed by any 41596
school district or service center to work in a middle or high 41597
school as a nurse, teacher, counselor, school psychologist, or 41598
administrator on the effective date of this amendment shall 41599
complete at least four hours of the in-service training not later 41600
than two years after the effective date of this amendment and 41601
every five years thereafter. 41602

(B) Each board shall incorporate training in school safety 41603
and violence prevention into the in-service training required by 41604
division (A) of this section. For this purpose, the board shall 41605
adopt or adapt the curriculum developed by the department or shall 41606
develop its own curriculum in consultation with public or private 41607
agencies or persons involved in school safety and violence 41608
prevention programs. 41609

Sec. 3319.08. (A) The board of education of each city, 41610
exempted village, local, and joint vocational school district and 41611
the governing board of each educational service center shall enter 41612
into written contracts for the employment and reemployment of all 41613
teachers. Contracts for the employment of teachers shall be of two 41614
types, limited contracts and continuing contracts. The board of 41615
each ~~such~~ school district or service center that authorizes 41616
compensation in addition to the base salary stated in the 41617
teachers' salary schedule for the performance of duties by a 41618

teacher that are in addition to the teacher's regular teaching 41619
duties, shall enter into a supplemental written contract with each 41620
teacher who is to perform additional duties. Such supplemental 41621
written contracts shall be limited contracts. Such written 41622
contracts and supplemental written contracts shall set forth the 41623
teacher's duties and shall specify the salaries and compensation 41624
to be paid for regular teaching duties and additional teaching 41625
duties, respectively, either or both of which may be increased but 41626
not diminished during the term for which the contract is made, 41627
except as provided in section 3319.12 of the Revised Code. 41628

If a board adopts a motion or resolution to employ a teacher 41629
under a limited or continuing contract and the teacher accepts 41630
such employment, the failure of such parties to execute a written 41631
contract shall not void such employment contract. 41632

(B) Teachers must be paid for all time lost when the schools 41633
in which they are employed are closed due to an epidemic or other 41634
public calamity, and for time lost due to illness or otherwise for 41635
not less than five days annually as authorized by regulations 41636
which each board shall adopt. 41637

~~Contracts for the employment of teachers shall be of two 41638
types, limited contracts and continuing contracts. 41639~~

~~(A)~~(C) A limited contract is: 41640

(1) For a superintendent, a contract for such term as 41641
authorized by section 3319.01 of the Revised Code; 41642

(2) For an assistant superintendent, principal, assistant 41643
principal, or other administrator, a contract for such term as 41644
authorized by section 3319.02 of the Revised Code; 41645

(3) For all other teachers, a contract for a term not to 41646
exceed five years. 41647

~~(B)~~(D) A continuing contract is a contract that remains in 41648

effect until the teacher resigns, elects to retire, or is retired 41649
pursuant to former section 3307.37 of the Revised Code, or until 41650
it is terminated or suspended and shall be granted only to the 41651
following: 41652

(1) Any teacher holding a professional, permanent, or life 41653
teacher's certificate; 41654

(2) Any teacher ~~holding a professional educator license~~ who 41655
meets the following conditions: 41656

(a) The teacher was initially issued a teacher's certificate 41657
or educator license prior to January 1, 2011. 41658

(b) The teacher holds a professional educator license issued 41659
under section 3319.22 or 3319.222 or former section 3319.22 of the 41660
Revised Code or a senior professional educator license or lead 41661
professional educator license issued under section 3319.22 of the 41662
Revised Code. 41663

(c) The teacher has completed the applicable one of the 41664
following: 41665

~~(a)~~(i) If the teacher did not hold a ~~masters~~ master's degree 41666
at the time of initially receiving a teacher's certificate under 41667
former law or an educator license, thirty semester hours of 41668
coursework in the area of licensure or in an area related to the 41669
teaching field since the initial issuance of such certificate or 41670
license, as specified in rules which the state board of education 41671
shall adopt; 41672

~~(b)~~(ii) If the teacher held a ~~masters~~ master's degree at the 41673
time of initially receiving a teacher's certificate under former 41674
law or an educator license, six semester hours of graduate 41675
coursework in the area of licensure or in an area related to the 41676
teaching field since the initial issuance of such certificate or 41677
license, as specified in rules which the state board ~~of education~~ 41678
shall adopt. 41679

This (3) Any teacher who meets the following conditions: 41680

(a) The teacher never held a teacher's certificate and was initially issued an educator license on or after January 1, 2011. 41681
41682

(b) The teacher holds a professional educator license, senior professional educator license, or lead professional educator license issued under section 3319.22 of the Revised Code. 41683
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(c) The teacher has held an educator license for at least nine years. 41686
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(d) The teacher has completed the applicable one of the following: 41688
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(i) If the teacher did not hold a master's degree at the time of initially receiving an educator license, thirty semester hours of coursework in the area of licensure or in an area related to the teaching field since the initial issuance of that license, as specified in rules which the state board shall adopt; 41690
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(ii) If the teacher held a master's degree at the time of initially receiving an educator license, six semester hours of graduate coursework in the area of licensure or in an area related to the teaching field since the initial issuance of that license, as specified in rules which the state board shall adopt. 41695
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(E) Division (D) of this section applies only to continuing contracts entered into on or after August 18, 1969 the effective date of this amendment. Nothing in that division shall be construed to void or otherwise affect a continuing contract entered into prior to that date. 41700
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Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of division (D)(3) of this section prevail over any conflicting provisions of a collective bargaining agreement entered into on or after the effective date of this amendment. 41705
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(F) Wherever the term "educator license" is used in this section without reference to a specific type of educator license, the term does not include an educator license for substitute teaching issued under section 3319.226 of the Revised Code.

Sec. 3319.11. (A) As used in this section: 41714

(1) "Evaluation procedures" means the procedures adopted pursuant to division (B) of section 3319.111 of the Revised Code. 41715
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(2) "Limited contract" means a limited contract, as described in section 3319.08 of the Revised Code, that a school district board of education or governing board of an educational service center enters into with a teacher who is not eligible for continuing service status. 41717
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(3) "Extended limited contract" means a limited contract, as described in section 3319.08 of the Revised Code, that a board of education or governing board enters into with a teacher who is eligible for continuing service status. 41722
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(B) Teachers eligible for continuing service status in any city, exempted village, local, or joint vocational school district or educational service center shall be those teachers qualified as described in division ~~(B)(1) or (2)~~ (D) of section 3319.08 of the Revised Code, who within the last five years have taught for at least three years in the district or center, and those teachers who, having attained continuing contract status elsewhere, have served two years in the district or center, but the board, upon the recommendation of the superintendent, may at the time of employment or at any time within such two-year period, declare any of the latter teachers eligible. 41726
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(1) Upon the recommendation of the superintendent that a teacher eligible for continuing service status be reemployed, a continuing contract shall be entered into between the board and 41737
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the teacher unless the board by a three-fourths vote of its full membership rejects the recommendation of the superintendent. If the board rejects by a three-fourths vote of its full membership the recommendation of the superintendent that a teacher eligible for continuing service status be reemployed and the superintendent makes no recommendation to the board pursuant to division (C) of this section, the board may declare its intention not to reemploy the teacher by giving the teacher written notice on or before the thirtieth day of April of its intention not to reemploy the teacher. If evaluation procedures have not been complied with pursuant to division (A) of section 3319.111 of the Revised Code or the board does not give the teacher written notice on or before the thirtieth day of April of its intention not to reemploy the teacher, the teacher is deemed reemployed under an extended limited contract for a term not to exceed one year at the same salary plus any increment provided by the salary schedule. The teacher is presumed to have accepted employment under the extended limited contract for a term not to exceed one year unless such teacher notifies the board in writing to the contrary on or before the first day of June, and an extended limited contract for a term not to exceed one year shall be executed accordingly. Upon any subsequent reemployment of the teacher only a continuing contract may be entered into.

(2) If the superintendent recommends that a teacher eligible for continuing service status not be reemployed, the board may declare its intention not to reemploy the teacher by giving the teacher written notice on or before the thirtieth day of April of its intention not to reemploy the teacher. If evaluation procedures have not been complied with pursuant to division (A) of section 3319.111 of the Revised Code or the board does not give the teacher written notice on or before the thirtieth day of April of its intention not to reemploy the teacher, the teacher is deemed reemployed under an extended limited contract for a term

not to exceed one year at the same salary plus any increment 41773
provided by the salary schedule. The teacher is presumed to have 41774
accepted employment under the extended limited contract for a term 41775
not to exceed one year unless such teacher notifies the board in 41776
writing to the contrary on or before the first day of June, and an 41777
extended limited contract for a term not to exceed one year shall 41778
be executed accordingly. Upon any subsequent reemployment of a 41779
teacher only a continuing contract may be entered into. 41780

(3) Any teacher receiving written notice of the intention of 41781
a board not to reemploy such teacher pursuant to this division is 41782
entitled to the hearing provisions of division (G) of this 41783
section. 41784

(C)(1) If a board rejects the recommendation of the 41785
superintendent for reemployment of a teacher pursuant to division 41786
(B)(1) of this section, the superintendent may recommend 41787
reemployment of the teacher, if continuing service status has not 41788
previously been attained elsewhere, under an extended limited 41789
contract for a term not to exceed two years, provided that written 41790
notice of the superintendent's intention to make such 41791
recommendation has been given to the teacher with reasons directed 41792
at the professional improvement of the teacher on or before the 41793
thirtieth day of April. Upon subsequent reemployment of the 41794
teacher only a continuing contract may be entered into. 41795

(2) If a board of education takes affirmative action on a 41796
superintendent's recommendation, made pursuant to division (C)(1) 41797
of this section, of an extended limited contract for a term not to 41798
exceed two years but the board does not give the teacher written 41799
notice of its affirmative action on the superintendent's 41800
recommendation of an extended limited contract on or before the 41801
thirtieth day of April, the teacher is deemed reemployed under a 41802
continuing contract at the same salary plus any increment provided 41803
by the salary schedule. The teacher is presumed to have accepted 41804

employment under such continuing contract unless such teacher 41805
notifies the board in writing to the contrary on or before the 41806
first day of June, and a continuing contract shall be executed 41807
accordingly. 41808

(3) A board shall not reject a superintendent's 41809
recommendation, made pursuant to division (C)(1) of this section, 41810
of an extended limited contract for a term not to exceed two years 41811
except by a three-fourths vote of its full membership. If a board 41812
rejects by a three-fourths vote of its full membership the 41813
recommendation of the superintendent of an extended limited 41814
contract for a term not to exceed two years, the board may declare 41815
its intention not to reemploy the teacher by giving the teacher 41816
written notice on or before the thirtieth day of April of its 41817
intention not to reemploy the teacher. If evaluation procedures 41818
have not been complied with pursuant to division (A) of section 41819
3319.111 of the Revised Code or if the board does not give the 41820
teacher written notice on or before the thirtieth day of April of 41821
its intention not to reemploy the teacher, the teacher is deemed 41822
reemployed under an extended limited contract for a term not to 41823
exceed one year at the same salary plus any increment provided by 41824
the salary schedule. The teacher is presumed to have accepted 41825
employment under the extended limited contract for a term not to 41826
exceed one year unless such teacher notifies the board in writing 41827
to the contrary on or before the first day of June, and an 41828
extended limited contract for a term not to exceed one year shall 41829
be executed accordingly. Upon any subsequent reemployment of the 41830
teacher only a continuing contract may be entered into. 41831

Any teacher receiving written notice of the intention of a 41832
board not to reemploy such teacher pursuant to this division is 41833
entitled to the hearing provisions of division (G) of this 41834
section. 41835

(D) A teacher eligible for continuing contract status 41836

employed under an extended limited contract pursuant to division 41837
(B) or (C) of this section, is, at the expiration of such extended 41838
limited contract, deemed reemployed under a continuing contract at 41839
the same salary plus any increment granted by the salary schedule, 41840
unless evaluation procedures have been complied with pursuant to 41841
division (A) of section 3319.111 of the Revised Code and the 41842
employing board, acting on the superintendent's recommendation 41843
that the teacher not be reemployed, gives the teacher written 41844
notice on or before the thirtieth day of April of its intention 41845
not to reemploy such teacher. A teacher who does not have 41846
evaluation procedures applied in compliance with division (A) of 41847
section 3319.111 of the Revised Code or who does not receive 41848
notice on or before the thirtieth day of April of the intention of 41849
the board not to reemploy such teacher is presumed to have 41850
accepted employment under a continuing contract unless such 41851
teacher notifies the board in writing to the contrary on or before 41852
the first day of June, and a continuing contract shall be executed 41853
accordingly. 41854

Any teacher receiving a written notice of the intention of a 41855
board not to reemploy such teacher pursuant to this division is 41856
entitled to the hearing provisions of division (G) of this 41857
section. 41858

(E) A limited contract may be entered into by each board with 41859
each teacher who has not been in the employ of the board for at 41860
least three years and shall be entered into, regardless of length 41861
of previous employment, with each teacher employed by the board 41862
who ~~holds a provisional, temporary, or associate license, or who~~ 41863
~~holds a professional license and~~ is not eligible to be considered 41864
for a continuing contract. 41865

Any teacher employed under a limited contract, and not 41866
eligible to be considered for a continuing contract, is, at the 41867
expiration of such limited contract, considered reemployed under 41868

the provisions of this division at the same salary plus any 41869
increment provided by the salary schedule unless evaluation 41870
procedures have been complied with pursuant to division (A) of 41871
section 3319.111 of the Revised Code and the employing board, 41872
acting upon the superintendent's written recommendation that the 41873
teacher not be reemployed, gives such teacher written notice of 41874
its intention not to reemploy such teacher on or before the 41875
thirtieth day of April. A teacher who does not have evaluation 41876
procedures applied in compliance with division (A) of section 41877
3319.111 of the Revised Code or who does not receive notice of the 41878
intention of the board not to reemploy such teacher on or before 41879
the thirtieth day of April is presumed to have accepted such 41880
employment unless such teacher notifies the board in writing to 41881
the contrary on or before the first day of June, and a written 41882
contract for the succeeding school year shall be executed 41883
accordingly. 41884

Any teacher receiving a written notice of the intention of a 41885
board not to reemploy such teacher pursuant to this division is 41886
entitled to the hearing provisions of division (G) of this 41887
section. 41888

(F) The failure of a superintendent to make a recommendation 41889
to the board under any of the conditions set forth in divisions 41890
(B) to (E) of this section, or the failure of the board to give 41891
such teacher a written notice pursuant to divisions (C) to (E) of 41892
this section shall not prejudice or prevent a teacher from being 41893
deemed reemployed under either a limited or continuing contract as 41894
the case may be under the provisions of this section. A failure of 41895
the parties to execute a written contract shall not void any 41896
automatic reemployment provisions of this section. 41897

(G)(1) Any teacher receiving written notice of the intention 41898
of a board of education not to reemploy such teacher pursuant to 41899
division (B), (C)(3), (D), or (E) of this section may, within ten 41900

days of the date of receipt of the notice, file with the treasurer 41901
of the board a written demand for a written statement describing 41902
the circumstances that led to the board's intention not to 41903
reemploy the teacher. 41904

(2) The treasurer of a board, on behalf of the board, shall, 41905
within ten days of the date of receipt of a written demand for a 41906
written statement pursuant to division (G)(1) of this section, 41907
provide to the teacher a written statement describing the 41908
circumstances that led to the board's intention not to reemploy 41909
the teacher. 41910

(3) Any teacher receiving a written statement describing the 41911
circumstances that led to the board's intention not to reemploy 41912
the teacher pursuant to division (G)(2) of this section may, 41913
within five days of the date of receipt of the statement, file 41914
with the treasurer of the board a written demand for a hearing 41915
before the board pursuant to divisions (G)(4) to (6) of this 41916
section. 41917

(4) The treasurer of a board, on behalf of the board, shall, 41918
within ten days of the date of receipt of a written demand for a 41919
hearing pursuant to division (G)(3) of this section, provide to 41920
the teacher a written notice setting forth the time, date, and 41921
place of the hearing. The board shall schedule and conclude the 41922
hearing within forty days of the date on which the treasurer of 41923
the board receives a written demand for a hearing pursuant to 41924
division (G)(3) of this section. 41925

(5) Any hearing conducted pursuant to this division shall be 41926
conducted by a majority of the members of the board. The hearing 41927
shall be held in executive session of the board unless the board 41928
and the teacher agree to hold the hearing in public. The 41929
superintendent, assistant superintendent, the teacher, and any 41930
person designated by either party to take a record of the hearing 41931
may be present at the hearing. The board may be represented by 41932

counsel and the teacher may be represented by counsel or a 41933
designee. A record of the hearing may be taken by either party at 41934
the expense of the party taking the record. 41935

(6) Within ten days of the conclusion of a hearing conducted 41936
pursuant to this division, the board shall issue to the teacher a 41937
written decision containing an order affirming the intention of 41938
the board not to reemploy the teacher reported in the notice given 41939
to the teacher pursuant to division (B), (C)(3), (D), or (E) of 41940
this section or an order vacating the intention not to reemploy 41941
and expunging any record of the intention, notice of the 41942
intention, and the hearing conducted pursuant to this division. 41943

(7) A teacher may appeal an order affirming the intention of 41944
the board not to reemploy the teacher to the court of common pleas 41945
of the county in which the largest portion of the territory of the 41946
school district or service center is located, within thirty days 41947
of the date on which the teacher receives the written decision, on 41948
the grounds that the board has not complied with this section 41949
~~3319.11~~ or section 3319.111 of the Revised Code. 41950

Notwithstanding section 2506.04 of the Revised Code, the 41951
court in an appeal under this division is limited to the 41952
determination of procedural errors and to ordering the correction 41953
of procedural errors and shall have no jurisdiction to order a 41954
board to reemploy a teacher, except that the court may order a 41955
board to reemploy a teacher in compliance with the requirements of 41956
division (B), (C)(3), (D), or (E) of this section when the court 41957
determines that evaluation procedures have not been complied with 41958
pursuant to division (A) of section 3319.111 of the Revised Code 41959
or the board has not given the teacher written notice on or before 41960
the thirtieth day of April of its intention not to reemploy the 41961
teacher pursuant to division (B), (C)(3), (D), or (E) of this 41962
section. Otherwise, the determination whether to reemploy or not 41963
reemploy a teacher is solely a board's determination and not a 41964

proper subject of judicial review and, except as provided in this 41965
division, no decision of a board whether to reemploy or not 41966
reemploy a teacher shall be invalidated by the court on any basis, 41967
including that the decision was not warranted by the results of 41968
any evaluation or was not warranted by any statement given 41969
pursuant to division (G)(2) of this section. 41970

No appeal of an order of a board may be made except as 41971
specified in this division. 41972

(H)(1) In giving a teacher any notice required by division 41973
(B), (C), (D), or (E) of this section, the board or the 41974
superintendent shall do either of the following: 41975

(a) Deliver the notice by personal service upon the teacher; 41976

(b) Deliver the notice by certified mail, return receipt 41977
requested, addressed to the teacher at the teacher's place of 41978
employment and deliver a copy of the notice by certified mail, 41979
return receipt requested, addressed to the teacher at the 41980
teacher's place of residence. 41981

(2) In giving a board any notice required by division (B), 41982
(C), (D), or (E) of this section, the teacher shall do either of 41983
the following: 41984

(a) Deliver the notice by personal delivery to the office of 41985
the superintendent during regular business hours; 41986

(b) Deliver the notice by certified mail, return receipt 41987
requested, addressed to the office of the superintendent and 41988
deliver a copy of the notice by certified mail, return receipt 41989
requested, addressed to the president of the board at the 41990
president's place of residence. 41991

(3) When any notice and copy of the notice are mailed 41992
pursuant to division (H)(1)(b) or (2)(b) of this section, the 41993
notice or copy of the notice with the earlier date of receipt 41994

shall constitute the notice for the purposes of division (B), (C), (D), or (E) of this section.

(I) The provisions of this section shall not apply to any supplemental written contracts entered into pursuant to section 3319.08 of the Revised Code.

Sec. 3319.16. The contract of any teacher employed by the board of education of any city, exempted village, local, county, or joint vocational school district may not be terminated except for gross inefficiency or immorality; for willful and persistent violations of reasonable violation of written rules and regulations ~~of as set forth by the board of education~~ or for ~~other good and just cause~~ incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, or any other acts of misfeasance, malfeasance, or nonfeasance. ~~Before Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the provisions of this section relating to the grounds for termination of the contract of a teacher prevail over any conflicting provisions of a collective bargaining agreement entered into after the effective date of this amendment.~~

Before terminating any contract, the employing board shall furnish the teacher a written notice signed by its treasurer of its intention to consider the termination of ~~his~~ the teacher's contract with full specification of the grounds for such consideration. The board shall not proceed with formal action to terminate the contract until after the tenth day after receipt of the notice by the teacher. Within ten days after receipt of the notice from the treasurer of the board, the teacher may file with the treasurer a written demand for a hearing before the board or before a referee, and the board shall set a time for the hearing which shall be within thirty days from the date of receipt of the

written demand, and the treasurer shall give the teacher at least 42026
twenty days' notice in writing of the time and place of the 42027
hearing. If a referee is demanded by either the teacher or board, 42028
the treasurer also shall give twenty days' notice to the 42029
superintendent of public instruction. No hearing shall be held 42030
during the summer vacation without the teacher's consent. The 42031
hearing shall be private unless the teacher requests a public 42032
hearing. The hearing shall be conducted by a referee appointed 42033
pursuant to section 3319.161 of the Revised Code, if demanded; 42034
otherwise, it shall be conducted by a majority of the members of 42035
the board and shall be confined to the grounds given for the 42036
termination. The board shall provide for a complete stenographic 42037
record of the proceedings, a copy of the record to be furnished to 42038
the teacher. The board may suspend a teacher pending final action 42039
to terminate ~~his~~ the teacher's contract if, in its judgment, the 42040
character of the charges warrants such action. 42041

Both parties may be present at such hearing, be represented 42042
by counsel, require witnesses to be under oath, cross-examine 42043
witnesses, take a record of the proceedings, and require the 42044
presence of witnesses in their behalf upon subpoena to be issued 42045
by the treasurer of the board. In case of the failure of any 42046
person to comply with a subpoena, a judge of the court of common 42047
pleas of the county in which the person resides, upon application 42048
of any interested party, shall compel attendance of the person by 42049
attachment proceedings as for contempt. Any member of the board or 42050
the referee may administer oaths to witnesses. After a hearing by 42051
a referee, the referee shall file ~~his~~ a report within ten days 42052
after the termination of the hearing. After consideration of the 42053
referee's report, the board, by a majority vote, may accept or 42054
reject the referee's recommendation on the termination of the 42055
teacher's contract. After a hearing by the board, the board, by 42056
majority vote, may enter its determination upon its minutes. Any 42057
order of termination of a contract shall state the grounds for 42058

termination. If the decision, after hearing, is against 42059
termination of the contract, the charges and the record of the 42060
hearing shall be physically expunged from the minutes, and, if the 42061
teacher has suffered any loss of salary by reason of being 42062
suspended, ~~he~~ the teacher shall be paid ~~his~~ the teacher's full 42063
salary for the period of such suspension. 42064

Any teacher affected by an order of termination of contract 42065
may appeal to the court of common pleas of the county in which the 42066
school is located within thirty days after receipt of notice of 42067
the entry of such order. The appeal shall be an original action in 42068
the court and shall be commenced by the filing of a complaint 42069
against the board, in which complaint the facts shall be alleged 42070
upon which the teacher relies for a reversal or modification of 42071
such order of termination of contract. Upon service or waiver of 42072
summons in that appeal, the board immediately shall transmit to 42073
the clerk of the court for filing a transcript of the original 42074
papers filed with the board, a certified copy of the minutes of 42075
the board into which the termination finding was entered, and a 42076
certified transcript of all evidence adduced at the hearing or 42077
hearings before the board or a certified transcript of all 42078
evidence adduced at the hearing or hearings before the referee, 42079
whereupon the cause shall be at issue without further pleading and 42080
shall be advanced and heard without delay. The court shall examine 42081
the transcript and record of the hearing and shall hold such 42082
additional hearings as it considers advisable, at which it may 42083
consider other evidence in addition to the transcript and record. 42084

Upon final hearing, the court shall grant or deny the relief 42085
prayed for in the complaint as may be proper in accordance with 42086
the evidence adduced in the hearing. Such an action is a special 42087
proceeding, and either the teacher or the board may appeal from 42088
the decision of the court of common pleas pursuant to the Rules of 42089
Appellate Procedure and, to the extent not in conflict with those 42090

rules, Chapter 2505. of the Revised Code. 42091

In any court action, the board may utilize the services of 42092
the prosecuting attorney, village solicitor, city director of law, 42093
or other chief legal officer of a municipal corporation as 42094
authorized by section 3313.35 of the Revised Code, or may employ 42095
other legal counsel. 42096

A violation of division (A)(7) of section 2907.03 of the 42097
Revised Code is grounds for termination of a teacher contract 42098
under this section. 42099

Sec. 3319.161. For the purpose of providing referees for the 42100
hearings required by section 3319.16 of the Revised Code, the 42101
superintendent of public instruction shall compile a list of 42102
resident electors from names that ~~he~~ the superintendent shall 42103
solicit annually from the state bar association. 42104

Upon receipt of notice that a referee has been demanded by a 42105
teacher or by a board of education, the superintendent of public 42106
instruction shall immediately designate three persons from such 42107
list, from whom the referee to hear the matter shall be chosen, 42108
and ~~he~~ the superintendent shall immediately notify the designees, 42109
the teacher, and the board of the school district involved. If 42110
within five days of receipt of the notice, the teacher and board 42111
are unable to select a mutually agreeable designee to serve as 42112
referee, the superintendent of public instruction shall appoint 42113
one of the three designees to serve as referee. The appointment of 42114
the referee shall be entered in the minutes of the board. The 42115
referee appointed shall be paid ~~his~~ the referee's usual and 42116
customary fee for attending the hearing which shall be paid from 42117
the school district general fund upon vouchers approved by the 42118
superintendent of public instruction and presented to the 42119
treasurer of the district. No referee shall be a member of, an 42120
employee of, or teacher employed by the board of education nor 42121

related to any such person by consanguinity or marriage. ~~No person~~ 42122
~~shall be appointed to hear more than two contract termination~~ 42123
~~eases in any school year.~~ 42124

Sec. 3319.22. (A)(1) The state board of education shall ~~adopt~~ 42125
~~rules establishing the standards and requirements for obtaining~~ 42126
~~temporary, associate, provisional, and professional~~ issue the 42127
following educator licenses: 42128

(a) A resident educator license, which shall be valid for 42129
four years and shall be renewable; 42130

(b) A professional educator license, which shall be valid for 42131
five years and shall be renewable; 42132

(c) A senior professional educator license, which shall be 42133
valid for five years and shall be renewable; 42134

(d) A lead professional educator license, which shall be 42135
valid for five years and shall be renewable. 42136

(2) The state board may issue any additional educator 42137
licenses of any categories, types, and levels the board elects to 42138
provide. However, no educator license shall be required for 42139
teaching children two years old or younger. 42140

~~(2)~~(3) The state board shall adopt rules establishing the 42141
standards and requirements for obtaining each educator license 42142
issued under this section. 42143

(B) The rules adopted under this section shall require at 42144
least the following standards and qualifications for the educator 42145
licenses described in division (A)(1) of this section: 42146

(1) An applicant for a resident educator license shall hold 42147
at least a bachelor's degree from an accredited teacher 42148
preparation program. 42149

(2) An applicant for a professional educator license shall: 42150

<u>(a) Hold at least a bachelor's degree from an institution of higher education accredited by a regional accrediting organization;</u>	42151
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<u>(b) Have successfully completed the Ohio teacher residency program established under section 3319.223 of the Revised Code, if the applicant's current or most recently issued license is a resident educator license issued under this section or an alternative resident educator license issued under section 3319.26 of the Revised Code;</u>	42154
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<u>(c) Demonstrate that students in the applicant's classroom have achieved a value-added measure designated by the superintendent of public instruction.</u>	42160
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	42162
<u>(3) An applicant for a senior professional educator license shall:</u>	42163
	42164
<u>(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;</u>	42165
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	42167
<u>(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code;</u>	42168
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	42170
<u>(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code;</u>	42171
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	42174
<u>(d) Demonstrate that students in the applicant's classroom have achieved a value-added measure designated by the superintendent of public instruction.</u>	42175
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	42177
<u>(4) An applicant for a lead professional educator license shall:</u>	42178
	42179
<u>(a) Hold at least a master's degree from an institution of</u>	42180

higher education accredited by a regional accrediting organization; 42181
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(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code; 42183
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(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code; 42187
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(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code; 42190
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(e) Demonstrate that students in the applicant's classroom have achieved a value-added measure designated by the superintendent of public instruction. 42195
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(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code. The rules adopted under this section for obtaining a principal license shall require that an applicant, as a condition of qualifying for the license, demonstrate that students in the applicant's classroom have achieved a value-added measure designated by the superintendent of public instruction, if the applicant is a classroom teacher seeking issuance of a new principal license, or that students in the applicant's building have achieved a value-added measure designated by the superintendent of public instruction, if the applicant is a principal seeking renewal of a principal license. 42198
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(D) If the state board requires any examinations for educator 42211

licensure, the department of education shall provide the results 42212
of such examinations received by the department to the chancellor 42213
of the Ohio board of regents, in the manner and to the extent 42214
permitted by state and federal law. 42215

~~(B)~~(E) Any rules the state board of education adopts, amends, 42216
or rescinds for educator licenses under this section, division (D) 42217
of section 3301.07 of the Revised Code, or any other law shall be 42218
adopted, amended, or rescinded under Chapter 119. of the Revised 42219
Code except as follows: 42220

(1) Notwithstanding division (D) of section 119.03 and 42221
division (A)(1) of section 119.04 of the Revised Code, in the case 42222
of the adoption of any rule or the amendment or rescission of any 42223
rule that necessitates institutions' offering ~~teacher~~ preparation 42224
programs for educators and other school personnel that are 42225
approved by the ~~state board of education~~ chancellor of the Ohio 42226
board of regents under section ~~3319.23~~ 3333.048 of the Revised 42227
Code to revise the curriculum of those programs, the effective 42228
date shall not be as prescribed in division (D) of section 119.03 42229
and division (A)(1) of section 119.04 of the Revised Code. 42230
Instead, the effective date of such rules, or the amendment or 42231
rescission of such rules, shall be the date prescribed by section 42232
~~3319.23~~ 3333.048 of the Revised Code. 42233

(2) Notwithstanding the authority to adopt, amend, or rescind 42234
emergency rules in division (F) of section 119.03 of the Revised 42235
Code, this authority shall not apply to the state board of 42236
education with regard to rules for educator licenses. 42237

~~(C)~~(F)(1) The rules adopted under this section establishing 42238
standards requiring additional coursework for the renewal of any 42239
educator license shall require a school district and a chartered 42240
nonpublic school to establish local professional development 42241
committees. In a nonpublic school, the chief administrative 42242
officer shall establish the committees in any manner acceptable to 42243

such officer. The committees established under this division shall 42244
determine whether coursework that a district or chartered 42245
nonpublic school teacher proposes to complete meets the 42246
requirement of the rules. The department of education shall 42247
provide technical assistance and support to committees as the 42248
committees incorporate the professional development standards 42249
adopted by the state board of education pursuant to section 42250
3319.61 of the Revised Code into their review of coursework that 42251
is appropriate for license renewal. The rules shall establish a 42252
procedure by which a teacher may appeal the decision of a local 42253
professional development committee. 42254

(2) In any school district in which there is no exclusive 42255
representative established under Chapter 4117. of the Revised 42256
Code, the professional development committees shall be established 42257
as described in division ~~(C)~~(F)(2) of this section. 42258

Not later than the effective date of the rules adopted under 42259
this section, the board of education of each school district shall 42260
establish the structure for one or more local professional 42261
development committees to be operated by such school district. The 42262
committee structure so established by a district board shall 42263
remain in effect unless within thirty days prior to an anniversary 42264
of the date upon which the current committee structure was 42265
established, the board provides notice to all affected district 42266
employees that the committee structure is to be modified. 42267
Professional development committees may have a district-level or 42268
building-level scope of operations, and may be established with 42269
regard to particular grade or age levels for which an educator 42270
license is designated. 42271

Each professional development committee shall consist of at 42272
least three classroom teachers employed by the district, one 42273
principal employed by the district, and one other employee of the 42274
district appointed by the district superintendent. For committees 42275

with a building-level scope, the teacher and principal members 42276
shall be assigned to that building, and the teacher members shall 42277
be elected by majority vote of the classroom teachers assigned to 42278
that building. For committees with a district-level scope, the 42279
teacher members shall be elected by majority vote of the classroom 42280
teachers of the district, and the principal member shall be 42281
elected by a majority vote of the principals of the district, 42282
unless there are two or fewer principals employed by the district, 42283
in which case the one or two principals employed shall serve on 42284
the committee. If a committee has a particular grade or age level 42285
scope, the teacher members shall be licensed to teach such grade 42286
or age levels, and shall be elected by majority vote of the 42287
classroom teachers holding such a license and the principal shall 42288
be elected by all principals serving in buildings where any such 42289
teachers serve. The district superintendent shall appoint a 42290
replacement to fill any vacancy that occurs on a professional 42291
development committee, except in the case of vacancies among the 42292
elected classroom teacher members, which shall be filled by vote 42293
of the remaining members of the committee so selected. 42294

Terms of office on professional development committees shall 42295
be prescribed by the district board establishing the committees. 42296
The conduct of elections for members of professional development 42297
committees shall be prescribed by the district board establishing 42298
the committees. A professional development committee may include 42299
additional members, except that the majority of members on each 42300
such committee shall be classroom teachers employed by the 42301
district. Any member appointed to fill a vacancy occurring prior 42302
to the expiration date of the term for which a predecessor was 42303
appointed shall hold office as a member for the remainder of that 42304
term. 42305

The initial meeting of any professional development 42306
committee, upon election and appointment of all committee members, 42307

shall be called by a member designated by the district 42308
superintendent. At this initial meeting, the committee shall 42309
select a chairperson and such other officers the committee deems 42310
necessary, and shall adopt rules for the conduct of its meetings. 42311
Thereafter, the committee shall meet at the call of the 42312
chairperson or upon the filing of a petition with the district 42313
superintendent signed by a majority of the committee members 42314
calling for the committee to meet. 42315

(3) In the case of a school district in which an exclusive 42316
representative has been established pursuant to Chapter 4117. of 42317
the Revised Code, professional development committees shall be 42318
established in accordance with any collective bargaining agreement 42319
in effect in the district that includes provisions for such 42320
committees. 42321

If the collective bargaining agreement does not specify a 42322
different method for the selection of teacher members of the 42323
committees, the exclusive representative of the district's 42324
teachers shall select the teacher members. 42325

If the collective bargaining agreement does not specify a 42326
different structure for the committees, the board of education of 42327
the school district shall establish the structure, including the 42328
number of committees and the number of teacher and administrative 42329
members on each committee; the specific administrative members to 42330
be part of each committee; whether the scope of the committees 42331
will be district levels, building levels, or by type of grade or 42332
age levels for which educator licenses are designated; the lengths 42333
of terms for members; the manner of filling vacancies on the 42334
committees; and the frequency and time and place of meetings. 42335
However, in all cases, except as provided in division ~~(C)~~(F)(4) of 42336
this section, there shall be a majority of teacher members of any 42337
professional development committee, there shall be at least five 42338
total members of any professional development committee, and the 42339

exclusive representative shall designate replacement members in 42340
the case of vacancies among teacher members, unless the collective 42341
bargaining agreement specifies a different method of selecting 42342
such replacements. 42343

(4) Whenever an administrator's coursework plan is being 42344
discussed or voted upon, the local professional development 42345
committee shall, at the request of one of its administrative 42346
members, cause a majority of the committee to consist of 42347
administrative members by reducing the number of teacher members 42348
voting on the plan. 42349

~~(D)~~(G)(1) The department of education, educational service 42350
centers, county boards of mental retardation and developmental 42351
disabilities, regional professional development centers, special 42352
education regional resource centers, college and university 42353
departments of education, head start programs, the eTech Ohio 42354
commission, and the Ohio education computer network may establish 42355
local professional development committees to determine whether the 42356
coursework proposed by their employees who are licensed or 42357
certificated under this section or section 3319.222 of the Revised 42358
Code, or under the former version of either section as it existed 42359
prior to the effective date of this amendment, meet the 42360
requirements of the rules adopted under this section. They may 42361
establish local professional development committees on their own 42362
or in collaboration with a school district or other agency having 42363
authority to establish them. 42364

Local professional development committees established by 42365
county boards of mental retardation and developmental disabilities 42366
shall be structured in a manner comparable to the structures 42367
prescribed for school districts in divisions ~~(C)~~(F)(2) and (3) of 42368
this section, as shall the committees established by any other 42369
entity specified in division ~~(D)~~(G)(1) of this section that 42370
provides educational services by employing or contracting for 42371

services of classroom teachers licensed or certificated under this 42372
section or section 3319.222 of the Revised Code, or under the 42373
former version of either section as it existed prior to the 42374
effective date of this amendment. All other entities specified in 42375
division ~~(D)~~(G)(1) of this section shall structure their 42376
committees in accordance with guidelines which shall be issued by 42377
the state board. 42378

(2) Any public agency that is not specified in division 42379
~~(D)~~(G)(1) of this section but provides educational services and 42380
employs or contracts for services of classroom teachers licensed 42381
or certificated under this section or section 3319.222 of the 42382
Revised Code, or under the former version of either section as it 42383
existed prior to the effective date of this amendment, may 42384
establish a local professional development committee, subject to 42385
the approval of the department of education. The committee shall 42386
be structured in accordance with guidelines issued by the state 42387
board. 42388

Sec. 3319.222. (A) Notwithstanding the amendments to and 42389
repeal of statutes by the act that enacted this section, the state 42390
board of education shall accept applications for new, and renewal 42391
and upgrade of, temporary, associate, provisional, and 42392
professional educator licenses, alternative educator licenses, and 42393
one-year conditional teaching permits through December 31, 2010, 42394
and issue them on the basis of the applications received by that 42395
date in accordance with the former statutes in effect immediately 42396
prior to amendment or repeal by the act that enacted this section. 42397

(B) A permanent teacher's certificate issued under former 42399
sections 3319.22 to 3319.31 of the Revised Code prior to October 42400
29, 1996, or under former section 3319.222 of the Revised Code as 42401
it existed prior to the effective date of this section, shall be 42402

valid for teaching in the subject areas and grades for which the 42403
certificate was issued, except as the certificate is limited, 42404
suspended, or revoked under section 3319.31 of the Revised Code. 42405

(C) The following certificates, permits, or licenses shall be 42406
valid until the certificate, permit, or license expires for 42407
teaching in the subject areas and grades for which the 42408
certificate, permit, or license was issued, except as the 42409
certificate, permit, or license is limited, suspended, or revoked 42410
under section 3319.31 of the Revised Code: 42411

(1) Any professional teacher's certificate issued under 42412
former section 3319.222 of the Revised Code, as it existed prior 42413
to the effective date of this section; 42414

(2) Any temporary, associate, provisional, or professional 42415
educator license issued under former section 3319.22 of the 42416
Revised Code, as it existed prior to the effective date of this 42417
section, or under division (A) of this section; 42418

(3) Any alternative educator license issued under former 42419
section 3319.26 of the Revised Code, as it existed prior to the 42420
effective date of this section, or under division (A) of this 42421
section; 42422

(4) Any one-year conditional teaching permit issued under 42423
former section 3319.302 or 3319.304 of the Revised Code, as it 42424
existed prior to the effective date of this section, or under 42425
division (A) of this section. 42426

(D) Nothing in this section shall be construed to prohibit a 42427
person from applying to the state board for an educator license 42428
issued under section 3319.22 of the Revised Code or an alternative 42429
resident educator license issued under section 3319.26 of the 42430
Revised Code, as the section exists on and after the effective 42431
date of this section. 42432

(E) On and after the effective date of this section, any 42433

reference in the Revised Code to educator licensing is hereby 42434
deemed to refer also to certification or licensure under divisions 42435
(A) to (D) of this section. 42436

Sec. 3319.223. (A) Not later than January 1, 2011, the 42437
superintendent of public instruction and the chancellor of the 42438
Ohio board of regents jointly shall establish the Ohio teacher 42439
residency program, which shall be a four-year, entry-level program 42440
for classroom teachers. The teacher residency program shall 42441
include at least the following components: 42442

(1) Mentoring by teachers who hold a lead professional 42443
educator license issued under section 3319.22 of the Revised Code; 42444

(2) Counseling to ensure that program participants receive 42445
needed professional development; 42446

(3) Use of measures of student academic gain to evaluate the 42447
effectiveness of program participants; 42448

(4) Measures of appropriate progression through the program. 42449

(B) The teacher residency program shall be aligned with the 42450
standards for teachers adopted by the state board of education 42451
under section 3319.61 of the Revised Code and best practices 42452
identified by the superintendent of public instruction. 42453

(C) Each person who holds a resident educator license issued 42454
under section 3319.22 of the Revised Code or an alternative 42455
resident educator license issued under section 3319.26 of the 42456
Revised Code shall participate in the teacher residency program. 42457
Successful completion of the program shall be required to qualify 42458
any such person for a professional educator license issued under 42459
section 3319.22 of the Revised Code. 42460

Sec. ~~4753.073~~ 3319.227. (A)~~(1)~~ The state board of 42461
speech language pathology and audiology education shall issue 42462

~~under its seal~~ a speech-language pathology ~~student permit intern~~ intern license to any applicant who submits a plan that has been approved by the applicant's university graduate program in speech-language pathology and that conforms to requirements determined by the board by rule and who meets all of the following requirements:

~~(a)(1)~~ Is enrolled in a graduate program at an educational institution located in this state that is accredited by the council on academic accreditation in audiology and speech-language pathology of the American speech-language-hearing association;

~~(b)(2)~~ Has completed at least one year of postgraduate training in speech-language pathology, or equivalent coursework as determined by the board, and any student clinical experience the board may require by rule;

(3) Has paid the fee established under division (E) of this section.

~~(2)(B)~~ The speech-language pathology ~~student permit intern~~ intern license authorizes the holder to practice speech-language pathology within limits determined by the state board by rule, which shall include the following:

~~(a)(1)~~ The ~~permit~~ license holder's caseload shall be limited in a manner to be determined by the board by rule.

~~(b)(2)~~ The ~~permit~~ license holder's authorized scope of practice shall be limited in a manner to be determined by the board by rule. The rule shall consider the coursework and clinical experience that has been completed by the ~~permit~~ license holder and the recommendation of the applicant's university graduate program in speech-language pathology.

~~(e)(3)~~ The ~~permit~~ license holder shall practice only when under the supervision of a speech-language pathologist who is licensed by the board of speech-language pathology and audiology

and acting under the approval and direction of the applicant's 42494
university graduate program in speech-language pathology. The 42495
state board shall determine by rule the manner of supervision. 42496

~~(3)(C)~~ A permit license issued under this section shall 42497
expire two years after the date of issuance. ~~Student permits~~ 42498
Intern licenses may be renewed in a manner to be determined by the 42499
state board by rule. 42500

~~(4)(D)~~ Each permit license holder shall display the permit 42501
license or an official duplicate in a conspicuous place where the 42502
permit license holder practices speech-language pathology. 42503

(E) The state board shall charge a nonrefundable fee, to be 42504
determined by the board by rule, for each license issued under 42505
this section. 42506

(F) The state board, in accordance with Chapter 119. of the 42507
Revised Code, may establish rules to govern any disciplinary 42508
action to be taken against a student issued a license under this 42509
section. Any rules established under this division are not subject 42510
to the adjudication procedure requirements of sections 119.06 to 42511
119.13 of the Revised Code. 42512

(G) In adopting rules to administer this section, the state 42513
board shall consult with the chancellor of the Ohio board of 42514
regents. 42515

Sec. 3319.234. The teacher quality partnership, a consortium 42516
of teacher preparation programs that have been approved by the 42517
~~state board of education~~ chancellor of the Ohio board of regents 42518
under section ~~3319.23~~ 3333.048 of the Revised Code, shall study 42519
the relationship of teacher performance on educator licensure 42520
assessments, as adopted by the state board of education under 42521
section 3319.22 of the Revised Code, to teacher effectiveness in 42522
the classroom. Not later than September 1, 2008, the partnership 42523

shall begin submitting annual data reports along with any other 42524
data on teacher effectiveness the partnership determines 42525
appropriate to the governor, the president and minority leader of 42526
the senate, the speaker and minority leader of the house of 42527
representatives, the chairpersons and ranking minority members of 42528
the standing committees of the senate and the house of 42529
representatives that consider education legislation, the 42530
superintendent of public instruction, the state board of 42531
education, the chancellor of the Ohio board of regents, and the 42532
partnership for continued learning. 42533

Sec. 3319.235. (A) The standards for the preparation of 42534
teachers adopted under section ~~3319.23~~ 3333.048 of the Revised 42535
Code shall require any institution that provides a course of study 42536
for the training of teachers to ensure that graduates of such 42537
course of study are skilled at integrating educational technology 42538
in the instruction of children, as evidenced by the graduate 42539
having either demonstrated proficiency in such skills in a manner 42540
prescribed by the department of education or completed a course 42541
that includes training in such skills. 42542

(B) The eTech Ohio commission shall establish model 42543
professional development programs to assist teachers who completed 42544
their teacher preparation prior to the effective date of division 42545
(A) of this section to become skilled at integrating educational 42546
technology in the instruction of children. The commission shall 42547
provide technical assistance to school districts wishing to 42548
establish such programs. 42549

Sec. 3319.24. This section does not apply to any applicant 42550
for an educator license that is designed for persons specializing 42551
in teaching children in kindergarten through twelfth grade, or the 42552
equivalent, in the area of dance, drama, theater, music, visual 42553

arts, or physical education or a specialty area substantially 42554
equivalent to any of these when such applicant will be teaching 42555
children in the specialty area specified in the license. 42556

(A) As used in this section: 42557

(1) "Coursework in the teaching of reading" means coursework 42558
that includes training in a range of instructional strategies for 42559
teaching reading, in the assessment of reading skills, and in the 42560
diagnosis and remediation of reading difficulties; 42561

(2) "Phonics" means the techniques and strategies used to 42562
teach children to match, blend, and translate letters of the 42563
alphabet into the sounds they represent, which techniques and 42564
strategies are systematically integrated and thoroughly practiced 42565
in a developmentally appropriate instructional program to assist 42566
the child in learning to read, write, and spell; 42567

(3) "Course in the teaching of phonics" means a course 42568
providing the background necessary for effectively teaching and 42569
assessing phonics, phonemic awareness, and word recognition, 42570
including, but not limited to, the following topics: 42571

(a) Phonological and morphological underpinnings of English 42572
spellings and the history thereof; 42573

(b) The nature and role of word recognition in proficient 42574
reading; 42575

(c) Methods and rationale for the instruction of phonemic 42576
awareness, decoding, spelling, and the application thereof in 42577
reading and writing; 42578

(d) Methods and rationale for the assessment of phonemic 42579
awareness, decoding, spelling, and the application thereof in 42580
reading and writing; 42581

(e) The relation of deficits in phonemic awareness, decoding, 42582
spelling, and word recognition to reading disabilities; 42583

(4) "Phonemic awareness" means the awareness of sounds that 42584
make up spoken words and the ability to use this awareness of 42585
sounds in reading. 42586

(B) The rules adopted under ~~division (A)~~ of section 3319.22 42587
of the Revised Code shall require an applicant for ~~an initial~~ 42588
~~provisional~~ a resident educator license designated for teaching 42589
children in grades kindergarten through six or the equivalent to 42590
have successfully completed at least six semester hours, or the 42591
equivalent, of coursework in the teaching of reading that includes 42592
at least one separate course of at least three semester hours, or 42593
the equivalent, in the teaching of phonics in the context of 42594
reading, writing, and spelling. In addition, such rules ~~shall~~ 42595
~~require that such license be granted for a period of not more than~~ 42596
~~two years, and~~ shall require that the ~~first renewal~~ subsequent 42597
issuance of ~~such a professional educator~~ license be contingent 42598
upon the ~~license holder~~ applicant having completed six additional 42599
semester hours or the equivalent of coursework in the teaching of 42600
reading. The rules shall permit ~~a license holder~~ an applicant to 42601
apply undergraduate coursework in order to meet ~~such renewal~~ this 42602
requirement for additional coursework. 42603

Sec. 3319.25. Any teacher performance assessment entity with 42604
which the department of education or the state board of education 42605
contracts or any independent agent with whom such entity, the 42606
department, or the state board contracts to provide services as a 42607
teacher performance assessor, trainer of assessors, or assessment 42608
coordinator is not liable for damages in a civil action concerning 42609
the actions of such entity or agent made in the conduct of a 42610
teacher performance assessment unless those actions were conducted 42611
with malicious purpose, in bad faith, or in a wanton or reckless 42612
manner. 42613

As used in this section, "teacher performance assessment" 42614

means an assessment prescribed by the state board of education to 42615
measure the classroom performance of a teacher who is a candidate 42616
for a ~~professional educator license~~ licensure based on 42617
observations conducted by a trained assessor while the teacher is 42618
engaged in actual classroom instruction. 42619

Sec. 3319.26. (A) The state board of education shall adopt 42620
rules establishing the standards and requirements for obtaining an 42621
alternative resident educator license for teaching in grades ~~seven~~ 42622
four to twelve, or the equivalent, in a designated subject area. 42623
However, an alternative resident educator license in the area of 42624
intervention specialist, as defined by rule of the state board, 42625
shall be valid for teaching in grades kindergarten to twelve. 42626

(B)~~(1)~~ The superintendent of public instruction and the 42627
chancellor of the Ohio board of regents jointly shall develop an 42628
intensive pedagogical training institute to provide instruction in 42629
the principles and practices of teaching for individuals seeking 42630
an alternative resident educator license. The instruction shall 42631
cover such topics as student development and learning, pupil 42632
assessment procedures, curriculum development, classroom 42633
management, and teaching methodology. 42634

(C) The rules adopted under this section shall require 42635
applicants for the alternative resident educator license to 42636
satisfy the following conditions prior to issuance of the license: 42637

~~(a)~~(1) Hold a minimum of a baccalaureate degree; 42639

~~(b)~~(2) Successfully complete ~~three semester hours or the 42640
equivalent of college coursework in the developmental 42641
characteristics of adolescent youths and three semester hours or 42642
the equivalent in teaching methods~~ the pedagogical training 42643
institute described in division (B) of this section; 42644

~~(e)~~(3) Pass an examination in the subject area for which application is being made. 42645
42646

~~(2)~~(D) An alternative resident educator license shall be valid for ~~two~~ four years and shall ~~not~~ be renewable. 42647
42648

~~(3)~~(E) The rules shall require the holder of an alternative resident educator license, as a condition of continuing to hold the license, to ~~show~~ do all of the following: 42649
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42651

(1) Participate in the Ohio teacher residency program established under section 3319.223 of the Revised Code; 42652
42653

(2) Show satisfactory progress in taking and successfully completing ~~within two years~~ at least twelve additional semester hours, or the equivalent, of college coursework in the principles and practices of teaching in such topics as student development and learning, pupil assessment procedures, curriculum development, classroom management, and teaching methodology; 42654
42655
42656
42657
42658
42659

(3) Take an assessment of professional knowledge in the second year of teaching under the license. 42660
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~~(C)~~(F) The rules shall provide for the granting of a ~~provisional~~ professional educator license to a holder of an alternative resident educator license upon successfully completing all of the following: 42662
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(1) ~~Two~~ At least four years of teaching under the alternative license; 42666
42667

(2) The twelve semester hours, or the equivalent, of the additional college coursework described in division ~~(B)~~(3)(E)(2) of this section; 42668
42669
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(3) The assessment of professional knowledge ~~that is required of other applicants for a provisional educator license described in division (E)(3) of this section.~~ The standards for successfully completing this assessment and the manner of conducting the 42671
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assessment shall be the same as for any other ~~applicant for a~~ 42675
~~provisional educator license individual who is required to take~~ 42676
~~the assessment pursuant to rules adopted by the state board under~~ 42677
~~section 3319.22 of the Revised Code.~~ 42678

(4) The Ohio teacher residency program; 42679

(5) All other requirements for a professional educator 42680
license adopted by the state board under section 3319.22 of the 42681
Revised Code. 42682

Sec. 3319.28. (A) As used in this section, "STEM school" 42683
means a science, technology, engineering, and mathematics school 42684
established under Chapter 3326. of the Revised Code. 42685

(B) Notwithstanding any other provision of the Revised Code 42686
or any rule adopted by the state board of education to the 42687
contrary, the state board shall issue a two-year provisional 42688
educator license for teaching science, technology, engineering, or 42689
mathematics in grades six through twelve in a STEM school to any 42690
applicant who meets the following conditions: 42691

(1) Holds a bachelor's degree from an accredited institution 42692
of higher education in a field related to the subject area to be 42693
taught; 42694

(2) Has passed an examination prescribed by the state board 42695
in the subject area to be taught. 42696

(C) The holder of a provisional educator license issued under 42697
this section shall complete a structured apprenticeship program 42698
provided by an educational service center or a teacher preparation 42699
program approved under section ~~3319.23~~ 3333.048 of the Revised 42700
Code, in partnership with the STEM school that employs the license 42701
holder. The apprenticeship program shall include the following: 42702

(1) Mentoring by a teacher or administrator who regularly 42703
42704

observes the license holder's classroom instruction, provides	42705
feedback on the license holder's teaching strategies and classroom	42706
management, and engages the license holder in discussions about	42707
methods for fostering and measuring student learning;	42708
(2) Regularly scheduled seminars or meetings that address the	42709
following topics:	42710
(a) The statewide academic standards adopted by the state	42711
board under section 3301.079 of the Revised Code and the	42712
importance of aligning curriculum with those standards;	42713
(b) The achievement tests prescribed by section 3301.0710 of	42714
the Revised Code;	42715
(c) The school district and building accountability system	42716
established under Chapter 3302. of the Revised Code;	42717
(d) Instructional methods and strategies;	42718
(e) Student development;	42719
(f) Assessing student progress and providing remediation and	42720
intervention, as necessary, to meet students' special needs;	42721
(g) Classroom management and record keeping.	42722
(D) After two years of teaching under a provisional educator	42723
license issued under this section, a person may apply for a	42724
five-year professional educator license in the same subject area	42725
named in the provisional license. The state board shall issue the	42726
applicant a professional educator license if the applicant meets	42727
the following conditions:	42728
(1) The applicant completed the apprenticeship program	42729
described in division (C) of this section.	42730
(2) The applicant receives a positive recommendation	42731
indicating that the applicant is an effective teacher from both of	42732
the following:	42733

(a) The chief administrative officer of the STEM school that 42734
most recently employed the applicant as a classroom teacher; 42735

(b) The educational service center or teacher preparation 42736
program administrator in charge of the apprenticeship program 42737
completed by the applicant. 42738

(3) The applicant meets all other requirements for a 42739
professional educator license adopted by the state board under 42740
section 3319.22 of the Revised Code. 42741

(E) The department of education shall evaluate the 42742
experiences of STEM schools with classroom teachers holding 42743
provisional educator licenses issued under this section. The 42744
evaluation shall cover the first two school years for which 42745
licenses are issued and shall consider at least the schools' 42746
satisfaction with the teachers and the operation of the 42747
apprenticeship programs. 42748

Sec. 3319.291. (A) The state board of education shall require 42749
each of the following persons, at the times prescribed by division 42750
(A) of this section, to ~~submit two complete sets of fingerprints~~ 42751
~~and written permission that authorizes the superintendent of~~ 42752
~~public instruction to forward the fingerprints to the bureau of~~ 42753
~~criminal identification and investigation pursuant to division (F)~~ 42754
~~of section 109.57 of the Revised Code and that authorizes that~~ 42755
~~bureau to forward the fingerprints to the federal bureau of~~ 42756
~~investigation for purposes of obtaining any criminal records that~~ 42757
~~the federal bureau maintains on~~ undergo a criminal records check, 42758
unless the person has undergone a records check under this section 42759
or a former version of this section less than five years prior to 42760
that time. 42761

(1) Any person initially applying for any certificate, 42762
license, or permit described in this chapter or in division (B) of 42763
section 3301.071 or in section 3301.074 of the Revised Code at the 42764

time that application is made; 42765

(2) Any person applying for renewal of any certificate, 42766
license, or permit described in division (A)(1) of this section at 42767
the time that application is made; 42768

(3) Any person who is teaching under a professional teaching 42769
certificate issued under former ~~section 3319.22~~ or under section 42770
3319.222 of the Revised Code upon a date prescribed by the state 42771
board; 42772

(4) Any person who is teaching under a permanent teaching 42773
certificate issued under former section 3319.22 as it existed 42774
prior to October 29, 1996, or under former section 3319.222 of the 42775
Revised Code upon a date prescribed by the state board and every 42776
five years thereafter. 42777

(B)(1) Except as otherwise provided in division (B)(2) of 42778
this section, the state board shall require each person subject to 42779
a criminal records check under this section to submit two complete 42780
sets of fingerprints and written permission that authorizes the 42781
superintendent of public instruction to forward the fingerprints 42782
to the bureau of criminal identification and investigation 42783
pursuant to division (F) of section 109.57 of the Revised Code and 42784
that authorizes that bureau to forward the fingerprints to the 42785
federal bureau of investigation for purposes of obtaining any 42786
criminal records that the federal bureau maintains on the person. 42787

(2) If both of the following conditions apply to a person 42788
subject to a criminal records check under this section, the state 42789
board shall require the person to submit one complete set of 42790
fingerprints and written permission that authorizes the 42791
superintendent of public instruction to forward the fingerprints 42792
to the bureau of criminal identification and investigation so that 42793
bureau may forward the fingerprints to the federal bureau of 42794
investigation for purposes of obtaining any criminal records that 42795

the federal bureau maintains on the person: 42796

(a) Under this section or any former version of this section, 42797
the state board or the superintendent of public instruction 42798
previously requested the superintendent of the bureau of criminal 42799
identification and investigation to determine whether the bureau 42800
has any information, gathered pursuant to division (A) of section 42801
109.57 of the Revised Code, on the person. 42802

(b) The person presents proof that the person has been a 42803
resident of this state for the five-year period immediately prior 42804
to the date upon which the person becomes subject to a criminal 42805
records check under this section. 42806

(C) Except as provided in division ~~(C)~~(D) of this section, 42807
prior to issuing or renewing any certificate, license, or permit 42808
for a person described in division (A)(1) or (2) of this section 42809
who is subject to a criminal records check and in the case of a 42810
person ~~required to submit fingerprints and written permission~~ 42811
~~under~~ described in division (A)(3) or (4) of this section who is 42812
subject to a criminal records check, the state board or the 42813
superintendent of public instruction shall do one of the 42814
following: 42815

(1) If the person is required to submit fingerprints and 42816
written permission under division (B)(1) of this section, request 42817
the superintendent of the bureau of criminal identification and 42818
investigation to ~~investigate and~~ determine whether the bureau has 42819
any information, gathered pursuant to division (A) of section 42820
109.57 of the Revised Code, pertaining to ~~any~~ the person 42821
~~submitting fingerprints and written permission under this section~~ 42822
and to obtain any criminal records that the federal bureau of 42823
investigation has on the person. 42824

~~(C)~~(2) If the person is required to submit fingerprints and 42825
written permission under division (B)(2) of this section, request 42826

the superintendent of the bureau of criminal identification and 42827
investigation to obtain any criminal records that the federal 42828
bureau of investigation has on the person. 42829

(D) The state board or the superintendent of public 42830
instruction may choose not to request any information about a 42831
person required by division ~~(B)~~(C) of this section if the person 42832
~~applying for the issuance or renewal of a certificate, license, or~~ 42833
~~permit described in division (A)(1) or (2) of this section or the~~ 42834
~~person required to submit fingerprints and written permission~~ 42835
~~under division (A)(3) or (4) of this section~~ provides proof that a 42836
criminal records check that satisfies the requirements of that 42837
division was conducted on the person as a condition of employment 42838
pursuant to section 3319.39 of the Revised Code within the 42839
immediately preceding year. The state board or the superintendent 42840
of public instruction may accept a certified copy of records that 42841
were issued by the bureau of criminal identification and 42842
investigation and that are presented by a the person ~~applying for~~ 42843
~~the issuance or renewal of a certificate, license, or permit~~ 42844
~~described in this section~~ in lieu of requesting that information 42845
under division ~~(B)~~(C) of this section if the records were issued 42846
by the bureau within the immediately preceding year. 42847

~~(D)~~(E)(1) If a person described in division (A)(3) or (4) of 42848
this section who is subject to a criminal records check fails to 42849
submit fingerprints and written permission by the date specified 42850
in the applicable division, and the state board or the 42851
superintendent of public instruction does not apply division 42852
~~(C)~~(D) of this section to the person, the superintendent shall 42853
prepare a written notice stating that if the person does not 42854
submit the fingerprints and written permission within fifteen days 42855
after the date the notice was mailed, the person's professional or 42856
permanent teaching certificate will be inactivated. The 42857
superintendent shall send the notification by regular mail to the 42858

person's last known residence address or last known place of 42859
employment, as indicated in the department of education's records, 42860
or both. 42861

If the person fails to submit the fingerprints and written 42862
permission within fifteen days after the date the notice was 42863
mailed, the superintendent of public instruction, on behalf of the 42864
state board, shall issue a written order inactivating the person's 42865
professional or permanent teaching certificate. The inactivation 42866
shall remain in effect until the person submits the fingerprints 42867
and written permission. The superintendent shall send the order by 42868
regular mail to the person's last known residence address or last 42869
known place of employment, as indicated in the department's 42870
records, or both. The order shall state the reason for the 42871
inactivation and shall explain that the inactivation remains in 42872
effect until the person complies with division ~~(A)~~(B) of this 42873
section. 42874

The inactivation of a professional or permanent teaching 42875
certificate under division ~~(D)~~(E)(1) of this section does not 42876
constitute a suspension or revocation of the certificate by the 42877
state board under section 3319.31 of the Revised Code and the 42878
state board and the superintendent of public instruction need not 42879
provide the person with an opportunity for a hearing with respect 42880
to the inactivation. 42881

(2) If a person whose professional or permanent teaching 42882
certificate has been inactivated under division ~~(D)~~(E)(1) of this 42883
section submits fingerprints and written permission as required by 42884
division ~~(A)~~(B) of this section, the superintendent of public 42885
instruction, on behalf of the state board, shall issue a written 42886
order reactivating the certificate. The superintendent shall send 42887
the order to the person by regular mail. 42888

~~(E)~~(F) Notwithstanding divisions (A) and ~~(B)~~ to (C) of this 42889
section, if a person holds more than one certificate, license, or 42890

permit described in division (A)(1) of this section, the following 42891
shall apply: 42892

(1) If the certificates, licenses, or permits are of 42893
different durations, the person shall be subject to divisions 42894
~~(A)(2) and (B) to (C)~~ of this section only when applying for 42895
renewal of the certificate, license, or permit that is of the 42896
longest duration. Prior to renewing any certificate, license, or 42897
permit with a shorter duration, the state board or the 42898
superintendent of public instruction shall determine whether the 42899
department of education has received any information about the 42900
person pursuant to section 109.5721 of the Revised Code, but the 42901
person shall not be subject to ~~division~~ divisions ~~(A)(2) or (B) to~~ 42902
(C) of this section as long as the person's certificate, license, 42903
or permit with the longest duration is valid. 42904

(2) If the certificates, licenses, or permits are of the same 42905
duration but do not expire in the same year, the person shall 42906
designate one of the certificates, licenses, or permits as the 42907
person's primary certificate, license, or permit and shall notify 42908
the department of that designation. The person shall be subject to 42909
divisions ~~(A)(2) and (B) to (C)~~ of this section only when applying 42910
for renewal of the person's primary certificate, license, or 42911
permit. Prior to renewing any certificate, license, or permit that 42912
is not the person's primary certificate, license, or permit, the 42913
state board or the superintendent of public instruction shall 42914
determine whether the department has received any information 42915
about the person pursuant to section 109.5721 of the Revised Code, 42916
but the person shall not be subject to ~~division~~ divisions ~~(A)(2)~~ 42917
~~or (B) to (C)~~ of this section as long as the person's primary 42918
certificate, license, or permit is valid. 42919

(3) If the certificates, licenses, or permits are of the same 42920
duration and expire in the same year and the person applies for 42921
renewal of the certificates, licenses, or permits at the same 42922

time, the state board or the superintendent of public instruction 42923
shall request only one criminal records check of the person under 42924
division ~~(B)~~(C) of this section. 42925

Sec. 3319.303. (A) The state board of education shall adopt 42926
rules establishing standards and requirements for obtaining a 42927
pupil-activity program permit for any individual who does not hold 42928
a valid educator license, certificate, or permit issued by the 42929
state board under section 3319.22, 3319.26, or 3319.27, ~~3319.302,~~ 42930
~~or 3319.304~~ of the Revised Code. The permit issued under this 42931
section shall be valid for coaching, supervising, or directing a 42932
pupil-activity program under section 3313.53 of the Revised Code. 42933
Subject to the provisions of section 3319.31 of the Revised Code, 42934
a permit issued under this section shall be valid for three years 42935
and shall be renewable. 42936

(B) The state board shall adopt rules applicable to 42937
individuals who hold valid educator licenses, certificates, or 42938
permits issued by the state board under section 3319.22, 3319.26, 42939
or 3319.27, ~~3319.302,~~ ~~or 3319.304~~ of the Revised Code setting 42940
forth standards to assure any such individual's competence to 42941
direct, supervise, or coach a pupil-activity program. The rules 42942
adopted under this division shall not be more stringent than the 42943
standards set forth in rules applicable to individuals who do not 42944
hold such licenses, certificates, or permits adopted under 42945
division (A) of this section. 42946

Sec. 3319.36. (A) No treasurer of a board of education or 42947
educational service center shall draw a check for the payment of a 42948
teacher for services until the teacher files with the treasurer 42949
both of the following: 42950

(1) Such reports as are required by the state board of 42951
education, the school district board of education, or the 42952

superintendent of schools; 42953

(2) Except for a teacher who is engaged pursuant to section 42954
3319.301 of the Revised Code, a written statement from the city, 42955
exempted village, or local school district superintendent or the 42956
educational service center superintendent that the teacher has 42957
filed with the treasurer a legal educator license, or true copy of 42958
it, to teach the subjects or grades taught, with the dates of its 42959
validity. The state board of education shall prescribe the record 42960
and administration for such filing of educator licenses in 42961
educational service centers. 42962

(B) Notwithstanding division (A) of this section, the 42963
treasurer may pay either of the following: 42964

(1) Any teacher for services rendered during the first two 42965
months of the teacher's initial employment with the school 42966
district or educational service center, provided such teacher is 42967
the holder of a bachelor's degree or higher and has filed with the 42968
state board of education an application for the issuance of a 42969
~~provisional or professional~~ an educator license described in 42970
division (A)(1) of section 3319.22 of the Revised Code. 42971

(2) Any substitute teacher for services rendered while 42972
conditionally employed under section 3319.101 of the Revised Code. 42973

(C) Upon notice to the treasurer given by the state board of 42974
education or any superintendent having jurisdiction that reports 42975
required of a teacher have not been made, the treasurer shall 42976
withhold the salary of the teacher until the required reports are 42977
completed and furnished. 42978

Sec. 3319.391. This section applies to any person hired by a 42979
school district, educational service center, or chartered 42980
nonpublic school in any position that does not require a "license" 42981
issued by the state board of education, as defined in section 42982

3319.31 of the Revised Code, and is not for the operation of a 42983
vehicle for pupil transportation. 42984

(A) For each person to whom this section applies who is hired 42985
on or after November 14, 2007, the employer shall request a 42986
criminal records check in accordance with section 3319.39 of the 42987
Revised Code and shall request a subsequent criminal records check 42988
by the fifth day of September every fifth year thereafter. For 42989
each person to whom this division applies who is hired prior to 42990
November 14, 2007, the employer shall request a criminal records 42991
check by a date prescribed by the department of education and 42992
shall request a subsequent criminal records check by the fifth day 42993
of September every fifth year thereafter. 42994

(B)(1) Each request for a criminal records check under this 42996
section shall be made to the superintendent of the bureau of 42997
criminal identification and investigation in the manner prescribed 42998
in section 3319.39 of the Revised Code, except that if both of the 42999
following conditions apply to the person subject to the records 43000
check, the employer shall request the superintendent only to 43001
obtain any criminal records that the federal bureau of 43002
investigation has on the person: 43003

(a) The employer previously requested the superintendent to 43004
determine whether the bureau of criminal identification and 43005
investigation has any information, gathered pursuant to division 43006
(A) of section 109.57 of the Revised Code, on the person in 43007
conjunction with a criminal records check requested under section 43008
3319.39 of the Revised Code or under this section. 43009

(b) The person presents proof that the person has been a 43010
resident of this state for the five-year period immediately prior 43011
to the date upon which the person becomes subject to a criminal 43012
records check under this section. ~~Upon~~ 43013

(2) Upon receipt of a request under division (B)(1) of this section, the bureau superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code as if the request had been made under section 3319.39 of the Revised Code. However, as specified in division (B)(2) of section 109.572 of the Revised Code, if the employer requests the superintendent only to obtain any criminal records that the federal bureau of investigation has on the person for whom the request is made, the superintendent shall not conduct the review prescribed by division (B)(1) of that section.

(C) Any person who is the subject of a criminal records check under this section and has been convicted of or pleaded guilty to any offense described in division (B)(1) of section 3319.39 of the Revised Code shall not be hired or shall be released from employment, as applicable, unless the person meets the rehabilitation standards adopted by the department under division (E) of that section.

Sec. 3319.51. (A) The state board of education shall annually establish the amount of the fees required to be paid for any license, certificate, or permit issued under this chapter or division (B) of section 3301.071, ~~under sections or section 3301.074, 3319.088, 3319.29, 3319.302, and 3319.304, and under~~ division (A) of section ~~3319.303~~ of the Revised Code. The amount of these fees shall be such that they, along with any appropriation made to the fund established under division (B) of this section, will be sufficient to cover the annual estimated cost of administering the ~~sections of law listed~~ requirements described under division (B) of this section.

(B) There is hereby established in the state treasury the state board of education licensure fund, which shall be used by the state board of education solely to pay the cost of

administering requirements related to the issuance and renewal of 43045
licenses, certificates, and permits described in this chapter and 43046
sections 3301.071, and 3301.074, ~~3319.088, 3319.22, 3319.29,~~ 43047
~~3319.291, 3319.301, 3319.302, 3319.303, 3319.304,~~ and 3319.31 of 43048
the Revised Code. The fund shall consist of the amounts paid into 43049
the fund pursuant to division (B) of section 3301.071, and 43050
sections 3301.074, ~~3319.088,~~ and 3319.29, ~~3319.302, and 3319.304,~~ 43051
~~and division (A) of section 3319.303~~ of the Revised Code and any 43052
appropriations to the fund by the general assembly. 43053

Sec. 3319.56. The department of education shall identify 43054
promising practices in Ohio and throughout the country for 43055
engaging teachers certified by the national board for professional 43056
teaching standards, and other master lead teachers, ~~as defined who~~ 43057
meet the criteria adopted by the educator standards board pursuant 43058
to section 3319.61 of the Revised Code, in ways that add value 43059
beyond their own classrooms. Practices identified by the 43060
department as promising may include placing national board 43061
certified and ~~master lead~~ lead teachers in key roles in peer review 43062
programs; having such teachers serve as coaches, mentors, and 43063
trainers for other teachers; or having such teachers develop 43064
curricula or instructional integration strategies. 43065

Once the department has identified promising practices, the 43066
department shall inform all school districts of the practices by 43067
posting such information on the department's world wide web site. 43068

Sec. 3319.60. There is hereby established the educator 43069
standards board. The board shall develop and recommend to the 43070
state board of education standards for entering and continuing in 43071
the ~~teaching and principalship~~ educator professions and standards 43072
for educator professional development. The board membership shall 43073
reflect the diversity of the state in terms of gender, race, 43074
ethnic background, and geographic distribution. 43075

(A) The board shall consist of the following members: 43076

~~(1) The following eighteen members~~ appointed by the state 43077
board of education ~~within sixty days of the effective date of this~~ 43078
~~section:~~ 43079

~~(1) Eight~~ (a) Ten persons employed as teachers in a school 43080
district. ~~Two~~ Three persons appointed under this division shall be 43081
employed as teachers in a secondary school, two persons shall be 43082
employed as teachers in a middle school, ~~two~~ three persons shall 43083
be employed as teachers in an elementary school, one person shall 43084
be employed as a teacher in a pre-kindergarten classroom, and one 43085
person shall be a teacher who serves on a local professional 43086
development committee pursuant to section 3319.22 of the Revised 43087
Code. At least one person appointed under this division shall hold 43088
a teaching certificate or license issued by the national board for 43089
professional teaching standards. The Ohio education association 43090
shall submit a list of ~~twelve~~ fourteen nominees for these 43091
appointments and the state board shall appoint ~~six~~ seven members 43092
to the educator standards board from that list. The Ohio 43093
federation of teachers shall submit a list of ~~four~~ six nominees 43094
for these appointments and the state board shall appoint ~~two~~ three 43095
members to the educator standards board from that list. If there 43096
is an insufficient number of nominees from both lists to satisfy 43097
the membership requirements of this division, the state board 43098
shall request additional nominees who satisfy those requirements. 43099
43100

~~(2)~~(b) One person employed as a teacher in a chartered, 43101
nonpublic school. Stakeholder groups selected by the state board 43102
shall submit a list of two nominees for this appointment. 43103

~~(3) Four~~ (c) Five persons employed as school administrators 43104
in a school district. Of ~~the four~~ those five persons ~~appointed~~ 43105
~~under this division~~, one person shall be employed as a secondary 43106
school principal, one person shall be employed as a middle school 43107

principal, one person shall be employed as an elementary school 43108
principal, one person shall be employed as a school district 43109
treasurer or business manager, and one person shall be employed as 43110
a school district superintendent. The buckeye association of 43111
school administrators shall submit a list of two nominees for the 43112
school district superintendent, the Ohio association of school 43113
business officials shall submit a list of two nominees for the 43114
school district treasurer or business manager, the Ohio 43115
association of elementary school administrators shall submit a 43116
list of two nominees for the elementary school principal, and the 43117
Ohio association of secondary school administrators shall submit a 43118
list of two nominees for the middle school principal and a list of 43119
two nominees for the secondary school principal. 43120

~~(4)(d)~~ One person who is a member of a school district board 43121
of education. The Ohio school boards association shall submit a 43122
list of two nominees for this appointment. 43123

~~(5) Three persons employed by institutions of higher 43124
education that offer teacher preparation programs approved under 43125
section 3319.23 of the Revised Code. One person appointed under 43126
this division shall be employed by an institution of higher 43127
education that has a certificate of authorization under Chapter 43128
1713. of the Revised Code; one person shall be employed by a state 43129
university, as defined in section 3345.011 of the Revised Code, or 43130
a university branch; and one person shall be employed by a state 43131
community college, community college, or technical college. Of the 43132
two persons appointed under this division from an institution of 43133
higher education that has a certificate of authorization under 43134
Chapter 1713. of the Revised Code and from a state university or 43135
university branch, one shall be employed in a college of education 43136
and one shall be employed in a college of arts and sciences. The 43137
chancellor of the Ohio board of regents shall submit two slates of 43138
nominees for these appointments and the state board shall appoint 43139~~

~~one slate as members of the educator standards board.~~ 43140

~~(6)(e) One person who is a parent of a student currently 43141
enrolled in a school operated by a school district. The Ohio 43142
parent teacher association shall submit a list of two nominees for 43143
this appointment. 43144~~

~~(2) The chancellor of the Ohio board of regents shall appoint 43145
three persons employed by institutions of higher education that 43146
offer educator preparation programs. One person shall be employed 43147
by an institution of higher education that has a certificate of 43148
authorization under Chapter 1713. of the Revised Code; one person 43149
shall be employed by a state university, as defined in section 43150
3345.011 of the Revised Code, or a university branch; and one 43151
person shall be employed by a state community college, community 43152
college, or technical college. Of the two persons appointed from 43153
an institution of higher education that has a certificate of 43154
authorization under Chapter 1713. of the Revised Code and from a 43155
state university or university branch, one shall be employed in a 43156
college of education and one shall be employed in a college of 43157
arts and sciences. 43158~~

~~(3) The superintendent of public instruction or a designee of 43159
the superintendent, the chancellor of the Ohio board of regents or 43160
a designee of the chancellor, and the chairpersons and the ranking 43161
minority members of the education committees of the senate and 43162
house of representatives shall serve as nonvoting, ex officio 43163
members. 43164~~

~~(B) Initial terms of office for nine members shall be for two 43165
years and three years for eight members, beginning on the day all 43166
members are appointed to the board. At the first meeting of the 43167
board, members shall draw lots to determine the length of the term 43168
each member shall serve. Thereafter terms Terms of office shall be 43169
for two years. Each member shall hold office from the date of the 43170
member's appointment until the end of the term for which the 43171~~

member was appointed. At the first meeting, appointed members 43172
shall select a chairperson and a vice-chairperson. Vacancies on 43173
the board shall be filled in the same manner as ~~the original~~ 43174
prescribed for appointments under division (A) of this section. 43175
Any member appointed to fill a vacancy occurring prior to the 43176
expiration of the term for which the member's predecessor was 43177
appointed shall hold office for the remainder of such term. Any 43178
member shall continue in office subsequent to the expiration date 43179
of the member's term until the member's successor takes office, or 43180
until a period of sixty days has elapsed, whichever occurs first. 43181
The terms of office of members are renewable. 43182

(C) Members shall receive no compensation for their services. 43183

(D) The board shall establish guidelines for its operation. 43184
These guidelines shall require the creation of a standing 43185
subcommittee on higher education, and shall permit the creation of 43186
other standing subcommittees when necessary. The board shall 43187
determine the membership of any subcommittee it creates. The board 43188
may select persons who are not members of the board to participate 43189
in the deliberations of any subcommittee as representatives of 43190
stakeholder groups, but no such person shall vote on any issue 43191
before the subcommittee. 43192

Sec. 3319.61. (A) The educator standards board, in 43193
consultation with the chancellor of the Ohio board of regents, 43194
shall do all of the following: 43195

(1) Develop state standards for teachers and principals that 43196
reflect what teachers and principals are expected to know and be 43197
able to do at all stages of their careers. These standards shall 43198
be aligned with the statewide academic content standards for 43199
students adopted pursuant to section 3301.079 of the Revised Code, 43200
be primarily based on educator performance instead of years of 43201
experience or certain courses completed, and rely on 43202

evidence-based factors.	43203
(a) The standards for teachers shall reflect the following additional criteria:	43204 43205
(i) Alignment with the interstate new teacher assessment and support consortium standards;	43206 43207
(ii) Differentiation among novice, experienced, and advanced teachers;	43208 43209
(iii) Reliance on competencies that can be measured;	43210
(iv) Reliance on content knowledge, teaching skills, discipline-specific teaching methods, and requirements for professional development;	43211 43212 43213
(v) Alignment with a career-long system of professional development and evaluation that ensures teachers receive the support and training needed to achieve the teaching standards as well as reliable feedback about how well they meet the standards;	43214 43215 43216 43217
(vi) <u>The Ohio leadership framework.</u>	43218
(b) The standards for principals shall be aligned with the interstate school leaders licensing consortium standards.	43219 43220
(2) <u>Develop standards for school district superintendents that reflect what superintendents are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of systems theory and effective management principles and be aligned with the buckeye association of school administrators standards.</u>	43221 43222 43223 43224 43225 43226
(3) <u>Develop standards for school district treasurers and business managers that reflect what treasurers and business managers are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of systems theory and effective management principles and be aligned with the association of school business officials international standards.</u>	43227 43228 43229 43230 43231 43232

(4) Develop standards for the renewal of educator licenses	43233
under section <u>sections</u> 3319.22 <u>and</u> 3301.074 of the Revised Code;	43234
(3) (5) Develop standards for educator professional	43235
development;	43236
(6) <u>Investigate and make recommendations for the creation,</u>	43237
<u>expansion, and implementation of school building and school</u>	43238
<u>district leadership academies.</u>	43239
<u>The superintendent of public instruction, the chancellor of</u>	43240
<u>the Ohio board of regents, or the education standards board itself</u>	43241
<u>may request that the educator standards board update, review, or</u>	43242
<u>reconsider any standards developed under this section.</u>	43243
(B) The educator standards board shall incorporate indicators	43244
of cultural competency into the standards developed under division	43245
(A) of this section. For this purpose, the educator standards	43246
board shall develop a definition of cultural competency based upon	43247
content and experiences that enable educators to know, understand,	43248
and appreciate the students, families, and communities that they	43249
serve and skills for addressing cultural diversity in ways that	43250
respond equitably and appropriately to the cultural needs of	43251
individual students.	43252
(C) In developing the standards under division (A) of this	43253
section, the educator standards board shall consider the impact of	43254
the standards on closing the achievement gap between students of	43255
different subgroups.	43256
(D) In developing the standards under division (A) of this	43257
section, the educator standards board shall ensure that <u>both of</u>	43258
<u>the following:</u>	43259
<u>(1) That</u> teachers and principals have sufficient knowledge to	43260
provide appropriate instruction for students identified as gifted	43261
pursuant to Chapter 3324. of the Revised Code and to assist in the	43262
identification of such students, <u>and have sufficient knowledge</u>	43263

that will enable teachers to provide learning opportunities for 43264
all children to succeed; 43265

(2) That principals, superintendents, school treasurers, and 43266
school business managers have sufficient knowledge to provide 43267
principled, collaborative, foresighted, and data-based leadership 43268
that will provide learning opportunities for all children to 43269
succeed. 43270

(E) The standards for educator professional development 43271
developed under division (A)~~(3)~~(5) of this section shall include 43272
standards the following: 43273

(1) Standards for the inclusion of local professional 43274
development committees established under section 3319.22 of the 43275
Revised Code in the planning and design of professional 43276
development; 43277

(2) Standards that address the crucial link between academic 43278
achievement and mental health issues. 43279

(F) The educator standards board shall also perform the 43280
following functions: 43281

~~(1) Collaborate with colleges and universities that offer~~ 43282
~~teacher preparation programs approved pursuant to section 3319.23~~ 43283
~~of the Revised Code to align teacher and principal preparation~~ 43284
~~courses with the standards developed under division (A) of this~~ 43285
~~section and with student academic content standards adopted under~~ 43286
~~section 3301.079 of the Revised Code. The educator standards board~~ 43287
~~shall study the model developed by the college of food,~~ 43288
~~agricultural, and environmental sciences and the college of~~ 43289
~~education of the Ohio state university for aligning teacher~~ 43290
~~preparation programs in agricultural education with recognized~~ 43291
~~standards for this purpose.~~ 43292

~~(2) Monitor compliance with the teacher and principal~~ 43293
standards developed under division (A) of this section and make 43294

recommendations to the state board of education for appropriate 43295
corrective action if such standards are not met; 43296

~~(3)~~(2) Research, develop, and recommend policies on the 43297
professions of teaching and school administration; 43298

~~(4)~~(3) Recommend policies to close the achievement gap 43299
between students of different subgroups; 43300

~~(5)~~(4) Define a "master teacher" in a manner that can be used 43301
uniformly by all school districts; 43302

(5) Adopt criteria that a candidate for a lead professional 43303
educator license under section 3319.22 of the Revised Code who 43304
does not hold a valid certificate issued by the national board for 43305
professional teaching standards must meet to be considered a lead 43306
teacher for purposes of division (B)(4)(d) of that section. It is 43307
the intent of the general assembly that ~~when defining "master 43308
teacher,"~~ the educator standards board shall adopt multiple, 43309
equal-weighted criteria to use in determining whether a person is 43310
a ~~master~~ lead teacher. ~~Such~~ The criteria shall be in addition to 43311
the other standards and qualifications prescribed in division 43312
(B)(4) of section 3319.22 of the Revised Code. The criteria may 43313
include, but shall not be limited to, ~~attainment of a master's 43314
degree in an appropriate subject area,~~ completion of ~~other 43315
educational levels~~ beyond a master's degree or other professional 43316
development courses, ~~certification by the national board for 43317
professional teaching standards,~~ or demonstration of a leadership 43318
role in the teacher's school building or district. The board shall 43319
determine the number of criteria that a teacher shall satisfy to 43320
be recognized as a ~~master~~ lead teacher, which shall not be the 43321
total number of criteria adopted by the board. 43322

(6) Develop model teacher and principal evaluation 43323
instruments and processes. The models shall be based on the 43324
standards developed under division (A) of this section and student 43325

performance over time as determined by value-added data and other 43326
demonstrations of students' skills and abilities. 43327

(G) The educator standards board shall submit recommendations 43328
of standards developed under division (A) of this section to the 43329
state board of education ~~within one year after the educator~~ 43330
~~standards board first convenes~~ not later than September 1, 2010. 43331
The state board of education shall review those recommendations at 43332
the state board's regular meeting that next succeeds the date that 43333
the recommendations are submitted to the state board. At that 43334
meeting, the state board of education shall vote to either adopt 43335
standards based on those recommendations or request that the 43336
educator standards board reconsider its recommendations. The state 43337
board of education shall articulate reasons for requesting 43338
reconsideration of the recommendations but shall not direct the 43339
content of the recommendations. The educator standards board shall 43340
reconsider its recommendations if the state board of education so 43341
requests, may revise the recommendations, and shall resubmit the 43342
recommendations, whether revised or not, to the state board not 43343
later than two weeks prior to the state board's regular meeting 43344
that next succeeds the meeting at which the state board requested 43345
reconsideration of the initial recommendations. The state board of 43346
education shall review the recommendations as resubmitted by the 43347
educator standards board at the state board's regular meeting that 43348
next succeeds the meeting at which the state board requested 43349
reconsideration of the initial recommendations and may adopt the 43350
standards as resubmitted or, if the resubmitted standards have not 43351
addressed the state board's concerns, the state board may modify 43352
the standards prior to adopting them. The final responsibility to 43353
determine whether to adopt standards as described in division (A) 43354
of this section and the content of those standards, if adopted, 43355
belongs solely to the state board of education. 43356

Sec. 3319.611. The subcommittee on standards for 43357

superintendents of the education standards board is hereby 43358
established. The subcommittee shall consist of the following 43359
members: 43360

(A) The school district superintendent appointed to the 43361
educator standards board under section 3319.60 of the Revised 43362
Code, who shall act as chairperson of the subcommittee; 43363

(B) Three additional school district superintendents 43364
appointed by the state board of education, for terms of two years. 43365
The buckeye association of school administrators shall submit a 43366
list of six nominees for appointments under this section. 43367

(C) Three additional members of the educator standards board, 43368
appointed by the chairperson of the educator standards board; 43369

(D) The superintendent of public instruction and the 43370
chancellor of the Ohio board of regents, or their designees, who 43371
shall serve as nonvoting, ex officio members of the subcommittee. 43372

Members of the subcommittee shall receive no compensation for 43373
their services. The members appointed under divisions (B) and (C) 43374
of this section may be reappointed. 43375

The subcommittee shall assist the educator standards board in 43376
developing the standards for superintendents and with any 43377
additional matters the educator standards board directs the 43378
subcommittee to examine. 43379

Sec. 3319.612. The subcommittee on standards for school 43380
treasurers and business managers of the educator standards board 43381
is hereby established. The subcommittee shall consist of the 43382
following members: 43383

(A) The school district treasurer or business manager 43384
appointed to the educator standards board under section 3319.60 of 43385
the Revised Code, who shall act as chairperson of the 43386

subcommittee; 43387

(B) Three additional school district treasurers or business managers appointed by the state board of education for terms of two years. The Ohio association of school business officials shall submit a list of six nominees for appointments under this section. 43388
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(C) Three additional members of the educator standards board, appointed by the chairperson of the educator standards board; 43392
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(D) The superintendent of public instruction and the chancellor of the Ohio board of regents, or their designees, who shall serve as nonvoting, ex officio members of the subcommittee. 43394
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Members of the subcommittee shall receive no compensation for their services. The members appointed under divisions (B) and (C) of this section may be reappointed. 43397
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The subcommittee shall assist the educator standards board in developing the standards for school treasurers and business managers and with any additional matters the educator standards board directs the subcommittee to examine. 43400
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Sec. 3319.63. The board of education of a school district that employs any person who is appointed to serve as a member of the educator standards board under division (A)(1)(a) or ~~(3)~~(c) of section 3319.60, as a member of the subcommittee on standards for superintendents under division (B) or (C) of section 3319.611, or as a member of the subcommittee on standards for school treasurers and business managers under division (B) or (C) of section 3319.612 of the Revised Code shall grant that person paid professional leave for the purpose of attending meetings and conducting official business of the educator standards board and the subcommittees. 43404
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Sec. 3321.07. If any child attends upon instruction elsewhere than in a public school such instruction shall be in a school 43415
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which conforms to the minimum standards prescribed by the state 43417
board of education. The hours and term of attendance exacted shall 43418
be equivalent to the hours and term of attendance required of 43419
children in the public schools of the district, except that 43420
chartered nonpublic schools shall be permitted to measure the 43421
minimum school year by the number of hours of learning 43422
opportunities offered during the school year as prescribed in 43423
division (L)(3) of section 3314.08 of the Revised Code. This 43424
section does not require a child to attend a high school instead 43425
of a vocational, commercial, or other special type of school, 43426
provided the instruction therein is for a term and for hours 43427
equivalent to those of the high school, and provided his the 43428
child's attendance at such school will not interfere with a 43429
continuous program of education for the child to the age of 43430
sixteen. 43431

Sec. 3323.05. The state board of education shall establish 43432
procedures to ensure that children with disabilities and their 43433
parents are guaranteed procedural safeguards under this chapter 43434
with respect to a free appropriate public education. 43435

The procedures shall include, but need not be limited to: 43436

(A) An opportunity for the parents of a child with a 43437
disability to examine all records related to the child and to 43438
participate in meetings with respect to identification, 43439
evaluation, and educational placement of the child, and to obtain 43440
an independent educational evaluation of the child; 43441

(B) Procedures to protect the rights of the child whenever 43442
the parents of the child are not known, an agency after making 43443
reasonable efforts cannot find the parents, or the child is a ward 43444
of the state, including the assignment, ~~in accordance with section~~ 43445
~~3323.051 of the Revised Code,~~ of an individual to act as a 43446
surrogate for the parents+ made by the school district or other 43447

educational agency responsible for educating the child or by the 43448
court with jurisdiction over the child's custody. Such assignment 43449
shall be made in accordance with section 3323.051 of the Revised 43450
Code. 43451

(C) Prior written notice to the child's parents of a school 43452
district's proposal or refusal to initiate or change the 43453
identification, evaluation, or educational placement of the child 43454
or the provision of a free appropriate education for the child. 43455
The procedures established under this division shall: 43456

(1) Be designed to ensure that the written prior notice is in 43457
the native language of the parents, unless it clearly is not 43458
feasible to do so. 43459

(2) Specify that the prior written notice shall include: 43460

(a) A description of the action proposed or refused by the 43461
district; 43462

(b) An explanation of why the district proposes or refuses to 43463
take the action and a description of each evaluation procedure, 43464
assessment, record, or report the district used as a basis for the 43465
proposed or refused action; 43466

(c) A statement that the parents of a child with a disability 43467
have protection under the procedural safeguards and, if the notice 43468
is not in regard to an initial referral for evaluation, the means 43469
by which a copy of a description of the procedural safeguards can 43470
be obtained; 43471

(d) Sources for parents to contact to obtain assistance in 43472
understanding the provisions of Part B of the "Individuals with 43473
Disabilities Education Improvement Act of 2004"; 43474

(e) A description of other options considered by the IEP team 43475
and the reason why those options were rejected; 43476

(f) A description of the factors that are relevant to the 43477

agency's proposal or refusal. 43478

(D) An opportunity for the child's parents to present 43479
complaints to the superintendent of the child's school district of 43480
residence with respect to any matter relating to the 43481
identification, evaluation, or educational placement of the child, 43482
or the provision of a free appropriate public education under this 43483
chapter. 43484

Within twenty school days after receipt of a complaint, the 43485
district superintendent or the superintendent's designee, without 43486
undue delay and at a time and place convenient to all parties, 43487
shall review the case, may conduct an administrative review, and 43488
shall notify all parties in writing of the superintendent's or 43489
designee's decision. Where the child is placed in a program 43490
operated by a county MR/DD board or other educational agency, the 43491
superintendent shall consult with the administrator of that county 43492
MR/DD board or agency. 43493

Any party aggrieved by the decision of the district 43494
superintendent or the superintendent's designee may file a 43495
complaint with the state board as provided under division (E) of 43496
this section, request mediation as provided under division (F) of 43497
this section, or present a due process complaint notice and 43498
request for a due process hearing in writing to the superintendent 43499
of the district, with a copy to the state board, as provided under 43500
division (G) of this section. 43501

(E) An opportunity for a party to file a complaint with the 43502
state board of education with respect to the identification, 43503
evaluation, or educational placement of the child, or the 43504
provision of a free appropriate public education to such child. 43505
The department of education shall review and, where appropriate, 43506
investigate the complaint and issue findings. 43507

(F) An opportunity for parents and a school district to 43508

resolve through mediation disputes involving any matter. 43509

(1) The procedures established under this section shall 43510
ensure that the mediation process is voluntary on the part of the 43511
parties, is not used to deny or delay a parent's right to a due 43512
process hearing or to deny any other rights afforded under this 43513
chapter, and is conducted by a qualified and impartial mediator 43514
who is trained in effective mediation techniques. 43515

(2) A school district may establish procedures to offer to 43516
parents and schools that choose not to use the mediation process, 43517
an opportunity to meet, at a time and location convenient to the 43518
parents, with a disinterested party to encourage the use, and 43519
explain the benefits, of the mediation process to the parents. The 43520
disinterested party shall be an individual who is under contract 43521
with a parent training and information center or community parent 43522
resource center in the state or is under contract with an 43523
appropriate alternative dispute resolution entity. 43524

(3) The department shall maintain a list of individuals who 43525
are qualified mediators and knowledgeable in laws and regulations 43526
relating to the provision of special education and related 43527
services. 43528

(4) The department shall bear the cost of the mediation 43529
process, including the costs of meetings described in division 43530
(F)(2) of this section. 43531

(5) Each session in the mediation process shall be scheduled 43532
in a timely manner and shall be held in a location that is 43533
convenient to the parties to the dispute. 43534

(6) Discussions that occur during the mediation process shall 43535
be confidential and shall not be used as evidence in any 43536
subsequent due process hearing or civil proceeding. 43537

(7) In the case that a resolution is reached to resolve the 43538
complaint through the mediation process, the parties shall execute 43539

a legally binding agreement that sets forth the resolution and 43540
that: 43541

(a) States that all discussions that occurred during the 43542
mediation process shall be confidential and shall not be used as 43543
evidence in any subsequent due process hearing or civil 43544
proceeding; 43545

(b) Is signed by both the parent and a representative for the 43546
school district who has the authority to bind the district; 43547

(c) Is enforceable in any state court of competent 43548
jurisdiction or in a district court of the United States. 43549

(G)(1) An opportunity for parents or a school district to 43550
present a due process complaint and request for a due process 43551
hearing to the superintendent of the school district of the 43552
child's residence with respect to the identification, evaluation, 43553
or educational placement of the child, or the provision of a free 43554
appropriate public education to the child. The party presenting 43555
the due process complaint and request for a due process hearing 43556
shall provide due process complaint notice to the other party and 43557
forward a copy of the notice to the state board. The due process 43558
complaint notice shall include: 43559

(a) The name of the child, the address of the residence of 43560
the child, or the available contact information in the case of a 43561
homeless child, and the name of the school the child is attending; 43562

(b) A description of the nature of the problem of the child 43563
relating to the proposed initiation or change, including facts 43564
relating to the problem; 43565

(c) A proposed resolution of the problem to the extent known 43566
and available to the party at the time. 43567

A party shall not have a due process hearing until the party, 43568
or the attorney representing the party, files a notice that meets 43569

the requirement for filing a due process complaint notice. 43570

A due process hearing shall be conducted by an impartial 43571
hearing officer in accordance with standards and procedures 43572
adopted by the state board. A hearing officer shall not be an 43573
employee of the state board or any agency involved in the 43574
education or care of the child or a person having a personal or 43575
professional interest that conflicts with the person's objectivity 43576
in the hearing. A hearing officer shall possess knowledge of, and 43577
the ability to understand, the provisions of the "Individuals with 43578
Disabilities Education Improvement Act of 2004," federal and state 43579
regulations pertaining to that act, and legal interpretations of 43580
that act by federal and state courts; possess the knowledge and 43581
ability to conduct hearings in accordance with appropriate 43582
standard legal practice; and possess the knowledge and ability to 43583
render and write decisions in accordance with appropriate standard 43584
legal practice. The due process requirements of section 615 of the 43585
"Individuals with Disabilities Education Improvement Act of 2004," 43586
20 U.S.C. 1415, apply to due process complaint notices and 43587
requests for due process hearings and to due process hearings held 43588
under division (G) of this section, including, but not limited to, 43589
timelines for requesting hearings, requirements for sufficient 43590
complaint notices, resolution sessions, and sufficiency and 43591
hearing decisions. 43592

(2) Discussions that occur during a resolution session shall 43593
be confidential and shall not be used as evidence in any 43594
subsequent due process hearing or civil proceeding. If a 43595
resolution to the dispute is reached at a resolution session, the 43596
parties must execute a legally binding written settlement 43597
agreement which shall state that all discussions that occurred 43598
during the resolution process shall be confidential and shall not 43599
be used as evidence in any subsequent due process hearing or civil 43600
proceeding. 43601

(3) A party to a hearing under division (G) of this section shall be accorded:

(a) The right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;

(b) The right to present evidence and confront, cross-examine, and compel the attendance of witnesses;

(c) The right to a written or electronic verbatim record of the hearing;

(d) The right to written findings of fact and decisions, which findings of fact and decisions shall be made available to the public consistent with the requirements relating to the confidentiality of personally identifiable data, information, and records collected and maintained by state educational agencies and local educational agencies; and shall be transmitted to the advisory panel established and maintained by the department for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the state.

(H) An opportunity for any party aggrieved by the findings and decision rendered in a hearing under division (G) of this section to appeal within forty-five days of notification of the decision to the state board, which shall appoint a state level officer who shall review the case and issue a final order. The state level officer shall be appointed and shall review the case in accordance with standards and procedures adopted by the state board.

Any party aggrieved by the final order of the state level officer may appeal the final order, in accordance with Chapter 119. of the Revised Code, within forty-five days after notification of the order to the court of common pleas of the

county in which the child's school district of residence is 43633
located, or to a district court of the United States within ninety 43634
days after the date of the decision of the state level review 43635
officer, as provided in section 615(i)(2) of the "Individuals with 43636
Disabilities Education Improvement Act of 2004," 20 U.S.C. 43637
1415(i)(2). 43638

Sec. 3323.052. Not later than January 31, 2011, the 43639
department of education shall develop a document that compares a 43640
parent's and child's rights under this chapter and 20 U.S.C. 1400 43641
et seq. with the parent's and child's rights under the special 43642
education scholarship pilot program, established in sections 43643
3310.51 to 3310.64 of the Revised Code, including the deadline for 43644
application for a scholarship or renewal of a scholarship and 43645
notice of that application to the child's school district, 43646
prescribed in division (C) of section 3310.52 of the Revised Code, 43647
and the provisions of divisions (A) and (B) of section 3310.53 of 43648
the Revised Code. The department shall revise that document as 43649
necessary to reflect any pertinent changes in state or federal 43650
statutory law, rule, or regulation enacted or adopted after the 43651
initial document is developed. The department and each school 43652
district shall ensure that the document prescribed in this section 43653
is included in, appended to, or otherwise distributed in 43654
conjunction with the notice required under 20 U.S.C. 1415(d), and 43655
any provision of the Code of Federal Regulations implementing that 43656
requirement, in the manner and at all the times specified for such 43657
notice in federal law or regulation. As used in this section, a 43658
"child's school district" means the school district in which the 43659
child is entitled to attend school under section 3313.64 or 43660
3313.65 of the Revised Code. 43661

Sec. 3326.11. Each science, technology, engineering, and 43662
mathematics school established under this chapter and its 43663

governing body shall comply with sections 9.90, 9.91, 109.65, 43664
121.22, 149.43, 2151.357, 2151.421, 2313.18, 2921.42, 2921.43, 43665
3301.0712, 3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 43666
3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 43667
3313.50, 3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 43668
3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 43669
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 43670
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 43671
3313.718, 3313.719, 3313.80, 3313.801, 3313.86, 3313.96, 3319.073, 43672
3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.45, 43673
3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 43674
3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 102., 117., 43675
1347., 2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 43676
4167. of the Revised Code as if it were a school district. 43677
43678

Sec. 3326.36. The department of education shall reduce the 43679
amounts paid to a science, technology, engineering, and 43680
mathematics school under section 3326.33 of the Revised Code to 43681
reflect payments made to colleges under division (B) of section 43682
3365.07 of the Revised Code or through alternative funding 43683
agreements entered into under rules adopted under section 3365.12 43684
of the Revised Code. A student shall be considered enrolled in the 43685
school for any portion of the school year the student is attending 43686
a college under Chapter 3365. of the Revised Code. 43687

Sec. 3327.10. (A) No person shall be employed as driver of a 43688
school bus or motor van, owned and operated by any school district 43689
or educational service center or privately owned and operated 43690
under contract with any school district or service center in this 43691
state, who has not received a certificate from the educational 43692
service center governing board in case such person is employed by 43693
a service center or by a local school district under the 43694

supervision of the service center governing board, or by the 43695
superintendent of schools, in case such person is employed by the 43696
board of a city or exempted village school district, certifying 43697
that such person is at least eighteen years of age and is of good 43698
moral character and is qualified physically and otherwise for such 43699
position. The service center governing board or the 43700
superintendent, as the case may be, shall provide for an annual 43701
physical examination that conforms with rules adopted by the state 43702
board of education of each driver to ascertain the driver's 43703
physical fitness for such employment. Any certificate may be 43704
revoked by the authority granting the same on proof that the 43705
holder has been guilty of failing to comply with division (D)(1) 43706
of this section, or upon a conviction or a guilty plea for a 43707
violation, or any other action, that results in a loss or 43708
suspension of driving rights. Failure to comply with such division 43709
may be cause for disciplinary action or termination of employment 43710
under division (C) of section 3319.081, or section 124.34 of the 43711
Revised Code. 43712

(B) No person shall be employed as driver of a school bus or 43713
motor van not subject to the rules of the department of education 43714
pursuant to division (A) of this section who has not received a 43715
certificate from the school administrator or contractor certifying 43716
that such person is at least eighteen years of age, is of good 43717
moral character, and is qualified physically and otherwise for 43718
such position. Each driver shall have an annual physical 43719
examination which conforms to the state highway patrol rules, 43720
ascertaining the driver's physical fitness for such employment. 43721
The examination shall be performed by one of the following: 43722

(1) A person licensed under Chapter 4731. of the Revised Code 43723
or by another state to practice medicine and surgery or 43724
osteopathic medicine and surgery; 43725

(2) A physician assistant; 43726

(3) A certified nurse practitioner;	43727
(4) A clinical nurse specialist;	43728
(5) A certified nurse-midwife.	43729
Any written documentation of the physical examination shall	43730
be completed by the individual who performed the examination.	43731
Any certificate may be revoked by the authority granting the	43732
same on proof that the holder has been guilty of failing to comply	43733
with division (D)(2) of this section.	43734
(C) Any person who drives a school bus or motor van must give	43735
satisfactory and sufficient bond except a driver who is an	43736
employee of a school district and who drives a bus or motor van	43737
owned by the school district.	43738
(D) No person employed as driver of a school bus or motor van	43739
under this section who is convicted of a traffic violation or who	43740
has had the person's commercial driver's license suspended shall	43741
drive a school bus or motor van until the person has filed a	43742
written notice of the conviction or suspension, as follows:	43743
(1) If the person is employed under division (A) of this	43744
section, the person shall file the notice with the superintendent,	43745
or a person designated by the superintendent, of the school	43746
district for which the person drives a school bus or motor van as	43747
an employee or drives a privately owned and operated school bus or	43748
motor van under contract.	43749
(2) If employed under division (B) of this section, the	43750
person shall file the notice with the employing school	43751
administrator or contractor, or a person designated by the	43752
administrator or contractor.	43753
(E) In addition to resulting in possible revocation of a	43754
certificate as authorized by divisions (A) and (B) of this	43755
section, violation of division (D) of this section is a minor	43756

misdemeanor. 43757

(F)(1) Not later than thirty days after June 30, 2007, each 43758
owner of a school bus or motor van shall obtain the complete 43759
driving record for each person who is currently employed or 43760
otherwise authorized to drive the school bus or motor van. An 43761
owner of a school bus or motor van shall not permit a person to 43762
operate the school bus or motor van for the first time before the 43763
owner has obtained the person's complete driving record. 43764
Thereafter, the owner of a school bus or motor van shall obtain 43765
the person's driving record not less frequently than semiannually 43766
if the person remains employed or otherwise authorized to drive 43767
the school bus or motor van. An owner of a school bus or motor van 43768
shall not permit a person to resume operating a school bus or 43769
motor van, after an interruption of one year or longer, before the 43770
owner has obtained the person's complete driving record. 43771

(2) The owner of a school bus or motor van shall not permit a 43772
person to operate the school bus or motor van for six years after 43773
the date on which the person pleads guilty to or is convicted of a 43774
violation of section 4511.19 of the Revised Code or a 43775
substantially equivalent municipal ordinance. 43776

(3) An owner of a school bus or motor van shall not permit 43777
any person to operate such a vehicle unless the person meets all 43778
other requirements contained in rules adopted by the state board 43779
of education prescribing qualifications of drivers of school buses 43780
and other student transportation. 43781

(G) No superintendent of a school district, educational 43782
service center, community school, or public or private employer 43783
shall permit the operation of a vehicle used for pupil 43784
transportation within this state by an individual unless both of 43785
the following apply: 43786

(1) Information pertaining to that driver has been submitted 43787

to the department of education, pursuant to procedures adopted by 43788
that department. Information to be reported shall include the name 43789
of the employer or school district, name of the driver, driver 43790
license number, date of birth, date of hire, status of physical 43791
evaluation, and status of training. 43792

(2) The most recent criminal records check required by 43793
division (J) of this section, ~~including information from the~~ 43794
~~federal bureau of investigation,~~ has been completed and received 43795
by the superintendent or public or private employer. 43796

(H) A person, school district, educational service center, 43797
community school, nonpublic school, or other public or nonpublic 43798
entity that owns a school bus or motor van, or that contracts with 43799
another entity to operate a school bus or motor van, may impose 43800
more stringent restrictions on drivers than those prescribed in 43801
this section, in any other section of the Revised Code, and in 43802
rules adopted by the state board. 43803

(I) For qualified drivers who, on July 1, 2007, are employed 43804
by the owner of a school bus or motor van to drive the school bus 43805
or motor van, any instance in which the driver was convicted of or 43806
pleaded guilty to a violation of section 4511.19 of the Revised 43807
Code or a substantially equivalent municipal ordinance prior to 43808
two years prior to July 1, 2007, shall not be considered a 43809
disqualifying event with respect to division (F) of this section. 43810

(J)(1) This division applies to persons hired by a school 43812
district, educational service center, community school, chartered 43813
nonpublic school, or science, technology, engineering, and 43814
mathematics school established under Chapter 3326. of the Revised 43815
Code to operate a vehicle used for pupil transportation. 43816

For each person to whom this division applies who is hired on 43817
or after November 14, 2007, the employer shall request a criminal 43818

records check in accordance with section 3319.39 of the Revised Code and every six years thereafter. For each person to whom this division applies who is hired prior to that date, the employer shall request a criminal records check by a date prescribed by the department of education and every six years thereafter.

(2) This division applies to persons hired by a public or private employer not described in division (J)(1) of this section to operate a vehicle used for pupil transportation.

For each person to whom this division applies who is hired on or after November 14, 2007, the employer shall request a criminal records check prior to the person's hiring and every six years thereafter. For each person to whom this division applies who is hired prior to that date, the employer shall request a criminal records check by a date prescribed by the department and every six years thereafter.

(3) Each request for a criminal records check under division (J) of this section shall be made to the superintendent of the bureau of criminal identification and investigation in the manner prescribed in section 3319.39 of the Revised Code, except that if both of the following conditions apply to the person subject to the records check, the employer shall request the superintendent only to obtain any criminal records that the federal bureau of investigation has on the person:

(a) The employer previously requested the superintendent to determine whether the bureau of criminal identification and investigation has any information, gathered pursuant to division (A) of section 109.57 of the Revised Code, on the person in conjunction with a criminal records check requested under section 3319.39 of the Revised Code or under division (J) of this section.

(b) The person presents proof that the person has been a

resident of this state for the five-year period immediately prior 43850
to the date upon which the person becomes subject to a criminal 43851
records check under this section. ~~Upon~~ 43852

Upon receipt of a request, the ~~bureau~~ superintendent shall 43853
conduct the criminal records check in accordance with section 43854
109.572 of the Revised Code as if the request had been made under 43855
section 3319.39 of the Revised Code. However, as specified in 43856
division (B)(2) of section 109.572 of the Revised Code, if the 43857
employer requests the superintendent only to obtain any criminal 43858
records that the federal bureau of investigation has on the person 43859
for whom the request is made, the superintendent shall not conduct 43860
the review prescribed by division (B)(1) of that section. 43861

(K) Any person who is the subject of a criminal records check 43862
under division (J) of this section and has been convicted of or 43863
pleaded guilty to any offense described in division (C) of section 43864
3319.31 of the Revised Code shall not be hired or shall be 43865
released from employment. 43866

Sec. 3333.04. The chancellor of the Ohio board of regents 43867
shall: 43868

(A) Make studies of state policy in the field of higher 43869
education and formulate a master plan for higher education for the 43870
state, considering the needs of the people, the needs of the 43871
state, and the role of individual public and private institutions 43872
within the state in fulfilling these needs; 43873

(B)(1) Report annually to the governor and the general 43874
assembly on the findings from the chancellor's studies and the 43875
master plan for higher education for the state; 43876

(2) Report at least semiannually to the general assembly and 43877
the governor the enrollment numbers at each state-assisted 43878
institution of higher education. 43879

(C) Approve or disapprove the establishment of new branches	43880
or academic centers of state colleges and universities;	43881
(D) Approve or disapprove the establishment of state	43882
technical colleges or any other state institution of higher	43883
education;	43884
(E) Recommend the nature of the programs, undergraduate,	43885
graduate, professional, state-financed research, and public	43886
services which should be offered by the state colleges,	43887
universities, and other state-assisted institutions of higher	43888
education in order to utilize to the best advantage their	43889
facilities and personnel;	43890
(F) Recommend to the state colleges, universities, and other	43891
state-assisted institutions of higher education graduate or	43892
professional programs, including, but not limited to, doctor of	43893
philosophy, doctor of education, and juris doctor programs, that	43894
could be eliminated because they constitute unnecessary	43895
duplication, as shall be determined using the process developed	43896
pursuant to this division, or for other good and sufficient cause.	43897
Prior to recommending a program for elimination, the chancellor	43898
shall request the board of regents to hold at least one public	43899
hearing on the matter and advise the chancellor on whether the	43900
program should be recommended for elimination. The board shall	43901
provide notice of each hearing within a reasonable amount of time	43902
prior to its scheduled date. Following the hearing, the board	43903
shall issue a recommendation to the chancellor. The chancellor	43904
shall consider the board's recommendation but shall not be	43905
required to accept it.	43906
For purposes of determining the amounts of any state	43907
instructional subsidies paid to state colleges, universities, and	43908
other state-assisted institutions of higher education, the	43909
chancellor may exclude students enrolled in any program that the	43910
chancellor has recommended for elimination pursuant to this	43911

division except that the chancellor shall not exclude any such 43912
student who enrolled in the program prior to the date on which the 43913
chancellor initially commences to exclude students under this 43914
division. 43915

The chancellor and state colleges, universities, and other 43916
state-assisted institutions of higher education shall jointly 43917
develop a process for determining which existing graduate or 43918
professional programs constitute unnecessary duplication. 43919

(G) Recommend to the state colleges, universities, and other 43920
state-assisted institutions of higher education programs which 43921
should be added to their present programs; 43922

(H) Conduct studies for the state colleges, universities, and 43923
other state-assisted institutions of higher education to assist 43924
them in making the best and most efficient use of their existing 43925
facilities and personnel; 43926

(I) Make recommendations to the governor and general assembly 43927
concerning the development of state-financed capital plans for 43928
higher education; the establishment of new state colleges, 43929
universities, and other state-assisted institutions of higher 43930
education; and the establishment of new programs at the existing 43931
state colleges, universities, and other institutions of higher 43932
education; 43933

(J) Review the appropriation requests of the public community 43934
colleges and the state colleges and universities and submit to the 43935
office of budget and management and to the chairpersons of the 43936
finance committees of the house of representatives and of the 43937
senate the chancellor's recommendations in regard to the biennial 43938
higher education appropriation for the state, including 43939
appropriations for the individual state colleges and universities 43940
and public community colleges. For the purpose of determining the 43941
amounts of instructional subsidies to be paid to state-assisted 43942

colleges and universities, the chancellor shall define "full-time
equivalent student" by program per academic year. The definition
may take into account the establishment of minimum enrollment
levels in technical education programs below which support
allowances will not be paid. Except as otherwise provided in this
section, the chancellor shall make no change in the definition of
"full-time equivalent student" in effect on November 15, 1981,
which would increase or decrease the number of subsidy-eligible
full-time equivalent students, without first submitting a fiscal
impact statement to the president of the senate, the speaker of
the house of representatives, the legislative service commission,
and the director of budget and management. The chancellor shall
work in close cooperation with the director of budget and
management in this respect and in all other matters concerning the
expenditures of appropriated funds by state colleges,
universities, and other institutions of higher education.

(K) Seek the cooperation and advice of the officers and
trustees of both public and private colleges, universities, and
other institutions of higher education in the state in performing
the chancellor's duties and making the chancellor's plans,
studies, and recommendations;

(L) Appoint advisory committees consisting of persons
associated with public or private secondary schools, members of
the state board of education, or personnel of the state department
of education;

(M) Appoint advisory committees consisting of college and
university personnel, or other persons knowledgeable in the field
of higher education, or both, in order to obtain their advice and
assistance in defining and suggesting solutions for the problems
and needs of higher education in this state;

(N) Approve or disapprove all new degrees and new degree
programs at all state colleges, universities, and other

state-assisted institutions of higher education; 43975

(O) Adopt such rules as are necessary to carry out the 43976
chancellor's duties and responsibilities. The rules shall 43977
prescribe procedures for the chancellor to follow when taking 43978
actions associated with the chancellor's duties and 43979
responsibilities and shall indicate which types of actions are 43980
subject to those procedures. The procedures adopted under this 43981
division shall be in addition to any other procedures prescribed 43982
by law for such actions. However, if any other provision of the 43983
Revised Code or rule adopted by the chancellor prescribes 43984
different procedures for such an action, the procedures adopted 43985
under this division shall not apply to that action to the extent 43986
they conflict with the procedures otherwise prescribed by law. The 43987
procedures adopted under this division shall include at least the 43988
following: 43989

(1) Provision for public notice of the proposed action; 43990

(2) An opportunity for public comment on the proposed action, 43991
which may include a public hearing on the action by the board of 43992
regents; 43993

(3) Methods for parties that may be affected by the proposed 43994
action to submit comments during the public comment period; 43995

(4) Submission of recommendations from the board of regents 43996
regarding the proposed action, at the request of the chancellor; 43997

(5) Written publication of the final action taken by the 43998
chancellor and the chancellor's rationale for the action; 43999

(6) A timeline for the process described in divisions (O)(1) 44000
to (5) of this section. 44001

(P) Establish and submit to the governor and the general 44002
assembly a clear and measurable set of goals and timetables for 44003
their achievement for each program under the chancellor's 44004

supervision that is designed to accomplish any of the following:	44005
(1) Increased access to higher education;	44006
(2) Job training;	44007
(3) Adult literacy;	44008
(4) Research;	44009
(5) Excellence in higher education;	44010
(6) Reduction in the number of graduate programs within the same subject area.	44011 44012
In July of each odd-numbered year, the chancellor shall	44013
submit to the governor and the general assembly a report on	44014
progress made toward these goals.	44015
(Q) Make recommendations to the governor and the general	44016
assembly regarding the design and funding of the student financial	44017
aid programs specified in sections 3333.12, 3333.122, 3333.21 to	44018
3333.27 <u>3333.26</u> , and 5910.02 of the Revised Code;	44019
(R) Participate in education-related state or federal	44020
programs on behalf of the state and assume responsibility for the	44021
administration of such programs in accordance with applicable	44022
state or federal law;	44023
(S) Adopt rules for student financial aid programs as	44024
required by sections 3333.12, 3333.122, 3333.21 to 3333.27	44025
<u>3333.26</u> , 3333.28, and 5910.02 of the Revised Code, and perform any	44026
other administrative functions assigned to the chancellor by those	44027
sections;	44028
(T) Conduct enrollment audits of state-supported institutions	44029
of higher education;	44030
(U) Appoint consortia of college and university personnel to	44031
advise or participate in the development and operation of	44032
statewide collaborative efforts, including the Ohio supercomputer	44033

center, the Ohio academic resources network, OhioLink, and the 44034
Ohio learning network. For each consortium, the chancellor shall 44035
designate a college or university to serve as that consortium's 44036
fiscal agent, financial officer, and employer. Any funds 44037
appropriated for the consortia shall be distributed to the fiscal 44038
agents for the operation of the consortia. A consortium shall 44039
follow the rules of the college or university that serves as its 44040
fiscal agent. The chancellor may restructure existing consortia, 44041
appointed under this division, in accordance with procedures 44042
adopted under divisions (D)(1) to (6) of this section. 44043

(V) Adopt rules establishing advisory duties and 44044
responsibilities of the board of regents not otherwise prescribed 44045
by law; 44046

(W) Respond to requests for information about higher 44047
education from members of the general assembly and direct staff to 44048
conduct research or analysis as needed for this purpose. 44049

Sec. 3333.048. (A) Not later than one year after the 44050
effective date of this section, the chancellor of the Ohio board 44051
of regents and the superintendent of public instruction jointly 44052
shall do the following: 44053

(1) In accordance with Chapter 119. of the Revised Code, 44054
establish metrics and educator preparation programs for the 44055
preparation of educators and other school personnel and the 44056
institutions of higher education that are engaged in their 44057
preparation. The metrics and educator preparation programs shall 44058
be aligned with the standards and qualifications for educator 44059
licenses adopted by the state board of education under section 44060
3319.22 of the Revised Code and the requirements of the Ohio 44061
teacher residency program established under section 3319.223 of 44062
the Revised Code. The metrics and educator preparation programs 44063
also shall ensure that educators and other school personnel are 44064

adequately prepared to use the value-added progress dimension 44065
prescribed by section 3302.021 of the Revised Code. 44066

(2) Provide for the inspection of institutions of higher 44067
education desiring to prepare educators and other school 44068
personnel. 44069

(B) Not later than one year after the effective date of this 44070
section, the chancellor shall approve institutions of higher 44071
education engaged in the preparation of educators and other school 44072
personnel that maintain satisfactory training procedures and 44073
records of performance, as determined by the chancellor. 44074

(C) If the metrics established under division (A)(1) of this 44075
section require an institution of higher education that prepares 44076
teachers to satisfy the standards of an independent accreditation 44077
organization, the chancellor shall permit each institution to 44078
satisfy the standards of either the national council for 44079
accreditation of teacher education or the teacher education 44080
accreditation council. 44081

(D) The metrics and educator preparation programs established 44082
under division (A)(1) of this section may require an institution 44083
of higher education, as a condition of approval by the chancellor, 44084
to make changes in the curricula of its preparation programs for 44085
educators and other school personnel. 44086

Notwithstanding division (D) of section 119.03 and division 44087
(A)(1) of section 119.04 of the Revised Code, any metrics, 44088
educator preparation programs, rules, and regulations, or any 44089
amendment or rescission of such metrics, educator preparation 44090
programs, rules, and regulations, adopted under this section that 44091
necessitate institutions offering preparation programs for 44092
educators and other school personnel approved by the chancellor to 44093
revise the curricula of those programs shall not be effective for 44094
at least one year after the first day of January next succeeding 44095

the publication of the said change. 44096

Each institution shall allocate money from its existing 44097
appropriations to pay the cost of making the curricular changes. 44098

(E) The chancellor shall notify the state board of the 44099
metrics and educator preparation programs established under 44100
division (A)(1) of this section and the institutions of higher 44101
education approved under division (B) of this section. The state 44102
board shall publish the metrics, educator preparation programs, 44103
and approved institutions with the standards and qualifications 44104
for each type of educator license. 44105

(F) The graduates of institutions of higher education 44106
approved by the chancellor shall be licensed by the state board in 44107
accordance with the standards and qualifications adopted under 44108
section 3319.22 of the Revised Code. 44109

Sec. ~~3319.233~~ 3333.049. ~~The state board of education~~ 44110
~~chancellor of the Ohio board of regents, in collaboration with the~~ 44111
~~Ohio board of regents~~ state board of education, shall issue an 44112
annual report on the quality of institutions approved for the 44113
preparation of teachers pursuant to section ~~3319.23~~ 3333.048 of 44114
the Revised Code. The ~~state board~~ chancellor shall prepare the 44115
report in collaboration with the state ~~board of regents~~ and the 44116
teacher quality partnership and shall use data collected by the 44117
partnership and other educational agencies as the basis for the 44118
information contained in the report. The report shall include at 44119
least the following information: 44120

(A) Identification of best practices in the preparation of 44121
teachers drawn from research conducted by the teacher quality 44122
partnership and other regional and national educational research 44123
efforts; 44124

(B) A plan for implementing best practices in approved 44125

teacher preparation institutions; 44126

(C) The number of graduates of approved teacher preparation 44127
institutions who graduated with a subject area specialty and teach 44128
grades seven through twelve. The number shall be disaggregated 44129
according to the subject areas of mathematics, science, foreign 44130
language, special education and related services, and any other 44131
subject area determined by the ~~state board~~ chancellor. 44132

(D) A plan to be implemented by the teacher preparation 44133
programs approved by the ~~state board~~ chancellor under section 44134
~~3319.23~~ 3333.048 of the Revised Code for increasing the number of 44135
classroom teachers in science, mathematics, and foreign language 44136
toward meeting the identified needs for teachers in those subject 44137
areas throughout the state but especially in hard-to-staff 44138
schools. 44139

The ~~state board~~ chancellor shall submit the report to the 44140
governor, the speaker and minority leader of the house of 44141
representatives, the president and minority leader of the senate, 44142
the chairpersons and ranking minority members of the standing 44143
committees of the house of representatives and the senate that 44144
consider education legislation, and the ~~chancellor of the~~ state 44145
board ~~of regents~~. 44146

Sec. 3333.122. (A) ~~As used in this section:~~ 44147

~~(1) "Eligible student" means a student who is:~~ 44148

~~(a) An Ohio resident who first enrolls in an undergraduate 44149
program in the 2006-2007 academic year or thereafter;~~ 44150

~~(b) If the student first enrolled in an undergraduate program 44151
in the 2006-2007 or 2007-2008 academic year, the student is 44152
enrolled in one of the following:~~ 44153

~~(i) An accredited institution of higher education in this 44154
state that meets the requirements of Title VI of the Civil Rights 44155~~

~~Act of 1964 and is state assisted, is nonprofit and has a 44156
certificate of authorization pursuant to Chapter 1713. of the 44157
Revised Code, has a certificate of registration from the state 44158
board of career colleges and schools and program authorization to 44159
award an associate or bachelor's degree, or is a private 44160
institution exempt from regulation under Chapter 3332. of the 44161
Revised Code as prescribed in section 3333.046 of the Revised 44162
Code. Students who attend an institution that holds a certificate 44163
of registration shall be enrolled in a program leading to an 44164
associate or bachelor's degree for which associate or bachelor's 44165
degree program the institution has program authorization issued 44166
under section 3332.05 of the Revised Code. 44167~~

~~(ii) A technical education program of at least two years 44168
duration sponsored by a private institution of higher education in 44169
this state that meets the requirements of Title VI of the Civil 44170
Rights Act of 1964; 44171~~

~~(iii) A nursing diploma program approved by the board of 44172
nursing under division (A)(5) of section 4723.06 of the Revised 44173
Code and that meets the requirements of Title VI of the Civil 44174
Rights Act of 1964. 44175~~

~~(c) If the student first enrolled in an undergraduate program 44176
after the 2007-2008 academic year, the student is enrolled in one 44177
of the following: 44178~~

~~(i) An accredited institution of higher education in this 44179
state that meets the requirements of Title VI of the Civil Rights 44180
Act of 1964 and is state assisted, is nonprofit and has a 44181
certificate of authorization pursuant to Chapter 1713. of the 44182
Revised Code, or is a private institution exempt from regulation 44183
under Chapter 3332. of the Revised Code as prescribed in section 44184
3333.046 of the Revised Code; 44185~~

~~(ii) An education program of at least two years duration 44186~~

~~sponsored by a private institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964 and has a certificate of authorization pursuant to Chapter 1713. of the Revised Code;~~

~~(iii) A nursing diploma program approved by the board of nursing under division (A)(5) of section 4723.06 of the Revised Code and that meets the requirements of Title VI of the Civil Rights Act of 1964.~~

~~(2) A student who participated in either the early college high school program administered by the department of education or in the post secondary enrollment options program pursuant to Chapter 3365. of the Revised Code before the 2006-2007 academic year shall not be excluded from eligibility for a needs based financial aid grant under this section.~~

~~(3) The chancellor of the Ohio board of regents shall adopt rules to carry out this section and as authorized under section 3333.123 of the Revised Code. The rules shall include definitions of the terms "resident," "expected family contribution" or "EFC," "full-time student," "three-quarters-time student," "half-time student," "one-quarter-time student," "state cost of attendance," and "accredited" shall be defined by rules adopted by the chancellor of the Ohio board of regents for the purpose of those sections.~~

~~(B) Only an Ohio resident who meets both of the following is eligible for a grant awarded under this section:~~

~~(1) The resident has an expected family contribution of two thousand one hundred ninety or less;~~

~~(2) The resident enrolls in one of the following:~~

~~(a) An undergraduate program, or a nursing diploma program approved by the board of nursing under division (A)(5) of section 4723.06 of the Revised Code, at a state-assisted state institution~~

of higher education, as defined in section 3345.12 of the Revised Code, that meets the requirements of Title VI of the Civil Rights Act of 1964; 44218
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(b) An undergraduate program, or a nursing diploma program approved by the board of nursing under division (A)(5) of section 4723.06 of the Revised Code, at a private, nonprofit institution in this state holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code; 44221
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(c) An undergraduate program, or a nursing diploma program approved by the board of nursing under division (A)(5) of section 4723.06 of the Revised Code, at a career college in this state that holds a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code or at a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, if the program has a certificate of authorization pursuant to Chapter 1713. of the Revised Code. 44226
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(C)(1) The chancellor shall establish and administer a needs-based financial aid grants program based on the United States department of education's method of determining financial need and may adopt rules to carry out this section. The program shall be known as the Ohio college opportunity grant program. The general assembly shall support the needs-based financial aid program by such sums and in such manner as it may provide, but the chancellor also may also receive funds from other sources to support the program. If, for any academic year, the amounts available for support of the program are inadequate to provide grants to all eligible students, the chancellor shall do one of the following: 44235
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(a) Give preference in the payment of grants shall be given in terms of based upon expected family contribution, beginning with the lowest expected family contribution category and 44247
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proceeding upward by category to the highest expected family contribution category; 44250
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(b) Proportionately reduce the amount of each grant to be awarded for the academic year under this section; 44252
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(c) Use an alternate formula for such grants that addresses the shortage of available funds and has been submitted to and approved by the controlling board. 44254
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~~A~~ (2) The needs-based financial aid grant shall be paid to ~~an~~ the eligible student through the institution in which the student is enrolled, except that no needs-based financial aid grant shall be paid to any person serving a term of imprisonment. Applications for ~~such~~ the grants shall be made as prescribed by the chancellor, and such applications may be made in conjunction with and upon the basis of information provided in conjunction with student assistance programs funded by agencies of the United States government or from financial resources of the institution of higher education. The institution shall certify that the student applicant meets the requirements set forth in ~~divisions (A)(1)(a) and (b)~~ division (B) of this section. Needs-based financial aid grants shall be provided to an eligible student only as long as the student is making appropriate progress toward a nursing diploma or an associate or bachelor's degree. No student shall be eligible to receive a grant for more than ten semesters, fifteen quarters, or the equivalent of five academic years. A grant made to an eligible student on the basis of less than full-time enrollment shall be based on the number of credit hours for which the student is enrolled and shall be computed in accordance with a formula adopted by rule issued by the chancellor. No student shall receive more than one grant on the basis of less than full-time enrollment. 44257
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~~A needs-based financial aid grant shall not exceed the total instructional and general charges of the institution.~~ 44280
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~~(C) The tables in this division prescribe the maximum grant amounts covering two semesters, three quarters, or a comparable portion of one academic year. Grant amounts for additional terms in the same academic year shall be determined under division (D) of this section.~~ 44282
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~~As used in the tables in division (C) of this section:~~ 44287

~~(1) "Private institution" means an institution that is nonprofit and has a certificate of authorization pursuant to Chapter 1713. of the Revised Code.~~ 44288
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~~(2) "Career college" means either an institution that holds a certificate of registration from the state board of career colleges and schools or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code.~~ 44291
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~~Full time students shall be eligible to receive awards according to the following table:~~ 44296
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~~Full-Time Enrollment~~ 44298

If the EFC is equal to or greater than:	And if the EFC is no more than:	If the student attends a public institution, the annual award shall be:	If the student attends a private institution, the annual award shall be:	If the student attends a career college, the annual award shall be:	
\$2,101	\$2,190	\$300	\$600	\$480	44300
2,001	2,100	402	798	642	44301
1,901	2,000	498	1,002	798	44302
1,801	1,900	600	1,200	960	44303
1,701	1,800	702	1,398	1,122	44304
1,601	1,700	798	1,602	1,278	44305

1,501	1,600	900	1,800	1,440	44306
1,401	1,500	1,002	1,998	1,602	44307
1,301	1,400	1,098	2,202	1,758	44308
1,201	1,300	1,200	2,400	1,920	44309
1,101	1,200	1,302	2,598	2,082	44310
1,001	1,100	1,398	2,802	2,238	44311
901	1,000	1,500	3,000	2,400	44312
801	900	1,602	3,198	2,562	44313
701	800	1,698	3,402	2,718	44314
601	700	1,800	3,600	2,280	44315
501	600	1,902	3,798	3,042	44316
401	500	1,998	4,002	3,198	44317
301	400	2,100	4,200	3,360	44318
201	300	2,202	4,398	3,522	44319
101	200	2,298	4,602	3,678	44320
1	100	2,400	4,800	3,840	44321
0	0	2,496	4,992	3,996	44322

~~Three quarters time students shall be eligible to receive awards according to the following table:~~ 44323
44324

~~Three-Quarters Time Enrollment~~ 44325

If the EFC is equal to or greater than:	And the EFC is no more than:	If the student attends a public institution, the annual award shall be:	If the student attends a private institution, the annual award shall be:	If the student attends a career college, the annual award shall be:	44326
\$2,101	\$2,190	\$228	\$450	\$360	44327
2,001	2,100	300	600	480	44328
1,901	2,000	372	750	600	44329
1,801	1,900	450	900	720	44330
1,701	1,800	528	1,050	840	44331

1,601	1,700	600	1,200	960	44332
1,501	1,600	678	1,350	1,080	44333
1,401	1,500	750	1,500	1,200	44334
1,301	1,400	822	1,650	1,320	44335
1,201	1,300	900	1,800	1,440	44336
1,101	1,200	978	1,950	1,560	44337
1,001	1,100	1,050	2,100	1,680	44338
901	1,000	1,128	2,250	1,800	44339
801	900	1,200	2,400	1,920	44340
701	800	1,272	2,550	2,040	44341
601	700	1,350	2,700	2,160	44342
501	600	1,428	2,850	2,280	44343
401	500	1,500	3,000	2,400	44344
301	400	1,578	3,150	2,520	44345
201	300	1,650	3,300	2,640	44346
101	200	1,722	3,450	2,760	44347
1	100	1,800	3,600	2,880	44348
0	0	1,872	3,744	3,000	44349

~~Half time students shall be eligible to receive awards~~ 44350
~~according to the following table:~~ 44351

~~Half-Time Enrollment~~ 44352

If the EFC	And if the	If the	If the	If the	44353
is equal	EFC is no	student	student	student	
to or	more than:	attends a	attends a	attends a	
greater		public	private	career	
than:		institution,	institution,	college,	
		the annual	the annual	the annual	
		award	award	award	
		shall be:	shall be:	shall be:	
\$2,101	\$2,190	\$150	\$300	\$240	44354
2,001	2,100	204	402	324	44355
1,901	2,000	252	504	402	44356
1,801	1,900	300	600	480	44357

1,701	1,800	354	702	564	44358
1,601	1,700	402	804	642	44359
1,501	1,600	450	900	720	44360
1,401	1,500	504	1,002	804	44361
1,301	1,400	552	1,104	882	44362
1,201	1,300	600	1,200	960	44363
1,101	1,200	654	1,302	1,044	44364
1,001	1,100	702	1,404	1,122	44365
901	1,000	750	1,500	1,200	44366
801	900	804	1,602	1,284	44367
701	800	852	1,704	1,362	44368
601	700	900	1,800	1,440	44369
501	600	954	1,902	1,524	44370
401	500	1,002	2,004	1,602	44371
301	400	1,050	2,100	1,680	44372
201	300	1,104	2,202	1,764	44373
101	200	1,152	2,304	1,842	44374
1	100	1,200	2,400	1,920	44375
0	0	1,248	2,496	1,998	44376

~~One quarter time students shall be eligible to receive awards~~ 44377
~~according to the following table:~~ 44378

~~One Quarter Time Enrollment~~ 44379

If the EFC	And if the	If the	If the	If the	44380
is equal	EFC is no	student	student	student	
to or	more than:	attends a	attends a	attends a	
greater		public	private	career	
than:		institution,	institution,	college,	
		the annual	the annual	the annual	
		award	award	award	
		shall be:	shall be:	shall be:	
\$2,101	\$2,190	\$78	\$150	\$120	44381
2,001	2,100	102	198	162	44382
1,901	2,000	126	252	198	44383

1,801	1,900	150	300	240	44384
1,701	1,800	174	348	282	44385
1,601	1,700	198	402	318	44386
1,501	1,600	228	450	360	44387
1,401	1,500	252	498	402	44388
1,301	1,400	276	552	438	44389
1,201	1,300	300	600	480	44390
1,101	1,200	324	648	522	44391
1,001	1,100	348	702	558	44392
901	1,000	378	750	600	44393
801	900	402	798	642	44394
701	800	426	852	678	44395
601	700	450	900	720	44396
501	600	474	948	762	44397
401	500	498	1,002	798	44398
301	400	528	1,050	840	44399
201	300	552	1,098	882	44400
101	200	576	1,152	918	44401
1	100	600	1,200	960	44402
0	0	624	1,248	1,002	44403

(D)(1) Except as provided in division (D)(4) of this section, 44404
no grant awarded under this section shall exceed the total state 44405
cost of attendance. 44406

(2) Subject to divisions (D)(1), (3), and (4) of this 44407
section, the amount of a grant awarded to a student under this 44408
section shall equal the student's remaining state cost of 44409
attendance after the student's Pell grant and expected family 44410
contribution are applied to the instructional and general charges 44411
for the undergraduate program. However, for students enrolled in a 44412
state university or college as defined in section 3345.12 of the 44413
Revised Code or a university branch, the chancellor may provide 44414
that the grant amount shall equal the student's remaining 44415
instructional and general charges for the undergraduate program 44416

after the student's Pell grant and expected family contribution 44417
have been applied to those charges, but, in no case, shall the 44418
grant amount for such a student exceed any maximum that the 44419
chancellor may set by rule. 44420

(3) For a ~~full-time~~ student enrolled in an eligible 44421
~~institution~~ for a semester or quarter in addition to the portion 44422
of the academic year covered by a grant ~~determined~~ under ~~division~~ 44423
~~(C)~~ of this section, the maximum grant amount shall be a 44424
percentage of the maximum ~~prescribed~~ specified in the applicable 44425
any table of that division established in rules adopted by the 44426
chancellor as provided in division (A) of this section. The 44427
maximum grant for a fourth quarter shall be one-third of the 44428
maximum amount so ~~prescribed under that division.~~ The maximum 44429
grant for a third semester shall be one-half of the maximum amount 44430
so ~~prescribed under that division.~~ 44431

(4) If a student is enrolled in a two-year institution of 44432
higher education and is eligible for an education and training 44433
voucher through the Ohio education and training voucher program 44434
that receives federal funding under the John H. Chafee foster care 44435
independence program, 42 U.S.C. 677, the amount of a grant awarded 44436
under this section may exceed the total state cost of attendance 44437
to additionally cover housing costs. 44438

(E) No grant shall be made to any student in a course of 44439
study in theology, religion, or other field of preparation for a 44440
religious profession unless such course of study leads to an 44441
accredited bachelor of arts, bachelor of science, associate of 44442
arts, or associate of science degree. 44443

(F)(1) Except as provided in division (F)(2) of this section, 44444
no grant shall be made to any student for enrollment during a 44445
fiscal year in an institution with a cohort default rate 44446
determined by the United States secretary of education pursuant to 44447
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 44448

20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 44449
preceding the fiscal year, equal to or greater than thirty per 44450
cent for each of the preceding two fiscal years. 44451

(2) Division (F)(1) of this section does not apply ~~to~~ in the 44452
case of either of the following: 44453

(a) ~~Any student enrolled in an~~ The institution ~~that under the~~ 44454
pursuant to federal law appeals its loss of eligibility for 44455
federal financial aid and the United States secretary of education 44456
determines its cohort default rate after recalculation is lower 44457
than the rate specified in division (F)(1) of this section or the 44458
secretary determines due to mitigating circumstances that the 44459
institution may continue to participate in federal financial aid 44460
programs. The chancellor shall adopt rules requiring ~~institutions~~ 44461
any such appellant to provide information to the chancellor 44462
regarding an appeal ~~to the chancellor~~. 44463

(b) Any student who has previously received a grant under 44464
pursuant to any provision of this section, including prior to the 44465
section's amendment by H.B. 1 of the 128th general assembly, and 44466
who meets all other eligibility requirements of this section. 44467

(3) The chancellor shall adopt rules for the notification of 44468
all institutions whose students will be ineligible to participate 44469
in the grant program pursuant to division (F)(1) of this section. 44470
44471

(4) A student's attendance at ~~an~~ any institution whose 44472
students ~~lose eligibility~~ are ineligible for grants ~~under~~ due to 44473
division (F)(1) of this section shall not affect that student's 44474
eligibility to receive a grant when enrolled in another 44475
institution. 44476

(G) Institutions of higher education that enroll students 44477
receiving needs-based financial aid grants under this section 44478
shall report to the chancellor all students who have received such 44479

needs-based financial aid grants but are no longer eligible for 44480
all or part of ~~such~~ those grants and shall refund any moneys due 44481
the state within thirty days after the beginning of the quarter or 44482
term immediately following the quarter or term in which the 44483
student was no longer eligible to receive all or part of the 44484
student's grant. There shall be an interest charge of one per cent 44485
per month on all moneys due and payable after such thirty-day 44486
period. The chancellor shall immediately notify the office of 44487
budget and management and the legislative service commission of 44488
all refunds so received. 44489

Sec. 3333.16. As used in this section "state institution of 44490
higher education" means an institution of higher education as 44491
defined in section 3345.12 of the Revised Code. 44492

(A) The chancellor of the Ohio board of regents shall do all 44493
of the following: 44494

(1) Establish policies and procedures applicable to all state 44495
institutions of higher education that ensure that students can 44496
begin higher education at any state institution of higher 44497
education and transfer coursework and degrees to any other state 44498
institution of higher education without unnecessary duplication or 44499
institutional barriers. The purpose of this requirement is to 44500
allow students to attain their highest educational aspirations in 44501
the most efficient and effective manner for the students and the 44502
state. These policies and procedures shall require state 44503
institutions of higher education to make changes or modifications, 44504
as needed, to strengthen course content so as to ensure 44505
equivalency for that course at any state institution of higher 44506
education. 44507

(2) Develop and implement a universal course equivalency 44508
classification system for state institutions of higher education 44509
so that the transfer of students and the transfer and articulation 44510

of equivalent courses or specified learning modules or units 44511
completed by students are not inhibited by inconsistent judgment 44512
about the application of transfer credits. Coursework completed 44513
within such a system at one state institution of higher education 44514
and transferred to another institution shall be applied to the 44515
student's degree objective in the same manner as equivalent 44516
coursework completed at the receiving institution. 44517

(3) Develop a system of transfer policies that ensure that 44518
graduates with associate degrees which include completion of 44519
approved transfer modules shall be admitted to a state institution 44520
of higher education, shall be able to compete for admission to 44521
specific programs on the same basis as students native to the 44522
institution, and shall have priority over out-of-state associate 44523
degree graduates and transfer students. To assist a student in 44524
advising and transferring, all state institutions of higher 44525
education shall fully implement the ~~course applicability~~ 44526
information system for advising and transferring selected by, 44527
contracted for, or developed by the chancellor. 44528

(4) Examine the feasibility of developing a transfer 44529
marketing agenda that includes materials and interactive 44530
technology to inform the citizens of Ohio about the availability 44531
of transfer options at state institutions of higher education and 44532
to encourage adults to return to colleges and universities for 44533
additional education; 44534

(5) Study, in consultation with the state board of career 44535
colleges and schools, and in light of existing criteria and any 44536
other criteria developed by the articulation and transfer advisory 44537
council, the feasibility of credit recognition and transferability 44538
to state institutions of higher education for graduates who have 44539
received associate degrees from a career college or school with a 44540
certificate of registration from the state board of career 44541
colleges and schools under Chapter 3332. of the Revised Code. 44542

(B) All provisions of the existing articulation and transfer policy developed by the Ohio board of regents shall remain in effect except where amended by this section.

Sec. 3333.28. (A) The chancellor of the Ohio board of regents shall establish the nurse education assistance program, the purpose of which shall be to make loans to students enrolled in prelicensure nurse education programs at institutions approved by the board of nursing under section 4723.06 of the Revised Code and postlicensure nurse education programs approved by the chancellor under section 3333.04 of the Revised Code or offered by an institution holding a certificate of authorization issued under Chapter 1713. of the Revised Code. The board of nursing shall assist the chancellor in administering the program.

(B) There is hereby created in the state treasury the nurse education assistance fund, which shall consist of all money transferred to it pursuant to section 4743.05 of the Revised Code. The fund shall be used by the chancellor for loans made under division (A) of this section and for expenses of administering the loan program.

(C) Between July 1, ~~2005~~ 2009, and January 1, 2012, the chancellor shall distribute money in the nurse education assistance fund in the following manner:

(1)(a) ~~Fifty~~ Seventy-five per cent of available funds shall be awarded as loans to registered nurses enrolled in postlicensure nurse education programs described in division (A) of this section. To be eligible for a loan, the applicant shall provide the chancellor with a letter of intent to practice as a faculty member at a prelicensure or postlicensure program for nursing in this state upon completion of the applicant's academic program.

(b) If the borrower of a loan under division (C)(1)(a) of

this section secures employment as a faculty member of an approved 44574
nursing education program in this state within six months 44575
following graduation from an approved nurse education program, the 44576
chancellor may forgive the principal and interest of the student's 44577
loans received under division (C)(1)(a) of this section at a rate 44578
of twenty-five per cent per year, for a maximum of four years, for 44579
each year in which the borrower is so employed. A deferment of the 44580
service obligation, and other conditions regarding the forgiveness 44581
of loans may be granted as provided by the rules adopted under 44582
division (D)(7) of this section. 44583

(c) Loans awarded under division (C)(1)(a) of this section 44584
shall be awarded on the basis of the student's expected family 44585
contribution, with preference given to those applicants with the 44586
lowest expected family contribution. However, the chancellor may 44587
consider other factors the chancellor determines relevant in 44588
ranking the applications. 44589

(d) Each loan awarded to a student under division (C)(1)(a) 44590
of this section shall be not less than five thousand dollars per 44591
year. 44592

(2) Twenty-five per cent of available funds shall be awarded 44593
to students enrolled in prelicensure nurse education programs for 44594
registered nurses, as defined in section 4723.01 of the Revised 44595
Code. 44596

~~(3) Twenty five per cent of available funds shall be awarded 44597
to students enrolled in prelicensure professional nurse education 44598
programs for licensed practical nurses, as defined in section 44599
4723.01 of the Revised Code. 44600~~

After January 1, 2012, the chancellor shall determine the 44601
manner in which to distribute loans under this section. 44602

(D) Subject to the requirements specified in division (C) of 44603
this section, the chancellor shall adopt rules in accordance with 44604

Chapter 119. of the Revised Code establishing:	44605
(1) Eligibility criteria for receipt of a loan;	44606
(2) Loan application procedures;	44607
(3) The amounts in which loans may be made and the total amount that may be loaned to an individual;	44608 44609
(4) The total amount of loans that can be made each year;	44610
(5) The percentage of the money in the fund that must remain in the fund at all times as a fund balance;	44611 44612
(6) Interest and principal repayment schedules;	44613
(7) Conditions under which a portion of principal and interest obligations incurred by an individual under the program will be forgiven;	44614 44615 44616
(8) Ways that the program may be used to encourage individuals who are members of minority groups to enter the nursing profession;	44617 44618 44619
(9) Any other matters incidental to the operation of the program.	44620 44621
(E) The obligation to repay a portion of the principal and interest on a loan made under this section shall be forgiven if the recipient of the loan meets the criteria for forgiveness established by division (C)(1)(b) of this section, in the case of loans awarded under division (C)(1)(a) of this section, or by the chancellor under the rule adopted under division (D)(7) of this section, in the case of other loans awarded under this section.	44622 44623 44624 44625 44626 44627 44628
(F) The receipt of a loan under this section shall not affect a student's eligibility for assistance, or the amount of that assistance, granted under section 3333.12, 3333.122, 3333.22, 3333.26, 3333.27 , 5910.03, 5910.032, or 5919.34 of the Revised Code, but the rules of the chancellor may provide for taking assistance received under those sections into consideration when	44629 44630 44631 44632 44633 44634

determining a student's eligibility for a loan under this section. 44635

Sec. 3333.35. The state board of education and the chancellor 44636
of the Ohio board of regents shall strive to reduce unnecessary 44637
student remediation costs incurred by colleges and universities in 44638
this state, increase overall access for students to higher 44639
education, enhance the post-secondary enrollment options program 44640
in accordance with Chapter 3365. of the Revised Code, and enhance 44641
the alternative resident educator licensure program in accordance 44642
with section 3319.26 of the Revised Code. 44643

Sec. 3333.38. (A) As used in this section: 44644

(1) "Institution of higher education" includes all of the 44645
following: 44646

(a) A state institution of higher education, as defined in 44647
section 3345.011 of the Revised Code; 44648

(b) A nonprofit institution issued a certificate of 44649
authorization under Chapter 1713. of the Revised Code; 44650

(c) A private institution exempt from regulation under 44651
Chapter 3332. of the Revised Code, as prescribed in section 44652
3333.046 of the Revised Code; 44653

(d) An institution of higher education with a certificate of 44654
registration from the state board of career colleges and schools 44655
under Chapter 3332. of the Revised Code. 44656

(2) "Student financial assistance supported by state funds" 44657
includes assistance granted under sections 3315.33, 3333.12, 44658
3333.122, 3333.21, 3333.26, ~~3333.27~~, 3333.28, 3333.372, 5910.03, 44659
5910.032, and 5919.34 of the Revised Code, financed by an award 44660
under the choose Ohio first scholarship program established under 44661
section 3333.61 of the Revised Code, or financed by an award under 44662
the Ohio co-op/internship program established under section 44663

3333.72 of the Revised Code, and any other post-secondary student financial assistance supported by state funds.

(B) An individual who is convicted of, pleads guilty to, or is adjudicated a delinquent child for one of the following violations shall be ineligible to receive any student financial assistance supported by state funds at an institution of higher education for two calendar years from the time the individual applies for assistance of that nature:

(1) A violation of section 2917.02 or 2917.03 of the Revised Code;

(2) A violation of section 2917.04 of the Revised Code that is a misdemeanor of the fourth degree;

(3) A violation of section 2917.13 of the Revised Code that is a misdemeanor of the fourth or first degree and occurs within the proximate area where four or more others are acting in a course of conduct in violation of section 2917.11 of the Revised Code.

(C) If an individual is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing a violation of section 2917.02 or 2917.03 of the Revised Code, and if the individual is enrolled in a state-supported institution of higher education, the institution in which the individual is enrolled shall immediately dismiss the individual. No state-supported institution of higher education shall admit an individual of that nature for one academic year after the individual applies for admission to a state-supported institution of higher education. This division does not limit or affect the ability of a state-supported institution of higher education to suspend or otherwise discipline its students.

Sec. 3333.39. The chancellor of the Ohio board of regents and 44694
the superintendent of public instruction shall establish and 44695
administer the teach Ohio program to promote and encourage 44696
citizens of this state to consider teaching as a profession. The 44697
program shall include all of the following: 44698

(A) A statewide program administered by a nonprofit 44699
corporation that has been in existence for at least fifteen years 44700
with demonstrated results in encouraging high school students from 44701
economically disadvantaged groups to enter the teaching 44702
profession. The chancellor and superintendent jointly shall select 44703
the nonprofit corporation. 44704

(B) The Ohio teacher residency program established under 44705
section 3319.223 of the Revised Code; 44706

(C) Alternative licensure procedures established under 44707
section 3319.26 of the Revised Code; 44708

(D) Any other program as identified by the chancellor and the 44709
superintendent. 44710

Sec. 3333.42. No state institution of higher education, as 44711
defined in section 3345.011 of the Revised Code, shall charge a 44712
nonresident student who is a member of the armed forces of the 44713
United States and who is stationed in this state pursuant to 44714
military orders or who is a member of the Ohio national guard, or 44715
who is the spouse or dependent child of such a student, rates for 44716
tuition and fees that are higher than the rates charged to an Ohio 44717
resident. 44718

Sec. 3333.61. The chancellor of the Ohio board of regents 44719
shall establish and administer the Ohio innovation partnership, 44720
which shall consist of the choose Ohio first scholarship program 44721
and the Ohio research scholars program. Under the programs, the 44722

chancellor, subject to approval by the controlling board, shall 44723
make awards to state universities or colleges for programs and 44724
initiatives that recruit students and scientists in the fields of 44725
science, technology, engineering, mathematics, and medicine to 44726
state universities or colleges, in order to enhance regional 44727
educational and economic strengths and meet the needs of the 44728
state's regional economies. Awards may be granted for programs and 44729
initiatives to be implemented by a state university or college 44730
alone or in collaboration with other state institutions of higher 44731
education, nonpublic Ohio universities and colleges, or other 44732
public or private Ohio entities. If the chancellor makes an award 44733
to a program or initiative that is intended to be implemented by a 44734
state university or college in collaboration with other state 44735
institutions of higher education or nonpublic Ohio universities or 44736
colleges, the chancellor may provide that some portion of the 44737
award be received directly by the collaborating universities or 44738
colleges consistent with all terms of the Ohio innovation 44739
partnership. 44740

The choose Ohio first scholarship program shall assign a 44741
number of scholarships to state universities and colleges to 44742
recruit Ohio residents as undergraduate, or as provided in section 44743
3333.66 of the Revised Code graduate, students in the fields of 44744
science, technology, engineering, mathematics, and medicine, or in 44745
science, technology, engineering, mathematics, or medical 44746
education. Choose Ohio first scholarships shall be awarded to each 44747
participating eligible student as a grant to the state university 44748
or college the student is attending and shall be reflected on the 44749
student's tuition bill. Choose Ohio first scholarships are 44750
student-centered grants from the state to students to use to 44751
attend a university or college and are not grants from the state 44752
to universities or colleges. 44753

Notwithstanding any other provision of this section or 44754

sections 3333.62 to 3333.70 of the Revised Code, a nonpublic 44755
four-year Ohio institution of higher education may submit a 44756
proposal for choose Ohio first scholarships ~~if the proposal is to~~ 44757
~~be implemented in collaboration with a state university or college~~ 44758
~~or Ohio research scholars grants~~. If the chancellor ~~grants awards~~ 44759
a nonpublic institution ~~an award of~~ scholarships or grants, the 44760
nonpublic institution shall comply with all requirements of this 44761
section, sections 3333.62 to 3333.70 of the Revised Code, and the 44762
rules adopted under this section that apply to state universities 44763
or colleges awarded choose Ohio first scholarships or Ohio 44764
research scholars grants. 44765

The Ohio research scholars program shall award grants to use 44766
in recruiting scientists to the faculties of state universities or 44767
colleges. 44768

The chancellor shall adopt rules in accordance with Chapter 44769
119. of the Revised Code to administer the programs. 44770

Sec. 3333.62. The chancellor of the Ohio board of regents 44771
shall establish a competitive process for making awards under the 44772
choose Ohio first scholarship program and the Ohio research 44773
scholars program. The chancellor, on completion of that process, 44774
shall make a recommendation to the controlling board asking for 44775
approval of each award selected by the chancellor. 44776

Any state university or college may apply for one or more 44777
awards under one or both programs. The state university or college 44778
shall submit a proposal and other documentation required by the 44779
chancellor, in the form and manner prescribed by the chancellor, 44780
for each award it seeks. A proposal may propose an initiative to 44781
be implemented solely by the state university or college or in 44782
collaboration with other state institutions of higher education, 44783
nonpublic Ohio universities or colleges, or other public or 44784
nonpublic Ohio entities. A single proposal may seek an award under 44785

one or both programs. 44786

The chancellor shall determine which proposals will receive 44787
awards each fiscal year, and the amount of each award, on the 44788
basis of the merit of each proposal, which the chancellor, subject 44789
to approval by the controlling board, shall determine based on one 44790
or more of the following criteria: 44791

(A) The quality of the program that is the subject of the 44792
proposal and the extent to which additional resources will enhance 44793
its quality; 44794

(B) The extent to which the proposal is integrated with the 44795
strengths of the regional economy; 44796

(C) The extent to which the proposal is integrated with 44797
centers of research excellence within the private sector; 44798

(D) The amount of other institutional, public, or private 44799
resources, whether monetary or nonmonetary, that the proposal 44800
pledges to leverage; 44801

(E) The extent to which the proposal is collaborative with 44802
other public or nonpublic Ohio institutions of higher education; 44803

(F) The extent to which the proposal is integrated with the 44804
university's or college's mission and does not displace existing 44805
resources already committed to the mission; 44806

(G) The extent to which the proposal facilitates a more 44807
efficient utilization of existing faculty and programs; 44808

(H) The extent to which the proposal meets a statewide 44809
educational need; 44810

(I) The demonstrated productivity or future capacity of the 44811
students or scientists to be recruited; 44812

(J) The extent to which the proposal will create additional 44813
capacity in educational or economic areas of need; 44814

(K) The extent to which the proposal will encourage students 44815
who received degrees in the fields of science, technology, 44816
engineering, mathematics, or medicine from two-year institutions 44817
to transfer to state universities or colleges to pursue 44818
baccalaureate degrees in science, technology, engineering, 44819
mathematics, or medicine; 44820

(L) The extent to which the proposal encourages students 44821
enrolled in state universities to transfer into science, 44822
technology, engineering, mathematics, or medicine programs; 44823

(M) The extent to which the proposal facilitates the 44824
completion of a baccalaureate degree in a cost-effective manner, 44825
for example, by facilitating students' completing two years at a 44826
two-year institution and two years at a state university or 44827
college; 44828

(N) The extent to which the proposal allows attendance at a 44829
state university or college of students who otherwise could not 44830
afford to attend; 44831

(O) The extent to which other institutional, public, or 44832
private resources pledged to the proposal will be deployed to 44833
assist in sustaining students' scholarships over their academic 44834
careers; 44835

(P) The extent to which the proposal increases the likelihood 44836
that students will successfully complete their degree programs in 44837
science, technology, engineering, mathematics, or medicine or in 44838
science, technology, engineering, mathematics, or medical 44839
education; 44840

(Q) The extent to which the proposal ensures that a student 44841
who is awarded a scholarship is appropriately qualified and 44842
prepared to successfully complete a degree program in science, 44843
technology, engineering, mathematics, or medicine or in science, 44844
technology, engineering, mathematics, or medical education; 44845

(R) The extent to which the proposal will increase the number of women participating in the choose Ohio first scholarship program. 44846
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Sec. 3333.66. (A) ~~In~~ (1) Except as provided in division (A)(2) of this section, in each academic year, no student who receives a choose Ohio first scholarship shall receive less than one thousand five hundred dollars or more than one-half of the highest in-state undergraduate instructional and general fees charged by all state universities. For this purpose, if Miami university is implementing the pilot tuition restructuring plan originally recognized in Am. Sub. H.B. 95 of the 125th general assembly, that university's instructional and general fees shall be considered to be the average full-time in-state undergraduate instructional and general fee amount after taking into account the Ohio resident and Ohio leader scholarships and any other credit provided to all Ohio residents. 44849
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(2) The chancellor of the Ohio board of regents may authorize a state university or college or a nonpublic Ohio institution of higher education to award a choose Ohio first scholarship in an amount greater than one-half of the highest in-state undergraduate instructional and general fees charged by all state universities to either of the following: 44862
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(a) Any undergraduate student who qualifies for a scholarship and is enrolled in a program leading to a teaching profession in science, technology, engineering, mathematics, or medicine; 44868
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(b) Any graduate student who qualifies for a scholarship, if any initiatives are selected for award under division (B) of this section. 44871
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(B) ~~The chancellor of the Ohio board of regents~~ shall encourage state universities and colleges, alone or in collaboration with other state institutions of higher education, 44874
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nonpublic Ohio universities and colleges, or other public or 44877
private Ohio entities, to submit proposals under the choose Ohio 44878
first scholarship program for initiatives that recruit Ohio 44879
residents enrolled in colleges and universities in other states or 44880
other countries to return to Ohio and enroll in state universities 44881
or colleges as graduate students in the fields of science, 44882
technology, engineering, mathematics, and medicine, or in the 44883
fields of science, technology, engineering, mathematics, or 44884
medical education. If such proposals are submitted and meet the 44885
chancellor's competitive criteria for awards, the chancellor, 44886
subject to approval by the controlling board, shall give at least 44887
one of the proposals preference for an award. 44888

(C) The general assembly intends that money appropriated for 44889
the choose Ohio first scholarship program in each fiscal year be 44890
used for scholarships in the following academic year. 44891

Sec. 3333.90. (A) As used in this section: 44892

(1) "Allocated state share of instruction" means, for any 44893
fiscal year, the amount of the state share of instruction 44894
appropriated to the Ohio board of regents by the general assembly 44895
that is allocated to a community or technical college or community 44896
or technical college district for such fiscal year. 44897

(2) "Authority" means the Ohio building authority. 44898

(3) "Bond service charges" has the same meaning as in section 44899
152.09 of the Revised Code. 44900

(4) "Chancellor" means the chancellor of the Ohio board of 44901
regents. 44902

(5) "Community or technical college" or "college" means any 44903
of the following state-supported or state-assisted institutions of 44904
higher education: 44905

(a) A community college as defined in section 3354.01 of the 44906

<u>Revised Code;</u>	44907
<u>(b) A technical college as defined in section 3357.01 of the</u>	44908
<u>Revised Code;</u>	44909
<u>(c) A state community college as defined in section 3358.01</u>	44910
<u>of the Revised Code.</u>	44911
<u>(6) "Community or technical college district" or "district"</u>	44912
<u>means any of the following institutions of higher education that</u>	44913
<u>are state-supported or state-assisted:</u>	44914
<u>(a) A community college district as defined in section</u>	44915
<u>3354.01 of the Revised Code;</u>	44916
<u>(b) A technical college district as defined in section</u>	44917
<u>3357.01 of the Revised Code;</u>	44918
<u>(c) A state community college district as defined in section</u>	44919
<u>3358.01 of the Revised Code.</u>	44920
<u>(7) "Credit enhancement facilities" has the same meaning as</u>	44921
<u>in section 133.01 of the Revised Code.</u>	44922
<u>(8) "Obligations" has the meaning as in section 152.09 or</u>	44923
<u>3345.12 of the Revised Code, as the context requires.</u>	44924
<u>(B) The board of trustees of any community or technical</u>	44925
<u>college district authorizing the issuance of obligations under</u>	44926
<u>section 3354.12, 3354.121, 3357.11, 3357.112, or 3358.10 of the</u>	44927
<u>Revised Code, or for whose benefit and on whose behalf the</u>	44928
<u>authority proposes to issue obligations under division (G) of</u>	44929
<u>section 152.09 of the Revised Code, may adopt a resolution</u>	44930
<u>requesting the chancellor to enter into an agreement with the</u>	44931
<u>community or technical college district and the primary paying</u>	44932
<u>agent or fiscal agent for such obligations, providing for the</u>	44933
<u>withholding and deposit of funds otherwise due the district or the</u>	44934
<u>community or technical college it operates in respect of its</u>	44935
<u>allocated state share of instruction, for the payment of bond</u>	44936

service charges on such obligations. 44937

The board of trustees shall deliver to the chancellor a copy 44938
of the resolution and any additional pertinent information the 44939
chancellor may require. 44940

The chancellor and the office of budget and management, and 44941
the authority in the case of obligations to be issued by the 44942
authority, shall evaluate each request received from a community 44943
or technical college district under this section. The chancellor, 44944
with the advice and consent of the director of budget and 44945
management and the authority in the case of obligations to be 44946
issued by the authority, shall approve each request if all of the 44947
following conditions are met: 44948

(1) Approval of the request will enhance the marketability of 44949
the obligations for which the request is made; 44950

(2) The chancellor and the office of budget and management, 44951
and the authority in the case of obligations to be issued by the 44952
authority, have no reason to believe the requesting community or 44953
technical college district or the community or technical college 44954
it operates will be unable to pay when due the bond service 44955
charges on the obligations for which the request is made, and bond 44956
service charges on those obligations are therefore not anticipated 44957
to be paid pursuant to this section from the allocated state share 44958
of instruction for purposes of Section 17 of Article VIII, Ohio 44959
Constitution. 44960

(3) Any other pertinent conditions established in rules 44961
adopted under division (H) of this section. 44962

(C) If the chancellor approves the request of a community or 44963
technical college district to withhold and deposit funds pursuant 44964
to this section, the chancellor shall enter into a written 44965
agreement with the district and the primary paying agent or fiscal 44966
agent for the obligations, which agreement shall provide for the 44967

withholding of funds pursuant to this section for the payment of 44968
bond service charges on those obligations. The agreement may also 44969
include both of the following: 44970

(1) Provisions for certification by the district to the 44971
chancellor, prior to the deadline for payment of the applicable 44972
bond service charges, whether the district and the community or 44973
technical college it operates are able to pay those bond service 44974
charges when due; 44975

(2) Requirements that the district or the community or 44976
technical college it operates deposits amounts for the payment of 44977
those bond service charges with the primary paying agent or fiscal 44978
agent for the obligations prior to the date on which the bond 44979
service charges are due to the owners or holders of the 44980
obligations. 44981

(D) Whenever a district or the community or technical college 44982
it operates notifies the chancellor that it will not be able to 44983
pay the bond service charges when they are due, subject to the 44984
withholding provisions of this section, or whenever the applicable 44985
paying agent or fiscal agent notifies the chancellor that it has 44986
not timely received from a district or from the college it 44987
operates the full amount needed for payment of the bond service 44988
charges when due to the holders or owners of such obligations, the 44989
chancellor shall immediately contact the district or college and 44990
the paying agent or fiscal agent to confirm that the district and 44991
the college are not able to make the required payment by the date 44992
on which it is due. 44993

If the chancellor confirms that the district and the college 44994
are not able to make the payment and the payment will not be made 44995
pursuant to a credit enhancement facility, the chancellor shall 44996
promptly pay to the applicable primary paying agent or fiscal 44997
agent the lesser of the amount due for bond service charges or the 44998
amount of the next periodic distribution scheduled to be made to 44999

the district or to the college in respect of its allocated state 45000
share of instruction. If this amount is insufficient to pay the 45001
total amount then due the agent for the payment of bond service 45002
charges, the chancellor shall continue to pay to the agent from 45003
each periodic distribution thereafter, and until the full amount 45004
due the agent for unpaid bond service charges is paid in full, the 45005
lesser of the remaining amount due the agent for bond service 45006
charges or the amount of the next periodic distribution scheduled 45007
to be made to the district or college in respect of its allocated 45008
state share of instruction. 45009

(E) The chancellor may make any payments under this section 45010
by direct deposit of funds by electronic transfer. 45011

Any amount received by a paying agent or fiscal agent under 45012
this section shall be applied only to the payment of bond service 45013
charges on the obligations of the community or technical college 45014
district or community or technical college subject to this section 45015
or to the reimbursement of the provider of a credit enhancement 45016
facility that has paid the bond service charges. 45017

(F) The chancellor may make payments under this section to 45018
paying agents or fiscal agents during any fiscal biennium of the 45019
state only from and to the extent that money is appropriated to 45020
the board of regents by the general assembly for distribution 45021
during such biennium for the state share of instruction and only 45022
to the extent that a portion of the state share of instruction has 45023
been allocated to the community or technical college district or 45024
community or technical college. Obligations of the authority or of 45025
a community or technical college district to which this section is 45026
made applicable do not constitute an obligation or a debt or a 45027
pledge of the faith, credit, or taxing power of the state, and the 45028
holders or owners of those obligations have no right to have 45029
excises or taxes levied or appropriations made by the general 45030
assembly for the payment of bond service charges on the 45031

obligations, and the obligations shall contain a statement to that effect. The agreement for or the actual withholding and payment of money under this section does not constitute the assumption by the state of any debt of a community or technical college district or a community or technical college, and bond service charges on the related obligations are not anticipated to be paid from the state general revenue fund for purposes of Section 17 of Article VIII, Ohio Constitution. 45032
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(G) In the case of obligations subject to the withholding provisions of this section, the issuing community or technical college district, or the authority in the case of obligations issued by the authority, shall appoint a paying agent or fiscal agent who is not an officer or employee of the district or college. 45040
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(H) The chancellor, with the advice and consent of the office of budget and management, may adopt reasonable rules not inconsistent with this section for the implementation of this section to secure payment of bond service charges on obligations issued by a community or technical college district or by the authority for the benefit of a community or technical college district or the community or technical college it operates. Those rules shall include criteria for the evaluation and approval or denial of community or technical college district requests for withholding under this section. 45046
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(I) The authority granted by this section is in addition to and not a limitation on any other authorizations granted by or pursuant to law for the same or similar purposes. 45056
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Sec. 3333.91. (A) As used in this section, "bioscience sector" includes companies that manufacture medical devices, biopharmaceutical products, biofuel, or agricultural bioproducts; health care service companies; health care organizations; and 45059
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medical research organizations. 45063

(B) The chancellor of the Ohio board of regents shall provide grants to entities that satisfy the requirements specified in this section to provide training for individuals who are not employed in the field of biotechnology or the bioscience sector and wish to receive training to be employed in that field or sector. The chancellor may provide such grants to entities engaged in any other field in which critical demands exist for certain skills. 45064
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(C) The chancellor may accept applications for training grant funds awarded pursuant to this section from any of the following entities: 45072
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(1) A municipal corporation that provides any of the training programs described in division (D) of this section; 45075
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(2) An employer, including an intermediary or a training agent of the employer, that provides any of the training programs described in division (D) of this section; 45077
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(3) Any of the following entities that sponsor multi-company employee training projects that offer programs described in division (D) of this section if those projects will address common training needs identified by employers that elect to participate in the project offered by the entity: 45080
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(a) Business associations; 45085

(b) Strategic business partnerships; 45086

(c) Institutions of secondary or higher education; 45087

(d) Large manufacturers for supplier network companies; 45088

(e) Agencies of the state or of a political subdivision of the state or grant recipients under the federal "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801, as 45089
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amended. 45092

(D) The chancellor may award grants to eligible applicants described in division (C) of this section if in the application, the applicant specifies that the money received from the grant will be used for employee training programs that include, but are not limited to, any of the following: 45093
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(1) Training programs that are in response to new or changing technology introduced into the workplace; 45098
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(2) Job-linked training programs that offer special skills for career advancement or that are preparatory for, and lead directly to, a job with definite career potential and long-term job security; 45100
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(3) Training programs that are necessary to implement a total quality management system, a total quality improvement system, or both within the workplace; 45104
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(4) Training related to learning how to operate new machinery or equipment; 45107
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(5) Training for employees of companies that are expanding into new markets or expanding exports from this state and that provide jobs in this state; 45109
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(6) Basic training, remedial training, or both of employees as a prerequisite for other vocational or technical skills training or as a condition for sustained employment; 45112
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(7) Other training activities, training projects, or both, related to the support, development, or evaluation of job training programs, activities, and delivery systems, including training needs assessment and design. 45115
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(E) The chancellor shall use the same competitive process established under section 3333.73 of the Revised Code for making awards under the Ohio co-op/internship program, adapted as 45119
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necessary, to award training grants under this section. 45122

(F) The chancellor shall adopt rules in accordance with 45123
Chapter 119. of the Revised Code to establish the terms and 45124
conditions under which a grant may be awarded under this section 45125
and as necessary to implement this section. The chancellor shall 45126
include in the rules a requirement that, if an entity that applies 45127
for a grant awarded under this section is not an employer, the 45128
entity must specify in the entity's application employers that 45129
will benefit from the training the entity provides to ensure that 45130
the training provided satisfies the needs of employers located in 45131
the area where the entity provides the training programs described 45132
in division (D) of this section. No grant awarded under this 45133
section shall be for an amount that exceeds fifty per cent of the 45134
allowable costs of the training programs described in division (D) 45135
of this section provided by an entity described in division (C) of 45136
this section. Under this section, allowable costs include, but are 45137
not limited to, the following costs: 45138

(1) Administrative costs for tracking, documenting, 45140
reporting, and processing training funds or project costs; 45141

(2) Costs for developing a curriculum; 45142

(3) Wages for instructors and if the individuals receiving 45143
training are employed by the employer who offers the program, 45144
wages for those individuals; 45145

(4) Costs incurred for producing training materials, 45146
including scrap product costs; 45147

(5) Trainee travel expenses; 45148

(6) Costs for rent, purchase, or lease of training equipment; 45149

(7) Other usual and customary training costs. 45150

(G) An entity described in division (C) of this section shall 45151

use money received from a grant only for the programs that the 45152
entity specified in the entity's application in accordance with 45153
division (D) of this section. A municipal corporation that 45154
receives a grant under this section may use the money received for 45155
a training program that also is funded pursuant to the federal 45156
"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801, 45157
as amended. 45158

(H) The chancellor shall adopt rules in accordance with 45159
Chapter 119. of the Revised Code to establish methods and 45160
procedures the chancellor shall use to identify transitional jobs 45161
and to develop and identify training strategies that will enable 45162
individuals who are not employed in the field of biotechnology or 45163
the bioscience sector to be employed in that field or sector. 45164

(I) The chancellor shall require an employee of the board of 45165
regents to conduct at least one on-site visit to monitor the 45166
application of the grant and compliance with this section and any 45167
rules the chancellor adopts pursuant to it, either during the 45168
course of the grant period or within six months after the end of 45169
the grant period. The employee shall verify that the grantee's 45170
financial management system is structured to provide for accurate, 45171
current, and complete disclosure of the financial results of the 45172
grant program in accordance with all provisions, terms, and 45173
conditions contained in the grant contract entered into by the 45174
grantee and the chancellor pursuant to this section and any rules 45175
the chancellor adopts pursuant to it. 45176

Sec. 3334.03. (A)(1) There is hereby created the Ohio tuition 45177
trust authority within the office of the chancellor of the Ohio 45178
board of regents, which shall have the powers enumerated in this 45179
chapter and which shall operate as a qualified state tuition 45180
program within the meaning of section 529 of the Internal Revenue 45181
Code. The exercise by the authority of its powers shall be and is 45182

hereby declared an essential state governmental function. The 45183
authority is subject to all provisions of law generally applicable 45184
to state agencies which do not conflict with the provisions of 45185
this chapter. 45186

(2) Except for the duties and responsibilities under this 45187
chapter of the Ohio tuition trust authority board as specified in 45188
divisions (B)(2) and (3) of this section, the Ohio tuition trust 45189
authority shall perform all duties and responsibilities specified 45190
under this chapter. 45191

(B) ~~The (1)(a) There is hereby created the~~ Ohio tuition trust 45192
authority board, which shall consist of eleven members, no more 45193
than six of whom shall be of the same political party. Six members 45194
shall be appointed by the governor with the advice and consent of 45195
the senate as follows: one shall represent state institutions of 45196
higher education, one shall represent private nonprofit colleges 45197
and universities located in Ohio, one shall have experience in the 45198
field of marketing or public relations, one shall have experience 45199
in the field of information systems design or management, and two 45200
shall have experience in the field of banking, investment banking, 45201
insurance, or law. Four members shall be appointed by the speaker 45202
of the house of representatives and the president of the senate as 45203
follows: the speaker of the house of representatives shall appoint 45204
one member of the house from each political party and the 45205
president of the senate shall appoint one member of the senate 45206
from each political party. ~~The chancellor of the board of regents~~ 45207
or the chancellor's designee shall be an ex officio ~~voting~~ 45208
nonvoting member; ~~provided, however, that the chancellor may~~ 45209
~~designate a vice chancellor of the board of regents to serve as~~ 45210
~~the chancellor's representative. The political party of the~~ 45211
~~chancellor shall be deemed the political party of the designee for~~ 45212
~~purposes of determining that no more than six members are of the~~ 45213
~~same political party.~~ 45214

~~Initial gubernatorial appointees to the authority shall serve~~ 45215
~~staggered terms, with two terms expiring on January 31, 1991, one~~ 45216
~~term expiring on January 31, 1992, and one term expiring on~~ 45217
~~January 31, 1993. The governor shall appoint two additional~~ 45218
~~members to the authority no later than thirty days after March 30,~~ 45219
~~1999, and their initial terms shall expire January 31, 2002.~~ 45220
~~Thereafter, terms~~ Terms of office for gubernatorial appointees 45221
shall be ~~for four years~~ staggered four-year terms. The initial 45222
~~terms of the four legislative members shall expire on January 31,~~ 45223
~~1991. Thereafter legislative~~ Legislative members shall serve 45224
two-year terms, provided that legislative members may continue to 45225
serve on the ~~authority~~ board only if they remain members of the 45226
general assembly. Any vacancy on the ~~authority~~ board shall be 45227
filled in the same manner as the original appointment, except that 45228
any person appointed to fill a vacancy shall be appointed to the 45229
remainder of the unexpired term. Any member is eligible for 45230
reappointment. 45231

~~(C)~~(b) Any member may be removed by the appointing authority 45232
for misfeasance, malfeasance, or willful neglect of duty or for 45233
other cause after notice and a public hearing, unless the notice 45234
and hearing are waived in writing by the member. Members shall 45235
serve without compensation but shall receive their reasonable and 45236
necessary expenses incurred in the conduct of ~~authority~~ the 45237
board's business. 45238

~~(D)~~(c) The speaker of the house of representatives and the 45239
president of the senate shall each designate a member of the 45240
~~authority~~ board to serve as co-chairpersons. The six gubernatorial 45241
appointees and the chancellor ~~of the board of regents~~ or the 45242
chancellor's designee shall serve as the executive committee of 45243
the ~~authority~~ board, and shall elect an executive chairperson from 45244
among the executive committee members. The ~~authority~~ board and the 45245
executive committee may elect such other officers as determined by 45246

the authority board or the executive committee respectively. The 45247
authority shall meet at least annually at the call of either 45248
co-chairperson and at such other times as either co-chairperson or 45249
the authority board determines necessary. In the absence of both 45250
co-chairpersons, the executive chairperson shall serve as the 45251
presiding officer of the authority board. The executive committee 45252
shall meet at the call of the executive chairperson or as the 45253
executive committee determines necessary. The authority board may 45254
delegate to the executive committee such duties and 45255
responsibilities as the authority board determines appropriate, 45256
except that the authority board may not delegate to the executive 45257
committee ~~the final determination of the annual price of a tuition~~ 45258
~~unit,~~ the final designation of bonds as college savings bonds, or 45259
providing of advice concerning and consent to the employment of an 45260
executive director of the Ohio tuition trust authority. Upon such 45261
delegation, the executive committee shall have the authority to 45262
act pursuant to such delegation without further approval or action 45263
by the authority board. A majority of the authority board shall 45264
constitute a quorum of the authority board, and the affirmative 45265
vote of a majority of the members present shall be necessary for 45266
any action taken by the authority board. A majority of the 45267
executive committee shall constitute a quorum of the executive 45268
committee, and the affirmative vote of a majority of the members 45269
present shall be necessary for any action taken by the executive 45270
committee. No vacancy in the membership of the authority board or 45271
the executive committee shall impair the rights of a quorum to 45272
exercise all rights and perform all duties of the authority board 45273
or the executive committee respectively. 45274

(2) The Ohio tuition trust authority board solely shall 45275
perform the duties and responsibilities specified in division 45276
(B)(3) of this section and in all of the following: 45277

(a) Section 3334.04 of the Revised Code, except for 45278

administration responsibilities that include, but are not limited to, marketing, promoting, and advertising; 45279
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(b) Division (A)(11) of section 3334.08 of the Revised Code to provide advice and consent to the Ohio tuition trust authority on the hiring of the executive director, provided that the executive director shall not be hired unless a majority of the board votes in favor of the hiring; 45281
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(c) Divisions (A) to (E), (G)(1), (K), (L), and (M) of section 3334.11 of the Revised Code, except that the board shall consult with the chancellor prior to any change in the order of expenditures under division (B) of that section, prior to entering into a contract under division (E) of that section, or prior to establishing an entity authorized under division (K)(2) of that section; 45286
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(d) Section 3334.12 of the Revised Code; 45293

(e) Sections 3334.18 to 3334.21 of the Revised Code concerning investment and fiduciary duties that are required for the variable college savings program. In addition, prior to any change in the order of expenditures under division (F) of section 3334.19 of the Revised Code, the board shall consult with the chancellor. 45294
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(3) Subject to the advice and consent of the chancellor, the Ohio tuition trust authority board may remove at any time the executive director of the Ohio tuition trust authority hired under division (A)(11) of section 3334.08 of the Revised Code. 45300
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Sec. 3334.07. (A) The Ohio tuition trust authority shall develop a plan for the sale of tuition units. ~~The Ohio board of regents shall cooperate with the authority and provide technical assistance upon request~~ Not later than December 31, 2009, the authority shall conduct a study of guaranteed tuition program 45304
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plans and submit a report that contains recommendations for a new 45309
guaranteed tuition plan to the speaker of the house of 45310
representatives, the president of the senate, and the governor. 45311
The authority shall include in the report consideration of a 45312
guaranteed tuition program plan in which the risks of the plan are 45313
shared equitably among institutions of higher education, the 45314
state, the Ohio tuition trust authority, and the investors in the 45315
program. 45316

(B) Annually, the authority shall determine the weighted 45317
average tuition of four-year state universities in the academic 45318
year that begins on or after the first day of August of the 45319
current calendar year, and shall establish the price of a tuition 45320
unit in the ensuing sales period. Such price shall be based on 45321
sound actuarial principles, and shall, to the extent actuarially 45322
possible, reasonably approximate one per cent of the weighted 45323
average tuition for that academic year plus the costs of 45324
administering the program that are in excess of general revenue 45325
fund appropriations for administrative costs. The sales period to 45326
which such price applies shall consist of twelve months, and the 45327
authority by rule shall establish the date on which the sales 45328
period begins. If circumstances arise during a sales period that 45329
the authority determines causes the price of tuition units to be 45330
insufficient to ensure the actuarial soundness of the Ohio tuition 45331
trust fund, the authority may adjust the price of tuition units 45332
purchased during the remainder of the sales period. To promote the 45333
purchase of tuition units and in accordance with actuarially sound 45334
principles, the authority may adjust the sales price as part of 45335
incentive programs, such as discounting for lump sum purchases and 45336
multi-year installment plans at a fixed rate of purchase. 45337

(C) The authority may establish and administer more than one 45338
plan for the sale of tuition units within the Ohio tuition trust 45339
fund using similar principles specified in division (B) of this 45340

section or modeled after a plan that was included in the study 45341
that was conducted under division (A) of this section. If the 45342
authority establishes and administers more than one plan for the 45343
sale of tuition units, the money received under each plan shall be 45344
segregated and identified within the Ohio tuition trust fund. 45345

Sec. 3334.08. (A) Subject to division (B) of this section, in 45346
addition to any other powers conferred by this chapter, the Ohio 45347
tuition trust authority may do any of the following: 45348

(1) Impose reasonable residency requirements for 45349
beneficiaries of tuition units; 45350

(2) Impose reasonable limits on the number of tuition unit 45351
participants; 45352

(3) Impose and collect administrative fees and charges in 45353
connection with any transaction under this chapter; 45354

(4) Purchase insurance from insurers licensed to do business 45355
in this state providing for coverage against any loss in 45356
connection with the authority's property, assets, or activities or 45357
to further ensure the value of tuition units; 45358

(5) Indemnify or purchase policies of insurance on behalf of 45359
members, officers, and employees of the authority from insurers 45360
licensed to do business in this state providing for coverage for 45361
any liability incurred in connection with any civil action, 45362
demand, or claim against a director, officer, or employee by 45363
reason of an act or omission by the director, officer, or employee 45364
that was not manifestly outside the scope of the employment or 45365
official duties of the director, officer, or employee or with 45366
malicious purpose, in bad faith, or in a wanton or reckless 45367
manner; 45368

(6) Make, execute, and deliver contracts, conveyances, and 45369
other instruments necessary to the exercise and discharge of the 45370

powers and duties of the authority; 45371

(7) Promote, advertise, and publicize the Ohio college 45372
savings program and the variable college savings program; 45373

(8) Adopt rules under section 111.15 of the Revised Code for 45374
the implementation of the Ohio college savings program; 45375

(9) Contract, for the provision of all or part of the 45376
services necessary for the management and operation of the Ohio 45377
college savings program and the variable college savings program, 45378
with a bank, trust company, savings and loan association, 45379
insurance company, or licensed dealer in securities if the bank, 45380
company, association, or dealer is authorized to do business in 45381
this state and information about the contract is filed with the 45382
controlling board pursuant to division (D)(6) of section 127.16 of 45383
the Revised Code; 45384

(10) Contract for other services, or for goods, needed by the 45385
authority in the conduct of its business, including but not 45386
limited to credit card services; 45387

(11) Employ an executive director and other personnel as 45388
necessary to carry out its responsibilities under this chapter, 45389
and fix the compensation of these persons. All employees of the 45390
authority shall be in the unclassified civil service and shall be 45391
eligible for membership in the public employees retirement system. 45392
In the hiring of the executive director, the Ohio tuition trust 45393
authority shall obtain the advice and consent of the Ohio tuition 45394
trust board created in section 3334.03 of the Revised Code, 45395
provided that the executive director shall not be hired unless a 45396
majority of the board votes in favor of the hiring. In addition, 45397
the board may remove the executive director at any time subject to 45398
the advice and consent of the chancellor of the Ohio board of 45399
regents. 45400

(12) Contract with financial consultants, actuaries, 45401

auditors, and other consultants as necessary to carry out its 45402
responsibilities under this chapter; 45403

(13) Enter into agreements with any agency of the state or 45404
its political subdivisions or with private employers under which 45405
an employee may agree to have a designated amount deducted in each 45406
payroll period from the wages or salary due the employee for the 45407
purpose of purchasing tuition units pursuant to a tuition payment 45408
contract or making contributions pursuant to a variable college 45409
savings program contract; 45410

(14) Enter into an agreement with the treasurer of state 45411
under which the treasurer of state will receive, and credit to the 45412
Ohio tuition trust fund or variable college savings program fund, 45413
from any bank or savings and loan association authorized to do 45414
business in this state, amounts that a depositor of the bank or 45415
association authorizes the bank or association to withdraw 45416
periodically from the depositor's account for the purpose of 45417
purchasing tuition units pursuant to a tuition payment contract or 45418
making contributions pursuant to a variable college savings 45419
program contract; 45420

(15) Solicit and accept gifts, grants, and loans from any 45421
person or governmental agency and participate in any governmental 45422
program; 45423

(16) Impose limits on the number of units which may be 45424
purchased on behalf of or assigned or awarded to any beneficiary 45425
and on the total amount of contributions that may be made on 45426
behalf of a beneficiary; 45427

(17) Impose restrictions on the substitution of another 45428
individual for the original beneficiary under the Ohio college 45429
savings program; 45430

(18) Impose a limit on the age of a beneficiary, above which 45431
tuition units may not be purchased on behalf of that beneficiary; 45432

(19) Enter into a cooperative agreement with the treasurer of state to provide for the direct disbursement of payments under tuition payment or variable college savings program contracts; 45433
45434
45435

(20) Determine the other higher education expenses for which tuition units or contributions may be used; 45436
45437

(21) Terminate any tuition payment or variable college savings program contract if no purchases or contributions are made for a period of three years or more and there are fewer than a total of five tuition units or less than a dollar amount set by rule on account, provided that notice of a possible termination shall be provided in advance, explaining any options to prevent termination, and a reasonable amount of time shall be provided within which to act to prevent a termination; 45438
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(22) Maintain a separate account for each tuition payment or variable college savings program contract; 45446
45447

(23) Perform all acts necessary and proper to carry out the duties and responsibilities of the authority pursuant to this chapter. 45448
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(B) The authority shall adopt rules under section 111.15 of the Revised Code for the implementation and administration of the variable college savings program. The rules shall provide taxpayers with the maximum tax advantages and flexibility consistent with section 529 of the Internal Revenue Code and regulations adopted thereunder with regard to disposition of contributions and earnings, designation of beneficiaries, and rollover of account assets to other programs. 45451
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(C) Except as otherwise specified in this chapter, the provisions of Chapters 123., 125., and 4117. of the Revised Code shall not apply to the authority. The department of administrative services shall, upon the request of the authority, act as the authority's agent for the purchase of equipment, supplies, 45459
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insurance, or services, or the performance of administrative 45464
services pursuant to Chapter 125. of the Revised Code. 45465

Sec. 3334.11. (A) The assets of the Ohio tuition trust 45466
authority reserved for payment of the obligations of the authority 45467
pursuant to tuition payment contracts shall be placed in a fund, 45468
which is hereby created and shall be known as the Ohio tuition 45469
trust fund. The fund shall be in the custody of the treasurer of 45470
state, but shall not be part of the state treasury. That portion 45471
of payments received by the authority or the treasurer of state 45472
from persons purchasing tuition units under tuition payment 45473
contracts that the authority determines is actuarially necessary 45474
for the payment of obligations of the authority pursuant to 45475
tuition payment contracts, all interest and investment income 45476
earned by the fund, and all other receipts of the authority from 45477
any other source that the authority determines appropriate, shall 45478
be deposited in the fund. No purchaser or beneficiary of tuition 45479
units shall have any claim against the funds of any state 45480
institution of higher education. All investment fees and other 45481
costs incurred in connection with the exercise of the investment 45482
powers of the authority pursuant to divisions (D) and (E) of this 45483
section shall be paid from the assets of the fund. 45484

(B) Unless otherwise provided by the authority, the assets of 45485
the Ohio tuition trust fund shall be expended in the following 45486
order: 45487

(1) To make payments to beneficiaries, or institutions of 45488
higher education on behalf of beneficiaries, under division (B) of 45489
section 3334.09 of the Revised Code; 45490

(2) To make refunds as provided in divisions (A) and (C) of 45491
section 3334.10 of the Revised Code; 45492

(3) To pay the investment fees and other costs of 45493
administering the fund. 45494

(C)(1) Except as may be provided in an agreement under 45495
division (A)(19) of section 3334.08 of the Revised Code, all 45496
disbursements from the Ohio tuition trust fund shall be made by 45497
the treasurer of state on order of a designee of the authority. 45498

(2) The treasurer of state shall deposit any portion of the 45499
Ohio tuition trust fund not needed for immediate use in the same 45500
manner as state funds are deposited. 45501

(D) The authority is the trustee of the Ohio tuition trust 45502
fund. The authority shall have full power to invest the assets of 45503
the fund and in exercising this power shall be subject to the 45504
limitations and requirements contained in divisions (K) to (M) of 45505
this section and sections 145.112 and 145.113 of the Revised Code. 45506
The evidences of title of all investments shall be delivered to 45507
the treasurer of state or to a qualified trustee designated by the 45508
treasurer of state as provided in section 135.18 of the Revised 45509
Code. Assets of the fund shall be administered by the authority in 45510
a manner designed to be actuarially sound so that the assets of 45511
the fund will be sufficient to satisfy the obligations of the 45512
authority pursuant to tuition payment contracts and defray the 45513
reasonable expenses of administering the fund. 45514

(E) The ~~public employees retirement board shall, with the~~ 45515
~~approval of the authority, exercise the investment powers of the~~ 45516
authority may enter into an agreement with any business, entity, 45517
or governmental agency to perform the investment duties of the 45518
authority as set forth in division (D) of this section ~~until the~~ 45519
~~authority determines that assumption and exercise by the authority~~ 45520
~~of the investment powers is financially and administratively~~ 45521
~~feasible.~~ The investment powers shall be exercised by the ~~public~~ 45522
~~employees retirement board~~ business, entity, or governmental 45523
agency that entered into an agreement with the authority in a 45524
manner agreed upon by the authority that maximizes the return on 45525
investment and minimizes the administrative expenses. 45526

(F)(1) The authority shall maintain a separate account for 45527
each tuition payment contract entered into pursuant to division 45528
(A) of section 3334.09 of the Revised Code for the purchase of 45529
tuition units on behalf of a beneficiary or beneficiaries showing 45530
the beneficiary or beneficiaries of that contract and the number 45531
of tuition units purchased pursuant to that contract. Upon request 45532
of any beneficiary or person who has entered into a tuition 45533
payment contract, the authority shall provide a statement 45534
indicating, in the case of a beneficiary, the number of tuition 45535
units purchased on behalf of the beneficiary, or in the case of a 45536
person who has entered into a tuition payment contract, the number 45537
of tuition units purchased, used, or refunded pursuant to that 45538
contract. A beneficiary and person that have entered into a 45539
tuition payment contract each may file only one request under this 45540
division in any year. 45541

(2) The authority shall maintain an account for each 45542
scholarship program showing the number of tuition units that have 45543
been purchased for or donated to the program and the number of 45544
tuition units that have been used. Upon the request of the entity 45545
that established the scholarship program, the authority shall 45546
provide a statement indicating these numbers. 45547

(G)(1) In addition to the Ohio tuition trust fund, there is 45548
hereby established a reserve fund that shall be in the custody of 45549
the treasurer of state but shall not be part of the state 45550
treasury, and shall be known as the Ohio tuition trust reserve 45551
fund, and an operating fund that shall be part of the state 45552
treasury, and shall be known as the Ohio tuition trust operating 45553
fund. That portion of payments received by the authority or the 45554
treasurer of state from persons purchasing tuition units under 45555
tuition payment contracts that the authority determines is not 45556
actuarially necessary for the payment of obligations of the 45557
authority pursuant to tuition payment contracts, any interest and 45558

investment income earned by the reserve fund, any administrative 45559
charges and fees imposed by the authority on transactions under 45560
this chapter or on purchasers or beneficiaries of tuition units, 45561
and all other receipts from any other source that the authority 45562
determines appropriate, shall be deposited in the reserve fund to 45563
pay the operating expenses of the authority and the costs of 45564
administering the program. The assets of the reserve fund may be 45565
invested in the same manner and subject to the same limitations 45566
set forth in divisions (D), (E), and (K) to (M) of this section 45567
and sections 145.112 and 145.113 of the Revised Code. All 45568
investment fees and other costs incurred in connection with the 45569
exercise of the investment powers shall be paid from the assets of 45570
the reserve fund. Except as otherwise provided for in this 45571
chapter, all operating expenses of the authority and costs of 45572
administering the program shall be paid from the operating fund. 45573
The 45574

(2) The treasurer shall, upon request of the authority, 45575
transfer funds from the reserve fund to the operating fund as the 45576
authority determines appropriate to pay those current operating 45577
expenses of the authority and costs of administering the program 45578
as the authority designates. Any interest or investment income 45579
earned on the assets of the operating fund shall be deposited in 45580
the operating fund. 45581

(H) In January of each year the authority shall report to 45582
each person who received any payments or refunds from the 45583
authority during the preceding year information relative to the 45584
value of the payments or refunds to assist in determining that 45585
person's tax liability. 45586

(I) The authority shall report to the tax commissioner any 45587
information, and at the times, as the tax commissioner requires to 45588
determine any tax liability that a person may have incurred during 45589
the preceding year as a result of having received any payments or 45590

refunds from the authority. 45591

(J) All records of the authority indicating the identity of 45592
purchasers and beneficiaries of tuition units or college savings 45593
bonds, the number of tuition units purchased, used, or refunded 45594
under a tuition payment contract, and the number of college 45595
savings bonds purchased, held, or redeemed are not public records 45596
within the meaning of section 149.43 of the Revised Code. 45597

(K)(1) The authority and other fiduciaries shall discharge 45598
their duties with respect to the funds with care, skill, prudence, 45599
and diligence under the circumstances then prevailing that a 45600
prudent person acting in a like capacity and familiar with such 45601
matters would use in the conduct of an enterprise of a like 45602
character and with like aims; and by diversifying the investments 45603
of the assets of the funds so as to minimize the risk of large 45604
losses, unless under the circumstances it is clearly prudent not 45605
to do so. 45606

(2) To facilitate investment of the funds, the authority may 45607
establish a partnership, trust, limited liability company, 45608
corporation, including a corporation exempt from taxation under 45609
the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as 45610
amended, or any other legal entity authorized to transact business 45611
in this state. 45612

(L) In exercising its fiduciary responsibility with respect 45613
to the investment of the assets of the funds, it shall be the 45614
intent of the authority to give consideration to investments that 45615
enhance the general welfare of the state and its citizens where 45616
the investments offer quality, return, and safety comparable to 45617
other investments currently available to the authority. In 45618
fulfilling this intent, equal consideration shall also be given to 45619
investments otherwise qualifying under this section that involve 45620
minority owned and controlled firms and firms owned and controlled 45621
by women, either alone or in joint venture with other firms. 45622

The authority shall adopt, in regular meeting, policies, 45623
objectives, or criteria for the operation of the investment 45624
program that include asset allocation targets and ranges, risk 45625
factors, asset class benchmarks, time horizons, total return 45626
objectives, and performance evaluation guidelines. In adopting 45627
policies and criteria for the selection of agents with whom the 45628
authority may contract for the administration of the assets of the 45629
funds, the authority shall give equal consideration to minority 45630
owned and controlled firms, firms owned and controlled by women, 45631
and ventures involving minority owned and controlled firms and 45632
firms owned and controlled by women that otherwise meet the 45633
policies and criteria established by the authority. Amendments and 45634
additions to the policies and criteria shall be adopted in regular 45635
meeting. The authority shall publish its policies, objectives, and 45636
criteria under this provision no less often than annually and 45637
shall make copies available to interested parties. 45638

When reporting on the performance of investments, the 45639
authority shall comply with the performance presentation standards 45640
established by the association for investment management and 45641
research. 45642

(M) All investments shall be purchased at current market 45643
prices and the evidences of title of the investments shall be 45644
placed in the hands of the treasurer of state, who is hereby 45645
designated as custodian thereof, or in the hands of the treasurer 45646
of state's authorized agent. The treasurer of state or the agent 45647
shall collect the principal, dividends, distributions, and 45648
interest thereon as they become due and payable and place them 45649
when so collected into the custodial funds. 45650

The treasurer of state shall pay for investments purchased by 45651
the authority on receipt of written or electronic instructions 45652
from the authority or the authority's designated agent authorizing 45653
the purchase and pending receipt of the evidence of title of the 45654

investment by the treasurer of state or the treasurer of state's 45655
authorized agent. The authority may sell investments held by the 45656
authority, and the treasurer of state or the treasurer of state's 45657
authorized agent shall accept payment from the purchaser and 45658
deliver evidence of title of the investment to the purchaser on 45659
receipt of written or electronic instructions from the authority 45660
or the authority's designated agent authorizing the sale, and 45661
pending receipt of the moneys for the investments. The amount 45662
received shall be placed in the custodial funds. The authority and 45663
the treasurer of state may enter into agreements to establish 45664
procedures for the purchase and sale of investments under this 45665
division and the custody of the investments. 45666

No purchase or sale of any investment shall be made under 45667
this section except as authorized by the authority. 45668

Any statement of financial position distributed by the 45669
authority shall include fair value, as of the statement date, of 45670
all investments held by the authority under this section. 45671

Sec. 3334.12. Notwithstanding anything to the contrary in 45672
sections 3334.07 and 3334.09 of the Revised Code: 45673

(A) Annually, the Ohio tuition trust authority shall have the 45674
actuarial soundness of the Ohio tuition trust fund evaluated by a 45675
nationally recognized actuary and shall determine whether 45676
additional assets are necessary to defray the obligations of the 45677
authority. If, after the authority sets the price for tuition 45678
units, circumstances arise that the executive director determines 45679
necessitate an additional evaluation of the actuarial soundness of 45680
the fund, the executive director shall have a nationally 45681
recognized actuary conduct the necessary evaluation. If the assets 45682
of the fund are insufficient to ensure the actuarial soundness of 45683
the fund, the authority shall adjust the price of subsequent 45684
purchases of tuition units to the extent necessary to help restore 45685

the actuarial soundness of the fund. If, at any time, the 45686
adjustment is likely, in the opinion of the authority, to diminish 45687
the marketability of tuition units to an extent that the continued 45688
sale of the units likely would not restore the actuarial soundness 45689
of the fund and external economic factors continue to negatively 45690
impact the soundness of the program, the authority may suspend 45691
sales, either permanently or temporarily, of tuition units. During 45692
any suspension, the authority shall continue to service existing 45693
college savings program accounts. 45694

(B) Upon termination of ~~the program~~ all programs or 45695
liquidation of the Ohio tuition trust fund, the Ohio tuition trust 45696
reserve fund, and the Ohio tuition trust operating fund, any 45697
remaining assets of the funds after all obligations of the funds 45698
have been satisfied pursuant to division (B) of section 3334.11 of 45699
the Revised Code shall be transferred to the general revenue fund 45700
of the state. 45701

(C) The authority shall prepare and cause to have audited an 45702
annual financial report on all financial activity of the Ohio 45703
tuition trust authority within ninety days of the end of the 45704
fiscal year. The authority shall transmit a copy of the audited 45705
financial report to the governor, the president of the senate, the 45706
speaker of the house of representatives, and the minority leaders 45707
of the senate and the house of representatives. Copies of the 45708
audited financial report also shall be made available, upon 45709
request, to the persons entering into contracts with the authority 45710
and to prospective purchasers of tuition units and prospective 45711
contributors to variable college savings program accounts. 45712

Sec. 3343.04. The board of trustees of the Central state 45713
university shall meet in regular session at the university twice a 45714
year. ~~The first meeting shall be on the third Thursday in June,~~ 45715
~~and the second on the first Thursday in November of each year.~~ 45716

Other meetings may be called and held at such places as the board 45717
prescribes. A majority of the board present at any meeting shall 45718
constitute a quorum; but a majority of the board shall be 45719
necessary to elect or remove a president, business manager, or 45720
professor. The trustees shall receive no compensation for their 45721
services, but shall be paid their expenses for traveling and other 45722
reasonable and necessary expenses while engaged in the discharge 45723
of their official duties. 45724

Sec. 3345.011. "State university" means a public institution 45725
of higher education which is a body politic and corporate. Each of 45726
the following institutions of higher education shall be recognized 45727
as a state university: university of Akron, Bowling Green state 45728
university, Central state university, university of Cincinnati, 45729
Cleveland state university, Kent state university, Miami 45730
university, Ohio university, Ohio state university, Shawnee state 45731
university, university of Toledo, Wright state university, and 45732
Youngstown state university. 45733

"State institution of higher education" means any state 45734
university or college as defined in division (A)(1) of section 45735
3345.12 of the Revised Code, community college, state community 45736
college, university branch established under Chapter 3355. of the 45737
Revised Code, or technical college. 45738

"University system of Ohio" means the collective group of all 45739
of the state institutions of higher education. 45740

"Member of the university system of Ohio" means any 45741
individual state institution of higher education. 45742

Sec. 3345.12. (A) As used in this section and sections 45743
3345.07 and 3345.11 of the Revised Code, in other sections of the 45744
Revised Code that make reference to this section unless the 45745
context does not permit, and in related bond proceedings unless 45746

otherwise expressly provided: 45747

(1) "State university or college" means each of the state 45748
universities identified in section 3345.011 of the Revised Code 45749
and the northeastern Ohio universities college of medicine, and 45750
includes its board of trustees. 45751

(2) "Institution of higher education" or "institution" means 45752
a state university or college, or a community college district, 45753
technical college district, university branch district, or state 45754
community college, and includes the applicable board of trustees 45755
or, in the case of a university branch district, any other 45756
managing authority. 45757

(3) "Housing and dining facilities" means buildings, 45758
structures, and other improvements, and equipment, real estate, 45759
and interests in real estate therefor, to be used for or in 45760
connection with dormitories or other living quarters and 45761
accommodations, or related dining halls or other food service and 45762
preparation facilities, for students, members of the faculty, 45763
officers, or employees of the institution of higher education, and 45764
their spouses and families. 45765

(4) "Auxiliary facilities" means buildings, structures, and 45766
other improvements, and equipment, real estate, and interests in 45767
real estate therefor, to be used for or in connection with student 45768
activity or student service facilities, housing and dining 45769
facilities, dining halls, and other food service and preparation 45770
facilities, vehicular parking facilities, bookstores, athletic and 45771
recreational facilities, faculty centers, auditoriums, assembly 45772
and exhibition halls, hospitals, infirmaries and other medical and 45773
health facilities, research, and continuing education facilities. 45774

(5) "Education facilities" means buildings, structures, and 45775
other improvements, and equipment, real estate, and interests in 45776
real estate therefor, to be used for or in connection with, 45777

classrooms or other instructional facilities, libraries, 45778
administrative and office facilities, and other facilities, other 45779
than auxiliary facilities, to be used directly or indirectly for 45780
or in connection with the conduct of the institution of higher 45781
education. 45782

(6) "Facilities" means housing and dining facilities, 45783
auxiliary facilities, or education facilities, and includes any 45784
one, part of, or any combination of such facilities, and further 45785
includes site improvements, utilities, machinery, furnishings, and 45786
any separate or connected buildings, structures, improvements, 45787
sites, open space and green space areas, utilities or equipment to 45788
be used in, or in connection with the operation or maintenance of, 45789
or supplementing or otherwise related to the services or 45790
facilities to be provided by, such facilities. 45791

(7) "Obligations" means bonds or notes or other evidences of 45792
obligation, including interest coupons pertaining thereto, 45793
authorized to be issued under this section or section 3345.07, 45794
3345.11, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised 45795
Code. 45796

(8) "Bond service charges" means principal, including any 45797
mandatory sinking fund or redemption requirements for the 45798
retirement of obligations, interest, or interest equivalent and 45799
other accreted amounts, and any call premium required to be paid 45800
on obligations. 45801

(9) "Bond proceedings" means the resolutions, trust 45802
agreement, indenture, and other agreements and credit enhancement 45803
facilities, and amendments and supplements to the foregoing, or 45804
any one or more or combination thereof, authorizing, awarding, or 45805
providing for the terms and conditions applicable to, or providing 45806
for the security or liquidity of, obligations, and the provisions 45807
contained in those obligations. 45808

(10) "Costs of facilities" means the costs of acquiring, 45809
constructing, reconstructing, rehabilitating, remodeling, 45810
renovating, enlarging, improving, equipping, or furnishing 45811
facilities, and the financing thereof, including the cost of 45812
clearance and preparation of the site and of any land to be used 45813
in connection with facilities, the cost of any indemnity and 45814
surety bonds and premiums on insurance, all related direct 45815
administrative expenses and allocable portions of direct costs of 45816
the institution of higher education or state agency, cost of 45817
engineering, architectural services, design, plans, specifications 45818
and surveys, estimates of cost, legal fees, fees and expenses of 45819
trustees, depositories, bond registrars, and paying agents for the 45820
obligations, cost of issuance of the obligations and financing 45821
costs and fees and expenses of financial advisers and consultants 45822
in connection therewith, interest on the obligations from the date 45823
thereof to the time when interest is to be covered by available 45824
receipts or other sources other than proceeds of the obligations, 45825
amounts necessary to establish reserves as required by the bond 45826
proceedings, costs of audits, the reimbursements of all moneys 45827
advanced or applied by or borrowed from the institution or others, 45828
from whatever source provided, including any temporary advances 45829
from state appropriations, for the payment of any item or items of 45830
cost of facilities, and all other expenses necessary or incident 45831
to planning or determining feasibility or practicability with 45832
respect to facilities, and such other expenses as may be necessary 45833
or incident to the acquisition, construction, reconstruction, 45834
rehabilitation, remodeling, renovation, enlargement, improvement, 45835
equipment, and furnishing of facilities, the financing thereof and 45836
the placing of them in use and operation, including any one, part 45837
of, or combination of such classes of costs and expenses. 45838

(11) "Available receipts" means all moneys received by the 45839
institution of higher education, including income, revenues, and 45840
receipts from the operation, ownership, or control of facilities, 45841

grants, gifts, donations, and pledges and receipts therefrom, 45842
receipts from fees and charges, and the proceeds of the sale of 45843
obligations, including proceeds of obligations issued to refund 45844
obligations previously issued, but excluding any special fee, and 45845
receipts therefrom, charged pursuant to division (D) of section 45846
154.21 of the Revised Code. 45847

(12) "Credit enhancement facilities" has the meaning given in 45848
division (H) of section 133.01 of the Revised Code. 45849

(13) "Financing costs" has the meaning given in division (K) 45850
of section 133.01 of the Revised Code. 45851

(14) "Interest" or "interest equivalent" has the meaning 45852
given in division (R) of section 133.01 of the Revised Code. 45853

(B) Obligations issued under section 3345.07 or 3345.11 of 45854
the Revised Code by a state university or college shall be 45855
authorized by resolution of its board of trustees. Obligations 45856
issued by any other institution of higher education shall be 45857
authorized by resolution of its board of trustees, or managing 45858
directors in the case of certain university branch districts, as 45859
applicable. Sections 9.96 and 9.98 to 9.983 of the Revised Code 45860
apply to obligations. Obligations may be issued to pay costs of 45861
facilities even if the institution anticipates the possibility of 45862
a future state appropriation to pay all or a portion of such 45863
costs. 45864

(C) Obligations shall be secured by a pledge of and lien on 45865
all or such part of the available receipts of the institution of 45866
higher education as it provides for in the bond proceedings, 45867
excluding moneys raised by taxation and state appropriations 45868
except as permitted by section 3333.90 of the Revised Code. Such 45869
pledge and lien may be made prior to all other expenses, claims, 45870
or payments, excepting any pledge of such available receipts 45871
previously made to the contrary and except as provided by any 45872

existing restrictions on the use thereof, or such pledge and lien 45873
may be made subordinate to such other expenses, claims, or 45874
payments, as provided in the bond proceedings. Obligations may be 45875
additionally secured by covenants of the institution to make, fix, 45876
adjust, collect, and apply such charges, rates, fees, rentals, and 45877
other items of available receipts as will produce pledged 45878
available receipts sufficient to meet bond service charges, 45879
reserve, and other requirements provided for in the bond 45880
proceedings. Notwithstanding this and any other sections of the 45881
Revised Code, the holders or owners of the obligations shall not 45882
be given the right and shall have no right to have excises or 45883
taxes levied by the general assembly for the payment of bond 45884
service charges thereon, and each such obligation shall bear on 45885
its face a statement to that effect and to the effect that the 45886
right to such payment is limited to the available receipts and 45887
special funds pledged to such purpose under the bond proceedings. 45888

All pledged available receipts and funds and the proceeds of 45889
obligations are trust funds and, subject to the provisions of this 45890
section and the applicable bond proceedings, shall be held, 45891
deposited, invested, reinvested, disbursed, applied, and used to 45892
such extent, in such manner, at such times, and for such purposes, 45893
as are provided in the bond proceedings. 45894

(D) The bond proceedings for obligations shall provide for 45895
the purpose thereof and the principal amount or maximum principal 45896
amount, and provide for or authorize the manner of determining the 45897
principal maturity or maturities, the sale price including any 45898
permitted discount, the interest rate or rates, which may be a 45899
variable rate or rates, or the maximum interest rate, the date of 45900
the obligations and the date or dates of payment of interest 45901
thereon, their denominations, the manner of sale thereof, and the 45902
establishment within or without the state of a place or places of 45903
payment of bond service charges. The bond proceedings also shall 45904

provide for a pledge of and lien on available receipts of the 45905
institution of higher education as provided in division (C) of 45906
this section, and a pledge of and lien on such fund or funds 45907
provided in the bond proceedings arising from available receipts, 45908
which pledges and liens may provide for parity with obligations 45909
theretofore or thereafter issued by the institution. The available 45910
receipts so pledged and thereafter received by the institution and 45911
the funds so pledged are immediately subject to the lien of such 45912
pledge without any physical delivery thereof or further act, and 45913
the lien of any such pledge is valid and binding against all 45914
parties having claims of any kind against the institution, 45915
irrespective of whether such parties have notice thereof, and 45916
shall create a perfected security interest for all purposes of 45917
Chapter 1309. of the Revised Code, without the necessity for 45918
separation or delivery of funds or for the filing or recording of 45919
the bond proceedings by which such pledge is created or any 45920
certificate, statement, or other document with respect thereto; 45921
and the pledge of such available receipts and funds shall be 45922
effective and the money therefrom and thereof may be applied to 45923
the purposes for which pledged without necessity for any act of 45924
appropriation. 45925

(E) The bond proceedings may contain additional provisions 45926
customary or appropriate to the financing or to the obligations or 45927
to particular obligations, including: 45928

(1) The acquisition, construction, reconstruction, equipment, 45929
furnishing, improvement, operation, alteration, enlargement, 45930
maintenance, insurance, and repair of facilities, and the duties 45931
of the institution of higher education with reference thereto; 45932

(2) The terms of the obligations, including provisions for 45933
their redemption prior to maturity at the option of the 45934
institution of higher education at such price or prices and under 45935
such terms and conditions as are provided in the bond proceedings; 45936

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(3) Limitations on the purposes to which the proceeds of the obligations may be applied; 45938
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(4) The rates or rentals or other charges for the use of or right to use the facilities financed by the obligations, or other properties the revenues or receipts from which are pledged to the obligations, and rules for assuring use and occupancy thereof, including limitations upon the right to modify such rates, rentals, other charges, or regulations; 45940
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(5) The use and expenditure of the pledged available receipts in such manner and to such extent as shall be determined, which may include provision for the payment of the expenses of operation, maintenance, and repair of facilities so that such expenses, or part thereof, shall be paid or provided as a charge prior or subsequent to the payment of bond service charges and any other payments required to be made by the bond proceedings; 45946
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(6) Limitations on the issuance of additional obligations; 45953

(7) The terms of any trust agreement or indenture securing the obligations or under which the same may be issued; 45954
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(8) The deposit, investment, and application of funds, and the safeguarding of funds on hand or on deposit without regard to Chapter 131. or 135. of the Revised Code, and any bank or trust company or other financial institution that acts as depository of any moneys under the bond proceedings shall furnish such indemnifying bonds or pledge such securities as required by the bond proceedings or otherwise by the institution of higher education; 45956
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(9) The binding effect of any or every provision of the bond proceedings upon such officer, board, commission, authority, agency, department, or other person or body as may from time to time have the authority under law to take such actions as may be 45964
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necessary to perform all or any part of the duty required by such 45968
provision; 45969

(10) Any provision that may be made in a trust agreement or 45970
indenture; 45971

(11) Any other or additional agreements with respect to the 45972
facilities of the institution of higher education, their 45973
operation, the available receipts and funds pledged, and insurance 45974
of facilities and of the institution, its officers and employees. 45975
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(F) Such obligations may have the seal of the institution of 45977
higher education or a facsimile thereof affixed thereto or printed 45978
thereon and shall be executed by such officers as are designated 45979
in the bond proceedings, which execution may be by facsimile 45980
signatures. Any obligations may be executed by an officer who, on 45981
the date of execution, is the proper officer although on the date 45982
of such obligations such person was not the proper officer. In 45983
case any officer whose signature or a facsimile of whose signature 45984
appears on any such obligation ceases to be such officer before 45985
delivery thereof, such signature or facsimile is nevertheless 45986
valid and sufficient for all purposes as if the person had 45987
remained such officer until such delivery; and in case the seal of 45988
the institution has been changed after a facsimile of the seal has 45989
been imprinted on such obligations, such facsimile seal continues 45990
to be sufficient as to such obligations and obligations issued in 45991
substitution or exchange therefor. 45992

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(G) All such obligations are negotiable instruments and 45994
securities under Chapter 1308. of the Revised Code, subject to the 45995
provisions of the bond proceedings as to registration. The 45996
obligations may be issued in coupon or in registered form, or 45997
both. Provision may be made for the registration of any 45998
obligations with coupons attached thereto as to principal alone or 45999

as to both principal and interest, their exchange for obligations 46000
so registered, and for the conversion or reconversion into 46001
obligations with coupons attached thereto of any obligations 46002
registered as to both principal and interest, and for reasonable 46003
charges for such registration, exchange, conversion, and 46004
reconversion. 46005

(H) Pending preparation of definitive obligations, the 46006
institution of higher education may issue interim receipts or 46007
certificates which shall be exchanged for such definitive 46008
obligations. 46009

(I) Such obligations may be secured additionally by a trust 46010
agreement or indenture between the institution of higher education 46011
and a corporate trustee, which may be any trust company or bank 46012
having the powers of a trust company within or without this state 46013
but authorized to exercise trust powers within this state. Any 46014
such agreement or indenture may contain the resolution authorizing 46015
the issuance of the obligations, any provisions that may be 46016
contained in the bond proceedings as authorized by this section, 46017
and other provisions which are customary or appropriate in an 46018
agreement or indenture of such type, including: 46019

(1) Maintenance of each pledge, trust agreement, and 46020
indenture, or other instrument comprising part of the bond 46021
proceedings until the institution of higher education has fully 46022
paid the bond service charges on the obligations secured thereby, 46023
or provision therefor has been made; 46024
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(2) In the event of default in any payments required to be 46026
made by the bond proceedings, or any other agreement of the 46027
institution of higher education made as a part of the contract 46028
under which the obligations were issued, enforcement of such 46029
payments or agreement by mandamus, the appointment of a receiver, 46030
suit in equity, action at law, or any combination of the 46031

foregoing;	46032
(3) The rights and remedies of the holders of obligations and of the trustee, and provisions for protecting and enforcing them, including limitations on rights of individual holders of obligations;	46033 46034 46035 46036
(4) The replacement of any obligations that become mutilated or are destroyed, lost, or stolen;	46037 46038
(5) Such other provisions as the trustee and the institution of higher education agree upon, including limitations, conditions, or qualifications relating to any of the foregoing.	46039 46040 46041
(J) Each duty of the institution of higher education and its officers or employees, undertaken pursuant to the bond proceedings or any related agreement or lease made under authority of law, is hereby established as a duty of such institution, and of each such officer or employee having authority to perform such duty, specially enjoined by law resulting from an office, trust, or station within the meaning of section 2731.01 of the Revised Code. The persons who are at the time the members of the board of trustees or the managing directors of the institution or its officers or employees are not liable in their personal capacities on such obligations, or lease, or other agreement of the institution.	46042 46043 46044 46045 46046 46047 46048 46049 46050 46051 46052 46053
(K) The authority to issue obligations includes authority to:	46054 46055
(1) Issue obligations in the form of bond anticipation notes and to renew them from time to time by the issuance of new notes. Such notes are payable solely from the available receipts and funds that may be pledged to the payment of such bonds, or from the proceeds of such bonds or renewal notes, or both, as the institution of higher education provides in its resolution authorizing such notes. Such notes may be additionally secured by	46056 46057 46058 46059 46060 46061 46062

covenants of the institution to the effect that it will do such or 46063
all things necessary for the issuance of such bonds or renewal 46064
notes in appropriate amount, and either exchange such bonds or 46065
renewal notes therefor or apply the proceeds thereof to the extent 46066
necessary, to make full payment of the bond service charges on 46067
such notes at the time or times contemplated, as provided in such 46068
resolution. Subject to the provisions of this division, all 46069
references to obligations in this section apply to such 46070
anticipation notes. 46071

(2) Issue obligations to refund, including funding and 46072
retirement of, obligations previously issued to pay costs of 46073
facilities. Such obligations may be issued in amounts sufficient 46074
for payment of the principal amount of the obligations to be so 46075
refunded, any redemption premiums thereon, principal maturities of 46076
any obligations maturing prior to the redemption of any other 46077
obligations on a parity therewith to be so refunded, interest 46078
accrued or to accrue to the maturity date or dates of redemption 46079
of such obligations, and any expenses incurred or to be incurred 46080
in connection with such refunding or the issuance of the 46081
obligations. 46082

(L) Obligations are lawful investments for banks, societies 46083
for savings, savings and loan associations, deposit guarantee 46084
associations, trust companies, trustees, fiduciaries, insurance 46085
companies, including domestic for life and domestic not for life, 46086
trustees or other officers having charge of sinking and bond 46087
retirement or other special funds of political subdivisions and 46088
taxing districts of this state, the commissioners of the sinking 46089
fund, the administrator of workers' compensation in accordance 46090
with the investment policy approved by the bureau of workers' 46091
compensation board of directors pursuant to section 4121.12 of the 46092
Revised Code, the state teachers retirement system, the public 46093
employees retirement system, the school employees retirement 46094

system, and the Ohio police and fire pension fund, notwithstanding 46095
any other provisions of the Revised Code or rules adopted pursuant 46096
thereto by any state agency with respect to investments by them, 46097
and are also acceptable as security for the deposit of public 46098
moneys. 46099

(M) All facilities purchased, acquired, constructed, or owned 46100
by an institution of higher education, or financed in whole or in 46101
part by obligations issued by an institution, and used for the 46102
purposes of the institution or other publicly owned and controlled 46103
college or university, is public property used exclusively for a 46104
public purpose, and such property and the income therefrom is 46105
exempt from all taxation and assessment within this state, 46106
including ad valorem and excise taxes. The obligations, the 46107
transfer thereof, and the income therefrom, including any profit 46108
made on the sale thereof, are at all times free from taxation 46109
within the state. The transfer of tangible personal property by 46110
lease under authority of this section or section 3345.07, 3345.11, 46111
3354.121, 3355.091, 3357.112, or 3358.10 of the Revised Code is 46112
not a sale as used in Chapter 5739. of the Revised Code. 46113
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(N) The authority granted by this section is cumulative with 46115
the authority granted to institutions of higher education under 46116
Chapter 154. of the Revised Code, and nothing in this section 46117
impairs or limits the authority granted by Chapter 154. of the 46118
Revised Code. In any lease, agreement, or commitment made by an 46119
institution of higher education under Chapter 154. of the Revised 46120
Code, it may agree to restrict or subordinate any pledge it may 46121
thereafter make under authority of this section. 46122

(O) Title to lands acquired under this section and sections 46123
3345.07 and 3345.11 of the Revised Code by a state university or 46124
college shall be taken in the name of the state. 46125

(P) Except where costs of facilities are to be paid in whole 46126

or in part from funds appropriated by the general assembly, 46127
section 125.81 of the Revised Code and the requirement for 46128
certification with respect thereto under section 153.04 of the 46129
Revised Code do not apply to such facilities. 46130

(Q) A state university or college may sell or lease lands or 46131
interests in land owned by it or by the state for its use, or 46132
facilities authorized to be acquired or constructed by it under 46133
section 3345.07 or 3345.11 of the Revised Code, to permit the 46134
purchasers or lessees thereof to acquire, construct, equip, 46135
furnish, reconstruct, alter, enlarge, remodel, renovate, 46136
rehabilitate, improve, maintain, repair, or maintain and operate 46137
thereon and to provide by lease or otherwise to such institution, 46138
facilities authorized in section 3345.07 or 3345.11 of the Revised 46139
Code. Such land or interests therein shall be sold for such 46140
appraised value, or leased, and on such terms as the board of 46141
trustees determines. All deeds or other instruments relating to 46142
such sales or leases shall be executed by such officer of the 46143
state university or college as the board of trustees designates. 46144
The state university or college shall hold, invest, or use the 46145
proceeds of such sales or leases for the same purposes for which 46146
proceeds of borrowings may be used under sections 3345.07 and 46147
3345.11 of the Revised Code. 46148

(R) An institution of higher education may pledge available 46149
receipts, to the extent permitted by division (C) of this section 46150
with respect to obligations, to secure the payments to be made by 46151
it under any lease, lease with option to purchase, or 46152
lease-purchase agreement authorized under this section or section 46153
3345.07, 3345.11, 3354.121, 3355.091, 3357.112, or 3358.10 of the 46154
Revised Code. 46155

Sec. 3345.32. (A) As used in this section: 46156

(1) "State university or college" means the institutions 46157

described in section 3345.27 of the Revised Code and the 46158
northeastern Ohio universities college of medicine. 46159

(2) "Resident" has the meaning specified by rule of the 46160
chancellor of the Ohio board of regents. 46161

(3) "Statement of selective service status" means a statement 46162
certifying one of the following: 46163

(a) That the individual filing the statement has registered 46164
with the selective service system in accordance with the "Military 46165
Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as 46166
amended; 46167

(b) That the individual filing the statement is not required 46168
to register with the selective service for one of the following 46169
reasons: 46170

(i) The individual is under eighteen or over twenty-six years 46171
of age. 46172

(ii) The individual is on active duty with the armed forces 46173
of the United States other than for training in a reserve or 46174
national guard unit. 46175

(iii) The individual is a nonimmigrant alien lawfully in the 46176
United States in accordance with section 101 (a)(15) of the 46177
"Immigration and Nationality Act," 8 U.S.C. 1101, as amended. 46178

(iv) The individual is not a citizen of the United States and 46179
is a permanent resident of the Trust Territory of the Pacific 46180
Islands or the Northern Mariana Islands. 46181

(4) "Institution of higher education" means any eligible 46182
institution approved by the United States department of education 46183
pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as 46184
amended, or any institution whose students are eligible for 46185
financial assistance under any of the programs described by 46186
division (E) of this section. 46187

(B) The chancellor shall, by rule, specify the form of statements of selective service status to be filed in compliance with divisions (C) to (F) of this section. Each statement of selective service status shall contain a section wherein a male student born after December 31, 1959, certifies that the student has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended. For those students not required to register with the selective service, as specified in divisions (A)(2)(b)(i) to (iv) of this section, a section shall be provided on the statement of selective service status for the certification of nonregistration and for an explanation of the reason for the exemption. The chancellor may require that such statements be accompanied by documentation specified by rule of the chancellor.

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(C) A state university or college that enrolls in any course, class, or program a male student born after December 31, 1959, who has not filed a statement of selective service status with the university or college shall, regardless of the student's residency, charge the student any tuition surcharge charged students who are not residents of this state.

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(D) No male born after December 31, 1959, shall be eligible to receive any loan, grant, scholarship, or other financial assistance for educational expenses granted under section 3315.33, 3333.12, 3333.122, 3333.21, 3333.22, 3333.26, ~~3333.27~~, 5910.03, 5910.032, or 5919.34 of the Revised Code, financed by an award under the choose Ohio first scholarship program established under section 3333.61 of the Revised Code, or financed by an award under the Ohio co-op/internship program established under section 3333.72 of the Revised Code, unless that person has filed a statement of selective service status with that person's institution of higher education.

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(E) If an institution of higher education receives a statement from an individual certifying that the individual has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended or that the individual is exempt from registration for a reason other than that the individual is under eighteen years of age, the institution shall not require the individual to file any further statements. If it receives a statement certifying that the individual is not required to register because the individual is under eighteen years of age, the institution shall require the individual to file a new statement of selective service status each time the individual seeks to enroll for a new academic term or makes application for a new loan or loan guarantee or for any form of financial assistance for educational expenses, until it receives a statement certifying that the individual has registered with the selective service system or is exempt from registration for a reason other than that the individual is under eighteen years of age.

Sec. 3345.61. As used in this section and sections 3345.62 to 3345.66 of the Revised Code:

(A) "Avoided capital costs" means a measured reduction in the cost of future equipment or other capital purchases that results from implementation of one or more energy or water conservation measures, when compared to an established baseline for previous such cost.

(B) "Board of trustees of a state institution of higher education" means the board of trustees of a state institution of higher education as defined in section 3345.011 of the Revised Code.

~~(B)~~(C) "Energy conservation measure" means an installation or modification of an installation in, or a remodeling of, an

existing building in order to reduce energy consumption and	46251
operating costs . The term includes <u>any of the following</u> :	46252
(1) Installation or modification of insulation in the	46253
building structure and systems within the building;	46254
(2) Installation or modification of <u>a storm</u> windows and doors	46255
<u>window or door</u> , <u>a multiglazed</u> windows and doors <u>window or door</u> ,	46256
and or a heat absorbing or heat reflective glazed and coated	46257
window and door systems <u>system</u> ; installation of additional	46258
glazing; reductions <u>a reduction</u> in glass area; and or other window	46259
and or door system modifications <u>modification</u> that reduce <u>reduces</u>	46260
energy consumption and operating costs;	46261
(3) Installation or modification of <u>an</u> automatic energy	46262
control systems <u>system</u> ;	46263
(4) Replacement or modification of <u>a</u> heating, ventilating, or	46264
air conditioning systems <u>system</u> ;	46265
(5) Application of caulking and weatherstripping;	46266
(6) Replacement or modification of <u>a</u> lighting fixtures	46267
<u>fixture</u> to increase the energy efficiency of the system without	46268
increasing the overall illumination of a facility, unless such	46269
increase in illumination is necessary to conform to the applicable	46270
state or local building code for the proposed lighting system;	46271
(7) Installation or modification of <u>an</u> energy recovery	46272
systems <u>system</u> ;	46273
(8) Installation or modification of cogeneration systems that	46274
produce steam or forms of energy such as heat, as well as	46275
electricity, for use primarily within a building or complex of	46276
buildings;	46277
(9) Any other modification, installation, or remodeling	46278
approved by the board of trustees of a state institution of higher	46279
education as an energy conservation measure for one or more	46280

buildings owned by the institution. 46281

~~(C)~~(D) "Energy saving measure" means the acquisition and 46282
installation, by purchase, lease, lease-purchase, lease with an 46283
option to buy, or installment purchase, of an energy conservation 46284
measure and any attendant architectural and engineering consulting 46285
services. 46286

(E) "Energy, water, or wastewater cost savings" means a 46287
measured reduction in, as applicable, the cost of fuel, energy or 46288
water consumption, wastewater production, or stipulated operation 46289
or maintenance resulting from the implementation of one or more 46290
energy or water conservation measures, when compared to an 46291
established baseline for previous such costs, respectively. 46292

(F) "Operating cost savings" means a measured reduction in 46293
the cost of stipulated operation or maintenance created by the 46294
installation of new equipment or implementation of a new service, 46295
when compared with an established baseline for previous such 46296
stipulated costs. 46297

(G) "Water conservation measure" means an installation or 46298
modification of an installation in, or a remodeling of, an 46299
existing building or the surrounding grounds in order to reduce 46300
water consumption. The term includes any of the following: 46301

(1) Water-conserving fixture, appliance, or equipment, or the 46302
substitution of a nonwater-using fixture, appliance, or equipment; 46303

(2) Water-conserving, landscape irrigation equipment; 46304

(3) Landscaping measure that reduces storm water runoff 46305
demand and capture and hold applied water and rainfall, including 46306
landscape contouring such as the use of a berm, swale, or terrace 46307
and including the use of a soil amendment, including compost, that 46308
increases the water-holding capacity of the soil; 46309

(4) Rainwater harvesting equipment or equipment to make use 46310

of water collected as part of a storm water system installed for 46311
water quality control; 46312

(5) Equipment for recycling or reuse of water originating on 46313
the premises or from another source, including treated, municipal 46314
effluent; 46315

(6) Equipment needed to capture water for nonpotable uses 46316
from any nonconventional, alternate source, including air 46317
conditioning condensate or gray water; 46318

(7) Any other modification, installation, or remodeling 46319
approved by the board of trustees of a state institution of higher 46320
education, as defined in section 3345.011 of the Revised Code, as 46321
a water conservation measure for one or more buildings or the 46322
surrounding grounds owned by the institution. 46323

(H) "Water saving measure" means the acquisition and 46324
installation, by the purchase, lease, lease-purchase, lease with 46325
an option to buy, or installment purchases of a water conservation 46326
measure and any attendant architectural and engineering consulting 46327
services. 46328

Sec. 3345.62. The board of trustees of a state institution of 46329
higher education may contract with an energy or water services 46330
company, architect, professional engineer, contractor, or other 46331
person experienced in the design and implementation of energy or 46332
water conservation measures for a report containing an analysis 46333
and recommendations pertaining to the implementation of energy or 46334
water conservation measures that would ~~significantly reduce result~~ 46335
~~in energy consumption and, water, or wastewater cost savings,~~ 46336
~~operating costs in buildings owned by~~ cost savings, or avoided 46337
capital costs for the institution. The report shall include 46338
estimates of all costs of such installations, including the costs 46339
of design, engineering, installation, maintenance, repairs, and 46340
debt service, and estimates of the ~~amounts by which~~ energy 46341

~~consumption and, water, or wastewater cost savings, operating~~ 46342
~~costs would be reduced~~ cost savings, and avoided capital costs 46343
created. 46344

Sec. 3345.63. If the board of trustees of a state institution 46345
of higher education wishes to enter into a contract, other than an 46346
installment payment contract provided under section 3345.64 of the 46347
Revised Code, to implement one or more energy or water saving 46348
measures, the board may proceed under the applicable competitive 46349
bidding requirements in Chapter 153. or section 3354.16, 3355.12, 46350
3357.16, or 3358.10 of the Revised Code or, notwithstanding those 46351
requirements, may enter into such a contract as provided in 46352
section 3345.65 of the Revised Code. 46353

Sec. 3345.64. In accordance with this section, the board of 46354
trustees of a state institution of higher education may enter into 46355
an installment payment contract for the implementation of one or 46356
more energy or water saving measures. Any such contract shall be 46357
subject to the competitive bidding requirements of Chapter 153. or 46358
section 3354.16, 3355.12, 3357.16, or 3358.10 of the Revised Code, 46359
as applicable to each such board, except as follows: 46360

(A) If the board does not exempt the entire installment 46361
payment contract from the applicable competitive bidding 46362
requirements pursuant to division (B) of this section, the 46363
provisions of the contract dealing with interest charges and 46364
financing terms shall not be subject to the applicable competitive 46365
bidding requirements. Each such contract shall require repayment 46366
on the following terms: 46367

(1) Not less than one-~~tenth~~ fifteenth of the costs of the 46368
contract shall be paid within two years from the date of purchase; 46369

(2)~~(a)~~ The remaining balance of the costs of the contract, ~~in~~ 46370
~~the case of an installment payment contract for a cogeneration~~ 46371

~~system described in division (B)(8) of section 3345.61 of the Revised Code, shall be paid within five fifteen years from the date of purchase;~~ 46372
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~~(b) The remaining balance of the costs of the contract, in the case of an installment payment contract for an energy saving measure that is not a cogeneration system, shall be paid within ten years from the date of purchase.~~ 46375
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(B) The board by majority vote may exempt from the applicable competitive bidding requirements an entire installment payment contract for the implementation of energy or water saving measures pursuant to this section and instead of those requirements shall enter into the contract as provided in section 3345.65 of the Revised Code. 46379
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Sec. 3345.65. To enter into a contract under this section pursuant to section 3345.63 or division (B) of section 3345.64 of the Revised Code, a board of trustees of a state institution of higher education shall request proposals from at least three parties for the implementation of energy or water saving measures. Prior to providing any interested party a copy of any such request, the board shall advertise, in a newspaper of general circulation in the county where the contract is to be performed, its intent to request proposals for the implementation of energy or water saving measures. The notice shall invite interested parties to submit proposals for consideration and shall be published at least thirty days prior to the date for accepting proposals. 46385
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Upon receiving the proposals, the board shall analyze them. After considering the cost estimates of each proposal, how qualified each party submitting a proposal is to implement its proposal, and the institution's ability to pay for each with current revenues or by financing the cost of each, the board may 46398
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select one or more proposals or, instead, reject all proposals. In 46403
selecting proposals, the board shall select the proposal or 46404
proposals most likely to result in the greatest savings when the 46405
cost of the proposal is compared to the ~~reduced energy and, water,~~ 46406
or wastewater cost savings, operating cost savings, and avoided 46407
capital costs that will result from implementing the proposal. 46408

No board shall award a contract to implement energy or water 46409
saving measures under this section unless the board finds that ~~one~~ 46410
~~or both of the following circumstances exists, as applicable:~~ 46411

~~(A) In the case of a contract for a cogeneration system~~ 46412
~~described in division (B)(8) of section 3345.61 of the Revised~~ 46413
~~Code,~~ the cost of the contract is not likely to exceed the amount 46414
of ~~money the board would save in energy and, water, or wastewater~~ 46415
savings, operating cost savings, and avoided capital costs over no 46416
more than ~~five~~ fifteen years. 46417

~~(B) In the case of any contract for any energy saving measure~~ 46418
~~other than a cogeneration system, the cost of the contract is not~~ 46419
~~likely to exceed the amount of money the board would save in~~ 46420
~~energy and operating costs over no more than ten years.~~ 46421

Sec. 3345.66. The board of trustees of a state institution of 46422
higher education may issue notes of the institution signed by the 46423
~~chairman~~ chairperson and treasurer or other chief fiscal officer 46424
of the board and specifying the terms of the purchase and securing 46425
the payments provided in section 3345.64 of the Revised Code, 46426
payable at the times provided and bearing interest at a rate not 46427
exceeding a rate determined under section 9.95 of the Revised 46428
Code. The notes may contain an option for prepayment and are not 46429
subject to Chapter 133. of the Revised Code. Revenues derived from 46430
any source, other than money appropriated by the general assembly, 46431
that may be used for the purpose of ~~conserving~~ implementing energy 46432
or water saving measures or for defraying the current operating 46433

expenses of the institution may be pledged to the payment of 46434
interest and the retirement of such notes. The notes may be sold 46435
at private sale or given to the contractor under the installment 46436
payment contract authorized by section 3345.64 of the Revised 46437
Code. 46438

Sec. 3351.07. (A) For the purposes of this chapter, "approved 46439
lender" means any bank as defined in section 1101.01 of the 46440
Revised Code, any domestic savings and loan association as defined 46441
in section 1151.01 of the Revised Code, any credit union as 46442
defined in section 1733.01 of the Revised Code, any federal credit 46443
union established pursuant to federal law, any insurance company 46444
organized or authorized to do business in this state, any pension 46445
fund eligible under the "Higher Education Amendments of 1968," 82 46446
Stat. 1026, 20 U.S.C.A. 1085, as amended, the secondary market 46447
operation designated under division (B) of this section, or any 46448
secondary market operation established pursuant to the "Education 46449
Amendments of 1972," 86 Stat. 261, 20 U.S.C.A. 1071, as amended, 46450
or under the laws of any state. 46451

(B) The governor may designate one nonprofit corporation 46452
secondary market operation to be the single nonprofit private 46453
agency designated by the state under the "Higher Education Act of 46454
1965," 101 Stat. 347, 20 U.S.C.A. 1085(d)(1)(D), as amended. A 46455
designation in effect on the effective date of this amendment 46456
expires December 31, 2009. Each designation after the effective 46457
date of this amendment shall be made by competitive selection and 46458
shall be valid for one year. The controlling board shall not waive 46459
the competitive selection requirement. 46460

(C) The nonprofit corporation designated by the governor 46461
under division (B) of this section as the private agency secondary 46462
market operation shall be considered to be an agency of the state, 46463
in accordance with section 435(d)(1)(F) of the "Higher Education 46464

Act of 1965," 101 Stat. 347, 20 U.S.C.A. 1085(d)(1)(F), as 46465
amended, exclusively for the purpose of functioning as a secondary 46466
student loan market. The corporation shall be considered a state 46467
agency only for the purposes of this division and no other 46468
division or section of the Revised Code regarding state agencies 46469
shall apply to the corporation. No liability or obligation 46470
incurred by the corporation shall be considered to be a liability 46471
or debt of the state, nor shall the state be construed to act as 46472
guarantor of any debt of the corporation. 46473

(D) The nonprofit corporation designated under division (B) 46474
of this section shall designate a separate nonprofit corporation 46475
to operate exclusively for charitable and educational purposes, 46476
complementing and supplementing the designating corporation's 46477
secondary market operation for student loans authorized under the 46478
"Higher Education Act of 1965," 101 Stat. 347, 20 U.S.C.A. 1085, 46479
as amended, and promoting the general health and welfare of the 46480
state, the public interest, and a public purpose through improving 46481
student assistance programs by expanding access to higher 46482
education financing programs for students and families in need of 46483
student financial aid. In furtherance of such purposes, the 46484
separate nonprofit corporation may do all of the following: 46485

(1) Assist educational institutions in establishing financial 46486
aid programs to help students obtain an economical education; 46487

(2) Encourage financial institutions to increase educational 46488
opportunities by making funds available to both students and 46489
educational institutions; 46490

(3) Make available financial aid that supplements the 46491
financial assistance provided by eligible and approved lenders 46492
under state and federal programs; 46493

(4) Develop and administer programs that do all of the 46494
following: 46495

(a) Provide financial aid and incidental student financial	46496
aid information to students and their parents or other persons	46497
responsible for paying educational costs of those students at	46498
educational institutions;	46499
(b) Provide financial aid and information relating to it to	46500
and through educational institutions, enabling those institutions	46501
to assist students financially in obtaining an education and fully	46502
expanding their intellectual capacity and skills;	46503
(c) Better enable financial institutions to participate in	46504
student loan programs and other forms of financial aid, assisting	46505
students and educational institutions to increase education	46506
excellence and accessibility.	46507
(E) The nonprofit corporation designated under authority of	46508
division (D) of this section shall do both of the following:	46509
(1) Establish the criteria, standards, terms, and conditions	46510
for participation by students, parents, educational institutions,	46511
and financial institutions in that corporation's programs;	46512
(2) Provide the governor a report of its programs and a copy	46513
of its audited financial statements not later than one hundred	46514
eighty days after the end of each fiscal year of the corporation.	46515
No liability, obligation, or debt incurred by the corporation	46516
designated under authority of division (D) of this section or by	46517
any person under that corporation's programs shall be, or be	46518
considered to be, a liability, obligation, or debt of, or a pledge	46519
of the faith and credit of, the state, any political subdivision	46520
of the state, or any state-supported or state-assisted institution	46521
of higher education, nor shall the state or any political	46522
subdivision of the state or any state-supported or state-assisted	46523
institution of higher education be or be construed to act as an	46524
obligor under or guarantor of any liability, obligation, or debt	46525
of that corporation or of any person under that corporation's	46526

programs or incur or be construed to have incurred any other 46527
liability, obligation, or debt as a result of any acts of the 46528
corporation. 46529

(F) The nonprofit corporation designated under authority of 46530
division (D) of this section shall not be deemed to qualify by 46531
reason of the designation as a guarantor or an eligible lender 46532
under sections 435(d) and (j) of the "Higher Education Act of 46533
1965," 101 Stat. 347, 20 U.S.C.A. 1085(d) and (j), as amended. 46534

Sec. 3354.24. (A) The provisions of this section prevail over 46535
conflicting provisions of this chapter; however, except as 46536
otherwise provided in this section, the eastern gateway community 46537
college district and its board of trustees shall comply with the 46538
provisions of this chapter. 46539

(B) The territory of Columbiana, Mahoning, and Trumbull 46540
counties is hereby added to the territory of the community college 46541
district of Jefferson county, creating a new community college 46542
district to replace the former community college district of 46543
Jefferson county. The district created under this section shall be 46544
known as and operate under the name of "eastern gateway community 46545
college district," and its charter shall be amended to this name. 46546
The Jefferson county campus is hereby part of the eastern gateway 46547
community college district and shall remain in operation unless 46548
otherwise specified by the board of trustees of the community 46549
college. 46550

The eastern gateway community college district is divided 46551
into two taxing subdistricts, one consisting of the territory of 46552
Jefferson county, and the other consisting of the territories of 46553
Columbiana, Mahoning, and Trumbull counties. 46554

(C) On the effective date of this section as enacted by H.B. 46555
1 of the 128th general assembly, the government of the eastern 46556
gateway community college district shall be vested in a board of 46557

eleven trustees to be appointed by the governor, with the advice 46558
and consent of the senate. The board of trustees of the former 46559
community college district of Jefferson county is abolished on 46560
that date. 46561

The governor shall appoint the members of the board of 46562
trustees of the eastern gateway community college district as 46563
successors to the board of trustees of Jefferson community college 46564
as follows: Three members of the board of trustees shall be 46565
residents of Jefferson county. (The initial Jefferson county 46566
members shall be members of the board of trustees of the former 46567
community college district of Jefferson county, as it existed 46568
before the effective date of this section.) Eight members of the 46569
board of trustees shall be residents of Columbiana, Mahoning, and 46570
Trumbull counties. 46571

The initial board of trustees shall be appointed within 46572
ninety days after the effective date of this section for terms as 46573
follows: Of the trustees who are residents of Jefferson county, 46574
one trustee shall be appointed for a one-year term, one trustee 46575
shall be appointed for a three-year term, and one trustee shall be 46576
appointed for a five-year term. Of the trustees who are residents 46577
of Columbiana, Mahoning, and Trumbull counties, one trustee shall 46578
be appointed for a one-year term, two trustees shall be appointed 46579
for two-year terms, two trustees shall be appointed for three-year 46580
terms, two trustees shall be appointed for four-year terms, and 46581
one trustee shall be appointed for a five-year term. 46582

At the conclusion of each initial term, the term of office of 46583
each trustee shall be five years, each term ending on the same day 46584
of the same month of the year as did the term that it succeeds. 46585

Each trustee shall hold office from the date of the trustee's 46586
appointment until the end of the term for which the trustee was 46587
appointed. Any trustee appointed to fill a vacancy occurring 46588
before the expiration of the term for which the trustee's 46589

predecessor was appointed shall hold office for the remainder of 46590
that term. Any trustee shall continue in office subsequent to the 46591
expiration date of the trustee's term until the trustee's 46592
successor takes office, or until a period of sixty days has 46593
elapsed, whichever occurs first. 46594

If a vacancy occurs and the Jefferson county tax levy is no 46595
longer in place or a conversion under division (H) of this section 46596
has occurred, the governor shall fill the vacancy with a person 46597
residing within the eastern gateway community college district. 46598

(D) The board of trustees of the eastern gateway community 46599
college district shall continue to comply with division (G) of 46600
section 3354.09 of the Revised Code regarding tuition for students 46601
who are residents of Ohio but not residents of the district, and 46602
for students who are nonresidents of Ohio. The tuition rate shall 46603
be based on the student's county of residence and shall apply to 46604
all eastern gateway community college district classes in all 46605
district locations. Except as provided in division (F)(3) of this 46606
section, students who are residents of Columbiana, Mahoning, or 46607
Trumbull county shall continue to be charged tuition at the same 46608
rate as Ohio residents who are not residents of the district. 46609

(E)(1) Except as provided in divisions (E)(2) and (3) of this 46610
section, each member of the board of trustees shall have full 46611
voting rights on all matters that come before the board. 46612

(2) The three trustees representing Jefferson county shall 46613
have sole authority to vote on the following matters: 46614

(a) The Jefferson county tax levy; 46615

(b) The expenditure of revenue from that tax levy; 46616

(c) Levy-subsidized tuition rates. 46617

(3) The voting restrictions under division (E)(2) of this 46618
section apply until the electors of the Columbiana, Mahoning, and 46619

Trumbull county taxing subdistrict approve a tax levy under 46620
division (F)(3) of this section that is equivalent to the tax levy 46621
approved by the electors of Jefferson county for the support of 46622
the former community college district of Jefferson county on the 46623
effective date of this section. For the purposes of this division, 46624
the tax levy is an equivalent tax levy if either: 46625

(a) In the first tax year for which the tax is collected, it 46626
yields revenue per capita equal to or greater than the yield per 46627
capita of levies of the community college district in effect that 46628
year in Jefferson county, as jointly determined by the county 46629
auditors of Jefferson, Columbiana, Mahoning, and Trumbull 46630
counties; or 46631

(b) In the first tax year for which the tax is collected, the 46632
effective tax rate of the tax is equal to or greater than the 46633
effective tax rate of levies of the community college district in 46634
effect that tax year in Jefferson county, as jointly determined by 46635
the county auditors of Jefferson, Columbiana, Mahoning, and 46636
Trumbull counties. 46637

As used in this division, "effective tax rate" means the 46638
quotient obtained by dividing the total taxes charged and payable 46639
for a taxing subdistrict for a tax year after the reduction 46640
prescribed by section 319.301 of the Revised Code but before the 46641
reduction prescribed by section 319.302 or 323.152 of the Revised 46642
Code, by the taxable value for the taxing subdistrict for that tax 46643
year. 46644

(F)(1) For each taxing subdistrict of the eastern gateway 46645
community college district, the board of trustees may propose to 46646
levy a tax in accordance with the procedures prescribed in section 46647
3354.12 of the Revised Code, except the following terms used in 46648
that section shall have the meanings given them in this section: 46649

(a) "District" and "community college district" mean the 46650

appropriate taxing subdistrict defined in this section; 46651

(b) "Board of trustees of the community college district" means the board of trustees for the entire eastern gateway community college district. That board of trustees may propose separate levies for either of the two taxing subdistricts. 46652
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(c) "Tax duplicate" means the tax duplicate of only the appropriate taxing subdistrict and not the tax duplicate of the entire eastern gateway community college district. 46656
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(2) The board of trustees may propose to levy a tax on taxable property in Jefferson county to be voted on by the electors of Jefferson county as provided in division (F)(1) of this section. An affirmative vote by a majority of the electors of the subdistrict voting on the question is necessary for passage. Any money raised by a tax levied by the former community college district of Jefferson county or a subsequent tax levied in Jefferson county in accordance with division (F)(1) of this section shall be used solely for the benefit of Jefferson county residents attending the eastern gateway community college in the form of student tuition subsidies, student scholarships, and instructional facilities, equipment, and support services located within Jefferson county, or for any purpose approved by the electors. Such amounts shall be deposited into a separate fund of the taxing subdistrict, and shall be budgeted separately. 46659
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(3) The board of trustees may propose to levy a tax on taxable property in Columbiana, Mahoning, and Trumbull counties to be voted on by the electors of the counties as provided in division (F)(1) of this section. An affirmative vote by a majority of the electors of the subdistrict voting on the question is necessary for passage. Any amounts raised by such a tax in the tax subdistrict shall be used solely for the benefit of residents of the subdistrict attending the eastern gateway community college in the form of student tuition subsidies, student scholarships, and 46674
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instructional facilities, equipment, and support services located 46683
within Columbiana, Mahoning, and Trumbull counties, or for any 46684
purpose approved by the electors. Amounts collected shall be 46685
deposited into a separate fund from all other revenues collected 46686
by each taxing subdistrict. 46687

The board of trustees may adjust the rate of tuition charged 46688
to each taxing subdistrict's residents to an amount commensurate 46689
with the amount of tax the board of trustees dedicates for 46690
instructional and general services provided to the residents of 46691
the subdistrict. 46692

(G) The board of trustees of the eastern gateway community 46693
college district may issue bonds in accordance with section 46694
3354.11 of the Revised Code, but the board may limit the question 46695
of approval of the issue of those bonds to the electors of only 46696
one of the two taxing subdistricts, in which case the board also 46697
may limit the use of the property or improvements to the residents 46698
of that subdistrict. 46699

(H) If the tax levy in Jefferson county expires, is not 46700
renewed, or is not approved by the electors of Jefferson county 46701
and the other taxing subdistrict does not levy a tax for the 46702
purposes of this section, the board of trustees of the eastern 46703
gateway community college district shall submit a proposal to the 46704
chancellor of the board of regents to convert to a state community 46705
college and, upon the chancellor's approval of the proposal, enter 46706
into a transition agreement with the chancellor following the 46707
procedures set forth in section 3358.05 of the Revised Code for a 46708
technical college district. 46709

Sec. 3354.26. Notwithstanding the provisions in section 46710
3354.07 and division (A) of section 3354.09 of the Revised Code, 46711
which allow the board of trustees of a community college district 46712
to contract with a generally accredited public university or 46713

college for operation of such community college, the board of 46714
trustees of the Rio Grande community college district and the 46715
board of trustees of the university of Rio Grande, a private 46716
nonprofit corporation also located in Rio Grande, Ohio, may enter 46717
into ~~a contract~~ one or more contracts for the board of trustees of 46718
the university of Rio Grande to provide any services for the 46719
operation of the community college. ~~The, except the services of a~~ 46720
~~treasurer or other fiscal officer. Under the contracts, the~~ 46721
community college board of trustees may ~~employ a person to serve~~ 46722
~~as president of the community college, and also may have that~~ 46723
~~person serve as president of the university as established by the~~ 46724
~~contract entered into pursuant to this section. The salary,~~ 46725
~~benefits, and other compensation for any such employee for all~~ 46726
~~duties shall be determined and paid solely by the community~~ 46727
~~college~~ acquire the services of the president of the university 46728
and other personnel, except as otherwise provided in this section. 46729
The community college board shall have exclusive authority to 46730
employ and make personnel decisions regarding the treasurer or 46731
other fiscal officer of the community college and any other 46732
personnel the community college board considers necessary for the 46733
operation of the community college. The purpose of the contracts 46734
shall be to provide the necessary leadership and to secure the 46735
efficient and effective provision of educational services for the 46736
community college from the university. The board of trustees of 46737
Rio Grande community college may terminate any such contract if a 46738
majority of the members of the board determines that the contract 46739
is no longer in the best interests of the community college. Each 46740
such contract shall include a provision for termination of the 46741
contract. 46742

Sec. 3365.04. The rules adopted under section 3365.02 of the 46743
Revised Code shall provide for students to enroll in courses under 46744
either of the following options: 46745

(A) The student may elect at the time of enrollment to be responsible for payment of all tuition and the cost of all textbooks, materials, and fees associated with the course. The college shall notify the student about payment of tuition and fees in the customary manner followed by the college. A student electing this option also shall elect, at the time of enrollment, whether to receive only college credit or high school credit and college credit for the course.

(1) The student may elect to receive only college credit for the course. Except as provided in section 3365.041 of the Revised Code, if the student successfully completes the course, the college shall award the student full credit for the course, but the board of education, community school governing authority, STEM school, or nonpublic participating school shall not award the high school credit.

(2) The student may elect to receive both high school credit and college credit for the course. Except as provided in section 3365.041 of the Revised Code, if the student successfully completes the course, the college shall award the student full credit for the course and the board of education, community school governing authority, STEM school, or nonpublic school shall award the student high school credit.

(B) The student may elect at the time of enrollment for each course to have the college reimbursed under section 3365.07 of the Revised Code or as provided in alternative funding agreements entered into under rules adopted under section 3365.12 of the Revised Code. Except as provided in section 3365.041 of the Revised Code, if the student successfully completes the course, the college shall award the student full credit for the course, the board of education, community school governing authority, STEM school, or nonpublic school shall award the student high school credit, and the college shall be reimbursed in accordance with

section 3365.07 of the Revised Code or alternative funding 46778
agreements entered into under rules adopted under section 3365.12 46779
of the Revised Code. 46780

When determining a school district's formula ADM under 46781
section 3317.03 of the Revised Code, the time a participant is 46782
attending courses under division (A) of this section shall be 46783
considered as time the participant is not attending or enrolled in 46784
school anywhere, and the time a participant is attending courses 46785
under division (B) of this section shall be considered as time the 46786
participant is attending or enrolled in the district's schools. 46787

Sec. 3365.041. (A) When a school district superintendent, the 46788
governing authority of a community school, or the chief 46789
administrative officer of a STEM school expels a student under 46790
division (B) of section 3313.66 of the Revised Code, the district 46791
superintendent, governing authority, or chief administrative 46792
officer shall send a written notice of the expulsion to any 46793
college in which the expelled student is enrolled under section 46794
3365.03 of the Revised Code at the time the expulsion is imposed. 46795
The notice shall indicate the date the expulsion is scheduled to 46796
expire. The notice also shall indicate whether the district board 46797
of education, community school governing authority, or the STEM 46798
school has adopted a policy under section 3313.613 of the Revised 46799
Code to deny high school credit for post-secondary courses taken 46800
during an expulsion. If the expulsion is extended under division 46801
(F) of section 3313.66 of the Revised Code, the district 46802
superintendent, community school governing authority, or STEM 46803
school chief administrative officer shall notify the college of 46804
the extension. 46805

(B) A college may withdraw its acceptance under section 46806
3365.03 of the Revised Code of a student who is expelled from 46807
school under division (B) of section 3313.66 of the Revised Code. 46808

As provided in section 3365.03 of the Revised Code, regardless of 46809
whether the college withdraws its acceptance of the student for 46810
the college term in which the student is expelled, the student is 46811
ineligible to enroll in a college under that section for 46812
subsequent college terms during the period of the expulsion, 46813
unless the student enrolls in another school district or community 46814
school, or a participating nonpublic school during that period. 46815

If a college withdraws its acceptance of an expelled student 46816
who elected either option of division (A)(1) or (2) of section 46817
3365.04 of the Revised Code, the college shall refund tuition and 46818
fees paid by the student in the same proportion that it refunds 46819
tuition and fees to students who voluntarily withdraw from the 46820
college at the same time in the term. 46821

If a college withdraws its acceptance of an expelled student 46822
who elected the option of division (B) of section 3365.04 of the 46823
Revised Code, the school district, community school, or STEM 46824
school shall not award high school credit for the college courses 46825
in which the student was enrolled at the time the college withdrew 46826
its acceptance, and any reimbursement under section 3365.07 of the 46827
Revised Code or through alternative funding agreements entered 46828
into under rules adopted under section 3365.12 of the Revised Code 46829
for the student's attendance prior to the withdrawal shall be the 46830
same as would be paid for a student who voluntarily withdrew from 46831
the college at the same time in the term. If the withdrawal 46832
results in the college's receiving no reimbursement, the college 46833
may require the student to return or pay for the textbooks and 46834
materials it provided the student free of charge under section 46835
3365.08 of the Revised Code. 46836

(C) When a student who elected the option of division (B) of 46837
section 3365.04 of the Revised Code is expelled under division (B) 46838
of section 3313.66 of the Revised Code from a school district, 46839
community school, or STEM school that has adopted a policy under 46840

section 3313.613 of the Revised Code, that election is 46841
automatically revoked for all college courses in which the student 46842
is enrolled during the college term in which the expulsion is 46843
imposed. Any reimbursement under section 3365.07 of the Revised 46844
Code or through alternative funding agreements entered into under 46845
rules adopted under section 3365.12 of the Revised Code for the 46846
student's attendance prior to the expulsion shall be the same as 46847
would be paid for a student who voluntarily withdrew from the 46848
college at the same time in the term. If the revocation results in 46849
the college's receiving no reimbursement, the college may require 46850
the student to return or pay for the textbooks and materials it 46851
provided the student free of charge under section 3365.08 of the 46852
Revised Code. 46853

No later than five days after receiving an expulsion notice 46854
from the superintendent of a district, the governing authority of 46855
a community school, or the chief administrative officer of a STEM 46856
school that has adopted a policy under section 3313.613 of the 46857
Revised Code, the college shall send a written notice to the 46858
expelled student that the student's election of division (B) of 46859
section 3365.04 of the Revised Code is revoked. If the college 46860
elects not to withdraw its acceptance of the student, the student 46861
shall pay all applicable tuition and fees for the college courses 46862
and shall pay for the textbooks and materials that the college 46863
provided under section 3365.08 of the Revised Code. 46864

Sec. 3365.07. (A) The rules adopted under section 3365.02 of 46865
the Revised Code shall specify a method for each of the following: 46866

(1) Determining, with respect to any participant, the 46867
percentage of a full-time educational program constituted by the 46868
participant's total educational program. That percentage shall be 46869
the participant's full-time equivalency percentage for purposes of 46870
the computation required by division (B)(1) of this section. 46871

(2) In the case of a participant who is not enrolled in a participating nonpublic school, determining the percentage of a participant's school day during which the participant is participating in each of the following:

(a) Programs provided by the city, local, or exempted village school district, a community school, or a STEM school;

(b) Programs provided by a joint vocational school district;

(c) Programs provided by a college under division (B) of section 3365.04 of the Revised Code.

The sum of divisions (A)(2)(a) to (c) of this section shall equal one hundred per cent.

(3) In the case of a participant who is not enrolled in a participating nonpublic school, determining the percentage of a participant's enrollment that shall be deemed to be enrollment in a joint vocational school district and the percentage that shall be deemed to be enrollment in a city, local, or exempted village school district. The sum of such percentages shall equal one hundred per cent.

(4) In the case of a participant who is enrolled in a participating nonpublic school, determining the percentage of a participant's school day during which the participant is participating in programs provided by a college under division (B) of section 3365.04 of the Revised Code.

(B) Each July, unless provided otherwise in an alternative funding agreement entered into under rules adopted under section 3365.12 of the Revised Code, the department of education shall pay each college for any participant enrolled in the college in the prior school year under division (B) of section 3365.04 of the Revised Code an amount computed as follows:

(1) Multiply the tuition base by the participant's full-time

equivalency percentage and multiply the resulting amount by a 46902
percentage equal to the percentage of the participant's school day 46903
apportioned to the college under division (A)(2)(c) or (4) of this 46904
section, as applicable. 46905

(2) Pay the college the lesser of: 46906

(a) The amount computed under division (B)(1) of this 46907
section; 46908

(b) The actual costs that would have been the responsibility 46909
of the participant had the participant elected to enroll under 46910
division (A) of section 3365.04 of the Revised Code, as verified 46911
by the department, of tuition, textbooks, materials, and fees 46912
directly related to any courses elected by the participant during 46913
the prior school year under division (B) of section 3365.04 of the 46914
Revised Code. 46915

(C) The department shall not reimburse any college for any 46916
course taken by a participant under division (A) of section 46917
3365.04 of the Revised Code. 46918

(D) If the participant was not enrolled in a participating 46919
nonpublic school, the amount paid under division (B) of this 46920
section for each participant shall be subtracted from the school 46921
foundation payments made to the participant's school district or, 46922
if the participant was enrolled in a community school or a STEM 46923
school, from the payments made to the participant's school under 46924
section 3314.08 or 3326.33 of the Revised Code. If the participant 46925
was enrolled in a joint vocational school district, a portion of 46926
the amount shall be subtracted from the payments to the joint 46927
vocational school district and a portion shall be subtracted from 46928
the payments to the participant's city, local, or exempted village 46929
school district. The amount of the payment subtracted from the 46930
city, local, or exempted village school district shall be computed 46931
as follows: 46932

(1) Add the following: 46933

(a) The percentage of the participant's enrollment in the 46934
school district, determined under division (A)(3) of this section; 46935
and 46936

(b) Twenty-five per cent times the percentage of the 46937
participant's enrollment in the joint vocational school district, 46938
determined under division (A)(3) of this section. 46939

(2) Multiply the sum obtained under division (D)(1) of this 46940
section by the amount computed under division (B)(2) of this 46941
section. 46942

The balance of the payment shall be subtracted from the joint 46943
vocational district's school foundation payments. 46944

(E) If the participant was enrolled in a participating 46945
nonpublic school, the amount paid under division (B) of this 46946
section shall be subtracted from moneys set aside by the general 46947
assembly for such purpose from funds appropriated for the purposes 46948
of section 3317.06 of the Revised Code. 46949

Sec. 3365.08. (A) A college that expects to receive or 46950
receives reimbursement under section 3365.07 of the Revised Code 46951
or through alternative funding agreements entered into under rules 46952
adopted under section 3365.12 of the Revised Code shall furnish to 46953
a participant all textbooks and materials directly related to a 46954
course taken by the participant under division (B) of section 46955
3365.04 of the Revised Code. No college shall charge such 46956
participant for tuition, textbooks, materials, or other fees 46957
directly related to any such course. 46958

(B) No student enrolled under this chapter in a course for 46959
which credit toward high school graduation is awarded shall 46960
receive direct financial aid through any state or federal program. 46961

(C) If a school district provides transportation for resident 46962

school students in grades eleven and twelve under section 3327.01 46963
of the Revised Code, a parent of a pupil enrolled in a course 46964
under division (A)(2) or (B) of section 3365.04 of the Revised 46965
Code may apply to the board of education for full or partial 46966
reimbursement for the necessary costs of transporting the student 46967
between the secondary school the student attends and the college 46968
in which the student is enrolled. Reimbursement may be paid solely 46969
from funds received by the district under division (D) of section 46970
3317.022 of the Revised Code. The state board of education shall 46971
establish guidelines, based on financial need, under which a 46972
district may provide such reimbursement. 46973

(D) If a community school provides or arranges transportation 46974
for its pupils in grades nine through twelve under section 46975
3314.091 of the Revised Code, a parent of a pupil of the community 46976
school who is enrolled in a course under division (A)(2) or (B) of 46977
section 3365.04 of the Revised Code may apply to the governing 46978
authority of the community school for full or partial 46979
reimbursement of the necessary costs of transporting the student 46980
between the community school and the college. The governing 46981
authority may pay the reimbursement in accordance with the state 46982
board's rules adopted under division (C) of this section solely 46983
from funds paid to it under section 3314.091 of the Revised Code. 46984

Sec. 3365.09. Section 3365.07 ~~and~~ divisions (A) and (C) of 46985
section 3365.08, and agreements entered into under rules adopted 46986
under section 3365.12 of the Revised Code do not apply to any 46987
college course in which a student is enrolled if during the term 46988
such student is enrolled in the college course the student is also 46989
a full-time student in the student's district, community school, 46990
STEM school, or nonpublic school. The rules adopted under section 46991
3365.02 of the Revised Code shall prescribe a method for 46992
determining whether a student is enrolled full-time in the 46993
student's district, community school, STEM school, or nonpublic 46994

school. 46995

Sec. 3365.10. As used in this section, the "base amount" for 46996
any school year is one million dollars. "Full-time equivalency 46997
percentage" and "percentage of the school day" enrolled in college 46998
shall be determined under the rules described by divisions (A)(1) 46999
and (4) of section 3365.07 of the Revised Code or the rules 47000
adopted under section 3365.12 of the Revised Code. 47001

(A) Each nonpublic school student who wishes to become a 47002
participant in any school year shall send to the department of 47003
education a copy of ~~his~~ the student's acceptance from a college 47004
and an application. The application shall be made on forms 47005
provided by the state board and shall include information about 47006
the student's proposed participation, including the school year in 47007
which ~~he~~ the student wishes to participate; the semesters or terms 47008
the student wishes to enroll during such year; the student's 47009
expected full-time equivalency percentage for each such semester 47010
or term; and the percentage of the school day each such semester 47011
or term that the student expects to be enrolled in programs 47012
provided by a college under division (B) of section 3365.04 of the 47013
Revised Code. The department shall mark each application with the 47014
date and time of receipt. 47015

(B) Calculations involving applications under this division 47016
shall be made in the order in which the applications are received. 47017

Upon receipt of an application under division (A) of this 47018
section, the department shall calculate the amount the college 47019
would be paid under division (B) of section 3365.07 of the Revised 47020
Code or through alternative funding agreements entered into under 47021
rules adopted under section 3365.12 of the Revised Code for the 47022
student's expected participation. The For calculations made under 47023
division (B) of section 3365.07 of the Revised Code, the 47024
department shall subtract each such calculated amount from the 47025

base amount for that year, or the amount remaining for that year 47026
after the subtraction from the base amount of amounts previously 47027
calculated under this division as a result of prior applications 47028
for participation in that year, whichever is the lesser amount. 47029

(C) If such a subtraction under division (B) of this section 47030
results in a positive number, the department shall notify the 47031
applicant within three weeks of the receipt of ~~his~~ the application 47032
that ~~he~~ such applicant may participate in the post-secondary 47033
enrollment options program to the extent indicated in the 47034
application. 47035

(D) If such a subtraction under division (B) of this section 47036
results in a negative number, the department shall, within one 47037
week of the receipt of such application, notify the applicant, the 47038
applicant's nonpublic school, and the college accepting the 47039
applicant that funds will not be available for the applicant's 47040
participation in the program during the year for which the 47041
application was made. The department shall also notify all 47042
applicants whose applications for that year are subsequently 47043
received, their nonpublic schools, and the colleges accepting them 47044
of the same fact. 47045

(E) No applicant receiving notification under division (D) of 47046
this section may become a participant under division (B) of 47047
section 3365.04 of the Revised Code for the year for which ~~he~~ the 47048
applicant applied and no college shall be paid under division (B) 47049
of section 3365.07 of the Revised Code or through alternative 47050
funding agreements entered into under rules adopted under section 47051
3365.12 of the Revised Code for participation by any such 47052
applicant in such year. 47053

Sec. 3365.12. The superintendent of public instruction and 47054
the chancellor of the Ohio board of regents jointly may adopt 47055
rules in accordance with Chapter 119. of the Revised Code 47056

permitting a board of education of a school district or joint vocational school district, governing authority of a community school, governing body of a STEM school, or governing authority of a participating nonpublic school to enter into an agreement with a college or university to use an alternate funding formula to calculate, or an alternate method to transmit, the amount the college or university would be paid for a student participating in a program under this chapter, including the program known as seniors to sophomores. 47057
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Rules adopted under this section may include, but need not be limited to, any of the following alternative funding options: 47066
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(A) Direct payment of funds necessary to support students participating in a program under this chapter, including the seniors to sophomores program, by the school district, joint vocational school district, community school, STEM school, or any combination thereof, to the college or university in which the student enrolled; 47068
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(B) Alternate funding formulas to calculate the amount of money to be paid to colleges for participants; 47074
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(C) A negotiated amount to be paid, as agreed by the school district, joint vocational school district, community school, or STEM school and the college or university. 47076
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Sec. 3375.79. There is hereby created in the state treasury the Bill and Melinda Gates foundation grant fund consisting of Bill and Melinda Gates foundation grants awarded to the state library of Ohio. The state library board shall use the fund for the improvement of public library services, interlibrary cooperation, or other library purposes. All investment earnings of the fund shall be credited to the fund. 47079
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Sec. 3501.17. (A) The expenses of the board of elections 47086
shall be paid from the county treasury, in pursuance of 47087
appropriations by the board of county commissioners, in the same 47088
manner as other county expenses are paid. If the board of county 47089
commissioners fails to appropriate an amount sufficient to provide 47090
for the necessary and proper expenses of the board of elections 47091
pertaining to the conduct of elections, the board of elections may 47092
apply to the court of common pleas within the county, which shall 47093
fix the amount necessary to be appropriated and the amount shall 47094
be appropriated. Payments shall be made upon vouchers of the board 47095
of elections certified to by its chairperson or acting chairperson 47096
and the director or deputy director, upon warrants of the county 47097
auditor. 47098

The board of elections shall not incur any obligation 47099
involving the expenditure of money unless there are moneys 47100
sufficient in the funds appropriated therefor to meet the 47101
obligation. If the board of elections requests a transfer of funds 47102
from one of its appropriation items to another, the board of 47103
county commissioners shall adopt a resolution providing for the 47104
transfer except as otherwise provided in section 5705.40 of the 47105
Revised Code. The expenses of the board of elections shall be 47106
apportioned among the county and the various subdivisions as 47107
provided in this section, and the amount chargeable to each 47108
subdivision shall be withheld by the auditor from the moneys 47109
payable thereto at the time of the next tax settlement. At the 47110
time of submitting budget estimates in each year, the board of 47111
elections shall submit to the taxing authority of each 47112
subdivision, upon the request of the subdivision, an estimate of 47113
the amount to be withheld from the subdivision during the next 47114
fiscal year. 47115

(B) Except as otherwise provided in division (F) of this 47116
section, the compensation of the members of the board of elections 47117

and of the director, deputy director, and regular employees in the 47118
board's offices, other than compensation for overtime worked; the 47119
expenditures for the rental, furnishing, and equipping of the 47120
office of the board and for the necessary office supplies for the 47121
use of the board; the expenditures for the acquisition, repair, 47122
care, and custody of the polling places, booths, guardrails, and 47123
other equipment for polling places; the cost of tally sheets, 47124
maps, flags, ballot boxes, and all other permanent records and 47125
equipment; the cost of all elections held in and for the state and 47126
county; and all other expenses of the board which are not 47127
chargeable to a political subdivision in accordance with this 47128
section shall be paid in the same manner as other county expenses 47129
are paid. 47130

(C) The compensation of judges of elections and intermittent 47131
employees in the board's offices; the cost of renting, moving, 47132
heating, and lighting polling places and of placing and removing 47133
ballot boxes and other fixtures and equipment thereof, including 47134
voting machines, marking devices, and automatic tabulating 47135
equipment; the cost of printing and delivering ballots, cards of 47136
instructions, registration lists required under section 3503.23 of 47137
the Revised Code, and other election supplies, including the 47138
supplies required to comply with division (H) of section 3506.01 47139
of the Revised Code; the cost of contractors engaged by the board 47140
to prepare, program, test, and operate voting machines, marking 47141
devices, and automatic tabulating equipment; and all other 47142
expenses of conducting primaries and elections in the odd-numbered 47143
years shall be charged to the subdivisions in and for which such 47144
primaries or elections are held. The charge for each primary or 47145
general election in odd-numbered years for each subdivision shall 47146
be determined in the following manner: first, the total cost of 47147
all chargeable items used in conducting such elections shall be 47148
ascertained; second, the total charge shall be divided by the 47149
number of precincts participating in such election, in order to 47150

fix the cost per precinct; third, the cost per precinct shall be 47151
prorated by the board of elections to the subdivisions conducting 47152
elections for the nomination or election of offices in such 47153
precinct; fourth, the total cost for each subdivision shall be 47154
determined by adding the charges prorated to it in each precinct 47155
within the subdivision. 47156

(D) The entire cost of special elections held on a day other 47157
than the day of a primary or general election, both in 47158
odd-numbered or in even-numbered years, shall be charged to the 47159
subdivision. Where a special election is held on the same day as a 47160
primary or general election in an even-numbered year, the 47161
subdivision submitting the special election shall be charged only 47162
for the cost of ballots and advertising. Where a special election 47163
is held on the same day as a primary or general election in an 47164
odd-numbered year, the subdivision submitting the special election 47165
shall be charged for the cost of ballots and advertising for such 47166
special election, in addition to the charges prorated to such 47167
subdivision for the election or nomination of candidates in each 47168
precinct within the subdivision, as set forth in the preceding 47169
paragraph. 47170

(E) Where a special election is held on the day specified by 47171
division (E) of section 3501.01 of the Revised Code for the 47172
holding of a primary election, for the purpose of submitting to 47173
the voters of the state constitutional amendments proposed by the 47174
general assembly, and a subdivision conducts a special election on 47175
the same day, the entire cost of the special election shall be 47176
divided proportionally between the state and the subdivision based 47177
upon a ratio determined by the number of issues placed on the 47178
ballot by each, except as otherwise provided in division (G) of 47179
this section. Such proportional division of cost shall be made 47180
only to the extent funds are available for such purpose from 47181
amounts appropriated by the general assembly to the secretary of 47182

state. If a primary election is also being conducted in the 47183
subdivision, the costs shall be apportioned as otherwise provided 47184
in this section. 47185

(F) When a precinct is open during a general, primary, or 47186
special election solely for the purpose of submitting to the 47187
voters a statewide ballot issue, the state shall bear the entire 47188
cost of the election in that precinct and shall reimburse the 47189
county for all expenses incurred in opening the precinct. 47190

(G)(1) The state shall bear the entire cost of advertising in 47191
newspapers statewide ballot issues, explanations of those issues, 47192
and arguments for or against those issues, as required by Section 47193
1g of Article II and Section 1 of Article XVI, Ohio Constitution, 47194
and any other section of law. Appropriations made to the 47195
controlling board shall be used to reimburse the secretary of 47196
state for all expenses the secretary of state incurs for such 47197
advertising under division (G) of section 3505.062 of the Revised 47198
Code. 47199

(2) There is hereby created in the state treasury the 47200
statewide ballot advertising fund. The fund shall receive 47201
transfers approved by the controlling board, and shall be used by 47202
the secretary of state to pay the costs of advertising state 47203
ballot issues as required under division (G)(1) of this section. 47204
Any such transfers may be requested from and approved by the 47205
controlling board prior to placing the advertising, in order to 47206
facilitate timely provision of the required advertising. 47207

(H) The cost of renting, heating, and lighting registration 47208
places; the cost of the necessary books, forms, and supplies for 47209
the conduct of registration; and the cost of printing and posting 47210
precinct registration lists shall be charged to the subdivision in 47211
which such registration is held. 47212

(I) At the request of a majority of the members of the board 47213

of elections, the board of county commissioners may, by 47214
resolution, establish an elections revenue fund. Except as 47215
otherwise provided in this division, the purpose of the fund shall 47216
be to accumulate revenue withheld by or paid to the county under 47217
this section for the payment of any expense related to the duties 47218
of the board of elections specified in section 3501.11 of the 47219
Revised Code, upon approval of a majority of the members of the 47220
board of elections. The fund shall not accumulate any revenue 47221
withheld by or paid to the county under this section for the 47222
compensation of the members of the board of elections or of the 47223
director, deputy director, or other regular employees in the 47224
board's offices, other than compensation for overtime worked. 47225

Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the 47226
Revised Code, the board of county commissioners may, by 47227
resolution, transfer money to the elections revenue fund from any 47228
other fund of the political subdivision from which such payments 47229
lawfully may be made. Following an affirmative vote of a majority 47230
of the members of the board of elections, the board of county 47231
commissioners may, by resolution, rescind an elections revenue 47232
fund established under this division. If an elections revenue fund 47233
is rescinded, money that has accumulated in the fund shall be 47234
transferred to the county general fund. 47235

(J) As used in this section: 47236

(1) "Political subdivision" and "subdivision" mean any board 47237
of county commissioners, board of township trustees, legislative 47238
authority of a municipal corporation, board of education, or any 47239
other board, commission, district, or authority that is empowered 47240
to levy taxes or permitted to receive the proceeds of a tax levy, 47241
regardless of whether the entity receives tax settlement moneys as 47242
described in division (A) of this section; 47243

(2) "Statewide ballot issue" means any ballot issue, whether 47244
proposed by the general assembly or by initiative or referendum, 47245

that is submitted to the voters throughout the state. 47246

Sec. 3503.15. (A) The secretary of state shall establish and 47247
maintain a statewide voter registration database that shall be 47248
continuously available to each board of elections and to other 47249
agencies as authorized by law. 47250

(B) The statewide voter registration database established 47251
under this section shall be the official list of registered voters 47252
for all elections conducted in this state. 47253

(C) The statewide voter registration database established 47254
under this section shall, at a minimum, include all of the 47255
following: 47256

(1) An electronic network that connects all board of 47257
elections offices with the office of the secretary of state and 47258
with the offices of all other boards of elections; 47259

(2) A computer program that harmonizes the records contained 47260
in the database with records maintained by each board of 47261
elections; 47262

(3) An interactive computer program that allows access to the 47263
records contained in the database by each board of elections and 47264
by any persons authorized by the secretary of state to add, 47265
delete, modify, or print database records, and to conduct updates 47266
of the database; 47267

(4) A search program capable of verifying registered voters 47268
and their registration information by name, driver's license 47269
number, birth date, social security number, or current address; 47270

(5) Safeguards and components to ensure that the integrity, 47271
security, and confidentiality of the voter registration 47272
information is maintained. 47273

(D) The secretary of state shall adopt rules pursuant to 47274
Chapter 119. of the Revised Code doing all of the following: 47275

(1) Specifying the manner in which existing voter registration records maintained by boards of elections shall be converted to electronic files for inclusion in the statewide voter registration database;	47276 47277 47278 47279
(2) Establishing a uniform method for entering voter registration records into the statewide voter registration database on an expedited basis, but not less than once per day, if new registration information is received;	47280 47281 47282 47283
(3) Establishing a uniform method for purging canceled voter registration records from the statewide voter registration database in accordance with section 3503.21 of the Revised Code;	47284 47285 47286
(4) Specifying the persons authorized to add, delete, modify, or print records contained in the statewide voter registration database and to make updates of that database;	47287 47288 47289
(5) Establishing a process for annually auditing the information contained in the statewide voter registration database.	47290 47291 47292
(E) A board of elections promptly shall purge a voter's name and voter registration information from the statewide voter registration database in accordance with the rules adopted by the secretary of state under division (D)(3) of this section after the cancellation of a voter's registration under section 3503.21 of the Revised Code.	47293 47294 47295 47296 47297 47298
(F) The secretary of state shall provide training in the operation of the statewide voter registration database to each board of elections and to any persons authorized by the secretary of state to add, delete, modify, or print database records, and to conduct updates of the database.	47299 47300 47301 47302 47303
(G)(1) The statewide voter registration database established under this section shall be made available on a web site of the office of the secretary of state as follows:	47304 47305 47306

(a) Except as otherwise provided in division (G)(1)(b) of 47307
this section, only the following information from the statewide 47308
voter registration database regarding a registered voter shall be 47309
made available on the web site: 47310

(i) The voter's name; 47311

(ii) The voter's address; 47312

(iii) The voter's precinct number; 47313

(iv) The voter's voting history. 47314

(b) During the thirty days before the day of a primary or 47315
general election, the web site interface of the statewide voter 47316
registration database shall permit a voter to search for the 47317
polling location at which that voter may cast a ballot. 47318

(2) The secretary of state shall establish, by rule adopted 47319
under Chapter 119. of the Revised Code, a process for boards of 47320
elections to notify the secretary of state of changes in the 47321
locations of precinct polling places for the purpose of updating 47322
the information made available on the secretary of state's web 47323
site under division (G)(1)(b) of this section. Those rules shall 47324
require a board of elections, during the thirty days before the 47325
day of a primary or general election, to notify the secretary of 47326
state within one business day of any change to the location of a 47327
precinct polling place within the county. 47328

(3) During the thirty days before the day of a primary or 47329
general election, not later than one business day after receiving 47330
a notification from a county pursuant to division (G)(2) of this 47331
section that the location of a precinct polling place has changed, 47332
the secretary of state shall update that information on the 47333
secretary of state's web site for the purpose of division 47334
(G)(1)(b) of this section. 47335

(H)(1) As used in division (H) of this section, "mismatch" 47336

means any of the following data fields that are not identical to 47337
one another with respect to a particular individual when 47338
information in the statewide voter registration database is 47339
compared to motor vehicle records: 47340

(a) Driver's license number; 47341

(b) Social security number; 47342

(c) Date of birth. 47343

(2) On or before the effective date of this amendment, the 47344
secretary of state and the registrar of motor vehicles shall enter 47345
into an agreement to match information in the statewide voter 47346
registration database with motor vehicle records for the purpose 47347
of verifying the accuracy of the information in the statewide 47348
voter registration database and the information provided on voter 47349
registration applications, as required under 42 U.S.C. 15483. 47350

47351

(3) Not later than December 31, 2009, and not later than the 47352
first day of July of each year thereafter, the secretary of state 47353
shall identify any mismatches between voter registration 47354
information and motor vehicle records that the secretary of state 47355
receives under division (H)(2) of this section regarding persons 47356
registered to vote in each county, and shall notify the applicable 47357
board of elections of any mismatches not later than fifteen days 47358
after they are identified. 47359

(4) Upon notification of mismatches by the secretary of state 47360
under division (H)(3) of this section, the board of elections 47361
shall notify each affected voter of the mismatch regarding the 47362
voter's information. The board shall provide the voter with the 47363
opportunity to verify and correct the mismatched information. Each 47364
board of elections, by majority vote, shall establish procedures 47365
to notify affected voters of mismatches and to provide those 47366
voters with the opportunity to verify and correct the mismatched 47367

information. The procedures shall conform to the voluntary 47368
guidelines for implementing statewide voter registration lists 47369
adopted by the United States election assistance commission. 47370

47371

(5) Notwithstanding any provision of the Revised Code to the 47372
contrary, a mismatch shall not be the sole reason for the removal 47373
of a voter from the statewide voter registration database or for 47374
rendering the voter ineligible to vote. 47375

~~Sec. 3503.18. The chief health officer of each political~~ 47376
~~subdivision and the director of health shall file with the board~~ 47377
~~of elections, at least once each month, the names, dates of birth,~~ 47378
~~dates of death, and residences of all persons, over eighteen years~~ 47379
~~of age, who have died within such subdivision or within this state~~ 47380
~~or another state, respectively, within such month. At least once~~ 47381
~~each month the, each probate judge in this state shall file with~~ 47382
~~the board of elections the names and residence addresses of all~~ 47383
~~persons over eighteen years of age who have been adjudicated~~ 47384
~~incompetent for the purpose of voting, as provided in section~~ 47385
~~5122.301 of the Revised Code. At least once each month the clerk~~ 47386
~~of the court of common pleas shall file with the board the names~~ 47387
~~and residence addresses of all persons who have been convicted~~ 47388
~~during the previous month of crimes that would disfranchise such~~ 47389
~~persons under existing laws of the state. Reports of conviction of~~ 47390
~~crimes under the laws of the United States that would disfranchise~~ 47391
~~an elector and that are provided to the secretary of state by any~~ 47392
~~United States attorney shall be forwarded by the secretary of~~ 47393
~~state to the appropriate board of elections.~~ 47394

Upon receiving ~~any a~~ report ~~described in~~ required by this 47395
section or section 3705.031 of the Revised Code, the board of 47396
elections shall promptly cancel the registration of ~~the~~ each 47397
elector named in the report. If the report contains a residence 47398

address of an elector in a county other than the county in which 47399
the board of elections is located, the director shall promptly 47400
send a copy of the report to the appropriate board of elections, 47401
which shall cancel the registration. 47402

Sec. 3503.21. (A) The registration of a registered elector 47403
shall be canceled upon the occurrence of any of the following: 47404

(1) The filing by a registered elector of a written request 47405
with a board of elections, on a form prescribed by the secretary 47406
of state and signed by the elector, that the registration be 47407
canceled. The filing of such a request does not prohibit an 47408
otherwise qualified elector from reregistering to vote at any 47409
time. 47410

~~(2) The filing of a notice of the death of the registered 47411
elector as provided in section 3503.18 of the Revised Code;~~ 47412

~~(3) The conviction of the registered elector of a felony 47413
under the laws of this state, any other state, or the United 47414
States as provided in section 2961.01 of the Revised Code;~~ 47415

~~(4)(3) The adjudication of incompetency of the registered 47416
elector for the purpose of voting as provided in section 5122.301 47417
of the Revised Code;~~ 47418

(4) The receipt by a board of elections of a report required 47419
by section 3705.031 of the Revised Code that contains the name of 47420
the registered elector; 47421

(5) The change of residence of the registered elector to a 47422
location outside the county of registration in accordance with 47423
division (B) of this section; 47424

(6) The failure of the registered elector, after having been 47425
mailed a confirmation notice, to do either of the following: 47426

(a) Respond to such a notice and vote at least once during a 47427
period of four consecutive years, which period shall include two 47428

general federal elections; 47429

(b) Update the elector's registration and vote at least once 47430
during a period of four consecutive years, which period shall 47431
include two general federal elections. 47432

(B)(1) The secretary of state shall prescribe procedures to 47433
identify and cancel the registration in a prior county of 47434
residence of any registrant who changes the registrant's voting 47435
residence to a location outside the registrant's current county of 47436
registration. Any procedures prescribed in this division shall be 47437
uniform and nondiscriminatory, and shall comply with the Voting 47438
Rights Act of 1965. The secretary of state may prescribe 47439
procedures under this division that include the use of the 47440
national change of address service provided by the United States 47441
postal system through its licensees. Any program so prescribed 47442
shall be completed not later than ninety days prior to the date of 47443
any primary or general election for federal office. 47444

(2) The registration of any elector identified as having 47445
changed the elector's voting residence to a location outside the 47446
elector's current county of registration shall not be canceled 47447
unless the registrant is sent a confirmation notice on a form 47448
prescribed by the secretary of state and the registrant fails to 47449
respond to the confirmation notice or otherwise update the 47450
registration and fails to vote in any election during the period 47451
of two federal elections subsequent to the mailing of the 47452
confirmation notice. 47453

(C) The registration of a registered elector shall not be 47454
canceled except as provided in this section, division (Q) of 47455
section 3501.05 of the Revised Code, division (C)(2) of section 47456
3503.19 of the Revised Code, or division (C) of section 3503.24 of 47457
the Revised Code. 47458

(D) Boards of elections shall send their voter registration 47459

information to the secretary of state as required under section 47460
3503.15 of the Revised Code. In the first quarter of each 47461
odd-numbered year, the secretary of state shall send the 47462
information to the national change of address service described in 47463
division (B) of this section and request that service to provide 47464
the secretary of state with a list of any voters sent by the 47465
secretary of state who have moved within the last thirty-six 47466
months. The secretary of state shall transmit to each appropriate 47467
board of elections whatever lists the secretary of state receives 47468
from that service. The board shall send a notice to each person on 47469
the list transmitted by the secretary of state requesting 47470
confirmation of the person's change of address, together with a 47471
postage prepaid, preaddressed return envelope containing a form on 47472
which the voter may verify or correct the change of address 47473
information. 47474

(E) The registration of a registered elector described in 47475
division (A)(6) or (B)(2) of this section shall be canceled not 47476
later than one hundred twenty days after the date of the second 47477
general federal election in which the elector fails to vote or not 47478
later than one hundred twenty days after the expiration of the 47479
four-year period in which the elector fails to vote or respond to 47480
a confirmation notice, whichever is later. 47481

Sec. 3701.021. (A) The public health council shall adopt, in 47482
accordance with Chapter 119. of the Revised Code, such rules as 47483
are necessary to carry out sections 3701.021 to 3701.0210 of the 47484
Revised Code, including, but not limited to, rules to establish 47485
the following: 47486

(1) Medical and financial eligibility requirements for the 47487
program for medically handicapped children; 47488

(2) Eligibility requirements for providers of services for 47489
medically handicapped children; 47490

(3) Procedures to be followed by the department of health in disqualifying providers for violating requirements adopted under division (A)(2) of this section;	47491 47492 47493
(4) Procedures to be used by the department regarding application for diagnostic services under division (B) of section 3701.023 of the Revised Code and payment for those services under division (E) of that section;	47494 47495 47496 47497
(5) Standards for the provision of service coordination by the department of health and city and general health districts;	47498 47499
(6) Procedures for the department to use to determine the amount to be paid annually by each county for services for medically handicapped children and to allow counties to retain funds under divisions (A)(2) and (3) of section 3701.024 of the Revised Code;	47500 47501 47502 47503 47504
(7) Financial eligibility requirements for services for Ohio residents twenty-one years of age or older who have cystic fibrosis;	47505 47506 47507
(8) Criteria for payment of approved providers who provide services for medically handicapped children;	47508 47509
(9) Criteria for the department to use in determining whether the payment of health insurance premiums of participants in the program for medically handicapped children is cost-effective;	47510 47511 47512
(10) Procedures for appeal of denials of applications under divisions (A) and (D) of section 3701.023 of the Revised Code, disqualification of providers, and amounts paid for services;	47513 47514 47515
(11) Terms of appointment for members of the medically handicapped children's medical advisory council created in section 3701.025 of the Revised Code;	47516 47517 47518
(12) Eligibility requirements for the hemophilia program, including income and hardship requirements.	47519 47520

(B) The department of health shall develop a manual of operational procedures and guidelines for the program for medically handicapped children to implement sections 3701.021 to 3701.0210 of the Revised Code.

(C) The director of health may adopt rules to establish a drug rebate program for medically handicapped children that is substantially similar to the medicaid supplemental drug rebate program established under section 5111.081 of the Revised Code.

If the director establishes a drug rebate program for medically handicapped children, the director shall consult with drug manufacturers regarding the implementation of the program. A drug manufacturer participating in the program shall provide drug rebates to the program for medically handicapped children in accordance with rules adopted under this section.

The director may cooperate with the director of job and family services to obtain rebates for all drugs that are covered by the program established under this section and the medicaid supplemental drug rebate program established under section 5111.081 of the Revised Code.

Sec. 3701.0212. The drug rebate for medically handicapped children fund is hereby created in the state treasury. All rebates received for purposes of any drug rebate program established under section 3701.021 of the Revised Code, including any funds collected for the program by the department of job and family services under section 5111.081 of the Revised Code, shall be credited to the fund. The department of health shall use money credited to the fund for the administration of the program for medically handicapped children.

Sec. 3701.045. (A) The department of health, in consultation with the children's trust fund board established under section

3109.15 of the Revised Code and any bodies acting as child 47551
fatality review boards on ~~the effective date of this section~~ 47552
October 5, 2000, shall adopt rules in accordance with Chapter 119. 47553
of the Revised Code that establish a procedure for child fatality 47554
review boards to follow in conducting a review of the death of a 47555
child. The rules shall do all of the following: 47556

(1) Establish the format for the annual reports required by 47557
section 307.626 of the Revised Code; 47558

(2) Establish guidelines for a child fatality review board to 47559
follow in compiling statistics for annual reports so that the 47560
reports do not contain any information that would permit any 47561
person's identity to be ascertained from a report; 47562

(3) Establish guidelines for a child fatality review board to 47563
follow in creating and maintaining the comprehensive database of 47564
child deaths required by section 307.623 of the Revised Code, 47565
including provisions establishing uniform record-keeping 47566
procedures; 47567

(4) Establish guidelines for reporting child fatality review 47568
data to the department of health or a national child death review 47569
database, either of which must maintain the confidentiality of 47570
information that would permit a person's identity to be 47571
ascertained; 47572

(5) Establish guidelines, materials, and training to help 47573
educate members of child fatality review boards about the purpose 47574
of the review process and the confidentiality of the information 47575
described in section 307.629 of the Revised Code and to make them 47576
aware that such information is not a public record under section 47577
149.43 of the Revised Code. 47578

(B) On or before the thirtieth day of September of each year, 47579
the department of health and the children's trust fund board 47580
jointly shall prepare and publish a report organizing and setting 47581

forth the data from the department of health child death review 47582
database or the national child death review database, data in all 47583
the reports provided by child fatality review boards in their 47584
annual reports for the previous calendar year, ~~and recommending~~ 47585
recommendations for any changes to law and policy that might 47586
prevent future deaths. The department and the children's trust 47587
fund board jointly shall provide a copy of the report to the 47588
governor, the speaker of the house of representatives, the 47589
president of the senate, the minority leaders of the house of 47590
representatives and the senate, each county or regional child 47591
fatality review board, and each county or regional family and 47592
children first council. 47593

Sec. 3701.07. (A) The public health council shall adopt rules 47594
in accordance with Chapter 119. of the Revised Code defining and 47595
classifying hospitals and dispensaries and providing for the 47596
reporting of information by hospitals and dispensaries. Except as 47597
otherwise provided in the Revised Code, the rules providing for 47598
the reporting of information shall not require inclusion of any 47599
confidential patient data or any information concerning the 47600
financial condition, income, expenses, or net worth of the 47601
facilities other than that financial information already contained 47602
in those portions of the medicare or medicaid cost report that is 47603
necessary for the department of health to certify the per diem 47604
cost under section 3701.62 of the Revised Code. The rules may 47605
require the reporting of information in the following categories: 47606

(1) Information needed to identify and classify the 47607
institution; 47608

(2) Information on facilities and type and volume of services 47609
provided by the institution; 47610

(3) The number of beds listed by category of care provided; 47611

(4) The number of licensed or certified professional 47612

employees by classification; 47613

(5) The number of births that occurred at the institution the 47614
previous calendar year; 47615

(6) Any other information that the council considers relevant 47616
to the safety of patients served by the institution. 47617

Every hospital and dispensary, public or private, annually 47618
shall register with and report to the department of health. 47619
Reports shall be submitted in the manner prescribed in rules 47620
adopted under this division. 47621

(B) Every governmental entity or private nonprofit 47622
corporation or association whose employees or representatives are 47623
defined as residents' rights advocates under divisions (E)(1) and 47624
(2) of section 3721.10 or division (A)(10) of section 3722.01 of 47625
the Revised Code shall register with the department of health on 47626
forms furnished by the director of health and shall provide such 47627
reasonable identifying information as the director may prescribe. 47628

The department shall compile a list of the governmental 47629
entities, corporations, or associations registering under this 47630
division and shall update the list annually. Copies of the list 47631
shall be made available to nursing home administrators as defined 47632
in division (C) of section 3721.10 of the Revised Code and to 47633
adult care facility managers as defined in section 3722.01 of the 47634
Revised Code. 47635

~~(C) Every governmental entity or private nonprofit 47636
corporation or association whose employees or representatives act 47637
as residents' rights advocates for community alternative homes 47638
pursuant to section 3724.08 of the Revised Code shall register 47639
with the department of health on forms furnished by the director 47640
of health and shall provide such reasonable identifying 47641
information as the director may prescribe. 47642~~

~~The department shall compile a list of the governmental 47643~~

~~entities, corporations, and associations registering under this 47644
division and shall update the list annually. Copies of the list 47645
shall be made available to operators or residence managers of 47646
community alternative homes as defined in section 3724.01 of the 47647
Revised Code. 47648~~

~~Sec. 3701.242. (A) An HIV test shall may be performed only 47649
if, prior to the test, informed consent is obtained either by the 47650
person or agency of state or local government ordering the test or 47651
by the person or agency performing the test. Consent may be given 47652
orally or in writing after the person or agency performing or 47653
ordering the test has given the individual to be tested or his 47654
guardian the following information: 47655~~

~~(1) An oral or written explanation of the test and testing 47656
procedures, including the purposes and limitations of the test and 47657
the meaning of its results; 47658~~

~~(2) An oral or written explanation that the test is 47659
voluntary, that consent to be tested may be withdrawn, if the test 47660
is performed on an outpatient basis, at any time before the 47661
individual tested leaves the premises where blood is taken for the 47662
test, or, if the test is performed on an inpatient basis, within 47663
one hour after the blood is taken for the test, and that the 47664
individual or guardian may elect to have an anonymous test; 47665~~

~~(3) An oral or written explanation about behaviors known to 47666
pose risks for transmission of HIV infection. 47667~~

~~The public health council shall adopt rules, pursuant to 47668
recommendations of the director of health and in accordance with 47669
Chapter 119. of the Revised Code, specifying the information 47670
required by this section to be given to an individual before he is 47671
given an HIV test. The rules shall contain specifications for an 47672
informed consent form that includes the required information. The 47673
director of health shall prepare and distribute the form. A person 47674~~

~~or government agency required by division (A) of this section to~~ 47675
~~give information to an individual may satisfy the requirement by~~ 47676
~~obtaining the signature of the individual on the form prepared by~~ 47677
~~the director~~ by or on the order of a health care provider who, in 47678
the exercise of the provider's professional judgment, determines 47679
the test to be necessary for providing diagnosis and treatment to 47680
the individual to be tested, if the individual or the individual's 47681
parent or guardian has given consent to the provider for medical 47682
or other health care treatment. The health care provider shall 47683
inform the individual of the individual's right under division (D) 47684
of this section to an anonymous test. 47685

(B) A minor may consent to be given an HIV test. The consent 47686
is not subject to disaffirmance because of minority. The parents 47687
or guardian of a minor giving consent under this division are not 47688
liable for payment and shall not be charged for an HIV test given 47689
to the minor without the consent of a parent or the guardian. 47690

(C) ~~The person or government agency~~ health care provider 47691
~~ordering an HIV test shall provide post-test counseling for the an~~ 47692
~~individual who was tested at the time he is told the result of the~~ 47693
~~test or informed of a diagnosis of AIDS or of an AIDS related~~ 47694
~~condition~~ receives an HIV-positive test result. If the test was 47695
~~performed on the order of the individual tested, the person or~~ 47696
~~government agency that performed the test shall provide~~ 47697
~~counseling. The individual shall be given an oral or written~~ 47698
~~explanation of the nature of AIDS and AIDS-related conditions and~~ 47699
~~the relationship between the HIV test and those diseases and a~~ 47700
~~list of resources for further counseling or support. When~~ 47701
~~necessary, the individual shall be referred for further counseling~~ 47702
~~to help him cope with the emotional consequences of learning the~~ 47703
~~test result~~ The public health council may adopt rules, pursuant to 47704
recommendations from the director of health and in accordance with 47705
Chapter 119. of the Revised Code, specifying the information to be 47706

provided in post-test counseling. 47707

47708

(D) ~~Any~~ An individual ~~seeking an HIV test~~ shall have the 47709
right, ~~on his request,~~ to an anonymous test. A health care 47710
facility or health care provider that does not provide anonymous 47711
testing shall refer an individual requesting an anonymous test to 47712
a site where it is available. 47713

(E) Divisions ~~(A)~~ (B) to (D) of this section do not apply to 47714
the performance of an HIV test in any of the following 47715
circumstances: 47716

(1) When the test is performed in a medical emergency by a 47717
nurse or physician and the test results are medically necessary to 47718
avoid or minimize an immediate danger to the health or safety of 47719
the individual to be tested or another individual, except that 47720
post-test counseling shall be given to the individual ~~as soon as~~ 47721
~~possible after the emergency is over~~ if the individual receives an 47722
HIV-positive test result; 47723

(2) When the test is performed for the purpose of research if 47724
the researcher does not know and cannot determine the identity of 47725
the individual tested; 47726

(3) When the test is performed by a person who procures, 47727
processes, distributes, or uses a human body part from a deceased 47728
person donated for a purpose specified in Chapter 2108. of the 47729
Revised Code, if the test is medically necessary to ensure that 47730
the body part is acceptable for its intended purpose; 47731

(4) When the test is performed on a person incarcerated in a 47732
correctional institution under the control of the department of 47733
rehabilitation and correction if the head of the institution has 47734
determined, based on good cause, that a test is necessary; 47735

(5) When the test is performed ~~by or on the order of a~~ 47736
~~physician who, in the exercise of his professional judgment,~~ 47737

~~determines the test to be necessary for providing diagnosis and 47738
treatment to the individual to be tested, if the individual or his 47739
parent or guardian has given consent to the physician for medical 47740
treatment in accordance with section 2907.27 of the Revised Code; 47741~~

(6) When the test is performed on an individual after the 47742
infection control committee of a health care facility, or other 47743
body of a health care facility performing a similar function 47744
determines that a health care provider, emergency medical services 47745
worker, or peace officer, while rendering health or emergency care 47746
to an individual, has sustained a significant exposure to the body 47747
fluids of that individual, and the individual has refused to give 47748
consent for testing. 47749

~~(F) If the requirements of division (A) of this section have 47750
been met, consent to be tested given under that division shall be 47751
presumed to be valid and effective, and no evidence is admissible 47752
in a civil action to impeach, modify, or limit the consent. 47753~~

~~(G) The consent of the individual to be tested is not 47754
required, and the individual or guardian may not elect to have an 47755
anonymous test, when the test is ordered by a court in connection 47756
with a criminal investigation. 47757~~

Sec. 3701.247. (A)(1) Any of the following persons may bring 47758
an action in a probate court for an order compelling another 47759
person to undergo HIV testing: 47760

(a) A person who believes ~~he~~ the person may have been exposed 47761
to HIV infection while rendering health or emergency care to the 47762
other person; 47763

(b) A peace officer who believes ~~he~~ the peace officer may 47764
have been exposed to HIV infection while dealing with the other 47765
person in the performance of ~~his~~ official duties. 47766

(2) The complaint in the action shall be accompanied by an 47767

affidavit in which the plaintiff attests to all of the following: 47768

(a) While rendering health or emergency care to the 47769
defendant, or while dealing with the defendant in the performance 47770
of ~~his~~ the plaintiff's duties, the plaintiff sustained a 47771
significant exposure to body fluids of the defendant that are 47772
known to transmit HIV; 47773

(b) The plaintiff has reason to believe the defendant may 47774
have an HIV infection; 47775

(c) The plaintiff made a reasonable attempt to have the 47776
defendant submit to HIV testing in accordance with section 47777
3701.242 of the Revised Code, and notified the defendant that ~~he~~ 47778
the plaintiff would bring an action under this section on the 47779
defendant's refusal or failure to be tested, but the defendant has 47780
not been tested; 47781

(d) Within seven days after the exposure, the plaintiff took 47782
an HIV test ~~and also has received counseling pursuant to section~~ 47783
~~3701.242 of the Revised Code.~~ 47784

In the complaint, the defendant shall be identified by a 47785
pseudonym and ~~his~~ the defendant's name communicated to the court 47786
confidentially pursuant to a court order restricting the use of 47787
the name. Proceedings shall be conducted in chambers unless the 47788
defendant agrees to a hearing in open court. 47789

(B) The court shall hold a hearing on the complaint at the 47790
earliest possible time but not later than the third business day 47791
after the day the defendant is served with the complaint and 47792
notice of the hearing. The court shall enter judgment on the 47793
complaint on the day the hearing is concluded. 47794

(C) Notwithstanding division (A) of section 3701.242 of the 47795
Revised Code, the court may order the defendant to undergo HIV 47796
testing if it finds by clear and convincing evidence that the 47797
plaintiff has proved the matters attested to in ~~his~~ the 47798

plaintiff's affidavit and has demonstrated that ~~he~~ the plaintiff 47799
has a compelling need for the results of the test and no other 47800
means exist to accommodate the need. If granted, the order shall 47801
guard against unauthorized disclosure of the test results by 47802
specifying the persons and governmental entities that may have 47803
access to the results and by limiting further disclosure. The 47804
court shall require that the defendant be given test results and, 47805
if the defendant's test results are HIV-positive, that post-test 47806
counseling be provided ~~him~~ the defendant in accordance with 47807
division (C) of section 3701.242 of the Revised Code. The court 47808
may order the plaintiff to pay the cost of the defendant's testing 47809
and counseling. 47810

Sec. 3701.344. As used in this section and sections 3701.345, 47811
3701.346, and 3701.347 of the Revised Code: 47812

(A) "Private water system" means any water system for the 47813
provision of water for human consumption, if such system has fewer 47814
than fifteen service connections and does not regularly serve an 47815
average of at least twenty-five individuals daily at least sixty 47816
days out of the year. A private water system includes any well, 47817
spring, cistern, pond, or hauled water and any equipment for the 47818
collection, transportation, filtration, disinfection, treatment, 47819
or storage of such water extending from and including the source 47820
of the water to the point of discharge from any pressure tank or 47821
other storage vessel; to the point of discharge from the water 47822
pump where no pressure tank or other storage vessel is present; 47823
or, in the case of multiple service connections serving more than 47824
one dwelling, to the point of discharge from each service 47825
connection. ~~A private~~ "Private water system" does not include the 47826
water service line extending from the point of discharge to a 47827
structure. 47828

(B) Notwithstanding section 3701.347 of the Revised Code and 47829

subject to division (C) of this section, rules adopted by the 47830
public health council regarding private water systems shall 47831
provide for the following: 47832

(1) Except as otherwise provided in this division, boards of 47833
health of city or general health districts shall be given the 47834
exclusive power to establish fees in accordance with section 47835
3709.09 of the Revised Code for administering and enforcing such 47836
rules. Such fees shall establish a different rate for 47837
administering and enforcing the rules relative to private water 47838
systems serving single-family dwelling houses and nonsingle-family 47839
dwelling houses. Except for an amount established by the public 47840
health council, pursuant to division (B)(5) of this section, for 47841
each new private water system installation, no portion of any fee 47842
for administering and enforcing such rules shall be returned to 47843
the department of health. If the director of health determines 47844
that a board of health of a city or general health district is 47845
unable to administer and enforce a private water system program in 47846
the district, the director shall administer and enforce such a 47847
program in the district and establish fees for such administration 47848
and enforcement. 47849

(2) Boards of health of city or general health districts 47850
shall be given the exclusive power to determine the number of 47851
inspections necessary for determining the safe drinking 47852
characteristics of a private water system. 47853

(3) Private water systems contractors, as a condition of 47854
doing business in this state, shall annually register with, and 47855
comply with surety bonding requirements of, the department of 47856
health. No such contractor shall be permitted to register if ~~he~~ 47857
the contractor fails to comply with all applicable rules adopted 47858
by the public health council and the board of health of the city 47859
or general health district. The annual registration fee for 47860
private water systems contractors shall be sixty-five dollars. The 47861

public health council, by rule adopted in accordance with Chapter 47862
119. of the Revised Code, may increase the annual registration 47863
fee. Before January 1, 1993, the fee shall not be increased by 47864
more than fifty per cent of the amount prescribed by this section. 47865

(4) Boards of health of city or general health districts 47866
subject to such rules of the public health council shall have the 47867
option of determining whether bacteriological examinations shall 47868
be performed at approved laboratories of the state or at approved 47869
private laboratories. 47870

(5) The public health council may establish fees for each new 47871
private water system installation, which shall be collected by the 47872
appropriate city or general health district and returned to the 47873
department of health. 47874

(6) All fees collected by the director of health under 47875
divisions (B)(1), (3), and (5) of this section shall be deposited 47876
in the state treasury to the credit of the general operations fund 47877
created in section 3701.83 of the Revised Code for use in the 47878
administration and enforcement of sections 3701.344 to 3701.347 of 47879
the Revised Code and the rules pertaining to private water systems 47880
adopted under those sections or section 3701.34 of the Revised 47881
Code. 47882

(C) To the extent that rules adopted under division (B) of 47883
this section require health districts to follow specific 47884
procedures or use prescribed forms, no such procedure or form 47885
shall be implemented until it is approved by majority vote of an 47886
approval board of health commissioners, hereby created. Members of 47887
the board shall be the officers of the association of Ohio health 47888
commissioners, or any successor organization, and membership on 47889
the board shall be coterminous with holding an office of the 47890
association. No health district is required to follow a procedure 47891
or use a form required by a rule adopted under division (B) of 47892
this section without the approval of the board. 47893

(D) A board of health shall collect well log filing fees on behalf of the division of soil and water resources in the department of natural resources in accordance with section 1521.05 of the Revised Code and rules adopted under it. The fees shall be submitted to the division quarterly as provided in those rules. 47894
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Sec. 3701.611. (A) The governor shall create the help me grow advisory council in accordance with 20 U.S.C. 1441, which shall serve as the state interagency coordinating council, as described in 20 U.S.C. 1441. Members of the council shall reasonably represent the population of this state. The governor shall appoint as a member of the council a representative of a board of health of a city or general health district or an authority having the duties of a board of health under section 3709.05 of the Revised Code. 47900
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The governor shall appoint one of the council members to serve as chairperson of the council, or the governor may delegate appointment of the chairperson to the council. No member of the council representing the department of health shall serve as chairperson. 47909
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(B) The council shall meet at least once in each quarter of the calendar year. The chairperson may call additional meetings if necessary. 47914
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(C) A member of the council shall not vote on any matter that is likely to provide a direct financial benefit to that member or otherwise be a conflict of interest. 47917
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(D) The governor may reimburse members of the council for actual and necessary expenses incurred in the performance of their official duties, including child care for the parent representatives described in 20 U.S.C. 1441(b)(1)(A). The governor also may compensate members of the council who are not employed or 47920
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<u>who must forfeit wages from other employment when performing</u>	47925
<u>official council business.</u>	47926
<u>(E) The department of health shall serve as the "lead</u>	47927
<u>agency," as described by 20 U.S.C. 1435(a)(10).</u>	47928
<u>(F) The help me grow advisory council shall do all of the</u>	47929
<u>following:</u>	47930
<u>(1) Advise and assist the department of health in the</u>	47931
<u>performance of the responsibilities described in 20 U.S.C.</u>	47932
<u>1435(a)(10), including the following:</u>	47933
<u>(a) Identification of the sources of fiscal and other support</u>	47934
<u>for services for early intervention programs;</u>	47935
<u>(b) Assignment of financial responsibility to the appropriate</u>	47936
<u>agency, in accordance with 20 U.S.C. 1437(a)(2);</u>	47937
<u>(c) Promotion of formal interagency agreements that define</u>	47938
<u>the financial responsibility of each agency for paying for early</u>	47939
<u>intervention services and procedures for resolving disputes;</u>	47940
<u>(2) Advise and assist the department of health in the</u>	47941
<u>preparation and amendment of applications related to the</u>	47942
<u>department of health's responsibilities described in 20 U.S.C.</u>	47943
<u>1435(a)(10);</u>	47944
<u>(3) Advise and assist the department of education regarding</u>	47945
<u>the transition of toddlers with disabilities to preschool and</u>	47946
<u>other appropriate services;</u>	47947
<u>(4) Prepare and submit an annual report to the governor,</u>	47948
<u>before the thirtieth day of September, on the status of early</u>	47949
<u>intervention programs for infants and toddlers with disabilities</u>	47950
<u>and their families operated within this state during the most</u>	47951
<u>recent fiscal year.</u>	47952
<u>(G) The help me grow advisory council may advise and assist</u>	47953
<u>the department of health and the department of education regarding</u>	47954

the provision of appropriate services for children age five and younger. The council may advise appropriate agencies about the integration of services for infants and toddlers with disabilities, and at-risk infants and toddlers and their families, regardless of whether at-risk infants and toddlers are eligible for early intervention services.

(H) The help me grow advisory council shall promote family-centered programs and services that acknowledge and support the social, emotional, cognitive, intellectual, and physical development of children and the vital role of families in ensuring the well-being and success of children.

Sec. 3701.78. (A) There is hereby created the commission on minority health, consisting of ~~eighteen~~ twenty-one members. The governor shall appoint to the commission nine members from among health researchers, health planners, and health professionals. The governor also shall appoint two members who are representatives of the lupus awareness and education program. The speaker of the house of representatives shall appoint to the commission two members of the house of representatives, not more than one of whom is a member of the same political party, and the president of the senate shall appoint to the commission two members of the senate, not more than one of whom is a member of the same political party. The directors of health, mental health, mental retardation and developmental disabilities, alcohol and drug addiction services, and job and family services, or their designees, and the superintendent of public instruction, or the superintendent's designee, shall be members of the commission. The commission shall elect a chairperson from among its members. Of the members appointed by the governor, five shall be appointed to initial terms of one year, and four shall be appointed to initial terms of two years. Thereafter, all members appointed by the governor shall be appointed to terms of two years. All members of the commission

appointed by the speaker of the house of representatives or the 47987
president of the senate shall be nonvoting members of the 47988
commission and be appointed within thirty days after the 47989
commencement of the first regular session of each general 47990
assembly, and shall serve until the expiration of the session of 47991
the general assembly during which they were appointed. Members of 47992
the commission shall serve without compensation, but shall be 47993
reimbursed for the actual and necessary expenses they incur in the 47994
performance of their official duties. 47995

(B) The commission shall promote health and the prevention of 47996
disease among members of minority groups. Each year the commission 47997
shall distribute grants from available funds to community-based 47998
health groups to be used to promote health and the prevention of 47999
disease among members of minority groups. As used in this 48000
division, "minority group" means any of the following economically 48001
disadvantaged groups: Blacks, American Indians, Hispanics, and 48002
Orientals. The commission shall adopt and maintain rules pursuant 48003
to Chapter 119. of the Revised Code to provide for the 48004
distribution of these grants. No group shall qualify to receive a 48005
grant from the commission unless it receives at least twenty per 48006
cent of its funds from sources other than grants distributed under 48007
this section. 48008

(C) The commission may appoint such employees as it considers 48009
necessary to carry out its duties under this section. The 48010
department of health shall provide office space for the 48011
commission. 48012

(D) The commission shall meet at the call of its chairperson 48013
to conduct its official business. A majority of the voting members 48014
of the commission constitute a quorum. The votes of at least eight 48015
voting members of the commission are necessary for the commission 48016
to take any official action or to approve the distribution of 48017
grants under this section. 48018

Sec. 3701.83. (A) There is hereby created in the state 48019
treasury the general operations fund. Moneys in the fund shall be 48020
used for the purposes specified in sections 3701.04, 3701.344, 48021
3702.20, 3710.15, 3711.16, 3717.25, 3717.45, 3718.06, 3721.02, 48022
3722.04, 3729.07, 3733.04, 3733.25, 3733.43, 3748.04, 3748.05, 48023
3748.07, 3748.12, 3748.13, 3749.04, 3749.07, 4747.04, 4751.04, and 48024
4769.09 of the Revised Code. 48025

(B) The alcohol testing program fund is hereby created in the 48026
state treasury. The director of health shall use the fund to 48027
administer and enforce the alcohol testing and permit program 48028
authorized by section 3701.143 of the Revised Code. 48029

The fund shall receive transfers from the liquor control fund 48030
created under section 4301.12 of the Revised Code. All investment 48031
earnings of the alcohol testing program fund shall be credited to 48032
the fund. 48033

Sec. 3702.30. (A) As used in this section: 48034

(1) "Ambulatory surgical facility" means a facility, whether 48035
or not part of the same organization as a hospital, that is 48036
located in a building distinct from another in which inpatient 48037
care is provided, and to which any of the following apply: 48038

(a) Outpatient surgery is routinely performed in the 48039
facility, and the facility functions separately from a hospital's 48040
inpatient surgical service and from the offices of private 48041
physicians, podiatrists, and dentists. 48042

(b) Anesthesia is administered in the facility by an 48043
anesthesiologist or certified registered nurse anesthetist, and 48044
the facility functions separately from a hospital's inpatient 48045
surgical service and from the offices of private physicians, 48046
podiatrists, and dentists. 48047

(c) The facility applies to be certified by the United States 48048

centers for medicare and medicaid services as an ambulatory 48049
surgical center for purposes of reimbursement under Part B of the 48050
medicare program, Part B of Title XVIII of the "Social Security 48051
Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 48052

(d) The facility applies to be certified by a national 48053
accrediting body approved by the centers for medicare and medicaid 48054
services for purposes of deemed compliance with the conditions for 48055
participating in the medicare program as an ambulatory surgical 48056
center. 48057

(e) The facility bills or receives from any third-party 48058
payer, governmental health care program, or other person or 48059
government entity any ambulatory surgical facility fee that is 48060
billed or paid in addition to any fee for professional services. 48061

(f) The facility is held out to any person or government 48062
entity as an ambulatory surgical facility or similar facility by 48063
means of signage, advertising, or other promotional efforts. 48064

"Ambulatory surgical facility" does not include a hospital 48065
emergency department. 48066

(2) "Ambulatory surgical facility fee" means a fee for 48067
certain overhead costs associated with providing surgical services 48068
in an outpatient setting. A fee is an ambulatory surgical facility 48069
fee only if it directly or indirectly pays for costs associated 48070
with any of the following: 48071

(a) Use of operating and recovery rooms, preparation areas, 48072
and waiting rooms and lounges for patients and relatives; 48073

(b) Administrative functions, record keeping, housekeeping, 48074
utilities, and rent; 48075

(c) Services provided by nurses, orderlies, technical 48076
personnel, and others involved in patient care related to 48077
providing surgery. 48078

"Ambulatory surgical facility fee" does not include any additional payment in excess of a professional fee that is provided to encourage physicians, podiatrists, and dentists to perform certain surgical procedures in their office or their group practice's office rather than a health care facility, if the purpose of the additional fee is to compensate for additional cost incurred in performing office-based surgery.

(3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code.

(4) "Health care facility" means any of the following:

(a) An ambulatory surgical facility;

(b) A freestanding dialysis center;

(c) A freestanding inpatient rehabilitation facility;

(d) A freestanding birthing center;

(e) A freestanding radiation therapy center;

(f) A freestanding or mobile diagnostic imaging center.

(5) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code.

(B) By rule adopted in accordance with sections 3702.12 and 3702.13 of the Revised Code, the director of health shall establish quality standards for health care facilities. The standards may incorporate accreditation standards or other quality standards established by any entity recognized by the director.

(C) Every ambulatory surgical facility shall require that each physician who practices at the facility comply with all relevant provisions in the Revised Code that relate to the obtaining of informed consent from a patient.

(D) The director shall issue a license to each health care facility that makes application for a license and demonstrates to

the director that it meets the quality standards established by 48108
the rules adopted under division (B) of this section and satisfies 48109
the informed consent compliance requirements specified in division 48110
(C) of this section. 48111

(E)(1) Except as provided in division (H) of this section and 48112
in section 3702.301 of the Revised Code, no health care facility 48113
shall operate without a license issued under this section. 48114

(2) If the department of health finds that a physician who 48115
practices at a health care facility is not complying with any 48116
provision of the Revised Code related to the obtaining of informed 48117
consent from a patient, the department shall report its finding to 48118
the state medical board, the physician, and the health care 48119
facility. 48120

(3) This division does not create, and shall not be construed 48121
as creating, a new cause of action or substantive legal right 48122
against a health care facility and in favor of a patient who 48123
allegedly sustains harm as a result of the failure of the 48124
patient's physician to obtain informed consent from the patient 48125
prior to performing a procedure on or otherwise caring for the 48126
patient in the health care facility. 48127

(F) The rules adopted under division (B) of this section 48128
shall include all of the following: 48129

(1) Provisions governing application for, renewal, 48130
suspension, and revocation of a license under this section; 48131

(2) Provisions governing orders issued pursuant to section 48132
3702.32 of the Revised Code for a health care facility to cease 48133
its operations or to prohibit certain types of services provided 48134
by a health care facility; 48135

(3) Provisions governing the imposition under section 3702.32 48136
of the Revised Code of civil penalties for violations of this 48137
section or the rules adopted under this section, including a scale 48138

for determining the amount of the penalties.	48139
(G) An ambulatory surgical facility that performs or induces abortions shall comply with section 3701.791 of the Revised Code.	48140 48141
<u>(H) The following entities are not required to obtain a license as a freestanding diagnostic imaging center issued under this section:</u>	48142 48143 48144
<u>(1) A hospital registered under section 3701.07 of the Revised Code and providing diagnostic imaging;</u>	48145 48146
<u>(2) An entity that is reviewed as part of a hospital accreditation or certification program providing diagnostic imaging;</u>	48147 48148 48149
<u>(3) An ambulatory surgical facility providing diagnostic imaging in conjunction with or during any portion of a surgical procedure.</u>	48150 48151 48152
Sec. 3702.51. As used in sections 3702.51 to 3702.62 of the Revised Code:	48153 48154
(A) "Applicant" means any person that submits an application for a certificate of need and who is designated in the application as the applicant.	48155 48156 48157
(B) "Person" means any individual, corporation, business trust, estate, firm, partnership, association, joint stock company, insurance company, government unit, or other entity.	48158 48159 48160
(C) "Certificate of need" means a written approval granted by the director of health to an applicant to authorize conducting a reviewable activity.	48161 48162 48163
(D) "Health service area" means a geographic region designated by the director of health under section 3702.58 of the Revised Code.	48164 48165 48166
(E) "Health service" means a clinically related service, such	48167

as a diagnostic, treatment, rehabilitative, or preventive service.	48168
(F) "Health service agency" means an agency designated to	48169
serve a health service area in accordance with section 3702.58 of	48170
the Revised Code.	48171
(G) "Health care facility" means:	48172
(1) A hospital registered under section 3701.07 of the	48173
Revised Code;	48174
(2) A nursing home licensed under section 3721.02 of the	48175
Revised Code, or by a political subdivision certified under	48176
section 3721.09 of the Revised Code;	48177
(3) A county home or a county nursing home as defined in	48178
section 5155.31 of the Revised Code that is certified under Title	48179
XVIII or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42	48180
U.S.C.A. 301, as amended;	48181
(4) A freestanding dialysis center;	48182
(5) A freestanding inpatient rehabilitation facility;	48183
(6) An ambulatory surgical facility;	48184
(7) A freestanding cardiac catheterization facility;	48185
(8) A freestanding birthing center;	48186
(9) A freestanding or mobile diagnostic imaging center;	48187
(10) A freestanding radiation therapy center.	48188
A health care facility does not include the offices of	48189
private physicians and dentists whether for individual or group	48190
practice, residential facilities licensed under section 5123.19 of	48191
the Revised Code, or an institution for the sick that is operated	48192
exclusively for patients who use spiritual means for healing and	48193
for whom the acceptance of medical care is inconsistent with their	48194
religious beliefs, accredited by a national accrediting	48195
organization, exempt from federal income taxation under section	48196

501 of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 48197
U.S.C.A. 1, as amended, and providing twenty-four hour nursing 48198
care pursuant to the exemption in division (E) of section 4723.32 48199
of the Revised Code from the licensing requirements of Chapter 48200
4723. of the Revised Code. 48201

(H) "Medical equipment" means a single unit of medical 48202
equipment or a single system of components with related functions 48203
that is used to provide health services. 48204

(I) "Third-party payer" means a health insuring corporation 48205
licensed under Chapter 1751. of the Revised Code, a health 48206
maintenance organization as defined in division (K) of this 48207
section, an insurance company that issues sickness and accident 48208
insurance in conformity with Chapter 3923. of the Revised Code, a 48209
state-financed health insurance program under Chapter 3701., 48210
4123., or 5111. of the Revised Code, or any self-insurance plan. 48211

(J) "Government unit" means the state and any county, 48212
municipal corporation, township, or other political subdivision of 48213
the state, or any department, division, board, or other agency of 48214
the state or a political subdivision. 48215

(K) "Health maintenance organization" means a public or 48216
private organization organized under the law of any state that is 48217
qualified under section 1310(d) of Title XIII of the "Public 48218
Health Service Act," 87 Stat. 931 (1973), 42 U.S.C. 300e-9. 48219

(L) "Existing health care facility" means either of the 48220
following: 48221

(1) A health care facility that is licensed or otherwise 48222
authorized to operate in this state in accordance with applicable 48223
law, including a county home or a county nursing home that is 48224
certified as of February 1, 2008, under Title XVIII or Title XIX 48225
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 48226
as amended, is staffed and equipped to provide health care 48227

services, and is actively providing health services; 48228

(2) A health care facility that is licensed or otherwise 48229
authorized to operate in this state in accordance with applicable 48230
law, including a county home or a county nursing home that is 48231
certified as of February 1, 2008, under Title XVIII or Title XIX 48232
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 48233
as amended, or that has beds registered under section 3701.07 of 48234
the Revised Code as skilled nursing beds or long-term care beds 48235
and has provided services for at least three hundred sixty-five 48236
consecutive days within the twenty-four months immediately 48237
preceding the date a certificate of need application is filed with 48238
the director of health. 48239

(M) "State" means the state of Ohio, including, but not 48240
limited to, the general assembly, the supreme court, the offices 48241
of all elected state officers, and all departments, boards, 48242
offices, commissions, agencies, institutions, and other 48243
instrumentalities of the state of Ohio. "State" does not include 48244
political subdivisions. 48245

(N) "Political subdivision" means a municipal corporation, 48246
township, county, school district, and all other bodies corporate 48247
and politic responsible for governmental activities only in 48248
geographic areas smaller than that of the state to which the 48249
sovereign immunity of the state attaches. 48250

(O) "Affected person" means: 48251

(1) An applicant for a certificate of need, including an 48252
applicant whose application was reviewed comparatively with the 48253
application in question; 48254

(2) The person that requested the reviewability ruling in 48255
question; 48256

(3) Any person that resides or regularly uses health care 48257
facilities within the geographic area served or to be served by 48258

the health care services that would be provided under the	48259
certificate of need or reviewability ruling in question;	48260
(4) Any health care facility that is located in the health	48261
service area where the health care services would be provided	48262
under the certificate of need or reviewability ruling in question;	48263
(5) Third-party payers that reimburse health care facilities	48264
for services in the health service area where the health care	48265
services would be provided under the certificate of need or	48266
reviewability ruling in question;	48267
(6) Any other person who testified at a public hearing held	48268
under division (B) of section 3702.52 of the Revised Code or	48269
submitted written comments in the course of review of the	48270
certificate of need application in question.	48271
(P) "Osteopathic hospital" means a hospital registered under	48272
section 3701.07 of the Revised Code that advocates osteopathic	48273
principles and the practice and perpetuation of osteopathic	48274
medicine by doing any of the following:	48275
(1) Maintaining a department or service of osteopathic	48276
medicine or a committee on the utilization of osteopathic	48277
principles and methods, under the supervision of an osteopathic	48278
physician;	48279
(2) Maintaining an active medical staff, the majority of	48280
which is comprised of osteopathic physicians;	48281
(3) Maintaining a medical staff executive committee that has	48282
osteopathic physicians as a majority of its members.	48283
(Q) "Ambulatory surgical facility" has the same meaning as in	48284
section 3702.30 of the Revised Code.	48285
(R) Except as otherwise provided in division (T) of this	48286
section, and until the termination date specified in section	48287
3702.511 of the Revised Code, "reviewable activity" means any of	48288

the following:	48289
(1) The addition by any person of any of the following health services, regardless of the amount of operating costs or capital expenditures:	48290
(a) A heart, heart lung, lung, liver, kidney, bowel, pancreas, or bone marrow transplantation service, a stem cell harvesting and reinfusion service, or a service for transplantation of any other organ unless transplantation of the organ is designated by public health council rule not to be a reviewable activity;	48292
(b) A cardiac catheterization service;	48293
(c) An open heart surgery service;	48294
(d) Any new, experimental medical technology that is designated by rule of the public health council.	48295
(2) The acceptance of high risk patients, as defined in rules adopted under section 3702.57 of the Revised Code, by any cardiac catheterization service that was initiated without a certificate of need pursuant to division (R)(3)(b) of the version of this section in effect immediately prior to April 20, 1995;	48296
(3)(a) The establishment, development, or construction of a new health care facility other than a new long term care facility or a new hospital;	48297
(b) The establishment, development, or construction of a new hospital or the relocation of an existing hospital;	48298
(c) The relocation of hospital beds, other than long term care, perinatal, or pediatric intensive care beds, into or out of a rural area.	48299
(4)(a) The replacement of an existing hospital;	48300
(b) The replacement of an existing hospital obstetric or newborn care unit or freestanding birthing center.	48301
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~~(5)(a) The renovation of a hospital that involves a capital expenditure, obligated on or after June 30, 1995, of five million dollars or more, not including expenditures for equipment, staffing, or operational costs. For purposes of division (R)(5)(a) of this section, a capital expenditure is obligated:~~ 48319
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~~(i) When a contract enforceable under Ohio law is entered into for the construction, acquisition, lease, or financing of a capital asset;~~ 48324
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~~(ii) When the governing body of a hospital takes formal action to commit its own funds for a construction project undertaken by the hospital as its own contractor;~~ 48327
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~~(iii) In the case of donated property, on the date the gift is completed under applicable Ohio law.~~ 48330
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~~(b) The renovation of a hospital obstetric or newborn care unit or freestanding birthing center that involves a capital expenditure of five million dollars or more, not including expenditures for equipment, staffing, or operational costs.~~ 48332
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~~(6) Any change in the health care services, bed capacity, or site, or any other failure to conduct the reviewable activity in substantial accordance with the approved application for which a certificate of need was granted, if the change is made prior to the date the activity for which the certificate was issued ceases to be a reviewable activity;~~ 48336
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~~(7) Any of the following changes in perinatal bed capacity or pediatric intensive care bed capacity:~~ 48342
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~~(a) An increase in bed capacity;~~ 48344

~~(b) A change in service or service level designation of newborn care beds or obstetric beds in a hospital or freestanding birthing center, other than a change of service that is provided within the service level designation of newborn care or obstetric~~ 48345
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~~beds as registered by the department of health;~~ 48349

~~(c) A relocation of perinatal or pediatric intensive care beds from one physical facility or site to another, excluding the relocation of beds within a hospital or freestanding birthing center or the relocation of beds among buildings of a hospital or freestanding birthing center at the same site.~~ 48350
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~~(8) The expenditure of more than one hundred ten per cent of the maximum expenditure specified in a certificate of need;~~ 48355
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~~(9) Any transfer of a certificate of need issued prior to April 20, 1995, from the person to whom it was issued to another person before the project that constitutes a reviewable activity is completed, any agreement that contemplates the transfer of a certificate of need issued prior to that date upon completion of the project, and any transfer of the controlling interest in an entity that holds a certificate of need issued prior to that date. However, the transfer of a certificate of need issued prior to that date or agreement to transfer such a certificate of need from the person to whom the certificate of need was issued to an affiliated or related person does not constitute a reviewable transfer of a certificate of need for the purposes of this division, unless the transfer results in a change in the person that holds the ultimate controlling interest in the certificate of need.~~ 48357
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~~(10)(a) The acquisition by any person of any of the following medical equipment, regardless of the amount of operating costs or capital expenditure:~~ 48372
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~~(i) A cobalt radiation therapy unit;~~ 48375

~~(ii) A linear accelerator;~~ 48376

~~(iii) A gamma knife unit.~~ 48377

~~(b) The acquisition by any person of medical equipment with a~~ 48378

cost of two million dollars or more. The cost of acquiring medical	48379
equipment includes the sum of the following:	48380
(i) The greater of its fair market value or the cost of its	48381
lease or purchase;	48382
(ii) The cost of installation and any other activities	48383
essential to the acquisition of the equipment and its placement	48384
into service.	48385
(11) The addition of another cardiac catheterization	48386
laboratory to an existing cardiac catheterization service.	48387
(S) Except as provided in division (T)(S) of this section,	48388
"reviewable activity" also means any of the following activities,	48389
none of which are subject to a termination date:	48390
(1) The establishment, development, or construction of a new	48391
long-term care facility;	48392
(2) The replacement of an existing long-term care facility;	48393
(3) The renovation of a long-term care facility that involves	48394
a capital expenditure of two million dollars or more, not	48395
including expenditures for equipment, staffing, or operational	48396
costs;	48397
(4) <u>Any Either</u> of the following changes in long-term care bed	48398
capacity:	48399
(a) An increase in bed capacity;	48400
(b) A relocation of beds from one physical facility or site	48401
to another, excluding the relocation of beds within a long-term	48402
care facility or among buildings of a long-term care facility at	48403
the same site;	48404
(c) A recategorization of hospital beds registered under	48405
section 3701.07 of the Revised Code from another registration	48406
category to skilled nursing beds or long term care beds.	48407

(5) Any change in the health services, bed capacity, or site, 48408
or any other failure to conduct the reviewable activity in 48409
substantial accordance with the approved application for which a 48410
certificate of need concerning long-term care beds was granted, if 48411
the change is made within five years after the implementation of 48412
the reviewable activity for which the certificate was granted; 48413

(6) The expenditure of more than one hundred ten per cent of 48414
the maximum expenditure specified in a certificate of need 48415
concerning long-term care beds; 48416

~~(7) Any transfer of a certificate of need that concerns 48417
long term care beds and was issued prior to April 20, 1995, from 48418
the person to whom it was issued to another person before the 48419
project that constitutes a reviewable activity is completed, any 48420
agreement that contemplates the transfer of such a certificate of 48421
need upon completion of the project, and any transfer of the 48422
controlling interest in an entity that holds such a certificate of 48423
need. However, the transfer of a certificate of need that concerns 48424
long term care beds and was issued prior to April 20, 1995, or 48425
agreement to transfer such a certificate of need from the person 48426
to whom the certificate was issued to an affiliated or related 48427
person does not constitute a reviewable transfer of a certificate 48428
of need for purposes of this division, unless the transfer results 48429
in a change in the person that holds the ultimate controlling 48430
interest in the certificate of need. 48431~~

~~(T)(S)~~ "Reviewable activity" does not include any of the 48432
following activities: 48433

(1) Acquisition of computer hardware or software; 48434

(2) Acquisition of a telephone system; 48435

(3) Construction or acquisition of parking facilities; 48436

(4) Correction of cited deficiencies that are in violation of 48437
federal, state, or local fire, building, or safety laws and rules 48438

and that constitute an imminent threat to public health or safety;	48439
(5) Acquisition of an existing health care facility that does not involve a change in the number of the beds, by service, or in the number or type of health services;	48440 48441 48442
(6) Correction of cited deficiencies identified by accreditation surveys of the joint commission on accreditation of healthcare organizations or of the American osteopathic association;	48443 48444 48445 48446
(7) Acquisition of medical equipment to replace the same or similar equipment for which a certificate of need has been issued if the replaced equipment is removed from service;	48447 48448 48449
(8) Mergers, consolidations, or other corporate reorganizations of health care facilities that do not involve a change in the number of beds, by service, or in the number or type of health services;	48450 48451 48452 48453
(9) Construction, repair, or renovation of bathroom facilities;	48454 48455
(10) Construction of laundry facilities, waste disposal facilities, dietary department projects, heating and air conditioning projects, administrative offices, and portions of medical office buildings used exclusively for physician services;	48456 48457 48458 48459
(11) Acquisition of medical equipment to conduct research required by the United States food and drug administration or clinical trials sponsored by the national institute of health. Use of medical equipment that was acquired without a certificate of need under division (F) <u>(S)</u> (11) of this section and for which premarket approval has been granted by the United States food and drug administration to provide services for which patients or reimbursement entities will be charged shall be a reviewable activity.	48460 48461 48462 48463 48464 48465 48466 48467 48468

(12) Removal of asbestos from a health care facility. 48469

Only that portion of a project that meets the requirements of 48470
this division ~~(T) of this section~~ is not a reviewable activity. 48471

~~(U)~~(T) "Small rural hospital" means a hospital that is 48472
located within a rural area, has fewer than one hundred beds, and 48473
to which fewer than four thousand persons were admitted during the 48474
most recent calendar year. 48475

~~(V)~~(U) "Children's hospital" means any of the following: 48476

(1) A hospital registered under section 3701.07 of the 48477
Revised Code that provides general pediatric medical and surgical 48478
care, and in which at least seventy-five per cent of annual 48479
inpatient discharges for the preceding two calendar years were 48480
individuals less than eighteen years of age; 48481

(2) A distinct portion of a hospital registered under section 48482
3701.07 of the Revised Code that provides general pediatric 48483
medical and surgical care, has a total of at least one hundred 48484
fifty registered pediatric special care and pediatric acute care 48485
beds, and in which at least seventy-five per cent of annual 48486
inpatient discharges for the preceding two calendar years were 48487
individuals less than eighteen years of age; 48488

(3) A distinct portion of a hospital, if the hospital is 48489
registered under section 3701.07 of the Revised Code as a 48490
children's hospital and the children's hospital meets all the 48491
requirements of division ~~(V)~~(U)(1) of this section. 48492

~~(W)~~(V) "Long-term care facility" means any of the following: 48493

(1) A nursing home licensed under section 3721.02 of the 48494
Revised Code or by a political subdivision certified under section 48495
3721.09 of the Revised Code; 48496

(2) The portion of any facility, including a county home or 48497
county nursing home, that is certified as a skilled nursing 48498

facility or a nursing facility under Title XVIII or XIX of the "Social Security Act";

(3) The portion of any hospital that contains beds registered under section 3701.07 of the Revised Code as skilled nursing beds or long-term care beds.

~~(X)~~(W) "Long-term care bed" means a bed in a long-term care facility.

~~(Y)~~ "Perinatal bed" means a bed in a hospital that is registered under section 3701.07 of the Revised Code as a newborn care bed or obstetric bed, or a bed in a freestanding birthing center.

~~(Z)~~(X) "Freestanding birthing center" means any facility in which deliveries routinely occur, regardless of whether the facility is located on the campus of another health care facility, and which is not licensed under Chapter 3711. of the Revised Code as a level one, two, or three maternity unit or a limited maternity unit.

~~(AA)~~(Y)(1) "Reviewability ruling" means a ruling issued by the director of health under division (A) of section 3702.52 of the Revised Code as to whether a particular proposed project is or is not a reviewable activity.

(2) "Nonreviewability ruling" means a ruling issued under that division that a particular proposed project is not a reviewable activity.

~~(BB)~~(Z)(1) "Metropolitan statistical area" means an area of this state designated a metropolitan statistical area or primary metropolitan statistical area in United States office of management and budget bulletin no. 93-17, June 30, 1993, and its attachments.

(2) "Rural area" means any area of this state not located

within a metropolitan statistical area. 48529

~~(CC)~~(AA) "County nursing home" has the same meaning as in 48530
section 5155.31 of the Revised Code. 48531

Sec. 3702.52. The director of health shall administer a state 48532
certificate of need program in accordance with sections 3702.51 to 48533
3702.62 of the Revised Code and rules adopted under those 48534
sections. 48535

(A) The director shall issue rulings on whether a particular 48536
proposed project is a reviewable activity. The director shall 48537
issue a ruling not later than forty-five days after receiving a 48538
request for a ruling accompanied by the information needed to make 48539
the ruling. If the director does not issue a ruling in that time, 48540
the project shall be considered to have been ruled not a 48541
reviewable activity. 48542

(B) The director shall review applications for certificates 48543
of need. Each application shall be submitted to the director on 48544
forms prescribed by the director, shall include all information 48545
required by rules adopted under division (B) of section 3702.57 of 48546
the Revised Code, and shall be accompanied by the application fee 48547
established in rules adopted under division (G) of that section. 48548

Application fees received by the director under this division 48549
shall be deposited into the state treasury to the credit of the 48550
certificate of need fund, which is hereby created. The director 48551
shall use the fund only to pay the costs of administering sections 48552
3702.11 to 3702.20, 3702.30, and 3702.51 to 3702.62 of the Revised 48553
Code and rules adopted under those sections. 48554

The director shall mail to the applicant a written notice 48555
that the application meets the criteria for a complete application 48556
specified in rules adopted under section 3702.57 of the Revised 48557
Code, or a written request for additional information, not later 48558

than thirty days after receiving an application or a response to 48559
an earlier request for information. The director shall not make 48560
more than two requests for additional information. 48561

The director may conduct a public informational hearing in 48562
the course of reviewing any application for a certificate of need, 48563
and shall conduct one if requested to do so by any affected person 48564
not later than fifteen days after the director mails the notice 48565
that the application is complete. The hearing shall be conducted 48566
in the community in which the activities authorized by the 48567
certificate of need would be carried out. Any affected person may 48568
testify at the hearing. The director may, with the health service 48569
agency's consent, designate a health service agency to conduct the 48570
hearing. 48571

Except during a public hearing or as necessary to comply with 48572
a subpoena issued under division ~~(F)~~(E) of this section, after a 48573
notice of completeness has been received, no person shall make 48574
revisions to information that was submitted to the director before 48575
the director mailed the notice of completeness or knowingly 48576
discuss in person or by telephone the merits of the application 48577
with the director. A person may supplement an application after a 48578
notice of completeness has been received by submitting clarifying 48579
information to the director. If one or more persons request a 48580
meeting in person or by telephone, the director shall make a 48581
reasonable effort to invite interested parties to the meeting or 48582
conference call. 48583

(C) All of the following apply to the process of granting or 48584
denying a certificate of need: 48585

(1) If the project proposed in a certificate of need 48586
application meets all of the applicable certificate of need 48587
criteria for approval under sections 3702.51 to 3702.62 of the 48588
Revised Code and the rules adopted under those sections, the 48589
director shall grant a certificate of need for all or part of the 48590

entire project that is the subject of the application immediately 48591
after both of the following conditions are met: 48592

~~(a) The board of trustees of the health service agency of the 48593
health service area in which the reviewable activity is proposed 48594
to be conducted recommends, prior to the deadline specified in 48595
division (C)(4) of this section or any extension of it under 48596
division (C)(5) of this section, that the certificate of need be 48597
granted; 48598~~

~~(b) The director does not receive any written objections to 48599
the application from any affected person by the thirtieth day 48600
after the director mails the notice of completeness by the 48601
applicable deadline specified in division (C)(4) of this section 48602
or any extension of it under division (C)(5) of this section. 48603~~

~~(2) In the case of certificate of need applications under 48604
comparative review, if the projects proposed in the applications 48605
meet all of the applicable certificate of need criteria for 48606
approval under sections 3702.51 to 3702.62 of the Revised Code and 48607
the rules adopted under those sections, the director shall grant 48608
certificates of need for the entire projects that are the subject 48609
of the applications immediately after both of the following 48610
conditions are met: 48611~~

~~(a) The board of trustees of the health service agency of 48612
each health service area in which the reviewable activities are 48613
proposed to be conducted recommends, prior to the deadline 48614
specified in division (C)(4) of this section or any extension of 48615
it under division (C)(5) of this section, that certificates of 48616
need be granted for each of the reviewable activities to be 48617
conducted in its health service area; 48618~~

~~(b) The director does not receive any written objections to 48619
any of the applications from any affected person by the thirtieth 48620
day after the director mails the last notice of completeness. 48621~~

~~The~~ The director's grant of a certificate of need ~~under~~ 48622
~~division (C)(1) or (2) of this section~~ does not affect, and sets 48623
no precedent for, the director's decision to grant or deny other 48624
applications for similar reviewable activities proposed to be 48625
conducted in the same or different health service areas. 48626

(3) If the director receives written objections to an 48627
application from any affected person by the thirtieth day after 48628
mailing the notice of completeness, ~~regardless of the health~~ 48629
~~service agency's recommendation,~~ the director shall notify the 48630
applicant and assign a hearing examiner to conduct an adjudication 48631
hearing concerning the application in accordance with Chapter 119. 48632
of the Revised Code. In the case of applications under comparative 48633
review, if the director receives written objections to any of the 48634
applications from any affected person by the thirtieth day after 48635
the director mails the last notice of completeness, ~~regardless of~~ 48636
~~the health service agencies' recommendation,~~ the director shall 48637
notify all of the applicants and appoint a hearing examiner to 48638
conduct a consolidated adjudication hearing concerning the 48639
applications in accordance with Chapter 119. of the Revised Code. 48640
The hearing examiner shall be employed by or under contract with 48641
the department of health. 48642

The adjudication hearings may be conducted in the health 48643
service area in which the reviewable activity is proposed to be 48644
conducted. Consolidated adjudication hearings for applications in 48645
comparative review may be conducted in the geographic region in 48646
which all of the reviewable activities will be conducted. The 48647
applicant, the director, and the affected persons that filed 48648
objections to the application shall be parties to the hearing. If 48649
none of the affected persons that submitted written objections to 48650
the application appears or prosecutes the hearing, the hearing 48651
examiner shall dismiss the hearing and the director shall grant a 48652
certificate of need for all or part of the ~~entire~~ project that is 48653

the subject of the application if the proposed project meets all 48654
of the applicable certificate of need criteria for approval under 48655
sections 3702.51 to 3702.62 of the Revised Code and the rules 48656
adopted under those sections. The affected persons bear the burden 48657
of proving by a preponderance of evidence that the project is not 48658
needed or that granting the certificate would not be in accordance 48659
with sections 3702.51 to 3702.62 of the Revised Code or the rules 48660
adopted under those sections. 48661

(4) Except as provided in ~~divisions~~ division (C)~~(1)~~ and 48662
~~(2)~~(5) of this section, the director shall grant or deny 48663
certificate of need applications for which an adjudication hearing 48664
is not conducted under division (C)(3) of this section not later 48665
than sixty days after mailing the notice of completeness or, in 48666
the case of an application proposing addition of long-term care 48667
beds, not later than sixty days after such other time as is 48668
specified in rules adopted under section 3702.57 of the Revised 48669
Code. ~~The~~ Except as provided in division (C)(5) of this section, 48670
the director shall grant or deny certificate of need applications 48671
for which an adjudication hearing is conducted under division 48672
(C)(3) of this section not later than thirty days after the 48673
expiration of the time for filing objections to the report and 48674
recommendation of the hearing examiner under section 119.09 of the 48675
Revised Code. The director shall base decisions concerning 48676
applications for which an adjudication hearing is conducted under 48677
division (C)(3) of this section on the report and recommendations 48678
of the hearing examiner. 48679

(5) Except as otherwise provided in division (C)~~(1)~~, ~~(2)~~, ~~or~~ 48680
(6) of this section, the director or the applicant may extend the 48681
deadline prescribed in division (C)(4) of this section once, for 48682
no longer than thirty days, by written notice before the end of 48683
the ~~original thirty day period~~ deadline prescribed by division 48684
(C)(4) of this section. An extension by the director under 48685

division (C)(5) of this section shall apply to all applications 48686
that are in comparative review. 48687

(6) No applicant in a comparative review may extend the 48688
deadline specified in division (C)(4) of this section. 48689

(7) ~~Except as provided in divisions (C)(1) and (2) of this~~ 48690
~~section, the director may grant a certificate of need for all or~~ 48691
~~part of the project that is the subject of an application.~~ If the 48692
director does not grant or deny the certificate by the applicable 48693
deadline specified in division (C)(4) of this section or any 48694
extension of it under division (C)(5) of this section, the 48695
certificate shall be considered to have been granted. 48696

(8) In granting a certificate of need, the director shall 48697
specify as the maximum capital expenditure the certificate holder 48698
may obligate under the certificate a figure equal to one hundred 48699
ten per cent of the approved project cost. 48700

(9) In granting a certificate of need, the director may grant 48701
the certificate with conditions that must be met by the holder of 48702
the certificate. 48703

(D) The director shall monitor the activities of persons 48704
granted certificates of need ~~concerning long term care beds~~ during 48705
the period beginning with the granting of the certificate of need 48706
and ending five years after implementation of the activity for 48707
which the certificate was granted. 48708

~~In the case of any other certificate of need, the director~~ 48709
~~shall monitor the activities of persons granted certificates of~~ 48710
~~need during the period beginning with the granting of the~~ 48711
~~certificate of need and ending when the activity for which the~~ 48712
~~certificate was granted ceases to be a reviewable activity in~~ 48713
~~accordance with section 3702.511 of the Revised Code.~~ 48714

(E) When reviewing applications for certificates of need or 48715
monitoring activities of persons granted certificates of need, the 48716

director may issue and enforce, in the manner provided in section 48717
119.09 of the Revised Code, subpoenas duces tecum to compel the 48718
production of documents relevant to review of the application or 48719
monitoring of the activities. In addition, the director or the 48720
director's designee, which may include a health service agency, 48721
may visit the sites where the activities are or will be conducted. 48722

48723

(F) The director may withdraw certificates of need. 48724

(G) The director shall conduct, on a regular basis, health 48725
system data collection and analysis activities and prepare 48726
reports. The director shall make recommendations based upon these 48727
activities to the public health council concerning the adoption of 48728
appropriate rules under section 3702.57 of the Revised Code. All 48729
health care facilities and other health care providers shall 48730
submit to the director, upon request, any information that is 48731
necessary to conduct reviews of certificate of need applications 48732
and to develop recommendations for criteria for reviews, and that 48733
is prescribed by rules adopted under division (H) of section 48734
3702.57 of the Revised Code. 48735

(H) Any decision to grant or deny a certificate of need shall 48736
consider the special needs and circumstances resulting from moral 48737
and ethical values and the free exercise of religious rights of 48738
health care facilities administered by religious organizations, 48739
and the special needs and circumstances of ~~children's hospitals,~~ 48740
inner city ~~hospitals,~~ and ~~small rural hospitals~~ communities. 48741

Sec. 3702.524. (A) Except as provided in division (B) ~~or (C)~~ 48742
of this section, a certificate of need granted on or after April 48743
20, 1995, is not transferable prior to the completion of the 48744
reviewable activity for which it was granted. If any person 48745
holding a certificate of need issued on or after that date 48746
transfers the certificate of need to another person before the 48747

reviewable activity is completed, or enters into an agreement that 48748
contemplates the transfer of the certificate of need on the 48749
completion of the reviewable activity, the certificate of need is 48750
void. If the controlling interest in an entity that holds a 48751
certificate of need issued on or after that date is transferred 48752
prior to the completion of the reviewable activity, the 48753
certificate of need is void. 48754

(B) Division (A) of this section does not prohibit the 48755
transfer of a certificate of need issued on or after April 20, 48756
1995, between affiliated or related persons, as defined in rules 48757
adopted under section 3702.57 of the Revised Code, if the transfer 48758
does not result in a change in the person that holds the ultimate 48759
controlling interest, as defined in the rules, in the certificate 48760
of need. 48761

The transfer of a health care facility after the completion 48762
of a reviewable activity for which a certificate of need was 48763
issued on or after April 20, 1995, is not a transfer of the 48764
certificate of need, unless the facility is transferred pursuant 48765
to an agreement entered into prior to the completion of the 48766
reviewable activity. 48767

~~(C) Division (A) of this section does not apply to a transfer 48768
of a certificate of need that meets all of the following 48769
conditions: 48770~~

~~(1) The certificate of need is transferred for no more than 48771
the amount of money the person transferring the certificate 48772
expended for reasonable and necessary expenses incurred in 48773
applying for and obtaining the certificate; 48774~~

~~(2) The person holding the certificate of need is unable to 48775
complete the reviewable activity for which it was issued due to 48776
circumstances beyond the person's control, including zoning 48777
restrictions, natural disasters, or comparable events; 48778~~

~~(3) The director, after reviewing documentation supplied by the person transferring the certificate of need, certifies in writing prior to the transfer that the transfer meets the conditions specified in divisions (C)(1) and (2) of this section.~~

~~If the person that acquires a certificate of need under this division intends to implement the project other than in substantial compliance with the approved application for the certificate, that change is a reviewable activity for which the person must obtain another certificate of need.~~

Sec. 3702.525. (A) Not later than twenty-four months after the date the director of health mails the notice that the certificate of need has been granted or, if the grant or denial of the certificate of need is appealed under section 3702.60 of the Revised Code, not later than twenty-four months after issuance of an order granting the certificate that is not subject to further appeal, each person holding a certificate of need granted on or after April 20, 1995, shall:

(1) If the project for which the certificate of need was granted primarily involves construction and is to be financed primarily through external borrowing of funds, secure financial commitment for the stated purpose of developing the project and commence construction that continues uninterrupted except for interruptions or delays that are unavoidable due to reasons beyond the person's control, including labor strikes, natural disasters, material shortages, or comparable events;

(2) If the project for which the certificate of need was granted primarily involves construction and is to be financed primarily internally, receive formal approval from the holder's board of directors or trustees or other governing authority to commit specified funds for implementation of the project and commence construction that continues uninterrupted except for

interruptions or delays that are unavoidable due to reasons beyond 48810
the person's control, including labor strikes, natural disasters, 48811
material shortages, or comparable events; 48812

(3) If the project for which the certificate of need was 48813
granted primarily involves acquisition of medical equipment, enter 48814
into a contract to purchase or lease the equipment and to accept 48815
the equipment at the site for which the certificate was granted; 48816

(4) If the project for which the certificate of need was 48817
granted involves no capital expenditure or only minor renovations 48818
to existing structures, provide the health service or activity by 48819
the means specified in the approved application for the 48820
certificate; 48821

(5) If the project for which the certificate of need was 48822
granted primarily involves leasing a building or space that 48823
requires only minor renovations to the existing space, execute a 48824
lease and provide the health service or activity by the means 48825
specified in the approved application for the certificate; 48826

(6) If the project for which the certificate of need was 48827
granted primarily involves leasing a building or space that has 48828
not been constructed or requires substantial renovations to 48829
existing space, commence construction for the purpose of 48830
implementing the reviewable activity that continues uninterrupted 48831
except for interruptions or delays that are unavoidable due to 48832
reasons beyond the person's control, including labor strikes, 48833
natural disasters, material shortages, or comparable events. 48834

(B) The twenty-four-month period specified in division (A) of 48835
this section shall not be extended by any means, including the 48836
~~transfer of a certificate of need under division (C) of section~~ 48837
~~3702.524 of the Revised Code or~~ granting of a subsequent or 48838
replacement certificate of need. Each person holding a certificate 48839
of need granted on or after April 20, 1995, shall provide the 48840

director of health documentation of compliance with that division 48841
not later than the earlier of thirty days after complying with 48842
that division or five days after the twenty-four-month period 48843
expires. Not later than the earlier of fifteen days after 48844
receiving the documentation or fifteen days after the 48845
twenty-four-month period expires, the director shall send by 48846
certified mail a notice to the holder of the certificate of need 48847
specifying whether the holder has complied with division (A) of 48848
this section. 48849

(C) Notwithstanding division (B) of this section, the 48850
twenty-four-month period specified in division (A) of this section 48851
shall be extended for an additional twenty-four months for any 48852
certificate of need granted for the purchase and relocation of 48853
licensed nursing home beds on February 26, 1999. 48854

(D) A certificate of need granted on or after April 20, 1995, 48855
expires, regardless of whether the director sends a notice under 48856
division (B) of this section, if the holder fails to comply with 48857
division (A) or (C) of this section or to provide information 48858
under division (B) of this section as necessary for the director 48859
to determine compliance. 48860

Sec. 3702.53. (A) No person shall carry out any reviewable 48861
activity unless a certificate of need for such activity has been 48862
granted under sections 3702.51 to 3702.62 of the Revised Code or 48863
the person is exempted by division ~~(T)~~(S) of section 3702.51 or 48864
section ~~3702.527, 3702.528, 3702.529,~~ 3702.5210~~7~~, or 3702.62 of the 48865
Revised Code from the requirement that a certificate of need be 48866
obtained. No person shall carry out any reviewable activity if a 48867
certificate of need authorizing that activity has been withdrawn 48868
by the director of health under section 3702.52 or 3702.526 of the 48869
Revised Code. No person shall carry out a reviewable activity if 48870
the certificate of need authorizing that activity is void pursuant 48871

to section 3702.524 of the Revised Code or has expired pursuant to 48872
section 3702.525 of the Revised Code. 48873

(B) No person shall separate portions of any proposal for any 48874
reviewable activity to evade the requirements of sections 3702.51 48875
to 3702.62 of the Revised Code. 48876

(C) No person granted a certificate of need shall carry out 48877
the reviewable activity authorized by the certificate of need 48878
other than in substantial accordance with the approved application 48879
for the certificate of need. 48880

Sec. 3702.532. When the director of health determines that a 48881
person has violated section 3702.53 of the Revised Code, the 48882
director shall send a notice to the person by certified mail, 48883
return receipt requested, specifying the activity constituting the 48884
violation and the penalties imposed under section 3702.54, or 48885
3702.541, ~~or 3702.542~~ of the Revised Code. 48886

Sec. 3702.54. Except as provided in ~~sections~~ section 3702.541 48887
~~and 3702.542 and former section 3702.543~~ of the Revised Code, 48888
divisions (A) and (B) of this section apply when the director of 48889
health determines that a person has violated section 3702.53 of 48890
the Revised Code. 48891

(A) The director shall impose a civil penalty on the person 48892
in an amount equal to the greatest of the following: 48893

(1) Three thousand dollars; 48894

(2) Five per cent of the operating cost of the activity that 48895
constitutes the violation during the period of time it was 48896
conducted in violation of section 3702.53 of the Revised Code; 48897

(3) ~~Two~~ If a certificate of need was granted, two per cent of 48898
the total approved capital cost associated with implementation of 48899
the activity for which the certificate of need was granted. 48900

In no event, however, shall the penalty exceed two hundred 48901
fifty thousand dollars. 48902

(B)(1) Notwithstanding section 3702.52 of the Revised Code, 48903
the director shall refuse to accept for review any application for 48904
a certificate of need filed by or on behalf of the person, or any 48905
successor to the person or entity related to the person, for a 48906
period of not less than one year and not more than three years 48907
after the director mails the notice of the director's 48908
determination under section 3702.532 of the Revised Code or, if 48909
the determination is appealed under section 3702.60 of the Revised 48910
Code, the issuance of the order upholding the determination that 48911
is not subject to further appeal. In determining the length of 48912
time during which applications will not be accepted, the director 48913
may consider any of the following: 48914

(a) The nature and magnitude of the violation; 48915

(b) The ability of the person to have averted the violation; 48916

(c) Whether the person disclosed the violation to the 48917
director before the director commenced his investigation; 48918

(d) The person's history of compliance with sections 3702.51 48919
to 3702.62 and the rules adopted under section 3702.57 of the 48920
Revised Code; 48921

(e) Any community hardship that may result from refusing to 48922
accept future applications from the person. 48923

(2) Notwithstanding the one-year minimum imposed by division 48924
(B)(1) of this section, the director may establish a period of 48925
less than one year during which the director will refuse to accept 48926
certificate of need applications if, after reviewing all 48927
information available to the director, the director determines and 48928
expressly indicates in the notice mailed under section 3702.532 of 48929
the Revised Code that refusing to accept applications for a longer 48930
period would result in hardship to the community in which the 48931

person provides health services. The director's finding of 48932
community hardship shall not affect the granting or denial of any 48933
future certificate of need application filed by the person. 48934

Sec. 3702.544. Each person required by section 3702.54~~7~~ or 48935
3702.541, ~~or 3702.542, or former section 3702.543~~ of the Revised 48936
Code to pay a civil penalty shall do so not later than sixty days 48937
after receiving the notice mailed under section 3702.532 of the 48938
Revised Code or, if the person appeals under section 3702.60 of 48939
the Revised Code the director of health's determination that a 48940
violation has occurred, not later than sixty days after the 48941
issuance of an order upholding the director's determination that 48942
is not subject to further appeal. The civil penalties shall be 48943
paid to the director. The director shall deposit them into the 48944
certificate of need fund created by section 3702.52 of the Revised 48945
Code. 48946

Sec. 3702.55. ~~Except as provided in section 3702.542 of the~~ 48947
~~Revised Code, a~~ A person that the director of health determines 48948
has violated section 3702.53 of the Revised Code shall cease 48949
conducting the activity that constitutes the violation or 48950
utilizing the equipment or facility resulting from the violation 48951
not later than thirty days after the person receives the notice 48952
mailed under section 3702.532 of the Revised Code or, if the 48953
person appeals the director's determination under section 3702.60 48954
of the Revised Code, thirty days after the person receives an 48955
order upholding the director's determination that is not subject 48956
to further appeal. ~~A person that applies for a certificate of need~~ 48957
~~as described in section 3702.542 of the Revised Code shall cease~~ 48958
~~conducting the activity or using the equipment or facility in~~ 48959
~~accordance with the timetable established by the director of~~ 48960
~~health under that section.~~ 48961

If any person determined to have violated section 3702.53 of 48962

the Revised Code fails to cease conducting an activity or using 48963
equipment or a facility as required by this section ~~or a timetable~~ 48964
~~established under section 3702.542 of the Revised Code,~~ or if the 48965
person continues to seek payment or reimbursement for services 48966
rendered or costs incurred in conducting the activity as 48967
prohibited by section 3702.56 of the Revised Code, in addition to 48968
the penalties imposed under section 3702.54, or 3702.541, ~~or~~ 48969
~~3702.542 or former section 3702.543~~ of the Revised Code: 48970

(A) The director of health may refuse to include any beds 48971
involved in the activity in the bed capacity of a hospital for 48972
purposes of registration under section 3701.07 of the Revised 48973
Code; 48974

(B) The director of health may refuse to license, or may 48975
revoke a license or reduce bed capacity previously granted to, a 48976
hospice care program under section 3712.04 of the Revised Code; a 48977
nursing home, rest home, or home for the aging under section 48978
3721.02 of the Revised Code; or any beds within any of those 48979
facilities that are involved in the activity; 48980

(C) A political subdivision certified under section 3721.09 48981
of the Revised Code may refuse to license, or may revoke a license 48982
or reduce bed capacity previously granted to, a nursing home, rest 48983
home, or home for the aging, or any beds within any of those 48984
facilities that are involved in the activity; 48985

(D) The director of mental health may refuse to license under 48986
section 5119.20 of the Revised Code, or may revoke a license or 48987
reduce bed capacity previously granted to, a hospital receiving 48988
mentally ill persons or beds within such a hospital that are 48989
involved in the activity; 48990

(E) The department of job and family services may refuse to 48991
enter into a provider agreement that includes a facility, beds, or 48992
services that result from the activity. 48993

Sec. 3702.57. (A) The public health council shall adopt rules 48994
establishing procedures and criteria for reviews of applications 48995
for certificates of need and issuance, denial, or withdrawal of 48996
certificates. 48997

~~(1) The rules shall require that, in addition to any other 48998
applicable review requirements of sections 3702.51 to 3702.62 of 48999
the Revised Code and rules adopted thereunder, any application for 49000
a certificate of need from an osteopathic hospital be reviewed on 49001
the basis of the need for and the availability in the community of 49002
services and hospitals for osteopathic physicians and their 49003
patients, and in terms of its impact on existing and proposed 49004
institutional training programs for doctors of osteopathy and 49005
doctors of medicine at the student, internship, and residency 49006
training levels. 49007~~

~~(2)~~ In adopting rules that establish criteria for reviews of 49008
applications of certificates of need, the council shall consider 49009
the availability of and need for long-term care beds to provide 49010
care and treatment to persons diagnosed as having traumatic brain 49011
injuries and shall prescribe criteria for reviewing applications 49012
that propose to add long-term care beds to provide care and 49013
treatment to persons diagnosed as having traumatic brain injuries. 49014

~~(3)~~(2) The criteria for reviews of applications for 49015
certificates of need shall relate to the need for the reviewable 49016
activity and shall pertain to all of the following matters: 49017

(a) The impact of the reviewable activity on the cost and 49018
quality of health services in the relevant geographic area, 49019
including, but not limited, to the historical and projected 49020
utilization of the services to which the application pertains and 49021
the effect of the reviewable activity on utilization of other 49022
providers of similar services; 49023

(b) The quality of the services to be provided as the result 49024

of the activity, as evidenced by the historical performance of the 49025
persons that will be involved in providing the services and by the 49026
provisions that are proposed in the application to ensure quality, 49027
including but not limited to adequate available personnel, 49028
available ancillary and support services, available equipment, 49029
size and configuration of physical plant, and relations with other 49030
providers; 49031

(c) The impact of the reviewable activity on the availability 49032
and accessibility of the type of services proposed in the 49033
application to the population of the relevant geographic area, and 49034
the level of access to the services proposed in the application 49035
that will be provided to medically underserved individuals such as 49036
recipients of public assistance and individuals who have no health 49037
insurance or whose health insurance is insufficient; 49038

(d) The activity's short- and long-term financial feasibility 49039
and cost-effectiveness, the impact of the activity on the 49040
applicant's costs and charges, and a comparison of the applicant's 49041
costs and charges with those of providers of similar services in 49042
the applicant's proposed service area; 49043

(e) The advantages, disadvantages, and costs of alternatives 49044
to the reviewable activity; 49045

(f) The impact of the activity on all other providers of 49046
similar services in the health service area or other relevant 49047
geographic area, including the impact on their utilization, market 49048
share, and financial status; 49049

(g) The historical performance of the applicant and related 49050
or affiliated parties in complying with previously granted 49051
certificates of need and any applicable certification, 49052
accreditation, or licensure requirements; 49053

(h) The relationship of the activity to the current edition 49054
of the state health resources plan issued under section 3702.521 49055

of the Revised Code; 49056

(i) The historical performance of the applicant and related 49057
or affiliated parties in providing cost-effective health care 49058
services; 49059

(j) The special needs and circumstances of the applicant or 49060
population proposed to be served by the proposed project, 49061
including research activities, prevalence of particular diseases, 49062
unusual demographic characteristics, cost-effective contractual 49063
affiliations, and other special circumstances; 49064

(k) The appropriateness of the zoning status of the proposed 49065
site of the activity; 49066

(l) The participation by the applicant in research conducted 49067
by the United States food and drug administration or clinical 49068
trials sponsored by the national institutes of health. 49069

~~(4)(3)~~ The criteria for reviews of applications shall include 49070
a formula for determining each county's long-term care bed need 49071
for purposes of section 3702.593 of the Revised Code and may 49072
include other formulas for determining need for beds ~~and services~~. 49073
49074

~~(a) The criteria prescribing formulas shall not, either by 49075
themselves or in conjunction with any established occupancy 49076
guidelines, require, as a condition of being granted a certificate 49077
of need, that a hospital reduce its complement of registered beds 49078
or discontinue any service that is not related to the service or 49079
project for which the certificate of need is sought. 49080~~

~~(b) With respect to applications to conduct reviewable 49081
activities that are affected directly by the inpatient occupancy 49082
of a health care facility, including addition, relocation, or 49083
recategorization of beds or renovation or other construction 49084
activities relating to inpatient services, the rules shall 49085
prescribe criteria for determining whether the scope of the 49086~~

~~proposed project is appropriate in light of the historical and~~ 49087
~~reasonably projected occupancy rates for the beds related to the~~ 49088
~~project.~~ 49089

~~(e) Any rules prescribing criteria that establish ratios of~~ 49090
~~beds, services, or equipment to population shall specify the bases~~ 49091
for establishing the ratios or mitigating factors or exceptions to 49092
the ratios. 49093

(B) The council shall adopt rules specifying all of the 49094
following: 49095

(1) Information that must be provided in applications for 49096
certificates of need, which shall include a plan for obligating 49097
the capital expenditure or implementing the proposed project on a 49098
timely basis in accordance with section 3702.525 of the Revised 49099
Code; 49100

(2) Procedures for reviewing applications for completeness of 49101
information; 49102

(3) Criteria for determining that the application is 49103
complete. 49104

(C) The council shall adopt rules specifying requirements 49105
that holders of certificates of need must meet in order for the 49106
certificates to remain valid and establishing definitions and 49107
requirements for obligation of capital expenditures and 49108
implementation of projects authorized by certificates of need. 49109

(D) The council shall adopt rules establishing criteria and 49110
procedures under which the director of health may withdraw a 49111
certificate of need if the holder fails to meet requirements for 49112
continued validity of the certificate. 49113

(E) The council shall adopt rules establishing procedures 49114
under which the department of health shall monitor project 49115
implementation activities of holders of certificates of need. The 49116

rules adopted under this division also may establish procedures 49117
for monitoring implementation activities of persons that have 49118
received nonreviewability rulings. 49119

(F) The council shall adopt rules establishing procedures 49120
under which the director of health shall review certificates of 49121
need whose holders exceed or appear likely to exceed an 49122
expenditure maximum specified in a certificate. 49123

(G) The council shall adopt rules establishing certificate of 49124
need application fees sufficient to pay the costs incurred by the 49125
department for administering sections 3702.51 to 3702.62 of the 49126
Revised Code and to pay health service agencies for the functions 49127
they perform under division (D)(5) of section 3702.58 of the 49128
Revised Code. Unless rules are adopted under this division 49129
establishing different application fees, the application fee for a 49130
project not involving a capital expenditure shall be three 49131
thousand dollars and the application fee for a project involving a 49132
capital expenditure shall be nine-tenths of one per cent of the 49133
capital expenditure proposed subject to a minimum of three 49134
thousand dollars and a maximum of twenty thousand dollars. 49135

(H) The council shall adopt rules specifying information that 49136
is necessary to conduct reviews of certificate of need 49137
applications and to develop recommendations for criteria for 49138
reviews that health care facilities and other health care 49139
providers are to submit to the director under division (G) of 49140
section 3702.52 of the Revised Code. 49141

(I) The council shall adopt rules defining "affiliated 49142
person," "related person," and "ultimate controlling interest" for 49143
purposes of section 3702.524 of the Revised Code. 49144

(J) The council shall adopt rules prescribing requirements 49145
for holders of certificates of need to demonstrate to the director 49146
under section 3702.526 of the Revised Code that reasonable 49147

progress is being made toward completion of the reviewable 49148
activity and establishing standards by which the director shall 49149
determine whether reasonable progress is being made. 49150

~~(K) The council shall adopt rules defining high risk cardiac 49151
catheterization patients. High risk patients shall include 49152
patients with significant ischemic syndromes or unstable 49153
myocardial infarction, patients who need intervention such as 49154
angioplasty or bypass surgery, patients who may require difficult 49155
or complex catheterization procedures such as transeptal 49156
assessment of valvular dysfunction, patients with critical aortic 49157
stenosis or congestive heart failure, and other patients specified 49158
by the council. 49159~~

~~(L) The public health council shall adopt all rules under 49160
divisions (A) to ~~(K)~~(J) of this section in accordance with Chapter 49161
119. of the Revised Code. The council may adopt other rules as 49162
necessary to carry out the purposes of sections 3702.51 to 3702.62 49163
of the Revised Code. 49164~~

Sec. 3702.59. ~~(A) Notwithstanding any conflicting provision 49165
of sections 3702.51 to 3702.62 of the Revised Code, other than the 49166
provisions of sections 3702.5210, 3702.5211, 3702.5212, and 49167
3702.5213 of the Revised Code, both of the following apply under 49168
the certificate of need program: 49169~~

~~(1) Divisions (B) to (E) of this section apply to the review 49170
of certificate of need applications during the period beginning 49171
July 1, 1993, and ending June 30, 2009. 49172~~

~~(2) Beginning July 1, 2009, the director of health shall not 49173
accept for review under section 3702.52 of the Revised Code any 49174
application for a certificate of need to recategorize hospital 49175
beds as described in section 3702.522 of the Revised Code. 49176~~

~~(B)(1) Except as provided in division (B)(2) of this section, 49177~~

~~the director of health shall neither grant nor deny any application for a certificate of need submitted prior to July 1, 1993, if the application was for any of the following and the director had not issued a written decision concerning the application prior to that date:~~

~~(a) Approval of beds in a new health care facility or an increase of beds in an existing health care facility, if the beds are proposed to be licensed as nursing home beds under Chapter 3721. of the Revised Code;~~

~~(b) Approval of beds in a new county home or new county nursing home as defined in section 5155.31 of the Revised Code, or an increase of beds in an existing county home or existing county nursing home, if the beds are proposed to be certified as skilled nursing facility beds under Title XVIII or nursing facility beds under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;~~

~~(c) Recategorization of hospital beds as described in section 3702.522 of the Revised Code, an increase of hospital beds registered pursuant to section 3701.07 of the Revised Code as long term care beds or skilled nursing facility beds, or a recategorization of hospital beds that would result in an increase of beds registered pursuant to that section as long term care beds or skilled nursing facility beds.~~

~~On July 1, 1993, the director shall return each such application to the applicant and, notwithstanding section 3702.52 of the Revised Code regarding the uses of the certificate of need fund, shall refund to the applicant the application fee paid under that section. Applications returned under division (B)(1) of this section may be resubmitted in accordance with section 3702.52 of the Revised Code no sooner than July 1, 2009.~~

~~(2) The director shall continue to review and shall issue a~~

~~decision regarding any application submitted prior to July 1, 1993, to increase beds for either of the purposes described in division (B)(1)(a) or (b) of this section if the proposed increase in beds is attributable solely to a replacement or relocation of existing beds within the same county. The director shall authorize under such an application no additional beds beyond those being replaced or relocated.~~

~~(C)(1) Except as provided in division (C)(2) of this section, the director, during the period beginning July 1, 1993, and ending June 30, 2009, shall not accept for review under section 3702.52 of the Revised Code any application for a certificate of need for any of the purposes described in divisions (B)(1)(a) to (c) of this section.~~

~~(2)(a) The director of health shall accept for review any application for either of the purposes described in division (B)(1)(a) or (b) of this section if the proposed increase in beds is attributable solely to a replacement or relocation of existing beds from an existing health care facility within the same county. The director shall authorize under such an application no additional beds beyond those being replaced or relocated certificate of need applications as provided in sections 3702.592, 3702.593, and 3702.594 of the Revised Code.~~

~~(B) The director shall not approve an application for a certificate of need for addition of long-term care beds to an existing health care facility ~~by relocation of beds~~ or for the development of a new health care facility ~~by relocation of beds~~ unless all if any of the following conditions are met apply:~~

~~(i)(1) The existing health care facility ~~to~~ in which the beds are being ~~relocated~~ placed has ~~no~~ one or more waivers for life safety code deficiencies, ~~no~~ one or more state fire code violations, ~~and no~~ or one or more state building code violations, ~~or~~ and the project identified in the application ~~proposes~~ does not~~

propose to correct all life safety code deficiencies for which a 49241
waiver has been granted, all state fire code violations, and all 49242
state building code violations at the existing health care 49243
facility ~~to~~ in which the beds are being ~~relocated~~ placed; 49244

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~~(ii)~~(2) During the sixty-month period preceding the filing of 49246
the application, ~~no~~ a notice of proposed license revocation ~~of the~~ 49247
~~facility's license~~ was issued under section 3721.03 of the Revised 49248
Code ~~to the operator of~~ for the existing health care facility ~~to~~ 49249
in which the beds are being ~~relocated~~ placed or ~~to any health care~~ 49250
~~facility~~ a nursing home owned or operated by the applicant or any 49251
~~principal participant in the same corporation or other business~~ 49252

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~~(iii)~~ Neither the existing health care facility to which the 49254
beds are being relocated nor any health care facility owned or 49255
operated by the applicant or any principal participant in the same 49256
corporation or other business has had a long-standing pattern of 49257
violations of this chapter or deficiencies that caused one or more 49258
residents physical, emotional, mental, or psychosocial harm that 49259
operates or seeks to operate the health care facility in which the 49260
beds are being placed. 49261

(3) During the period that precedes the filing of the 49262
application and is encompassed by the three most recent standard 49263
surveys of the existing health care facility in which the beds are 49264
being placed, the facility was cited on three or more separate 49265
occasions for final, nonappealable deficiencies that, under 42 49266
C.F.R. 488.404, either constitute a pattern of deficiencies 49267
resulting in actual harm that is not immediate jeopardy or are 49268
widespread deficiencies resulting in actual harm that is not 49269
immediate jeopardy. 49270

(4) During the period that precedes the filing of the 49271
application and is encompassed by the three most recent standard 49272

surveys of the existing health care facility in which the beds are 49273
being placed, the facility was cited on two or more separate 49274
occasions for final, nonappealable deficiencies that, under 42 49275
C.F.R. 488.404, either constitute a pattern of deficiencies 49276
resulting in immediate jeopardy to resident health or safety or 49277
are widespread deficiencies resulting in immediate jeopardy to 49278
resident health or safety. 49279

(5) During the period that precedes the filing of the 49280
application and is encompassed by the three most recent standard 49281
surveys of the existing health care facility in which the beds are 49282
being placed, more than two nursing homes operated in this state 49283
by the applicant or the person who operates the facility in which 49284
the beds are being placed or, if the applicant or person operates 49285
more than twenty nursing homes in this state, more than ten per 49286
cent of those nursing homes, were each cited on three or more 49287
separate occasions for final, nonappealable deficiencies that, 49288
under 42 C.F.R. 488.404, either constitute a pattern of 49289
deficiencies resulting in actual harm that is not immediate 49290
jeopardy or are widespread deficiencies resulting in actual harm 49291
that is not immediate jeopardy. 49292

(6) During the period that precedes the filing of the 49293
application and is encompassed by the three most recent standard 49294
surveys of the existing health care facility in which the beds are 49295
being placed, more than two nursing homes operated in this state 49296
by the applicant or the person who operates the facility in which 49297
the beds are being placed or, if the applicant or person operates 49298
more than twenty nursing homes in this state, more than ten per 49299
cent of those nursing homes, were each cited on two or more 49300
separate occasions for final, nonappealable deficiencies that, 49301
under 42 C.F.R. 488.404, either constitute a pattern of 49302
deficiencies resulting in immediate jeopardy to resident health or 49303
safety or are widespread deficiencies resulting in immediate 49304

jeopardy to resident health or safety. 49305

(7) During the sixty-month period preceding the filing of the application, the applicant has violated this chapter on two or more separate occasions. 49306
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In applying divisions (B)(1) to (6) of this section, the director shall not consider deficiencies cited before the current operator began to operate the health care facility at which the deficiencies were cited. The director may disregard deficiencies cited after the health care facility was acquired by the current operator if the deficiencies were attributable to circumstances that arose under the previous operator and the current operator has implemented measures to alleviate the circumstances. In the case of an application proposing development of a new health care facility by relocation of beds, the director shall not consider deficiencies that were solely attributable to the physical plant of the existing health care facility from which the beds are being relocated. 49309
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~~(b)(C)~~ The director also shall accept for review any application for the conversion of infirmary beds to long-term care beds if the infirmary meets all of the following conditions: 49322
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~~(i)(1)~~ Is operated exclusively by a religious order; 49325

~~(ii)(2)~~ Provides care exclusively to members of religious orders who take vows of celibacy and live by virtue of their vows within the orders as if related; 49326
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~~(iii)(3)~~ Was providing care exclusively to members of such a religious order on January 1, 1994. 49329
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~~(D) The director shall issue a decision regarding any case remanded by a court as the result of a decision issued by the director prior to July 1, 1993, to grant, deny, or withdraw a certificate of need for any of the purposes described in divisions (B)(1)(a) to (c) of this section.~~ 49331
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~~(E) The director shall not project the need for beds listed in division (B)(1) of this section for the period beginning July 1, 1993, and ending June 30, 2009. At no time shall individuals other than those described in division (C)(2) of this section be admitted to a facility to use beds for which a certificate of need is approved under this division.~~

Sec. 3702.592. (A) The director of health shall accept, for review under section 3702.52 of the Revised Code, certificate of need applications for any of the following purposes if the proposed increase in beds is attributable solely to a replacement or relocation of existing beds from an existing health care facility within the same county:

(1) Approval of beds in a new health care facility or an increase of beds in an existing health care facility if the beds are proposed to be licensed as nursing home beds under Chapter 3721. of the Revised Code;

(2) Approval of beds in a new county home or new county nursing home, or an increase of beds in an existing county home or existing county nursing home if the beds are proposed to be certified as skilled nursing facility beds under the medicare program, Title XVIII of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C. 1395, as amended, or nursing facility beds under the medicaid program, Title XIX of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C. 1396, as amended;

(3) An increase of hospital beds registered pursuant to section 3701.07 of the Revised Code as long-term care beds;

(4) An increase of hospital beds registered pursuant to section 3701.07 of the Revised Code as special skilled nursing beds that were originally authorized by and operate in accordance with section 3702.522 of the Revised Code.

(B) The director shall accept applications described in 49366
division (A) of this section at any time. 49367

Sec. 3702.593. (A) At the times specified in this section, 49368
the director of health shall accept, for review under section 49369
3702.52 of the Revised Code, certificate of need applications for 49370
any of the following purposes if the proposed increase in beds is 49371
attributable solely to relocation of existing beds from an 49372
existing health care facility in a county with excess beds to a 49373
health care facility in a county in which there are fewer 49374
long-term care beds than the county's bed need: 49375

(1) Approval of beds in a new health care facility or an 49376
increase of beds in an existing health care facility if the beds 49377
are proposed to be licensed as nursing home beds under Chapter 49378
3721. of the Revised Code; 49379

(2) Approval of beds in a new county home or new county 49380
nursing home, or an increase of beds in an existing county home or 49381
existing county nursing home if the beds are proposed to be 49382
certified as skilled nursing facility beds under the medicare 49383
program, Title XVIII of the "Social Security Act," 49 Stat. 286 49384
(1965), 42 U.S.C. 1395, as amended, or nursing facility beds under 49385
the medicaid program, Title XIX of the "Social Security Act," 49 49386
Stat. 286 (1965), 42 U.S.C. 1396, as amended; 49387

(3) An increase of hospital beds registered pursuant to 49388
section 3701.07 of the Revised Code as long-term care beds. 49389

(B) For the purpose of implementing this section, the 49390
director shall do all of the following: 49391

(1) Determine the long-term care bed supply for each county, 49392
which shall consist of all of the following: 49393

(a) Nursing home beds licensed under Chapter 3721. of the 49394
Revised Code; 49395

(b) Beds certified as skilled nursing facility beds under the medicare program or nursing facility beds under the medicaid program; 49396
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(c) Beds in a county home or county nursing home that are certified under section 5155.38 of the Revised Code as having been in operation on July 1, 1993, and are eligible for licensure as nursing home beds; 49399
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(d) Beds held as approved long-term care beds under a certificate of need approved by the director. 49403
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(2) Determine the long-term care bed occupancy rate for the state at the time the determination is made; 49405
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(3) For each county, determine the county's bed need by identifying the number of long-term care beds that would be needed in the county in order for the statewide occupancy rate for a projected population aged sixty-five and older to be ninety per cent. 49407
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In determining each county's bed need, the director shall use the formula developed in rules adopted under section 3702.57 of the Revised Code. The director's first determination after the effective date of this section shall be made not later than April 1, 2010. The second determination shall be made not later than April 1, 2012. Thereafter, a determination shall be made every four years. After each determination is made, the director shall publish the county's bed need on the web site maintained by the department of health. 49412
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(C) The director's consideration of a certificate of need that would increase the number of beds in a county shall be consistent with the county's bed need determined under division (B) of this section except as follows: 49421
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(1) If a county's occupancy rate is less than eighty-five per cent, the county shall be considered to have no need for 49425
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additional beds. 49427

(2) Even if a county is determined not to need any additional long-term care beds, the director may approve an increase in beds equal to up to ten per cent of the county's bed supply if the county's occupancy rate is greater than ninety per cent. 49428
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(D)(1) Applications made under this section shall be subject to comparative review. The review period for the first comparative review process after the effective date of this section shall begin July 1, 2010, and end June 30, 2012. Thereafter, the review period for each comparative review process shall be four years. 49432
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(2) Certificate of need applications shall be accepted and reviewed from the first day of the review period through the thirtieth day of April of the following year. 49437
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(3) Except for the first review period after the effective date of this section, each review period may consist of two phases. The first phase of the review period shall be the period during which the director accepts and reviews certificate of need applications as provided in division (D)(2) of this section. If the director determines that there will be acceptance and review of additional certificate of need applications, the second phase of the review period shall begin on the first day of July of the third year of the review period. The second phase shall be limited to acceptance and review of applications for redistribution of beds made available pursuant to division (G)(2) of this section. During the period between the first and second phases of the review period, the director shall act in accordance with division (H) of this section. 49440
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(E) The director shall consider certificate of need applications in accordance with all of the following: 49454
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(1) The number of beds approved for a county shall include only beds available for relocation from another county and shall 49456
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not exceed the bed need of the receiving county; 49458

(2) The director shall consider the existence of community resources serving persons who are age sixty-five or older or disabled that are demonstrably effective in providing alternatives to long-term care facility placement. 49459
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(3) The director shall approve relocation of beds from a county only if, after the relocation, the number of beds remaining in the county will exceed the county's bed need by at least one hundred beds; 49463
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(4) The director shall approve relocation of beds from a health care facility only if, after the relocation, the number of beds in the facility's service area is at least equal to the state bed need rate. For purposes of this division, a facility's service area shall be either of the following: 49467
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(a) The census tract in which the facility is located, if the facility is located in an area designated by the United States secretary of health and human services as a health professional shortage area under the "Public Health Service Act," 88 Stat. 682 (1944), 42 U.S.C. 254(e), as amended; 49472
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(b) The area that is within a fifteen mile radius of the facility's location, if the facility is not located in a health professional shortage area. 49477
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(F) In determining which applicants should receive preference in the comparative review process, the director shall consider all of the following as weighted priorities: 49480
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(1) Whether the beds will be part of a continuing care retirement community; 49483
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(2) Whether the beds will serve an underserved population, such as low-income individuals, individuals with disabilities, or individuals who are members of racial or ethnic minority groups; 49485
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<u>(3) Whether the project in which the beds will be included</u>	49488
<u>will provide alternatives to institutional care, such as adult</u>	49489
<u>day-care, home health care, respite or hospice care, mobile meals,</u>	49490
<u>residential care, independent living, or congregate living</u>	49491
<u>services;</u>	49492
<u>(4) Whether the health care facility's owner or operator will</u>	49493
<u>participate in medicaid waiver programs for alternatives to</u>	49494
<u>institutional care;</u>	49495
<u>(5) Whether the project in which the beds will be included</u>	49496
<u>will reduce alternatives to institutional care by converting</u>	49497
<u>residential care beds or other alternative care beds to long-term</u>	49498
<u>care beds;</u>	49499
<u>(6) Whether the facility in which the beds will be placed has</u>	49500
<u>positive resident and family satisfaction surveys;</u>	49501
<u>(7) Whether the facility in which the beds will be placed has</u>	49502
<u>fewer than fifty long-term care beds;</u>	49503
<u>(8) Whether the health care facility in which the beds will</u>	49504
<u>be placed is located within the service area of a hospital and is</u>	49505
<u>designed to accept patients for rehabilitation after an in-patient</u>	49506
<u>hospital stay;</u>	49507
<u>(9) Whether the health care facility in which the beds will</u>	49508
<u>be placed is or proposes to become a nurse aide training and</u>	49509
<u>testing site;</u>	49510
<u>(10) The rating, under the centers for medicare and medicaid</u>	49511
<u>services' five star nursing home quality rating system, of the</u>	49512
<u>health care facility in which the beds will be placed.</u>	49513
<u>(G)(1) When a certificate of need application is approved</u>	49514
<u>during the initial phase of a four-year review period, on</u>	49515
<u>completion of the project under which the beds are relocated, that</u>	49516
<u>number of beds shall cease to be operated in the health care</u>	49517

facility from which they were relocated and, if the licensure or 49518
certification of those beds cannot be or is not transferred to the 49519
facility to which the beds are relocated, the licensure or 49520
certification shall be surrendered. 49521

(2) In addition to the actions required by division (G)(1) of 49522
this section, the health care facility from which the beds were 49523
relocated shall reduce the number of beds operated in the facility 49524
by a number of beds equal to at least ten per cent of the number 49525
of beds relocated and shall surrender the licensure or 49526
certification of those beds. This reduction shall be made not 49527
later than the completion date of the project for which the beds 49528
were relocated. 49529

(H)(1) Once approval of certificate of need applications in 49530
the first phase of a four-year review period is complete, the 49531
director shall make a new determination of the bed need for each 49532
county by reducing the county's bed need by the number of beds 49533
approved for relocation to the county. The new bed-need 49534
determination shall be made not later than the first day of April 49535
of the third year of the review period. 49536

(2) The director may publish on the department's web site the 49537
remaining bed need for counties that will be considered for 49538
redistribution of beds that, in accordance with division (G)(2) of 49539
this section, have ceased or will cease to be operated. The 49540
director shall base the determination of whether to include a 49541
county on all of the following: 49542

(a) The statewide number of beds that, in accordance with 49543
division (G)(2) of this section, have ceased or will cease to be 49544
operated; 49545

(b) The county's remaining bed need; 49546

(c) The county's bed occupancy rate. 49547

(I) If the director publishes the remaining bed need for a 49548

county under division (H)(2) of this section, the director may, 49549
beginning on the first day of the second phase of the review 49550
period, accept certificate of need applications for redistribution 49551
to health care facilities in that county of beds that have ceased 49552
or will cease operation in accordance with division (G)(2) of this 49553
section. The total number of beds approved for redistribution in 49554
the second phase of a review period shall not exceed the number 49555
that have ceased or will cease operation in accordance with 49556
division (G)(2) of this section. Beds that are not approved for 49557
redistribution during the second phase of a review period shall 49558
not be available for redistribution at any future time. 49559

49560

Sec. 3702.594. (A) The director of health shall accept, for 49561
review under section 3702.52 of the Revised Code, certificate of 49562
need applications for an increase in beds in an existing nursing 49563
home if all of the following conditions are met: 49564

(1) The proposed increase is attributable solely to a 49565
relocation of licensed nursing home beds from an existing nursing 49566
home to another existing nursing home located in a county that is 49567
contiguous to the county from which the beds are to be relocated; 49568

(2) Not more than thirty nursing home beds are proposed for 49569
relocation; 49570

(3) After the proposed relocation, there will be existing 49571
nursing home beds remaining in the county from which the beds are 49572
relocated; 49573

(4) The beds are proposed to be licensed as nursing home beds 49574
under Chapter 3721. of the Revised Code. 49575

(B) The director shall accept applications described in 49576
division (A) of this section at any time. 49577

Sec. 3702.60. (A) Any affected person may appeal a 49578

reviewability ruling issued on or after April 20, 1995, to the 49579
director of health in accordance with Chapter 119. of the Revised 49580
Code, and the director shall provide an adjudication hearing in 49581
accordance with that chapter. An affected person may appeal the 49582
director's ruling in the adjudication hearing to the tenth 49583
district court of appeals. 49584

(B) The certificate of need applicant or another affected 49585
person may appeal to the director in accordance with Chapter 119. 49586
of the Revised Code a decision issued by the director on or after 49587
April 20, 1995, to grant or deny a certificate of need application 49588
for which an adjudication hearing was not conducted under section 49589
3702.52 of the Revised Code, and the director shall provide an 49590
adjudication hearing in accordance with that chapter. The 49591
certificate of need applicant or an affected person that was a 49592
party to and participated in an adjudication hearing conducted 49593
under this division or section 3702.52 of the Revised Code may 49594
appeal to the tenth district court of appeals the decision issued 49595
by the director following the adjudication hearing. No person may 49596
appeal to the director or a court the director's granting of a 49597
certificate of need prior to June 30, 1995, under the version of 49598
section 3702.52 of the Revised Code in effect immediately prior to 49599
that date due to failure to submit timely written objections, no 49600
person may appeal to the director or a court the director's 49601
granting of a certificate of need under division (C)(1) ~~or (2)~~ of 49602
section 3702.52 of the Revised Code. 49603

(C) The certificate of need holder may appeal to the director 49604
in accordance with Chapter 119. of the Revised Code a decision 49605
issued by the director under section 3702.52 or 3702.526 of the 49606
Revised Code on or after April 20, 1995, to withdraw a certificate 49607
of need, and the director shall provide an adjudication hearing in 49608
accordance with that chapter. The person may appeal the director's 49609
ruling in the adjudication hearing to the tenth district court of 49610

appeals. 49611

(D) Any person determined by the director to have violated 49612
section 3702.53 of the Revised Code may appeal that determination, 49613
or the penalties imposed under section 3702.54, or 3702.541, ~~or~~ 49614
~~3702.542 or former section 3702.543~~ of the Revised Code, to the 49615
director in accordance with Chapter 119. of the Revised Code, and 49616
the director shall provide an adjudication hearing in accordance 49617
with that chapter. The person may appeal the director's ruling in 49618
the adjudication hearing to the tenth district court of appeals. 49619

(E) Each person appealing under this section to the director 49620
shall file with the director, not later than thirty days after the 49621
decision, ruling, or determination of the director was mailed, a 49622
notice of appeal designating the decision, ruling, or 49623
determination appealed from. 49624

(F) Each person appealing under this section to the tenth 49625
district court of appeals shall file with the court, not later 49626
than thirty days after the date the director's adjudication order 49627
was mailed, a notice of appeal designating the order appealed 49628
from. The appellant also shall file notice with the director not 49629
later than thirty days after the date the order was mailed. 49630

(1) Not later than thirty days after receipt of the notice of 49631
appeal, the director shall prepare and certify to the court the 49632
complete record of the proceedings out of which the appeal arises. 49633
The expense of preparing and transcribing the record shall be 49634
taxed as part of the costs of the appeal. In the event that the 49635
record or a part thereof is not certified within the time 49636
prescribed by this division, the appellant may apply to the court 49637
for an order that the record be certified. 49638

(2) In hearing the appeal, the court shall consider only the 49639
evidence contained in the record certified to it by the director. 49640
The court may remand the matter to the director for the admission 49641

of additional evidence on a finding that the additional evidence 49642
is material, newly discovered, and could not with reasonable 49643
diligence have been ascertained before the hearing before the 49644
director. Except as otherwise provided by statute, the court shall 49645
give the hearing on the appeal preference over all other civil 49646
matters, irrespective of the position of the proceedings on the 49647
calendar of the court. 49648

(3) The court shall affirm the director's order if it finds, 49649
upon consideration of the entire record and any additional 49650
evidence admitted under division (F)(2) of this section, that the 49651
order is supported by reliable, probative, and substantial 49652
evidence and is in accordance with law. In the absence of such a 49653
finding, it shall reverse, vacate, or modify the order. 49654

(4) If the court determines that the director committed 49655
material procedural error, the court shall remand the matter to 49656
the director for further consideration or action. 49657

(G) The court may award reasonable attorney's fees against 49658
the appellant if it determines that the appeal was frivolous. 49659
Sections 119.092, 119.093, and 2335.39 of the Revised Code do not 49660
apply to adjudication hearings under this section or section 49661
3702.52 of the Revised Code and judicial appeals under this 49662
section. 49663

(H) No person may intervene in an appeal brought under this 49664
section. 49665

Sec. 3702.61. In addition to the sanctions imposed under 49666
sections 3702.54, 3702.541, ~~3702.542~~, and 3702.55 ~~and former~~ 49667
~~section 3702.543~~ of the Revised Code, if any person violates 49668
section 3702.53 of the Revised Code, the attorney general may 49669
commence necessary legal proceedings in the court of common pleas 49670
of Franklin county to enjoin the person from such violation until 49671
the requirements of sections 3702.51 to 3702.62 of the Revised 49672

Code have been satisfied. At the request of the director of 49673
health, the attorney general shall commence any necessary 49674
proceedings. The court has jurisdiction to grant and, on a showing 49675
of a violation, shall grant appropriate injunctive relief. 49676

Sec. 3702.87. The director of health shall designate, as 49677
dental health resource shortage areas, areas in this state that 49678
experience special dental health problems and dentist practice 49679
patterns that limit access to dental care. The designations shall 49680
be made by rule and may apply to a geographic area, one or more 49681
facilities within a particular area, or a population group within 49682
a particular area. The director shall consider for designation as 49683
a dental health resource shortage area, any area in this state 49684
that has been designated by the United States secretary of health 49685
and human services as a health professional shortage area under 49686
Title III of the "Public Health Service Act," 58 Stat. 682 (1944), 49687
42 U.S.C. 201, as amended. 49688

Sec. 3702.89. (A) An individual who ~~is~~ will not ~~receiving~~ 49689
~~national health service corps tuition or student~~ have an 49690
outstanding obligation for dental service to the federal 49691
government, a state, or other entity at the time of participation 49692
in the dentist loan repayment assistance program and meets one of 49693
the following requirements may apply for participation in the 49694
dentist loan repayment program: 49695

(1) The applicant is a dental student enrolled in the final 49696
year of dental college. 49697

(2) The applicant is a dental resident in the final year of 49698
residency. 49699

(3) The applicant ~~has been engaged in the~~ holds a valid 49700
license to practice of dentistry for not more than three years 49701
~~prior to submitting the application~~ issued under Chapter 4715. of 49702

the Revised Code. 49703

(B) An application for participation in the dentist loan 49704
repayment program shall be submitted to the director of health on 49705
a form the director shall prescribe. The following information 49706
shall be included or supplied: 49707

(1) The applicant's name, permanent address or address at 49708
which the applicant is currently residing if different from the 49709
permanent address, and telephone number; 49710

(2) The dental college the applicant attended or is attending 49711
~~or attended~~, dates of attendance, and verification of attendance; 49712

(3) If the applicant has completed a dental residency program 49713
or is a dental resident, the facility or institution ~~at which~~ 49714
where the dental residency was completed or is being performed, 49715
and, if completed, the date of completion; 49716

(4) A summary and verification of the educational expenses 49717
for which the applicant seeks reimbursement under the program; 49718

(5) If the applicant is a dentist, verification of the 49719
applicant's license issued under Chapter 4715. of the Revised Code 49720
to practice dentistry and proof of good standing; 49721

(6) Verification of the applicant's United States citizenship 49722
or status as a legal alien. 49723

Sec. 3702.90. If funds are available in the dentist loan 49724
repayment fund created under section 3702.95 of the Revised Code 49725
and the general assembly has appropriated the funds for the 49726
program, the director of health shall approve an applicant for 49727
participation in the program on finding in accordance with the 49728
priorities established under section 3702.88 of the Revised Code 49729
that the applicant is eligible for participation and is needed in 49730
a dental health resource shortage area. 49731

On approving an application, the director shall notify and 49732

enter into discussions with the applicant. The object of the 49733
discussions is to facilitate recruitment of the applicant to a 49734
site within a dental health resource shortage area at which, 49735
according to the priorities established under section 3702.88 of 49736
the Revised Code, the applicant is needed. ~~The director may pay~~ 49737
~~the costs incurred by the applicant and the applicant's spouse for~~ 49738
~~travel, meals, and lodging in making one visit to one dental~~ 49739
~~health resource shortage area. The director may also refer an~~ 49740
~~applicant to the Ohio dental association for assistance in being~~ 49741
~~recruited to a site within a dental health resource shortage area~~ 49742
~~at which the applicant will agree to be placed.~~ 49743

If the director and applicant agree on the applicant's 49744
placement at a particular site within a dental health resource 49745
shortage area, the applicant shall sign and deliver to the 49746
director a letter of intent agreeing to that placement. 49747

Sec. 3702.91. (A) An individual who has signed a letter of 49748
intent under section 3702.90 of the Revised Code may enter into a 49749
contract with the director of health for participation in the 49750
dentist loan repayment program. ~~A lending institution~~ The 49751
dentist's employer or other funding source may also be a party to 49752
the contract. 49753

(B) The contract shall include all of the following 49754
obligations: 49755

(1) The individual agrees to provide dental services in the 49756
dental health resource shortage area identified in the letter of 49757
intent for at least ~~one year~~ two years. 49758

(2) When providing dental services in the dental health 49759
resource shortage area, the individual agrees to do all of the 49760
following: 49761

(a) Provide dental services for a minimum of forty hours per 49762

week; 49763

(b) Provide dental services without regard to a patient's ability to pay; 49764
49765

(c) Meet the conditions prescribed by the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, and the department of job and family services for participation in the medicaid program established under Chapter 5111. of the Revised Code and enter into a contract with the department to provide dental services to medicaid recipients. 49766
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(3) The department of health agrees, as provided in section 3702.85 of the Revised Code, to repay, so long as the individual performs the service obligation agreed to under division (B)(1) of this section, all or part of the principal and interest of a government or other educational loan taken by the individual for expenses described in section 3702.85 of the Revised Code ~~up to but not exceeding twenty thousand dollars per year of service.~~ 49772
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(4) The individual agrees to pay the department of health ~~the following as damages~~ an amount established by rules adopted under section 3702.86 of the Revised Code, if the individual fails to complete the service obligation agreed to under division (B)(1) of this section: 49779
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~~(a) If the failure occurs during the first two years of the service obligation, three times the total amount the department has agreed to repay under division (B)(3) of this section;~~ 49784
49785
49786

~~(b) If the failure occurs after the first two years of the service obligation, three times the amount the department is still obligated to repay under division (B)(3) of this section.~~ 49787
49788
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(C) The contract may include any other terms agreed upon by the parties, ~~including an assignment to the department of health of the individual's duty to pay the principal and interest of a government or other educational loan taken by the individual for~~ 49790
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~~expenses described in section 3702.85 of the Revised Code. If the~~ 49794
~~department assumes the individual's duty to pay a loan, the~~ 49795
~~contract shall set forth the total amount of principal and~~ 49796
~~interest to be paid, an amortization schedule, and the amount of~~ 49797
~~each payment to be made under the schedule.~~ 49798

(D) Not later than the thirty-first day of January of each 49799
year, the department of health shall mail to each individual to 49800
whom or on whose behalf repayment is made under the dentist loan 49801
repayment program a statement showing the amount of principal and 49802
interest repaid by the department pursuant to the contract in the 49803
preceding year. The statement shall be sent by ordinary mail with 49804
address correction and forwarding requested in the manner 49805
prescribed by the United States postal service. 49806

Sec. 3702.92. There is hereby created the dentist loan 49807
repayment advisory board. The board shall consist of the following 49808
members: 49809

(A) ~~One member~~ Two members of the house of representatives, 49810
one from each political party, appointed by the speaker of the 49811
house of representatives; 49812

(B) ~~One member~~ Two members of the senate, one from each 49813
political party, appointed by the president of the senate; 49814

(C) A representative of the board of regents, appointed by 49815
the chancellor; 49816

(D) The director of health or an employee of the department 49817
of health designated by the director; 49818

(E) ~~Three~~ Four representatives of the dental profession, 49819
appointed by the governor from persons nominated by the Ohio 49820
dental association. 49821

Terms of office of the appointed members shall be two years, 49822
with each term commencing on the twenty-eighth day of January and 49823

ending on the twenty-seventh day of January of the second year 49824
after appointment. The governor shall appoint the dental 49825
profession representatives not later than ninety days after 49826
October 29, 2003. The terms of all members shall commence 49827
ninety one days after October 29, 2003. Of the initial 49828
appointments made by the governor, two shall serve a term of one 49829
year and one shall serve a term of two years. The initial 49830
appointment made by the, speaker of the house of representatives 49831
shall be for a term of one year. The initial appointment made by 49832
the, and president of the senate shall be for a term of two years 49833
make each of their respective appointments not later than the 49834
twenty-seventh day of January of the year in which the term of the 49835
member being appointed is to commence. Each member shall hold 49836
office from the date of appointment until the end of the term for 49837
which the member was appointed, except that a legislative member 49838
ceases to be a member of the board on ceasing to be a member of 49839
the general assembly. No person shall be appointed to the board 49840
for more than two consecutive terms. 49841

Vacancies shall be filled in the manner prescribed for the 49842
original appointment. A member appointed to fill a vacancy 49843
occurring prior to the expiration of the term for which the 49844
member's predecessor was appointed shall hold office for the 49845
remainder of that term. A member shall continue in office 49846
subsequent to the expiration of the member's term until a 49847
successor takes office or until sixty days have elapsed, whichever 49848
occurs first. ~~No person shall be appointed to the board for more~~ 49849
~~than two consecutive terms. Thereafter, terms of office shall be~~ 49850
~~two years. Each member shall hold office from the date of~~ 49851
~~appointment until the end of the term for which the member was~~ 49852
~~appointed, except that a legislative member ceases to be a member~~ 49853
~~of the board on ceasing to be a member of the general assembly.~~ 49854

The governor, speaker, or president may remove a member for 49855

whom the governor, speaker, or president was the appointing authority, for misfeasance, malfeasance, or willful neglect of duty. 49856
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The board shall designate a member to serve as chairperson of the board. 49859
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The board shall meet at least once annually. The chairperson shall call special meetings as needed or upon the request of four members. 49861
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~~Four~~ Six members of the board constitute a quorum to transact and vote on all business coming before the board. 49864
49865

Members of the board shall serve without compensation, ~~but may be reimbursed for reasonable and necessary expenses incurred in the discharge of their duties.~~ 49866
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The department of health shall provide the board with staff assistance as requested by the board. 49869
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Sec. 3702.93. The dentist loan repayment advisory board shall determine the amounts that will be paid as loan repayments on behalf of participants in the dentist loan repayment program. ~~No~~ In the first and second years, no repayment shall exceed ~~twenty~~ twenty-five thousand dollars in ~~any each~~ each year, ~~except that if. In the third and fourth years, no repayment shall exceed thirty-five thousand dollars in each year. If, however,~~ a repayment results in an increase in the participant's federal, state, or local income tax liability, the department of health, at the participant's request and with the approval of the director of health, may reimburse the participant for the increased tax liability, regardless of the amount of the repayment in that year. ~~Total repayment on behalf of a participant shall not exceed eighty thousand dollars over the time of participation in the program.~~ 49871
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Sec. 3702.94. The dentist loan repayment advisory board, 49885

annually on or before the first day of March, shall submit a 49886
report to the governor and general assembly describing the 49887
operations of the dentist loan repayment program during the 49888
previous calendar year. The report shall include information about 49889
all of the following: 49890

(A) The number of requests received by the director of health 49891
that a particular area be designated as a dental health resource 49892
shortage area; 49893

(B) The areas that have been designated as dental health 49894
resource shortage areas and the priorities that have been assigned 49895
to them; 49896

(C) The number of applicants for participation in the dentist 49897
loan repayment program; 49898

(D) The number of dentists assigned to dental health resource 49899
shortage areas and the payments made on behalf of those dentists 49900
under the dentist loan repayment program; 49901

(E) The dental health resource shortage areas that have not 49902
been matched with all of the dentists they need; 49903

(F) The number of dentists failing to complete their service 49904
obligations, the amount of damages owed, and the amount of damages 49905
collected. 49906

Sec. 3704.14. ~~(A) The director of environmental protection 49907
shall continue to implement an enhanced motor vehicle inspection 49908
and maintenance program for a period of two years beginning on 49909
January 1, 2006, and ending on December 31, 2007, in counties in 49910
which a motor vehicle inspection and maintenance program is 49911
federally mandated. The program shall be substantially similar to 49912
the enhanced program implemented in those counties under a 49913
contract that is scheduled to expire on December 31, 2005. The (1) 49914
If the governor determines that the implementation of a motor 49915~~

vehicle inspection and maintenance program is necessary for the 49916
state to effectively comply with the requirements of the federal 49917
Clean Air Act after June 30, 2009, the governor, by executive 49918
order, may provide for the implementation of the program in those 49919
counties in this state in which such a program is in operation on 49920
January 1, 2009, pursuant to a federal mandate by ordering the 49921
director of administrative services to extend the terms of the 49922
contract that was entered into under the authority of Section 7 of 49923
Am. Sub. H.B. 24 of the 127th general assembly. Upon receiving the 49924
order, the director of administrative services shall extend the 49925
contract, beginning on July 1, 2009, in accordance with this 49926
section. The contract shall be extended for a period of up to six 49927
months with the contractor who conducted the motor vehicle 49928
inspection and maintenance program under that contract. 49929

(2) Prior to the expiration of the contract extension that is 49930
ordered under division (A)(1) of this section by the governor, the 49931
governor, by executive order, may order the director of 49932
administrative services to enter into a contract with a vendor to 49933
operate a motor vehicle inspection and maintenance program in each 49934
county in this state in which such a program is in operation on 49935
January 1, 2009, pursuant to a federal mandate. The contract shall 49936
provide for the operation of the program through June 30, 2011. 49937
The contract also shall include an option for the state to renew 49938
the contract through June 30, 2012. However, the option to renew 49939
the contract shall require the governor to issue an executive 49940
order authorizing such a renewal. The director of administrative 49941
services shall select a vendor through a competitive selection 49942
process in compliance with Chapter 125. of the Revised Code. 49943

(3)Notwithstanding any law to the contrary, the director of 49944
administrative services shall ensure that a competitive selection 49945
process regarding a contract to operate a motor vehicle inspection 49946
and maintenance program in this state incorporates the following 49947

elements, which shall be included in the contract: 49948

(a) A requirement that the vendor selected to operate the 49949
program provide notification of the program's requirements to each 49950
owner of a motor vehicle that is required to be inspected under 49951
the program. The contract shall require the notification to be 49952
provided not later than sixty days prior to the date by which the 49953
owner of the motor vehicle is required to have the motor vehicle 49954
inspected. The director of environmental protection and the vendor 49955
shall jointly agree on the content of the notice. However, the 49956
notice shall include at a minimum the locations of all inspection 49957
facilities within a specified distance of the address that is 49958
listed on the owner's motor vehicle registration. 49959

(b) A requirement that the vendor selected to operate the 49960
program spend not more than five hundred thousand dollars over the 49961
term of the contract for public education regarding the locations 49962
at which motor vehicle inspections will be conducted; 49963

(c) A requirement that the vendor selected to operate the 49964
program acquire all facilities that were previously utilized for 49965
motor vehicle emissions inspections via arm's-length transactions 49966
at the discretion of the interested parties if the vendor chooses 49967
to utilize those inspection facilities for purposes of the 49968
contract. The competitive selection process shall not include a 49969
requirement that a vendor pay book value for such facilities. 49970

(d) A requirement that the motor vehicle inspection and 49971
maintenance program utilize established local businesses, such as 49972
existing motor vehicle repair facilities, for the purpose of 49973
expanding the number of inspection facilities for consumer 49974
convenience and increased local business participation. 49975

(4) Any competitive selection process that is or has been 49976
initiated for purposes of a new contract to operate a motor 49977
vehicle inspection and maintenance program in this state shall 49978

comply with division (A)(3) of this section. 49979

(5) A motor vehicle inspection and maintenance program 49980
operated under this section shall comply with division (B) of this 49981
section. The director of environmental protection shall administer 49982
the motor vehicle inspection and maintenance program operated 49983
under this section. 49984

(B) The motor vehicle inspection and maintenance program 49985
authorized by this section, at a minimum, shall do all of the 49986
following: 49987

(1) Comply with the federal Clean Air Act; 49988

(2) ~~Provide for the extension of a contract for a period of~~ 49989
~~two years, beginning on January 1, 2006, and ending on December~~ 49990
~~31, 2007, with the contractor who conducted the enhanced motor~~ 49991
~~vehicle inspection and maintenance program in those federally~~ 49992
~~mandated counties pursuant to a contract entered into under former~~ 49993
~~section 3704.14 of the Revised Code as that section existed prior~~ 49994
~~to its repeal and reenactment by Am. Sub. H.B. 66 of the 126th~~ 49995
~~General Assembly;~~ 49996

~~(3)~~ Provide for the issuance of inspection certificates; 49997

~~(4)~~(3) Provide for a new car exemption for motor vehicles 49998
four years old or newer and provide that a new motor vehicle is 49999
exempt for four years regardless of whether legal title to the 50000
motor vehicle is transferred during that period. 50001

~~(B)(C) The director shall not implement a motor vehicle~~ 50002
~~inspection and maintenance program in any county other than a~~ 50003
~~county in which a motor vehicle inspection and maintenance program~~ 50004
~~is federally mandated~~ A motor vehicle inspection and maintenance 50005
program shall not be implemented in any county in which a 50006
program is not authorized under division (A) of this section 50007
without the approval of the general assembly through the enactment 50008
of legislation. Further, a motor vehicle inspection and 50009

maintenance program shall not be implemented in any county beyond 50010
June 30, 2012, without the approval of the general assembly 50011
through the enactment of legislation. 50012

~~(C)~~(D) The director of environmental protection shall adopt 50013
rules in accordance with Chapter 119. of the Revised Code that the 50014
director determines are necessary to implement this section. The 50015
director may continue to implement and enforce rules pertaining to 50016
the ~~enhanced~~ motor vehicle inspection and maintenance program 50017
previously implemented under former section 3704.14 of the Revised 50018
Code as that section existed prior to its repeal and reenactment 50019
by Am. Sub. H.B. 66 of the 126th general assembly, provided that 50020
the rules do not conflict with this section. 50021
50022

~~(D)~~(E) There is hereby created in the state treasury the 50023
~~motor vehicle inspection and maintenance~~ auto emissions test fund, 50024
which shall consist of money received by the director from any 50025
~~fees for inspections that are established in rules adopted~~ cash 50026
transfers, state and local grants, and other contributions that 50027
are received for the purpose of funding the program established 50028
under this section. The director of environmental protection shall 50029
use money in the fund solely for the implementation, supervision, 50030
administration, operation, and enforcement of the ~~enhanced~~ motor 50031
vehicle inspection and maintenance program established under this 50032
section. Money in the fund shall not be used for either of the 50033
following: 50034

(1) To pay for the inspection costs incurred by a motor 50035
vehicle dealer so that the dealer may provide inspection 50036
certificates to an individual purchasing a motor vehicle from the 50037
dealer when that individual resides in a county that is subject to 50038
the motor vehicle inspection and maintenance program; 50039

(2) To provide payment for more than one free passing 50040
emissions inspection or a total of three emissions inspections for 50041

a motor vehicle in any three-hundred-sixty-five day period. The 50042
owner or lessee of a motor vehicle is responsible for inspection 50043
fees that are related to emissions inspections beyond one free 50044
passing emissions inspection or three total emissions inspections 50045
in any three-hundred-sixty-five day period. Inspection fees that 50046
are charged by a contractor conducting emissions inspections under 50047
a motor vehicle inspection and maintenance program shall be 50048
approved by the director of environmental protection. 50049

~~(E)~~(F) The enhanced motor vehicle inspection and maintenance 50050
program established under this section expires on December 31, 50051
2007, upon the termination of all contracts entered into under 50052
this section and shall not be continued implemented beyond that 50053
the final date unless otherwise federally mandated on which 50054
termination occurs. 50055

(G)(1) Notwithstanding the provisions of this section, it is 50056
the intent of the general assembly that the motor vehicle 50057
inspection and maintenance program that was in operation pursuant 50058
to the federal Clean Air Act on January 1, 2009, in certain 50059
counties of this state pursuant to a contract that is scheduled to 50060
expire June 30, 2009, not be extended beyond that date in those 50061
counties. However, if the governor determines that the 50062
continuation of the program in those counties is necessary to 50063
comply with federal law, the governor shall issue executive orders 50064
extending the program in accordance with this section. All 50065
executive orders issued under this section shall include 50066
provisions providing the authority that is necessary for the 50067
director of environmental protection to establish decentralized 50068
approaches that meet federal performance standards. 50069

(2) Upon the issuance of any executive order under this 50070
section, the governor shall notify the general assembly in writing 50071
of the governor's decision to issue the executive order. 50072

(3) It is the intent of the general assembly that a tailpipe 50073

motor vehicle inspection and maintenance program not be 50074
implemented in any county in the state. Moreover, it is the intent 50075
of the general assembly that, if a motor vehicle-based ozone 50076
testing program is mandated by federal law for counties in the 50077
northeastern portion of the state, a tailpipe motor vehicle 50078
inspection and maintenance program not be implemented and that an 50079
onboard diagnostics only inspection and gas-cap testing program be 50080
utilized to satisfy any federal requirements for vehicle emissions 50081
testing. 50082

(H) Not later than thirty days after the effective date of 50083
this amendment and on the first day of January of each subsequent 50084
year, the director of environmental protection shall request the 50085
United States environmental protection agency to provide the 50086
director a list of alternative approaches to meet federal 50087
performance standards and program changes that this state may 50088
employ to comply with the federal Clean Air Act in lieu of the 50089
implementation of a motor vehicle inspection and maintenance 50090
program. Based on the information received from the United States 50091
environmental protection agency, the director shall prepare a 50092
report concerning those alternative approaches. The director shall 50093
issue the report and provide it to the general assembly not later 50094
than thirty days after receiving the list of alternative 50095
approaches from the United States environmental protection agency. 50096

Sec. 3704.144. Gifts, grants, and contributions for the 50097
purpose of adding pollution control equipment to diesel-powered 50098
school buses, including contributions that are made pursuant to 50099
the settlement of an administrative action or civil action that is 50100
brought at the request of the director of environmental protection 50101
pursuant to Chapter 3704., 3714., 3734., 6109., or 6111. of the 50102
Revised Code, shall be credited to the clean diesel school bus 50103
fund, which is hereby created in the state treasury. The director 50104
shall use money credited to the fund to make grants to school 50105

districts in the state and to county boards of mental retardation 50106
and developmental disabilities for the purpose of adding pollution 50107
control equipment to diesel-powered school buses and to pay the 50108
environmental protection agency's costs incurred in administering 50109
this section. In addition, the director may use money credited to 50110
the fund to make grants to school districts and to county boards 50111
of mental retardation and developmental disabilities for the 50112
purpose of maintaining pollution control equipment that is 50113
installed on diesel-powered school buses and to pay the additional 50114
cost incurred by a school district or a county board for using 50115
ultra-low sulfur diesel fuel instead of diesel fuel for the 50116
operation of diesel-powered school buses. 50117

In making grants under this section, the director shall give 50118
priority to school districts and to county boards of mental 50119
retardation and developmental disabilities that are located in a 50120
county that is designated as nonattainment by the United States 50121
environmental protection agency for the fine particulate national 50122
ambient air quality standard under the federal Clean Air Act. In 50123
addition, the director may give a higher priority to a school 50124
district or a county board of mental retardation and developmental 50125
disabilities that employs additional measures that reduce air 50126
pollution from the district's or the county board's school bus 50127
fleet. 50128

The director shall adopt rules establishing procedures and 50129
requirements that are necessary to implement this section, 50130
including procedures and requirements governing applications for 50131
grants. 50132

Sec. 3705.03. (A) The director of health shall designate the 50133
state registrar, who shall head the office of vital statistics and 50134
do all of the following: 50135

(1) Administer and enforce this chapter, the rules issued under this chapter, and the instructions of the director for the efficient administration of the system of vital statistics;	50136 50137 50138
(2) Direct and supervise the system of vital statistics and be custodian of the vital records;	50139 50140
(3) Direct, supervise, and control the activities of all persons engaged in activities governed by this chapter;	50141 50142
(4) Conduct training programs to promote uniformity of policy and procedures throughout the state in matters pertaining to the system of vital statistics;	50143 50144 50145
<u>(5) Comply with the requirements in section 3705.031 of the Revised Code.</u>	50146 50147
(B) To preserve vital records, the state registrar may prepare a typewritten, photographic, electronic, or other reproduction of certificates or reports in the office of vital statistics. These reproductions, when certified by the director or state registrar, shall be accepted as the original records. The documents from which the reproductions have been made and verified may be disposed of as provided by rules that shall be adopted by the director.	50148 50149 50150 50151 50152 50153 50154 50155
<u>Sec. 3705.031. (A) Once each calendar month, the state registrar shall review all death certificates the state registrar receives, pursuant to section 3705.07 of the Revised Code, from each local registrar of vital statistics in this state, and from a vital statistics official in another state, in the preceding calendar month. The state registrar shall identify those death certificates that pertain to individuals who were at least eighteen years of age at the time of death.</u>	50156 50157 50158 50159 50160 50161 50162 50163
<u>(B) From each death certificate identified pursuant to division (A) of this section, the registrar shall determine the</u>	50164 50165

<u>following information:</u>	50166
<u>(1) The decedent's name;</u>	50167
<u>(2) The decedent's date of birth;</u>	50168
<u>(3) The decedent's date of death;</u>	50169
<u>(4) The decedent's age on the date of death;</u>	50170
<u>(5) The address of the decedent's residence on the date of death;</u>	50171 50172
<u>(6) The county and state in which the decedent's residence on the date of death was located.</u>	50173 50174
<u>(C) Not later than the end of the calendar month in which a review under division (A) of this section occurs, the state registrar shall file with each county auditor and county board of elections in this state a report that summarizes the information in divisions (B)(1) to (6) of this section for each decedent whose residence was located in that county.</u>	50175 50176 50177 50178 50179 50180
Sec. 3706.01. As used in this chapter:	50181
(A) "Governmental agency" means a department, division, or other unit of state government, a municipal corporation, county, township, and other political subdivision, or any other public corporation or agency having the power to acquire, construct, or operate air quality facilities, the United States or any agency thereof, and any agency, commission, or authority established pursuant to an interstate compact or agreement.	50182 50183 50184 50185 50186 50187 50188
(B) "Person" means any individual, firm, partnership, association, or corporation, or any combination thereof.	50189 50190
(C) "Air contaminant" means particulate matter, dust, fumes, gas, mist, smoke, noise, vapor, heat, radioactivity, radiation, or odorous substance, or any combination thereof.	50191 50192 50193
(D) "Air pollution" means the presence in the ambient air of	50194

one or more air contaminants in sufficient quantity and of such 50195
characteristics and duration as to injure human health or welfare, 50196
plant or animal life, or property, or that unreasonably interferes 50197
with the comfortable enjoyment of life or property. 50198

(E) "Ambient air" means that portion of the atmosphere 50199
outside of buildings and other enclosures, stacks, or ducts that 50200
surrounds human, plant, or animal life, or property. 50201

(F) "Emission" means the release into the outdoor atmosphere 50202
of an air contaminant. 50203

(G) "Air quality facility" means any of the following: 50204

(1) Any method, modification or replacement of property, 50205
process, device, structure, or equipment that removes, reduces, 50206
prevents, contains, alters, conveys, stores, disperses, or 50207
disposes of air contaminants or substances containing air 50208
contaminants, or that renders less noxious or reduces the 50209
concentration of air contaminants in the ambient air, including, 50210
without limitation, facilities and expenditures that qualify as 50211
air pollution control facilities under section 103 (C)(4)(F) of 50212
the Internal Revenue Code of 1954, as amended, and regulations 50213
adopted thereunder; 50214

(2) Motor vehicle inspection stations operated in accordance 50215
with, and any equipment used for motor vehicle inspections 50216
conducted under, section 3704.14 of the Revised Code and rules 50217
adopted under it; 50218

(3) Ethanol or other biofuel facilities, including any 50219
equipment used at the ethanol or other biofuel facility for the 50220
production of ethanol or other biofuels; 50221

(4) Any property or portion thereof used for the collection, 50222
storage, treatment, utilization, processing, or final disposal of 50223
a by-product or solid waste resulting from any method, process, 50224
device, structure, or equipment that removes, reduces, prevents, 50225

contains, alters, conveys, stores, disperses, or disposes of air	50226
contaminants, or that renders less noxious or reduces the	50227
concentration of air contaminants in the ambient air;	50228
(5) Any property, device, or equipment that promotes the	50229
reduction of emissions of air contaminants into the ambient air	50230
through improvements in the efficiency of energy utilization or	50231
energy conservation;	50232
(6) Any coal research and development project conducted under	50233
Chapter 1555. of the Revised Code;	50234
(7) As determined by the director of the Ohio coal	50235
development office, any property or portion thereof that is used	50236
for the collection, storage, treatment, utilization, processing,	50237
or final disposal of a by-product resulting from a coal research	50238
and development project as defined in section 1555.01 of the	50239
Revised Code or from the use of clean coal technology, excluding	50240
any property or portion thereof that is used primarily for other	50241
subsequent commercial purposes;	50242
(8) Any property or portion thereof that is part of the	50243
FutureGen project of the United States department of energy or	50244
related to the siting of the FutureGen project.	50245
(9) Any property, device, or equipment that promotes the	50246
reduction of emissions of air contaminants into the ambient air	50247
through the generation of clean, renewable energy with renewable	50248
energy resources or advanced energy resources as defined in	50249
section 3706.25 of the Revised Code.	50250
(10) Any property, device, structure or equipment necessary	50251
for the manufacture and production of equipment described as an	50252
air quality facility under this chapter;	50253
<u>(11) Facilities or projects, in addition to those described</u>	50254
<u>in divisions (G)(3) and (6) of this section, that will assist this</u>	50255
<u>state in achieving energy independence through the utilization of</u>	50256

this state's resources such as facilities or projects for the 50257
development of solar, wind, natural gas, oil, and other energy 50258
resources. 50259

"Air quality facility" further includes any property or 50260
system to be used in whole or in part for any of the purposes in 50261
divisions (G)(1) to ~~(10)~~(11) of this section, whether another 50262
purpose is also served, and any property or system incidental to 50263
or that has to do with, or the end purpose of which is, any of the 50264
foregoing. Air quality facilities that are defined in this 50265
division for industry, commerce, distribution, or research, 50266
including public utility companies, are hereby determined to be 50267
those that qualify as facilities for the control of air pollution 50268
and thermal pollution related to air under Section 13 of Article 50269
VIII, Ohio Constitution. 50270

(H) "Project" or "air quality project" means any air quality 50271
facility, including undivided or other interests therein, acquired 50272
or to be acquired or constructed or to be constructed by the Ohio 50273
air quality development authority under this chapter, or acquired 50274
or to be acquired or constructed or to be constructed by a 50275
governmental agency or person with all or a part of the cost 50276
thereof being paid from a loan or grant from the authority under 50277
this chapter or otherwise paid from the proceeds of air quality 50278
revenue bonds, including all buildings and facilities that the 50279
authority determines necessary for the operation of the project, 50280
together with all property, rights, easements, and interests that 50281
may be required for the operation of the project. 50282

(I) "Cost" as applied to an air quality project means the 50283
cost of acquisition and construction, the cost of acquisition of 50284
all land, rights-of-way, property rights, easements, franchise 50285
rights, and interests required for such acquisition and 50286
construction, the cost of demolishing or removing any buildings or 50287
structures on land so acquired, including the cost of acquiring 50288

any lands to which such buildings or structures may be moved, the 50289
cost of acquiring or constructing and equipping a principal office 50290
and sub-offices of the authority, the cost of diverting highways, 50291
interchange of highways, and access roads to private property, 50292
including the cost of land or easements for such access roads, the 50293
cost of public utility and common carrier relocation or 50294
duplication, the cost of all machinery, furnishings, and 50295
equipment, financing charges, interest prior to and during 50296
construction and for no more than eighteen months after completion 50297
of construction, engineering, expenses of research and development 50298
with respect to air quality facilities, the cost of any commodity 50299
contract, including fees and expenses related thereto, legal 50300
expenses, plans, specifications, surveys, studies, estimates of 50301
cost and revenues, working capital, other expenses necessary or 50302
incident to determining the feasibility or practicability of 50303
acquiring or constructing such project, administrative expense, 50304
and such other expense as may be necessary or incident to the 50305
acquisition or construction of the project, the financing of such 50306
acquisition or construction, including the amount authorized in 50307
the resolution of the authority providing for the issuance of air 50308
quality revenue bonds to be paid into any special funds from the 50309
proceeds of such bonds, and the financing of the placing of such 50310
project in operation. Any obligation, cost, or expense incurred by 50311
any governmental agency or person for surveys, borings, 50312
preparation of plans and specifications, and other engineering 50313
services, or any other cost described above, in connection with 50314
the acquisition or construction of a project may be regarded as a 50315
part of the cost of that project and may be reimbursed out of the 50316
proceeds of air quality revenue bonds as authorized by this 50317
chapter. 50318

(J) "Owner" includes an individual, copartnership, 50319
association, or corporation having any title or interest in any 50320
property, rights, easements, or interests authorized to be 50321

acquired by this chapter. 50322

(K) "Revenues" means all rentals and other charges received 50323
by the authority for the use or services of any air quality 50324
project, any gift or grant received with respect to any air 50325
quality project, any moneys received with respect to the lease, 50326
sublease, sale, including installment sale or conditional sale, or 50327
other disposition of an air quality project, moneys received in 50328
repayment of and for interest on any loans made by the authority 50329
to a person or governmental agency, whether from the United States 50330
or any department, administration, or agency thereof, or 50331
otherwise, proceeds of such bonds to the extent that use thereof 50332
for payment of principal of, premium, if any, or interest on the 50333
bonds is authorized by the authority, amounts received or 50334
otherwise derived from a commodity contract or from the sale of 50335
the related commodity under such a contract, proceeds from any 50336
insurance, condemnation, or guaranty pertaining to a project or 50337
property mortgaged to secure bonds or pertaining to the financing 50338
of the project, and income and profit from the investment of the 50339
proceeds of air quality revenue bonds or of any revenues. 50340

(L) "Public roads" includes all public highways, roads, and 50341
streets in the state, whether maintained by the state, county, 50342
city, township, or other political subdivision. 50343

(M) "Public utility facilities" includes tracks, pipes, 50344
mains, conduits, cables, wires, towers, poles, and other equipment 50345
and appliances of any public utility. 50346

(N) "Construction," unless the context indicates a different 50347
meaning or intent, includes reconstruction, enlargement, 50348
improvement, or providing furnishings or equipment. 50349

(O) "Air quality revenue bonds," unless the context indicates 50350
a different meaning or intent, includes air quality revenue notes, 50351
air quality revenue renewal notes, and air quality revenue 50352

refunding bonds, except that notes issued in anticipation of the 50353
issuance of bonds shall have a maximum maturity of five years as 50354
provided in section 3706.05 of the Revised Code and notes or 50355
renewal notes issued as the definitive obligation may be issued 50356
maturing at such time or times with a maximum maturity of forty 50357
years from the date of issuance of the original note. 50358

(P) "Solid waste" means any garbage; refuse; sludge from a 50359
waste water treatment plant, water supply treatment plant, or air 50360
pollution control facility; and other discarded material, 50361
including solid, liquid, semisolid, or contained gaseous material 50362
resulting from industrial, commercial, mining, and agricultural 50363
operations, and from community activities, but not including solid 50364
or dissolved material in domestic sewage, or solid or dissolved 50365
material in irrigation return flows or industrial discharges that 50366
are point sources subject to permits under section 402 of the 50367
"Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 50368
880, 33 U.S.C.A. 1342, as amended, or source, special nuclear, or 50369
byproduct material as defined by the "Atomic Energy Act of 1954," 50370
68 Stat. 921, 42 U.S.C.A. 2011, as amended. 50371

(Q) "Sludge" means any solid, semisolid, or liquid waste, 50372
other than a recyclable by-product, generated from a municipal, 50373
commercial, or industrial waste water treatment plant, water 50374
supply plant, or air pollution control facility or any other such 50375
wastes having similar characteristics and effects. 50376

(R) "Ethanol or other biofuel facility" means a plant at 50377
which ethanol or other biofuel is produced. 50378

(S) "Ethanol" means fermentation ethyl alcohol derived from 50379
agricultural products, including potatoes, cereal, grains, cheese 50380
whey, and sugar beets; forest products; or other renewable or 50381
biomass resources, including residue and waste generated from the 50382
production, processing, and marketing of agricultural products, 50383
forest products, and other renewable or biomass resources, that 50384

meets all of the specifications in the American society for 50385
testing and materials (ASTM) specification D 4806-88 and is 50386
denatured as specified in Parts 20 and 21 of Title 27 of the Code 50387
of Federal Regulations. 50388

(T) "Biofuel" means any fuel that is made from cellulosic 50389
biomass resources, including renewable organic matter, crop waste 50390
residue, wood, aquatic plants and other crops, animal waste, solid 50391
waste, or sludge, and that is used for the production of energy 50392
for transportation or other purposes. 50393

(U) "FutureGen project" means the buildings, equipment, and 50394
real property and functionally related buildings, equipment, and 50395
real property, including related research projects that support 50396
the development and operation of the buildings, equipment, and 50397
real property, designated by the United States department of 50398
energy and the FutureGen industrial alliance, inc., as the 50399
coal-fueled, zero-emissions power plant designed to prove the 50400
technical and economic feasibility of producing electricity and 50401
hydrogen from coal and nearly eliminating carbon dioxide emissions 50402
through capture and permanent storage. 50403

(V) "Commodity contract" means a contract or series of 50404
contracts entered into in connection with the acquisition or 50405
construction of air quality facilities for the purchase or sale of 50406
a commodity that is eligible for prepayment with the proceeds of 50407
federally tax exempt bonds under sections 103, 141, and 148 of the 50408
Internal Revenue Code of 1986, as amended, and regulations adopted 50409
under it. 50410

Sec. 3706.25. As used in sections 3706.25 to 3706.30 of the 50411
Revised Code: 50412

(A) "Advanced energy project" means any technologies, 50413
products, activities, or management practices or strategies that 50414
facilitate the generation or use of electricity or energy and that 50415

reduce or support the reduction of energy consumption or support 50416
the production of clean, renewable energy for industrial, 50417
distribution, commercial, institutional, governmental, research, 50418
not-for-profit, or residential energy users including, but not 50419
limited to, advanced energy resources and renewable energy 50420
resources. "Advanced energy project" includes any project 50421
described in division (A), (B), or (C) of section 4928.621 of the 50422
Revised Code. 50423

(B) "Advanced energy resource" means any of the following: 50424

(1) Any method or any modification or replacement of any 50425
property, process, device, structure, or equipment that increases 50426
the generation output of an electric generating facility to the 50427
extent such efficiency is achieved without additional carbon 50428
dioxide emissions by that facility; 50429

(2) Any distributed generation system consisting of customer 50430
cogeneration of electricity and thermal output simultaneously, 50431
primarily to meet the energy needs of the customer's facilities; 50432

(3) Advanced nuclear energy technology consisting of 50433
generation III technology as defined by the nuclear regulatory 50434
commission; other, later technology; or significant improvements 50435
to existing facilities; 50436

(4) Any fuel cell used in the generation of electricity, 50437
including, but not limited to, a proton exchange membrane fuel 50438
cell, phosphoric acid fuel cell, molten carbonate fuel cell, or 50439
solid oxide fuel cell; 50440

(5) Advanced solid waste or construction and demolition 50441
debris conversion technology, including, but not limited to, 50442
advanced stoker technology, and advanced fluidized bed 50443
gasification technology, that results in measurable greenhouse gas 50444
emissions reductions as calculated pursuant to the United States 50445
environmental protection agency's waste reduction model (WARM). 50446

50447

(C) "Renewable energy resource" means solar photovoltaic or 50448
solar thermal energy, wind energy, power produced by a 50449
hydroelectric facility, geothermal energy, solid wastes, as 50450
defined in section 3734.01 of the Revised Code, fuel derived from 50451
such solid wastes, ~~as defined in section 3734.01 of the Revised~~ 50452
~~Code,~~ through fractionation, biological decomposition, or other 50453
process that does not principally involve combustion, biomass 50454
energy, biologically derived methane gas, or energy derived from 50455
nontreated by-products of the pulping process or wood 50456
manufacturing process, including bark, wood chips, sawdust, and 50457
lignin in spent pulping liquors. "Renewable energy resource" 50458
includes, but is not limited to, any fuel cell used in the 50459
generation of electricity, including, but not limited to, a proton 50460
exchange membrane fuel cell, phosphoric acid fuel cell, molten 50461
carbonate fuel cell, or solid oxide fuel cell; wind turbine 50462
located in the state's territorial waters of Lake Erie; methane 50463
gas emitted from an abandoned coal mine; storage facility that 50464
will promote the better utilization of a renewable energy resource 50465
that primarily generates off peak; or distributed generation 50466
system used by a customer to generate electricity from any such 50467
energy. As used in this division, "hydroelectric facility" means a 50468
hydroelectric generating facility that is located at a dam on a 50469
river, or on any water discharged to a river, that is within or 50470
bordering this state or within or bordering an adjoining state and 50471
meets all of the following standards: 50472

50473

(1) The facility provides for river flows that are not 50474
detrimental for fish, wildlife, and water quality, including 50475
seasonal flow fluctuations as defined by the applicable licensing 50476
agency for the facility. 50477

(2) The facility demonstrates that it complies with the water 50478

quality standards of this state, which compliance may consist of 50479
certification under Section 401 of the "Clean Water Act of 1977," 50480
91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates that it has 50481
not contributed to a finding by this state that the river has 50482
impaired water quality under Section 303(d) of the "Clean Water 50483
Act of 1977," 114 Stat. 870, 33 U.S.C. 1313. 50484

50485

(3) The facility complies with mandatory prescriptions 50486
regarding fish passage as required by the federal energy 50487
regulatory commission license issued for the project, regarding 50488
fish protection for riverine, anadromous, and catadromus fish. 50489

(4) The facility complies with the recommendations of the 50490
Ohio environmental protection agency and with the terms of its 50491
federal energy regulatory commission license regarding watershed 50492
protection, mitigation, or enhancement, to the extent of each 50493
agency's respective jurisdiction over the facility. 50494

(5) The facility complies with provisions of the "Endangered 50495
Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as 50496
amended. 50497

(6) The facility does not harm cultural resources of the 50498
area. This can be shown through compliance with the terms of its 50499
federal energy regulatory commission license or, if the facility 50500
is not regulated by that commission, through development of a plan 50501
approved by the Ohio historic preservation office, to the extent 50502
it has jurisdiction over the facility. 50503

(7) The facility complies with the terms of its federal 50504
energy regulatory commission license or exemption that are related 50505
to recreational access, accommodation, and facilities or, if the 50506
facility is not regulated by that commission, the facility 50507
complies with similar requirements as are recommended by resource 50508
agencies, to the extent they have jurisdiction over the facility; 50509

and the facility provides access to water to the public without 50510
fee or charge. 50511

(8) The facility is not recommended for removal by any 50512
federal agency or agency of any state, to the extent the 50513
particular agency has jurisdiction over the facility. 50514

Sec. 3707.26. ~~(A) Annually~~ Semiannually, and more often, if 50515
in its judgment necessary, the board of health of a city or 50516
general health district shall inspect the sanitary condition of 50517
all schools and school buildings within its jurisdiction, and may 50518
disinfect any school building. During an epidemic or threatened 50519
epidemic, or when a dangerous communicable disease is unusually 50520
prevalent, ~~or for any other imminent public health threat as~~ 50521
~~determined by the board,~~ the board may close any school and 50522
prohibit public gatherings for such time as is necessary. 50523

~~(B) The director of health shall adopt rules establishing 50524
minimum standards for inspections conducted under this section. 50525
The rules shall be adopted in accordance with Chapter 119. of the 50526
Revised Code and in consultation with the association of Ohio 50527
health commissioners, the Ohio environmental health association, 50528
the Ohio school boards association, and the Ohio education 50529
association. Initial rules shall be adopted not later than 50530
eighteen months after the effective date of this amendment. 50531~~

Sec. 3712.03. (A) In accordance with Chapter 119. of the 50532
Revised Code, the public health council shall adopt, and may amend 50533
and rescind, rules: 50534

(1) Providing for the licensing of persons or public agencies 50535
providing hospice care programs within this state by the 50536
department of health and for the suspension and revocation of 50537
licenses; 50538

(2) Establishing a license fee and license renewal fee ~~not~~ 50539

~~to, neither of which shall, except as provided in division (B) of~~ 50540
~~this section, exceed three six hundred dollars.~~ The fees shall 50541
cover the three-year period during which an existing license is 50542
valid as provided in division (B) of section 3712.04 of the 50543
Revised Code. 50544

(3) Establishing an inspection fee not to exceed, except as 50545
provided in division (B) of this section, one thousand seven 50546
hundred fifty dollars; 50547

(4) Establishing requirements for hospice care program 50548
facilities and services; 50549

(5) Providing for a waiver of the requirement for the 50550
provision of physical, occupational, or speech or language therapy 50551
contained in division (A)(2) of section 3712.01 of the Revised 50552
Code when the requirement would create a hardship because such 50553
therapy is not readily available in the geographic area served by 50554
the provider of a hospice care program; 50555

(6) Providing for the granting of licenses to provide hospice 50556
care programs to persons and public agencies that are accredited 50557
or certified to provide such programs by an entity whose standards 50558
for accreditation or certification equal or exceed those provided 50559
for licensure under this chapter and rules adopted under it; ~~and~~ 50560

(7) Establishing interpretive guidelines for each rule. 50561

(B) Subject to the approval of the controlling board, the 50562
public health council may establish fees in excess of the maximum 50563
amounts ~~provided by sections 3712.01 and 3712.03 to 3712.06 of the~~ 50564
~~Revised Code~~ specified in this section, provided that the fees do 50565
not exceed those amounts by greater than fifty per cent. 50566

(C) The department of health shall: 50567

(1) Grant, suspend, and revoke licenses for hospice care 50568
programs in accordance with this chapter and rules adopted under 50569

it; 50570

(2) Make such inspections as are necessary to determine 50571
whether hospice care program facilities and services meet the 50572
requirements of this chapter and rules adopted under it; and 50573

(3) Implement and enforce this chapter and rules adopted 50574
under it. 50575

Sec. 3714.01. As used in this chapter: 50576

(A) "Board of health" means the board of health of a city or 50577
general health district or the authority having the duties of a 50578
board of health in any city as authorized by section 3709.05 of 50579
the Revised Code. 50580

(B) "Closure" means either the time at which a construction 50581
and demolition debris facility will no longer accept construction 50582
and demolition debris for disposal or the effective date of an 50583
order revoking the license of the facility. "Closure" includes 50584
measures performed to protect public health or safety, to prevent 50585
air or water pollution, or to make the facility suitable for other 50586
uses, if any, including, without limitation, the establishment and 50587
maintenance of suitable cover of soil and vegetation over areas 50588
where construction and demolition debris is buried and the 50589
minimization of erosion, the infiltration of surface water into 50590
such areas, the production of leachate, and the accumulation and 50591
runoff of contaminated surface water. 50592

(C) "Construction and demolition debris" means those 50593
materials resulting from the alteration, construction, 50594
destruction, rehabilitation, or repair of any physical structure 50595
that is built by humans, including, without limitation, houses, 50596
buildings, industrial or commercial facilities, or roadways. 50597
"Construction and demolition debris" includes particles and dust 50598
created during demolition activities. "Construction and demolition 50599

debris" does not include materials identified or listed as solid 50600
wastes or hazardous waste pursuant to Chapter 3734. of the Revised 50601
Code and rules adopted under it; materials from mining operations, 50602
nontoxic fly ash, spent nontoxic foundry sand, and slag; or 50603
reinforced or nonreinforced concrete, asphalt, building or paving 50604
brick, or building or paving stone that is stored for a period of 50605
less than two years for recycling into a usable construction 50606
material. 50607

(D) "Disposal" means the discharge, deposit, injection, 50608
dumping, spilling, leaking, emitting, or placing of any 50609
construction and demolition debris into or on any land or ground 50610
or surface water or into the air, except if the disposition or 50611
placement constitutes storage. 50612

(E) "Facility" means any site, location, tract of land, 50613
installation, or building used for the disposal of construction 50614
and demolition debris. "Facility" does not include any 50615
construction site where construction debris and trees and brush 50616
removed in clearing the construction site are used as fill 50617
material on the site where the materials are generated or removed 50618
and does not include any site where materials composed exclusively 50619
of reinforced or nonreinforced concrete, asphalt, clay tile, 50620
building or paving brick, or building or paving stone are used as 50621
fill material, either alone or in conjunction with clean soil, 50622
sand, gravel, or other clean aggregates, in legitimate fill 50623
operations for construction purposes or to bring the site up to a 50624
consistent grade. 50625

(F) "Health district" means a city or general health district 50626
created by or under the authority of Chapter 3709. of the Revised 50627
Code. 50628

(G) "New construction and demolition debris facility" or "new 50629
facility" means a facility applying for an initial permit to 50630
install after December 22, 2005, and also includes ~~an existing a~~ 50631

facility in existence on December 22, 2005, that is proposing to 50632
horizontally expand the facility beyond the limits of construction 50633
and demolition debris placement approved by a board of health or 50634
the director of environmental protection, as applicable, under 50635
this chapter boundary of the property owned or controlled by the 50636
owner or operator of the facility as of December 22, 2005. "New 50637
construction and demolition debris facility" or "new facility" 50638
also includes a facility for which an initial permit to install 50639
has been issued after December 22, 2005, for which there is a 50640
proposal to horizontally expand the limits of construction and 50641
demolition debris placement beyond the limits approved in the 50642
initial permit to install. "New construction and demolition debris 50643
facility" or "new facility" does not include a facility for which 50644
there is a proposal to vertically expand the limits of 50645
construction and demolition debris placement approved for the 50646
facility under this chapter and rules adopted under it. 50647

(H) "Person" includes the state, any political subdivision of 50648
the state or other state or local body, the United States and any 50649
agency or instrumentality thereof, and any legal entity or 50650
organization defined as a person under section 1.59 of the Revised 50651
Code. 50652

(I) "Pulverized debris" means a load of debris that, ~~after~~ 50653
~~demolition has occurred, but prior to acceptance of the load of~~ 50654
~~debris for disposal,~~ has been uniformly shredded, crushed, ground, 50655
~~or otherwise rendered~~ reduced by mechanical means prior to 50656
acceptance for disposal to such an extent that the majority of the 50657
load of debris is unidentifiable cannot be identified as resulting 50658
from construction and demolition debris activities. 50659

(J) "Qualified ground water scientist" means a scientist or 50660
engineer who has received a baccalaureate or post-graduate degree 50661
in the natural sciences or engineering and has at least five years 50662
of relevant experience in ground water hydrogeology and related 50663

fields that enable that individual to make sound professional 50664
judgments regarding ground water monitoring, contaminant fate and 50665
transport, and corrective measures. 50666

(K) "Storage" means the holding of construction and 50667
demolition debris for a temporary period in such a manner that it 50668
remains retrievable and substantially unchanged and, at the end of 50669
the period, is disposed of or reused or recycled in a beneficial 50670
manner. 50671

(L) "Transfer facility" means a site, location, tract of 50672
land, installation, or building that is primarily used or intended 50673
to be used for the purpose of transferring construction and 50674
demolition debris that was generated off the premises of the 50675
facility from vehicles or containers into other vehicles or 50676
containers for transportation to a construction and demolition 50677
debris facility. 50678

Sec. 3714.011. The director of environmental protection, in 50679
accordance with section 121.13 of the Revised Code, shall appoint 50680
and convene an advisory board to advise the director with respect 50681
to the rules that the director is required to adopt under section 50682
3714.02 of the Revised Code. The board shall include, without 50683
limitation, three representatives of construction and demolition 50684
debris facilities in the state, one of whom shall be the owner or 50685
operator of a licensed construction and demolition debris 50686
facility, and three representatives from health districts that are 50687
on the approved list under section 3714.09 of the Revised Code, 50688
each of whom shall represent a health district in which an 50689
existing licensed construction and demolition debris facility is 50690
located. 50691

Sec. 3714.02. The director of environmental protection, in 50692
accordance with Chapter 119. of the Revised Code and with the 50693

advice of the advisory board appointed under section 3714.011 of 50694
the Revised Code, shall adopt, and may amend and rescind, rules ~~in~~ 50695
~~accordance with Chapter 119. of the Revised Code~~ governing 50696
construction and demolition debris facilities and the inspection 50697
of and issuance of permits to install and licenses for those 50698
facilities. The rules shall ensure that the facilities will not 50699
create a nuisance, fire hazard, or health hazard or cause or 50700
contribute to air or water pollution. The rules shall establish 50701
all of the following: 50702

(A) Standards and procedures for the issuance of permits to 50703
install under section 3714.051 of the Revised Code that shall 50704
include all of the following: 50705

(1) Information that must be included in the designs and 50706
plans required to be submitted with the application for a permit 50707
to install under section 3714.051 of the Revised Code and criteria 50708
for approving, disapproving, or requiring modification of the 50709
designs and plans; 50710

(2) Information that must be included with an application for 50711
a permit to install in addition to the information required under 50712
section 3714.051 of the Revised Code; 50713

(3) Procedures for the issuance, denial, modification, 50714
transfer, suspension, and revocation of permits to install; 50715

(4) Grounds for the denial, modification, suspension, or 50716
revocation of permits to install; 50717

(5) A requirement that a person that is required to obtain 50718
both a permit to install under section 3714.051 of the Revised 50719
Code and a license under section 3714.06 of the Revised Code 50720
obtain both the permit and license prior to operation; 50721

(6) Criteria for establishing time periods after which a 50722
permit to install expires; 50723

(7) Any other requirements that the director determines 50724
necessary in order to establish the program for the issuance of 50725
permits to install under section 3714.051 of the Revised Code. 50726

(B) Standards for the design and construction of facilities. 50727
The standards may include, without limitation, requirements for 50728
diking around the areas where debris is buried to prevent runoff 50729
of surface water onto adjacent property. 50730

(C) Standards for control over access to facilities and for 50731
the operation of facilities, including, without limitation, 50732
standards for the compaction and covering of debris disposed of 50733
and standards regarding equipment used for the operation of 50734
facilities; 50735

(D) Criteria and procedures for granting authorization to the 50736
owner or operator of a facility to dispose of asbestos or 50737
asbestos-containing materials or products at the owner's or 50738
operator's facility; 50739

(E) Requirements for the installation of ground water 50740
monitoring wells and the monitoring of ground water quality at any 50741
facility where the operation of the facility threatens to 50742
contaminate ground water. The rules shall require that ground 50743
water monitoring be capable of determining impacts resulting from 50744
the operation of construction and demolition debris facilities. 50745
The rules also shall include provisions for ground water 50746
assessment and corrective actions for impacts to ground water. 50747
Further, the rules shall require that the owner or operator of a 50748
construction and demolition debris facility submit a monitoring 50749
report to the director or a board of health, as applicable, that 50750
has been prepared by a qualified ground water scientist and that 50751
includes all of the following: 50752

(1) A determination of any impacts to ground water from the 50753
migration of contaminants from the construction and demolition 50754

debris facility;	50755
(2) A list of the contaminants from the facility that may be causing contamination of ground water;	50756 50757
(3) Recommendations for actions, if any are necessary, that should be taken to investigate or remediate the source of any ground water contamination.	50758 50759 50760
(F) Requirements for the monitoring and sampling of leachate. The rules adopted under division (F) of this section shall include all of the following:	50761 50762 50763
(1) A requirement that the owner or operator of a construction and demolition debris facility provide for sampling of leachate at least annually. However, the rules shall require that if leachate is recirculated through a facility, the leachate be sampled at least every calendar quarter.	50764 50765 50766 50767 50768
(2) A requirement that the owner or operator of a facility sample for at least seventy-seven parameters that the director shall establish in the rules, which shall include arsenic, copper, and chromium;	50769 50770 50771 50772
(3) Requirements governing facilities that do not have a system for sampling leachate. The rules shall require that the owner or operator of such a facility monitor ground water in accordance with the rules adopted under division (E) of this section for the parameters established in the rules adopted under division (F)(2) of this section.	50773 50774 50775 50776 50777 50778
(4) A requirement that a facility that monitors ground water and leachate add to the parameters monitored by the ground water monitoring system any parameter that is detected through the monitoring of leachate;	50779 50780 50781 50782
(5) Requirements governing the reporting of leachate sampling data. The rules shall require that reports be submitted to the	50783 50784

director and the applicable board of health. 50785

(G) Requirements respecting written, narrative plans for the 50786
operation of facilities. The rules shall require the owner or 50787
operator of a facility to use best management practices. In 50788
addition, the rules shall require as a part of the plan of 50789
operation of a facility the inclusion of the contingency plans 50790
required in rules adopted under division (H) of this section. 50791

(H) Requirements respecting contingency plans for effective 50792
action in response to fire or explosion at a facility or to 50793
hydrogen sulfide or other gases created by the operation of a 50794
facility that pose a nuisance, cause an offensive odor, or pose a 50795
threat to public health or safety or the environment; 50796

(I) Financial assurance requirements for the closure and 50797
post-closure care of facilities as follows: 50798

(1) The rules establishing the financial assurance 50799
requirements for the closure of facilities shall require that the 50800
owner or operator of a facility, before being issued an initial 50801
license for the facility under section 3714.06 of the Revised 50802
Code, submit a surety bond, a letter of credit, or other 50803
acceptable financial assurance, as specified by the director in 50804
the rules, in an amount determined by the director or the 50805
appropriate board of health, as applicable. The rules shall 50806
include a list of the activities for which financial assurance may 50807
be required. The rules shall allow the director or board of 50808
health, as applicable, to adjust the amount of a surety bond, a 50809
letter of credit, or other acceptable financial assurance in 50810
conjunction with the issuance of an annual license. However, the 50811
rules shall require that the amount of a surety bond, letter of 50812
credit, or other acceptable financial assurance for the closure of 50813
a facility be not less than thirteen thousand dollars per acre of 50814
land that has been or is being used for the disposal of 50815
construction and demolition debris. The rules shall require an 50816

explanation of the rationale for financial assurance amounts 50817
exceeding thirteen thousand dollars per acre. 50818

(2) The rules establishing the financial assurance 50819
requirements for the post-closure care of facilities shall address 50820
the maintenance of the facility, continuation of any required 50821
monitoring systems, and performance and maintenance of any 50822
specific requirements established in rules adopted under division 50823
(K) of this section or through a permit, license, or order of the 50824
director. The rules also shall allow the director or board of 50825
health, as applicable, to determine the amount of a surety bond, a 50826
letter of credit, or other acceptable financial assurance for the 50827
post-closure care of a facility based on a required cost estimate 50828
for the post-closure care of the facility. The rules shall require 50829
that the owner or operator of a facility provide post-closure 50830
financial assurance for a period of five years after the closure 50831
of a facility. However, the rules shall stipulate that 50832
post-closure care financial assurance may be extended beyond the 50833
five-year period if the extension of the post-closure care period 50834
is required under rules adopted under division (K) of this 50835
section. 50836

(J) Requirements for the closure of facilities. The 50837
requirements shall include minimum requirements for the closure of 50838
facilities and such additional requirements as are reasonably 50839
related to the location of the facility and the type and quantity 50840
of materials disposed of in the facility. The rules shall require 50841
that an owner or operator of a facility, upon the closure of the 50842
facility, file in the office of the county recorder of the county 50843
in which the facility is located a notice that the property was 50844
previously used as a construction and demolition debris facility. 50845
The rules shall require that the notice be filed in the same 50846
manner as a deed to the property. The rules shall require that the 50847
notice include an engineering drawing attachment showing the 50848

physical locations of debris placement, an indication of the 50849
volumes of debris, and an indication of the depth of the final 50850
cover material. 50851

(K) Requirements for the post-closure care of facilities for 50852
a period of five years after the closure of a facility. However, 50853
the rules shall require that the post-closure care period may be 50854
extended by order of the applicable board of health, the director, 50855
or a court of competent jurisdiction if conditions at a facility 50856
are impacting public health or safety or the environment or if 50857
ground water assessment and corrective measures are required to be 50858
conducted at the facility under rules adopted under division (E) 50859
of this section. This division does not limit the authority of the 50860
director, a board of health, or a court of competent jurisdiction 50861
to issue an order under any other applicable chapter of the 50862
Revised Code. 50863

The rules adopted under this division shall specify both of 50864
the following: 50865

(1) With respect to a facility that permanently ceases 50866
acceptance of construction and demolition debris in calendar year 50867
2006, the post-closure care and post-closure care financial 50868
assurance requirements do not apply, provided that the owner or 50869
operator of the facility gives written notice of the date of the 50870
cessation to the applicable board of health or the director, the 50871
owner or operator of the facility does not submit a subsequent 50872
application for a license renewal for the facility after that 50873
cessation, and no order was issued by the applicable board of 50874
health, the director, or a court of competent jurisdiction 50875
governing the post-closure care of and post-closure financial 50876
assurance for that facility prior to the date specified in the 50877
written notice. 50878

(2) With respect to a facility that permanently ceases 50879
acceptance of construction and demolition debris in calendar year 50880

2007, the required period of time for post-closure care and 50881
post-closure care financial assurance shall be one year after the 50882
closure of the facility, provided that the owner or operator of 50883
the facility gives written notice of the date of the cessation to 50884
the applicable board of health or the director, the owner or 50885
operator does not submit a subsequent application for a license 50886
renewal for the facility after that cessation, and no order was 50887
issued by the applicable board of health, the director, or a court 50888
of competent jurisdiction governing the post-closure care of and 50889
post-closure financial assurance for that facility prior to the 50890
date specified in the written notice. 50891

(L) Standards and procedures governing the modification of 50892
operation licenses issued under section 3714.06 of the Revised 50893
Code; 50894

(M) Procedures and requirements governing the certification 50895
of construction and demolition debris by transfer facilities as 50896
required under section 3714.082 of the Revised Code; 50897

(N) Requirements governing the provision of notification 50898
under section 3714.083 of the Revised Code by owners and operators 50899
of construction and demolition debris facilities of rejected loads 50900
and by transporters and shippers of the final disposition of 50901
rejected loads; 50902

(O) Requirements governing the certification and training of 50903
operators of construction and demolition debris facilities as 50904
required under section 3714.062 of the Revised Code; 50905

(P) Definitions of "owner" and "operator" for purposes of 50906
this chapter. 50907

The rules adopted under this section shall not prohibit the 50908
open burning of construction debris on a construction site in 50909
compliance with division (C)(1) of section 3704.11 of the Revised 50910
Code. 50911

Rules adopted under divisions (E) and (F) of this section 50912
apply to all new construction and demolition debris facilities for 50913
which a permit to install is required under section 3714.051 of 50914
the Revised Code on and after ~~the effective date of this amendment~~ 50915
December 22, 2005. With respect to a facility that is licensed 50916
under section 3714.06 of the Revised Code and operating on ~~the~~ 50917
~~effective date of this amendment~~ December 22, 2005: if the 50918
facility does not have a ground water monitoring or leachate 50919
monitoring system, the facility is not required to comply with 50920
rules adopted under division (E) or (F) of this section; if the 50921
facility has a ground water monitoring system, but not a leachate 50922
monitoring system, the facility shall comply only with rules 50923
adopted under divisions (E) and (F)(3) of this section; and if the 50924
facility has a leachate monitoring system, but not a ground water 50925
monitoring system, the facility shall comply only with rules 50926
adopted under division (F) of this section. 50927

Sec. 3714.07. (A)(1) For the purpose of assisting boards of 50928
health and the environmental protection agency in administering 50929
and enforcing this chapter and rules adopted under it, there is 50930
hereby levied on the disposal of construction and demolition 50931
debris at a construction and demolition debris facility that is 50932
licensed under this chapter or at a solid waste facility that is 50933
licensed under Chapter 3734. of the Revised Code a fee of thirty 50934
cents per cubic yard or sixty cents per ton, as applicable. 50935

(2) The owner or operator of a construction and demolition 50936
debris facility or a solid waste facility shall determine if cubic 50937
yards or tons will be used as the unit of measurement. In 50938
estimating the fee based on cubic yards, the owner or operator 50939
shall utilize either the maximum cubic yard capacity of the 50940
container, or the hauling volume of the vehicle, that transports 50941
the construction and demolition debris to the facility or the 50942
cubic yards actually logged for disposal by the owner or operator 50943

in accordance with rules adopted under section 3714.02 of the Revised Code. If basing the fee on tonnage, the owner or operator shall use certified scales to determine the tonnage of construction and demolition debris that is transported to the facility for disposal.

(3) The owner or operator of a construction and demolition debris facility or a solid waste facility shall collect the fee levied under division (A) of this section as a trustee for the health district having jurisdiction over the facility, if that district is on the approved list under section 3714.09 of the Revised Code, or for the state. The owner or operator shall prepare and file with the appropriate board of health or the director of environmental protection monthly returns indicating the total volume or weight, as applicable, of construction and demolition debris received for disposal at the facility and the total amount of money required to be collected on the construction and demolition debris disposed of during that month. Not later than thirty days after the last day of the month to which the return applies, the owner or operator shall mail to the board of health or the director the return for that month together with the money required to be collected on the construction and demolition debris disposed of during that month or may submit the return and money electronically in a manner approved by the director. The owner or operator may request, in writing, an extension of not more than thirty days after the last day of the month to which the return applies. A request for extension may be denied. If the owner or operator submits the money late, the owner or operator shall pay a penalty of ten per cent of the amount of the money due for each month that it is late.

(4) Of the money that is collected from a construction and demolition debris facility or a solid waste facility on a per cubic yard or per ton basis under this section, a board of health

shall transmit three cents per cubic yard or six cents per ton, as 50976
applicable, to the director not later than forty-five days after 50977
the receipt of the money. The money retained by a board of health 50978
under this section shall be paid into a special fund, which is 50979
hereby created in each health district, and used solely to 50980
administer and enforce this chapter and rules adopted under it. 50981

The director shall transmit all money received from the 50982
boards of health of health districts under this section and all 50983
money from the disposal fee collected by the director under this 50984
section to the treasurer of state to be credited to the 50985
construction and demolition debris facility oversight fund, which 50986
is hereby created in the state treasury. The fund shall be 50987
administered by the director, and money credited to the fund shall 50988
be used exclusively for the administration and enforcement of this 50989
chapter and rules adopted under it. 50990

(B) The board of health of a health district or the director 50991
may enter into an agreement with the owner or operator of a 50992
construction and demolition debris facility or a solid waste 50993
facility for the quarterly payment of the money collected from the 50994
disposal fee. The board of health shall notify the director of any 50995
such agreement. Not later than forty-five days after receipt of 50996
the quarterly payment, the board of health shall transmit the 50997
amount established in division (A)(4) of this section to the 50998
director. The money retained by the board of health shall be 50999
deposited in the special fund of the district as required under 51000
that division. Upon receipt of the money from a board of health, 51001
the director shall transmit the money to the treasurer of state to 51002
be credited to the construction and demolition debris facility 51003
oversight fund. 51004

(C) If a construction and demolition debris facility or a 51005
solid waste facility is located within the territorial boundaries 51006
of a municipal corporation or the unincorporated area of a 51007

township, the municipal corporation or township may appropriate up 51008
to four cents per cubic yard or up to eight cents per ton of the 51009
disposal fee required to be paid by the facility under division 51010
(A) of this section for the same purposes that a municipal 51011
corporation or township may levy a fee under division (C) of 51012
section 3734.57 of the Revised Code. 51013

The legislative authority of the municipal corporation or 51014
township may appropriate the money from the fee by enacting an 51015
ordinance or adopting a resolution establishing the amount of the 51016
fee to be appropriated. Upon doing so, the legislative authority 51017
shall mail a certified copy of the ordinance or resolution to the 51018
board of health of the health district in which the construction 51019
and demolition debris facility or the solid waste facility is 51020
located or, if the facility is located in a health district that 51021
is not on the approved list under section 3714.09 of the Revised 51022
Code, to the director. Upon receipt of the copy of the ordinance 51023
or resolution and not later than forty-five days after receipt of 51024
money collected from the fee, the board or the director, as 51025
applicable, shall transmit to the treasurer or other appropriate 51026
officer of the municipal corporation or clerk of the township that 51027
portion of the money collected from the disposal fee by the owner 51028
or operator of the facility that is required by the ordinance or 51029
resolution to be paid to that municipal corporation or township. 51030

Money received by the treasurer or other appropriate officer 51031
of a municipal corporation under this division shall be paid into 51032
the general fund of the municipal corporation. Money received by 51033
the clerk of a township under this division shall be paid into the 51034
general fund of the township. The treasurer or other officer of 51035
the municipal corporation or the clerk of the township, as 51036
appropriate, shall maintain separate records of the money received 51037
under this division. 51038

The legislative authority of a municipal corporation or 51039

township may cease collecting money under this division by 51040
repealing the ordinance or resolution that was enacted or adopted 51041
under this division. 51042

The director shall adopt rules in accordance with Chapter 51043
119. of the Revised Code establishing requirements for prorating 51044
the amount of the fee that may be appropriated under this division 51045
by a municipal corporation or township in which only a portion of 51046
a construction and demolition debris facility is located within 51047
the territorial boundaries of the municipal corporation or 51048
township. 51049

(D) The board of county commissioners of a county in which a 51050
construction and demolition debris facility or a solid waste 51051
facility is located may appropriate up to three cents per cubic 51052
yard or up to six cents per ton of the disposal fee required to be 51053
paid by the facility under division (A) of this section for the 51054
same purposes that a solid waste management district may levy a 51055
fee under division (B) of section 3734.57 of the Revised Code. 51056

The board of county commissioners may appropriate the money 51057
from the fee by adopting a resolution establishing the amount of 51058
the fee to be appropriated. Upon doing so, the board of county 51059
commissioners shall mail a certified copy of the resolution to the 51060
board of health of the health district in which the construction 51061
and demolition debris facility or the solid waste facility is 51062
located or, if the facility is located in a health district that 51063
is not on the approved list under section 3714.09 of the Revised 51064
Code, to the director. Upon receipt of the copy of the resolution 51065
and not later than forty-five days after receipt of money 51066
collected from the fee, the board of health or the director, as 51067
applicable, shall transmit to the treasurer of the county that 51068
portion of the money collected from the disposal fee by the owner 51069
or operator of the facility that is required by the resolution to 51070
be paid to that county. 51071

Money received by a county treasurer under this division 51072
shall be paid into the general fund of the county. The county 51073
treasurer shall maintain separate records of the money received 51074
under this division. 51075

A board of county commissioners may cease collecting money 51076
under this division by repealing the resolution that was adopted 51077
under this division. 51078

(E)(1) This section does not apply to the disposal of 51079
construction and demolition debris at a solid waste facility that 51080
is licensed under Chapter 3734. of the Revised Code if there is no 51081
construction and demolition debris facility licensed under this 51082
chapter within thirty-five miles of the solid waste facility as 51083
determined by a facility's property boundaries. 51084

(2) This section does not apply to the disposal of 51085
construction and demolition debris at a solid waste facility that 51086
is licensed under Chapter 3734. of the Revised Code if the owner 51087
or operator of the facility chooses to collect fees on the 51088
disposal of the construction and demolition debris that are 51089
identical to the fees that are collected under Chapters 343. and 51090
3734. of the Revised Code on the disposal of solid wastes at that 51091
facility. 51092

(3) This section does not apply to the disposal of source 51093
separated materials that are exclusively composed of reinforced or 51094
nonreinforced concrete, asphalt, clay tile, building or paving 51095
brick, or building or paving stone at a construction and 51096
demolition debris facility that is licensed under this chapter 51097
when either of the following applies: 51098

(a) The materials are placed within the limits of 51099
construction and demolition debris placement at the facility as 51100
specified in the license issued to the facility under section 51101
3714.06 of the Revised Code, are not placed within the unloading 51102

zone of the facility, and are used as a fire prevention measure in 51103
accordance with rules adopted by the director under section 51104
3714.02 of the Revised Code. 51105

(b) The materials are not placed within the unloading zone of 51106
the facility or within the limits of construction and demolition 51107
debris placement at the facility as specified in the license 51108
issued to the facility under section 3714.06 of the Revised Code, 51109
but are used as fill material, either alone or in conjunction with 51110
clean soil, sand, gravel, or other clean aggregates, in legitimate 51111
fill operations for construction purposes at the facility or to 51112
bring the facility up to a consistent grade. 51113

(F) Notwithstanding any provision of law to the contrary, the 51114
fee levied under this section applies to the disposal of asbestos 51115
and asbestos-containing materials or products at a construction 51116
and demolition debris facility that is licensed under this 51117
chapter. 51118

Sec. 3714.073. (A) In addition to the fee levied under 51119
division (A)(1) of section 3714.07 of the Revised Code, beginning 51120
July 1, 2005, there is hereby levied on the disposal of 51121
construction and demolition debris at a construction and 51122
demolition debris facility that is licensed under this chapter or 51123
at a solid waste facility that is licensed under Chapter 3734. of 51124
the Revised Code the following fees: 51125

(1) A fee of twelve and one-half cents per cubic yard or 51126
twenty-five cents per ton, as applicable, the proceeds of which 51127
shall be deposited in the state treasury to the credit of the soil 51128
and water conservation district assistance fund created in section 51129
1515.14 of the Revised Code; 51130

(2) A fee of thirty-seven and one-half cents per cubic yard 51131
or seventy-five cents per ton, as applicable, the proceeds of 51132
which shall be deposited in the state treasury to the credit of 51133

the recycling and litter prevention fund created in section 51134
1502.02 of the Revised Code. 51135

(B) The owner or operator of a construction and demolition 51136
debris facility or a solid waste facility, as a trustee of the 51137
state, shall collect the fees levied under this section and remit 51138
the money from the fees in the manner that is established in 51139
divisions (A)(2) and (3) of section 3714.07 of the Revised Code 51140
for the fee that is levied under division (A)(1) of that section 51141
and may enter into an agreement for the quarterly payment of the 51142
fees in the manner established in division (B) of that section for 51143
the quarterly payment of the fee that is levied under division 51144
(A)(1) of that section. 51145

(C) The money that is collected from a construction and 51146
demolition debris facility or a solid waste facility and remitted 51147
to a board of health or the director of environmental protection, 51148
as applicable, pursuant to this section shall be transmitted by 51149
the board or director to the treasurer of state not later than 51150
forty-five days after the receipt of the money to be credited to 51151
the soil and water conservation district assistance fund or the 51152
recycling and litter prevention fund, as applicable. 51153

(D) This section does not apply to the disposal of 51154
construction and demolition debris at a solid waste facility that 51155
is licensed under Chapter 3734. of the Revised Code if the owner 51156
or operator of the facility chooses to collect fees on the 51157
disposal of the construction and demolition debris that are 51158
identical to the fees that are collected under Chapters 343. and 51159
3734. of the Revised Code on the disposal of solid wastes at that 51160
facility. 51161

(E) This section does not apply to the disposal of source 51162
separated materials that are exclusively composed of reinforced or 51163
nonreinforced concrete, asphalt, clay tile, building or paving 51164
brick, or building or paving stone at a construction and 51165

demolition debris facility that is licensed under this chapter 51166
when either of the following applies: 51167

(1) The materials are placed within the limits of 51168
construction and demolition debris placement at the facility as 51169
specified in the license issued to the facility under section 51170
3714.06 of the Revised Code, are not placed within the unloading 51171
zone of the facility, and are used as a fire prevention measure in 51172
accordance with rules adopted by the director under section 51173
3714.02 of the Revised Code. 51174

(2) The materials are not placed within the unloading zone of 51175
the facility or within the limits of construction and demolition 51176
debris placement at the facility as specified in the license 51177
issued to the facility under section 3714.06 of the Revised Code, 51178
but are used as fill material, either alone or in conjunction with 51179
clean soil, sand, gravel, or other clean aggregates, in legitimate 51180
fill operations for construction purposes at the facility or to 51181
bring the facility up to a consistent grade. 51182

(F) Notwithstanding any provision of law to the contrary, the 51183
fees levied under this section apply to the disposal of asbestos 51184
and asbestos-containing materials or products at a construction 51185
and demolition debris facility that is licensed under this 51186
chapter. 51187

Sec. 3714.074. The fees on the disposal of construction and 51188
demolition debris levied under sections 3714.07, 3714.071, and 51189
3714.073 of the Revised Code shall be paid by a customer to the 51190
owner or operator of a construction and demolition debris facility 51191
or solid waste facility, as applicable. The owner or operator is 51192
entitled to and may request a refund or credit of fees levied 51193
under those sections and remitted to a board of health or the 51194
director of environmental protection, as applicable, if a customer 51195
fails to pay the fees to the owner or operator. Further, the owner 51196

or operator shall not be responsible for any penalties regarding 51197
those fees. 51198

As used in this section, "customer" includes any person who 51199
contracts with or utilizes the services of a construction and 51200
demolition debris facility or solid waste facility for the 51201
disposal of construction and demolition debris. 51202

Sec. 3714.081. (A) A construction and demolition debris 51203
facility shall not accept pulverized debris. 51204

(B) The board of health of a health district in which a 51205
construction and demolition debris facility is located, the 51206
director of environmental protection, or an authorized 51207
representative of either may request the removal of pulverized 51208
debris that has been brought to the construction and demolition 51209
debris facility. A board, the director, or an authorized 51210
representative of either shall make such a request when the 51211
pulverized debris is at the unloading zone of the facility 51212
designated under rules adopted under section 3714.02 of the 51213
Revised Code and not after the debris has been disposed of on the 51214
working face of the facility. Upon the receipt of such a request, 51215
the owner or operator of the facility shall comply with section 51216
3714.083 of the Revised Code and shall do one of the following: 51217

(1) Immediately cause the pulverized debris to be removed 51218
from the facility; 51219

(2) Store the pulverized debris at a location at the facility 51220
where construction and demolition debris is not disposed of for 51221
not more than ten days after the receipt of a request to remove 51222
the debris from the facility. Not later than the end of the 51223
ten-day period, the owner or operator shall cause the pulverized 51224
debris to be removed from the facility. 51225

(C) The existence of small particles and dust in a load of 51226

construction and demolition debris does not render the load 51227
unidentifiable as construction and demolition debris. 51228

(D) As used in this section, "working face" has the same 51229
meaning as in section 3714.021 of the Revised Code. 51230

Sec. 3714.083. (A) If the owner or operator of a construction 51231
and demolition debris facility rejects a load of debris ~~that has~~ 51232
~~been accepted at the unloading zone of the facility~~ because the 51233
load is not eligible for disposal at the facility under this 51234
chapter and rules adopted under it, including section 3714.081 of 51235
the Revised Code, the owner or operator shall notify the director 51236
of environmental protection or a board of health, as applicable, 51237
of the rejection of the load. The notification shall be made in 51238
accordance with rules adopted under section 3714.02 of the Revised 51239
Code and shall include the date and time that the load was 51240
rejected, the license plate number of the vehicle transporting the 51241
rejected load as well as an indication of the state of origin of 51242
the vehicle, the name of the transporter or shipper of the load, 51243
if ascertainable, and the reason for rejecting the load. After 51244
rejecting a load, the owner or operator shall give the transporter 51245
or shipper of the load, as applicable, instructions regarding the 51246
requirements of division (B) of this section. The instructions 51247
shall be on a form prescribed by the director. 51248

For purposes of this section, acceptance of a load of 51250
construction and demolition debris is deemed to occur when the 51251
debris is placed on the working face of a construction and 51252
demolition debris facility for final disposal. Rejection of a load 51253
of construction and demolition debris before acceptance of the 51254
load of debris is not a violation of this chapter and rules 51255
adopted under it. 51256

(B) A transporter or shipper of a load that has been rejected 51257

under division (A) of this section shall notify the director or 51258
board, as applicable, of the ultimate disposition of the load 51259
after the load's rejection. The notification shall be made in 51260
accordance with rules adopted under section 3714.02 of the Revised 51261
Code and shall include the date and time that the load was 51262
ultimately disposed of after its rejection, the location of the 51263
disposal, and the name of the owner or operator of the facility 51264
that accepted the load for disposal. 51265

Sec. 3715.87. (A) As used in this section and in sections 51266
3715.871, 3715.872, and 3715.873 of the Revised Code: 51267

(1) "Controlled substance" has the same meaning as in section 51268
3719.01 of the Revised Code. 51269

(2) "Health care facility" has the same meaning as in section 51270
1337.11 of the Revised Code. 51271

~~(2)~~(3) "Hospital" has the same meaning as in section 3727.01 51272
of the Revised Code. 51273

~~(3)~~(4) "Nonprofit clinic" means a charitable nonprofit 51274
corporation organized and operated pursuant to Chapter 1702. of 51275
the Revised Code, or any charitable organization not organized and 51276
not operated for profit, that provides health care services to 51277
indigent and uninsured persons as defined in section 2305.234 of 51278
the Revised Code. "Nonprofit clinic" does not include a hospital 51279
as defined in section 3727.01 of the Revised Code, a facility 51280
licensed under Chapter 3721. of the Revised Code, or a facility 51281
that is operated for profit. 51282

~~(4)~~(5) "Prescription drug" means any drug to which the 51283
following applies: 51284

(a) Under the "Food, Drug, and Cosmetic Act," 52 Stat. 1040 51285
(1938), 21 U.S.C.A. 301, as amended, the drug is required to bear 51286
a label containing the legend, "Caution: Federal law prohibits 51287

dispensing without prescription" or "Caution: Federal law
restricts this drug to use by or on the order of a licensed
veterinarian" or any similar restrictive statement, or the drug
may be dispensed only upon a prescription.

(b) Under Chapter 3715. or 3719. of the Revised Code, the
drug may be dispensed only upon a prescription.

(B) The state board of pharmacy shall establish a drug
repository program to accept and dispense prescription drugs
donated or given for the purpose of being dispensed to individuals
who are residents of this state and meet eligibility standards
established in rules adopted by the board under section 3715.873
of the Revised Code. Only Except as provided in division (C) of
this section, all of the following conditions shall apply to the
program:

(1) Only drugs in their original sealed and tamper-evident
unit dose packaging may be accepted and dispensed. ~~The;~~

(2) The packaging must be unopened, except that drugs
packaged in single unit doses may be accepted and dispensed when
the outside packaging is opened if the single unit dose packaging
is undisturbed. ~~Drugs;~~

(3) Drugs donated by individuals bearing an expiration date
that is less than six months from the date the drug is donated
shall not be accepted or dispensed. ~~A;~~

(4) A drug shall not be accepted or dispensed if there is
reason to believe that it is adulterated as described in section
3715.63 of the Revised Code. ~~Subject~~

(C) Orally administered cancer drugs that are not controlled
substances and that do not require refrigeration, freezing, or
storage at a special temperature may be accepted and dispensed
even if not in original sealed and tamper-evident unit dose
packaging, subject to rules adopted by the board pursuant to

section 3715.873 of the Revised Code. 51319

(D) Subject to the limitations specified in ~~this division~~ 51320
divisions (B) and (C) of this section, unused drugs dispensed for 51321
purposes of the medicaid program may be accepted and dispensed 51322
under the drug repository program. 51323

Sec. 3715.871. (A) Any person, including a pharmacy, drug 51324
manufacturer, or health care facility, or any government entity 51325
may donate or give prescription drugs to the drug repository 51326
program. The drugs must be donated or given at a pharmacy, 51327
hospital, or nonprofit clinic that elects to participate in the 51328
drug repository program and meets criteria for participation in 51329
the program established in rules adopted by the state board of 51330
pharmacy under section 3715.873 of the Revised Code. Participation 51331
in the program by pharmacies, hospitals, and nonprofit clinics is 51332
voluntary. Nothing in this or any other section of the Revised 51333
Code requires a pharmacy, hospital, or nonprofit clinic to 51334
participate in the program. 51335

(B) A pharmacy, hospital, or nonprofit clinic eligible to 51336
participate in the program shall dispense drugs donated or given 51337
under this section to individuals who are residents of this state 51338
and meet the eligibility standards established in rules adopted by 51339
the board under section 3715.873 of the Revised Code or to other 51340
government entities and nonprofit private entities to be dispensed 51341
to individuals who meet the eligibility standards. A drug may be 51342
dispensed only pursuant to a prescription issued by a licensed 51343
health professional authorized to prescribe drugs, as defined in 51344
section 4729.01 of the Revised Code. A pharmacy, hospital, or 51345
nonprofit clinic that accepts donated or given drugs shall comply 51346
with all applicable federal laws and laws of this state dealing 51347
with storage and distribution of dangerous drugs and shall, in 51348
accordance with rules adopted pursuant to section 3715.873 of the 51349

Revised Code, inspect all drugs prior to dispensing them to 51350
determine that they are not adulterated. The pharmacy, hospital, 51351
or nonprofit clinic may charge individuals receiving donated or 51352
given drugs a handling fee established in accordance with rules 51353
adopted by the board under section 3715.873 of the Revised Code. 51354
Drugs donated or given to the repository may not be resold. 51355

Sec. 3715.873. In consultation with the director of health, 51356
the state board of pharmacy shall adopt rules governing the drug 51357
repository program that establish all of the following: 51358

(A) Eligibility criteria for pharmacies, hospitals, and 51359
nonprofit clinics to receive and dispense drugs donated or given 51360
under the program; 51361

(B) Standards and procedures for accepting, safely storing, 51362
and dispensing drugs donated or given; 51363

(C) ~~Standards~~ With respect to drugs that are donated or 51364
given, other than orally administered cancer drugs described in 51365
division (C) of section 3715.87 of the Revised Code that are not 51366
in original sealed and tamper-evident unit dose packaging, 51367
standards and procedures for inspecting the drugs donated or given 51368
to determine that the original unit dose packaging is sealed and 51369
tamper-evident and that the drugs are unadulterated, safe, and 51370
suitable for dispensing; 51371

(D) With respect to orally administered cancer drugs 51372
described in division (C) of section 3715.87 of the Revised Code 51373
that are not in original sealed and tamper-evident unit dose 51374
packaging, standards and procedures to determine based on a basic 51375
visual inspection that the drugs appear to be unadulterated, safe, 51376
and suitable for dispensing; 51377

(E) Eligibility standards based on economic need for 51378
individuals to receive drugs; 51379

~~(E)~~(F) A means, such as an identification card, by which an individual who is eligible to receive drugs under the program may demonstrate eligibility to the pharmacy, hospital, or nonprofit clinic dispensing the drugs;

~~(F)~~(G) A form that an individual receiving a drug under the program must sign before receiving the drug to confirm that the individual understands the immunity provisions of the program;

~~(G)~~(H) A formula to determine the amount of a handling fee that pharmacies, hospitals, and nonprofit clinics may charge to drug recipients to cover restocking and dispensing costs;

~~(H)~~(I) In addition, for drugs donated or given to the program by individuals:

(1) A list of drugs, arranged either by category or by individual drug, that the program will accept from individuals; The list shall include orally administered cancer drugs that are described in division (C) of section 3715.87 of the Revised Code.

(2) A list of drugs, arranged either by category or by individual drug, that the program will not accept from individuals. The list shall not include orally administered cancer drugs that are described in division (C) of section 3715.87 of the Revised Code. The list must include a statement as to why the drug is ineligible to be donated or given.

(3) A form each donor must sign stating that the donor is the owner of the drugs and intends to voluntarily donate them to the program.

~~(I)~~(J) In addition, for drugs donated to the program by health care facilities:

(1) A list of drugs, arranged either by category or by individual drug, that the program will accept from health care facilities; The list shall include orally administered cancer

drugs that are described in division (C) of section 3715.87 of the 51410
Revised Code. 51411

(2) A list of drugs, arranged either by category or by 51412
individual drug, that the program will not accept from health care 51413
facilities. The list shall not include orally administered cancer 51414
drugs that are described in division (C) of section 3715.87 of the 51415
Revised Code. The list must include a statement as to why the drug 51416
is ineligible to be donated or given. 51417

~~(J)~~(K) Any other standards and procedures the board considers 51418
appropriate. 51419

The rules shall be adopted in accordance with Chapter 119. of 51420
the Revised Code. 51421

Sec. 3717.01. As used in this chapter: 51422

(A) "Ohio uniform food safety code" means the food safety and 51423
related standards adopted under section 3717.05 of the Revised 51424
Code. 51425

(B) "Food" means any raw, cooked, or processed edible 51426
substance used or intended for use in whole or in part for human 51427
consumption. "Food" includes ice, water or any other beverage, 51428
food ingredients, and chewing gum. 51429

(C) "Retail food establishment" means a premises or part of a 51430
premises where food is stored, processed, prepared, manufactured, 51431
or otherwise held or handled for retail sale. Except when 51432
expressly provided otherwise, "retail food establishment" includes 51433
a mobile retail food establishment, seasonal retail food 51434
establishment, and temporary retail food establishment. 51435

As used in this division: 51436

(1) "Retail" means the sale of food to a person who is the 51437
ultimate consumer. 51438

(2) "Prepared" means any action that affects a food, 51439
including receiving and maintaining it at the temperature at which 51440
it was received. 51441

(D) "Seasonal retail food establishment" means a retail food 51442
establishment, other than a mobile retail food establishment, that 51443
is operated for not more than six months in a licensing period. 51444

(E) "Temporary retail food establishment" means a retail food 51445
establishment that is operated at an event for not more than five 51446
consecutive days, except when operated for more than five 51447
consecutive days pursuant to division (E)(2) of section 3717.23 of 51448
the Revised Code. 51449

(F) "Food service operation" means a place, location, site, 51450
or separate area where food intended to be served in individual 51451
portions is prepared or served for a charge or required donation. 51452
As used in this division, "served" means a response made to an 51453
order for one or more individual portions of food in a form that 51454
is edible without washing, cooking, or additional preparation and 51455
"prepared" means any action that affects a food other than 51456
receiving or maintaining it at the temperature at which it was 51457
received. 51458

Except when expressly provided otherwise, "food service 51459
operation" includes a catering food service operation, food 51460
delivery sales operation, mobile food service operation, seasonal 51461
food service operation, temporary food service operation, and 51462
vending machine location. 51463

(G) "Catering food service operation" means a food service 51464
operation where food is prepared for serving at a function or 51465
event held at an off-premises site, for a charge determined on a 51466
per-function or per-event basis. 51467

(H) "Food delivery sales operation" means a food service 51468
operation from which individual portions of food are ordered by a 51469

customer, prepared at another food service operation or a retail food establishment, and delivered to the customer by a person other than an employee of the food service operation or retail food establishment that prepared the food.

(I) "Mobile food service operation" means a food service operation that is operated from a movable vehicle, portable structure, or watercraft and that routinely changes location, except that if the operation remains at any one location for more than forty consecutive days, the operation is no longer a mobile food service operation. "Mobile food service operation" includes a food service operation that does not remain at any one location for more than forty consecutive days and serves, in a manner consistent with division (F) of this section, only frozen desserts; beverages, nuts, popcorn, candy, or similar confections; bakery products identified in section 911.01 of the Revised Code; or any combination of those items.

(J) "Seasonal food service operation" means a food service operation, other than a mobile food service operation, that is operated for not more than six months in a licensing period.

(K) "Temporary food service operation" means a food service operation that is operated at an event for not more than five consecutive days, except when operated for more than five consecutive days pursuant to division (E)(2) of section 3717.43 of the Revised Code.

(L) "Vending machine location" means an area or room where one or more vending machines are installed and operated, except that if the machines within an area are separated by more than one hundred fifty feet, each area separated by that distance constitutes a separate vending machine location. As used in this division, "vending machine" means a self-service device that automatically dispenses on the insertion of currency, tokens, or similar means a predetermined unit serving of food, either in bulk

or in package, without having to be replenished after each use. 51502

(M) "Board of health" means a board of health of a city or 51503
general health district or the authority having the duties of a 51504
board of health under section 3709.05 of the Revised Code. 51505

(N) "Government entity" means this state, a political 51506
subdivision of this state, another state, or a political 51507
subdivision or other local government body of another state. 51508

(O) "Licensor" means ~~one~~ either of the following: 51509

(1) A board of health approved under section 3717.11 of the 51510
Revised Code; 51511

~~(2) The director of agriculture acting pursuant to section 51512
3717.11 of the Revised Code with respect to the licensing of 51513
retail food establishments; 51514~~

~~(3) The director of health acting pursuant to section 3717.11 51515
of the Revised Code with respect to the licensing of food service 51516
operations. 51517~~

(P) "Licensing period" means the first day of March to the 51518
last day of February of the next succeeding year. 51519

(Q) "Mobile retail food establishment" means a retail food 51520
establishment that is operated from a movable vehicle or other 51521
portable structure, and that routinely changes location, except 51522
that if the establishment operates from any one location for more 51523
than forty consecutive days, the establishment is no longer a 51524
mobile retail food establishment. 51525

(R) "Unprocessed," when used with respect to fruits and 51526
vegetables, means that the fruits and vegetables are not processed 51527
beyond merely rough trimming and rinsing. 51528

(S) "Cottage food production operation" has the same meaning 51529
as in division (A)(20) of section 3715.01 of the Revised Code. 51530

Sec. 3717.02. (A) There is hereby created the retail food 51531
safety advisory council. The council shall consist of the ~~director~~ 51532
~~of agriculture or a person the director designates to serve on the~~ 51533
~~director's behalf, the~~ director of health or a person the director 51534
designates to serve on the director's behalf, and twelve 51535
additional members appointed ~~jointly~~ by the ~~director of~~ 51536
~~agriculture and the~~ director of health, as follows: 51537

(1) Three persons representing the interests of retail food 51538
establishments; 51539

(2) Three persons representing the interests of food service 51540
operations; 51541

(3) Four persons representing boards of health or the health 51542
departments operated by boards of health; 51543

(4) One person representing the academic community who is 51544
knowledgeable in food science or food technology; 51545

(5) One person representing the general public who is not 51546
employed by this state or any of its political subdivisions and 51547
has no pecuniary interest in a retail food establishment or food 51548
service operation. 51549

(B) In making appointments to the council, the ~~director of~~ 51550
~~agriculture and~~ director of health shall ~~jointly~~ consult with 51551
statewide trade and professional organizations that represent the 51552
interests of retail food establishments and food service 51553
operations. The organizations may nominate persons to be 51554
considered for appointment as council members. 51555

(C) Of the initial appointments made to the council, five 51556
shall be for terms ending three years after appointment, four 51557
shall be for terms ending two years after appointment, and three 51558
shall be for terms ending one year after appointment. Thereafter, 51559
terms of office shall be three years. Each member shall hold 51560

office from the date of appointment until the end of the term for 51561
which the member was appointed. Members may be reappointed. 51562

Vacancies shall be filled in the manner provided for original 51563
appointments. A member appointed to fill a vacancy occurring 51564
before the expiration date of the term for which the member's 51565
predecessor was appointed shall hold office as a member for the 51566
remainder of that term. A member shall continue in office after 51567
the expiration date of the member's term until the member's 51568
successor takes office or until a period of sixty days has 51569
elapsed, whichever occurs first. 51570

(D) A member may be removed from office for failing to attend 51571
two consecutive council meetings without showing good cause for 51572
the absences. Removal from office requires ~~joint~~ action by the 51573
~~director of agriculture and~~ director of health. 51574

(E) The ~~director of agriculture or the person the director~~ 51575
~~designates to serve on the director's behalf, and the director of~~ 51576
health or the person the director designates to serve on the 51577
director's behalf, shall serve as the council's ~~co-chairpersons~~ 51578
chairperson without voting rights. A two-thirds majority vote of 51579
the council's voting members is necessary for the council to act 51580
on any matter. 51581

(F) Members shall be reimbursed for actual and necessary 51582
expenses incurred in performing duties as members. The expenses 51583
shall be ~~shared equally~~ paid by the ~~department of agriculture and~~ 51584
~~the department of health. Both departments~~ The department shall 51585
provide administrative support to the council. 51586

(G) The retail food safety advisory council is not subject to 51587
sections 101.82 to 101.87 of the Revised Code. 51588

Sec. 3717.03. (A) The retail food safety advisory council 51589
shall meet as necessary to fulfill its duties, which include all 51590

the following:	51591
(1) Making recommendations for the Ohio uniform food safety code;	51592 51593
(2) Examining specific food safety issues raised by the director of agriculture or director of health and making recommendations regarding those issues;	51594 51595 51596
(3) Mediating unresolved issues among state agencies about the interpretation of rules adopted under this chapter and making recommendations regarding the issues;	51597 51598 51599
(4) (4) Reviewing all comments on and requests for interpretation of the Ohio uniform food safety code, as submitted by any holder of a license issued under this chapter or any other person or government entity;	51600 51601 51602 51603
(5) (4) Making recommendations to the director of agriculture and director of health for use in issuing joint letters of opinion pursuant to section 3717.041 of the Revised Code;	51604 51605 51606
(6) (5) Making recommendations to the director of agriculture and director of health with respect to improving the food safety awareness of consumers and their confidence in the state's food supply;	51607 51608 51609 51610
(7) (6) Making recommendations to the director of agriculture and director of health regarding the licensing categories and inspection frequencies to be used in regulating retail food establishments and food service operations;	51611 51612 51613 51614
(8) (7) Making recommendations to the director of health with respect to the program for certification of individuals in food protection and approval of courses in food protection.	51615 51616 51617
(B) The council shall hold a meeting at the request of the director of agriculture, at the request of the director of health, or on written request of three or more voting members of the	51618 51619 51620

council. 51621

(C) In fulfilling its duties under division (A)~~(4)~~(3) of this 51622
section, the council shall accept comments and requests regardless 51623
of whether they are made publicly or anonymously. For purposes of 51624
accepting comments and requests at times other than council 51625
meetings, the council shall maintain and publicize a mailing 51626
address. 51627

Sec. 3717.04. The ~~director of agriculture,~~ the public health 51628
council~~,~~ and the director of health have the exclusive power in 51629
this state to adopt rules regarding retail food establishments and 51630
food service operations. The rules adopted under this chapter 51631
shall be applied uniformly throughout this state. 51632

All rules adopted under this chapter shall be adopted in 51633
accordance with Chapter 119. of the Revised Code. Subject to the 51634
approval of the joint committee on agency rule review, portions of 51635
the rules may be adopted by referencing all or any part of any 51636
federal regulations pertaining to food safety. 51637

Sec. 3717.041. To assist in the uniform application of the 51638
rules adopted under this chapter, the ~~director of agriculture and~~ 51639
director of health shall ~~jointly~~ issue a letter of opinion when 51640
issuance of a letter of opinion is recommended by the retail food 51641
safety advisory council under section 3717.03 of the Revised Code. 51642
A letter of opinion shall be issued not later than sixty days 51643
after the date the recommendation is received from the council. 51644

Each letter of opinion shall provide a detailed 51645
interpretation of the rules that are the subject of the retail 51646
food safety advisory council's recommendation. Unless rules are 51647
adopted under this chapter that override the interpretation 51648
expressed in a letter of opinion, the interpretation shall be 51649
binding and applied uniformly throughout this state. 51650

Sec. 3717.05. (A) ~~The director of agriculture and the public health council shall adopt rules establishing standards for safe food handling and sanitation in retail food establishments and food service operations. The rules shall be compiled as the Ohio uniform food safety code, which shall be used by the licensors of retail food establishments and food service operations in ensuring the safe handling of food in this state. All scientific provisions of the Ohio uniform food safety code that are relevant to both retail food establishments and food service operations shall be adopted by the director of agriculture and the public health council with each other's concurrence.~~

The Ohio uniform food safety code shall include the following:

(1) Criteria for sanitation in retail food establishments and food service operations;

(2) Criteria for equipment in retail food establishments and food service operations;

(3) Criteria for reviewing the facility layout and equipment specifications of retail food establishments and food service operations;

(4) A definition of "potentially hazardous" as it pertains to food in retail food establishments and to food in food service operations;

(5) Criteria to be used in evaluating the primary business of a person or government entity for purposes of determining whether the person or entity should be licensed as a retail food establishment or food service operation.

(B)(1) Except as provided in division (B)(2) of this section, if a model food code is established by the United States food and drug administration, the Ohio uniform food safety code shall be

based on the most current version of the food and drug 51681
administration's model food code. If the food and drug 51682
administration adopts, modifies, or rescinds a provision in the 51683
model food code, not later than twelve months after the 51684
administration's action, the ~~director of agriculture and~~ public 51685
health council shall adopt, amend, or rescind provisions in the 51686
Ohio uniform food safety code to ensure that it continues to 51687
conform with the model food code. 51688

(2) The Ohio uniform food safety code may contain or omit 51689
provisions that do not correspond to the food and drug 51690
administration's model food code if ~~the director of agriculture or~~ 51691
~~the public health council, with each other's concurrence,~~ 51692
determines either of the following: 51693

(a) That rules can be adopted under this chapter that provide 51694
protection at least as effective as that which would be provided 51695
by basing the rules on the model food code; 51696

(b) That local conditions warrant the adoption of standards 51697
that are different from the model food code. 51698

Sec. 3717.06. ~~The director of agriculture shall create within~~ 51699
~~the department of agriculture a position to be filled by an~~ 51700
~~individual knowledgeable in food safety and the epidemiology of~~ 51701
~~foodborne illness.~~ The director of health shall create within the 51702
department of health a position to be filled by an individual 51703
knowledgeable in food safety, food safety rules concerning food 51704
service operations, and the epidemiology of foodborne illness. The 51705
~~individuals appointed to these positions shall serve as liaisons~~ 51706
~~between the departments. They~~ individual shall also serve as the 51707
~~departments' liaisons~~ department's liaison with other state 51708
agencies, boards of health, representatives of retail and other 51709
food establishments, representatives of food service operations, 51710
and the federal government. 51711

Sec. 3717.07. (A) For purposes of establishing a licensing fee under sections 3717.25 and 3717.45 of the Revised Code, ~~the director of agriculture and~~ the public health council shall adopt rules establishing uniform methodologies for use in calculating the costs of licensing retail food establishments in the categories specified by the ~~director~~ council and the costs of licensing food service operations in the categories specified by the council. In adopting the rules, ~~the director of agriculture and~~ the public health council shall consider any recommendations received from advisory boards or other entities representing the interests of retail food establishments and food service operations.

(B) The rules shall include provisions that do all of the following:

(1) Provide for calculations to be made according to fiscal years rather than licensing periods;

(2) Limit the direct costs that may be attributed to the use of sanitarians by establishing appropriate statewide averages that may not be exceeded;

(3) Limit the indirect costs that may be included in the calculation of fees to an amount that does not exceed thirty per cent of the cost of the licensing program;

(4) Provide for a proportionate reduction in the fees to be charged if a licensor included anticipated costs in the immediately preceding calculation of licensing fees and the total amount of the anticipated costs was not incurred;

(5) Provide for a proportionate reduction in the fees to be charged if it is discovered through an audit by the auditor of state or through any other means that the licensor has charged or is charging a licensing fee that exceeds the amount that should

have been charged; 51742

(6) Provide for a twenty per cent reduction in the fees to be 51743
charged when the reduction is imposed as a penalty under division 51744
(C) of section 3717.071 of the Revised Code; 51745

(7) With regard to any fees charged for licensing vending 51746
machine locations, ~~the rules shall~~ prohibit a licensor from 51747
increasing fees by a percentage of increase over the previous 51748
year's fee that exceeds the percentage of increase in the consumer 51749
price index for all urban consumers (United States city average, 51750
all items), prepared by the United States department of labor, 51751
bureau of labor statistics, for the immediately preceding calendar 51752
year. 51753

Sec. 3717.071. (A) ~~The director of agriculture and~~ director 51754
of health shall prescribe forms for use in calculating the 51755
licensing fees that may be charged under sections 3717.25 and 51756
3717.45 of the Revised Code. Each licensor that charges licensing 51757
fees shall use the forms in calculating its costs according to the 51758
uniform methodologies established in rules adopted under section 51759
3717.07 of the Revised Code. 51760

(B)(1) If the licensor is a board of health, the board shall 51761
submit the form to ~~the director of agriculture in the case of fees~~ 51762
~~being charged for retail food establishment licenses, and to the~~ 51763
director of health ~~in the case of fees being charged for food~~ 51764
~~service operation licenses.~~ The board shall submit the form to the 51765
~~appropriate~~ director not later than the first day of the fiscal 51766
year in which the fees will apply. A form that is mailed to the 51767
director shall be considered to have been submitted on its 51768
postmark date. 51769

(2) On receipt of a form from a board of health, the ~~director~~ 51770
~~of agriculture or~~ director of health shall review the form to 51771
determine if the board has calculated its fees in accordance with 51772

the uniform methodologies. The director may request that the auditor of state conduct an audit of the board to determine if the fees it established are appropriate. The audit is in addition to the annual or biennial audit conducted pursuant to division (A) of section 117.11 of the Revised Code, and the cost of the audit is the responsibility of the board of health. If at any time the ~~director of agriculture or director of health~~ has reasonable cause to believe that a different audit of a board of health is in the public interest, the director may request that the auditor of state conduct the audit. If the audit is conducted, the cost of the audit is the responsibility of the board of health.

(C)(1) If a board of health fails to submit the forms as required under division (B)(1) of this section and the failure has occurred not more than twice in the immediately preceding five-year period, the board is subject to the following penalties:

(a) If the form is late by one but not more than five working days, a fine of fifty dollars for each working day the form is late;

(b) If the form is late by six working days but not more than ten working days, a fine of one hundred dollars for each working day the form is late;

(c) If the form is late by more than ten working days, the board shall reduce by twenty per cent the fees it charges under section 3717.25 or 3717.45 of the Revised Code during the next succeeding fiscal year.

(2) If a board fails to submit the forms and the failure has occurred more than twice in the immediately preceding five-year period, the board shall reduce by twenty per cent the fees it charges under section 3717.25 or 3717.45 of the Revised Code during the next succeeding fiscal year.

(3) A board of health that is required to pay a fine or

reduce its licensing fees shall not include any part of the cost 51804
of the penalty in the fees it charges under section 3717.25 or 51805
3717.45 of the Revised Code or the fees it charges in operating 51806
any other licensing program. 51807

Sec. 3717.08. (A) The ~~director of agriculture and~~ director of 51808
health shall strive to increase consumer confidence in the state's 51809
food supply by promoting food safety awareness and education. The 51810
efforts of the ~~director of agriculture and~~ director ~~of health~~ 51811
shall be made, when appropriate and available, through 51812
partnerships with representatives of retail food establishments, 51813
representatives of food service operations, and representatives of 51814
the academic community, including the Ohio state university 51815
extension service. 51816

(B) As part of ~~their~~ the promotion of food safety awareness, 51817
~~the director of agriculture and~~ the director ~~of health~~ shall do 51818
both of the following: 51819

(1) Develop training programs regarding the Ohio uniform food 51820
safety code. The ~~directors~~ director may offer the training 51821
programs separately but shall coordinate the content of the 51822
programs to the greatest extent practicable. The training programs 51823
shall be made available to the ~~employees of the department of~~ 51824
~~agriculture,~~ employees of the department of health, 51825
representatives of boards of health and the health officials 51826
employed by the boards, representatives of retail food 51827
establishments, and representatives of food service operations. 51828

(2) Co-sponsor a biennial statewide food safety conference. 51829
Additional statewide food safety conferences may be held as 51830
considered appropriate by the ~~director of agriculture and~~ director 51831
~~of health.~~ 51832

Sec. 3717.11. (A) Each board of health shall be surveyed for 51833

the purpose of determining whether the board is qualified and has 51834
the capacity to administer and enforce this chapter and the rules 51835
adopted under it and to abide by the Ohio uniform food safety 51836
code. ~~If the board licenses or proposes to license retail food~~ 51837
~~establishments, the survey shall be conducted by the director of~~ 51838
~~agriculture. If the board licenses or proposes to license food~~ 51839
~~service operations, the~~ The survey shall be conducted by the 51840
director of health. 51841

Each board shall be surveyed by ~~each~~ the director at least 51842
once every three years. ~~Surveys~~ A survey shall be conducted in 51843
accordance with rules adopted under sections 3717.33 and 3717.52 51844
of the Revised Code, as applicable. The ~~directors~~ director shall 51845
schedule and conduct ~~their surveys~~ the survey in a manner that 51846
minimizes, to the extent practicable, intrusion on and 51847
inconvenience to the board. 51848

If a survey demonstrates that the board is qualified and has 51849
the requisite capacity, the director ~~conducting the survey~~ shall 51850
approve the board as the licenser of retail food establishments or 51851
food service operations, whichever is being considered, for the 51852
district the board serves. If a survey demonstrates that a board 51853
is not qualified or does not have the requisite capacity, the 51854
director ~~conducting the survey~~ shall not approve the board as a 51855
licenser, or shall revoke the director's approval, whichever is 51856
appropriate. The board may appeal the decision to deny or revoke 51857
approval to the director ~~taking the action~~. The appeal shall be 51858
conducted in accordance with rules adopted under section 3717.33 51859
or 3717.52 of the Revised Code, as applicable. 51860

If approval is denied or revoked, the director ~~taking the~~ 51861
~~action~~ shall designate an alternative licenser for the health 51862
district served by the board. The alternative licenser shall be a 51863
board of health that is qualified and has the requisite capacity 51864
to serve as alternative licenser, except that if a qualified and 51865

capable board is not available from a health district within 51866
reasonable proximity, the director ~~that denied or revoked the~~ 51867
~~board's approval~~ shall act as the alternative licensor. 51868

(B) When the approval of a board is revoked, all valid 51869
licenses issued by that board for retail food establishments or 51870
food service operations, whichever have been affected, shall be 51871
treated as though issued by the alternative licensor. The licenses 51872
shall remain valid until scheduled to expire unless earlier 51873
suspended or revoked by the alternative licensor. 51874

(C) All fees charged under section 3717.25 or 3717.45 of the 51875
Revised Code that have not been expended by a board that has had 51876
its approval revoked shall be transferred to the alternative 51877
licensor. A board of health acting as alternative licensor shall 51878
deposit the fees into a special fund it establishes for receipt of 51879
funds pertaining to the district for which it is acting as 51880
licensor. ~~If the director of agriculture is acting as licensor,~~ 51881
~~the director shall deposit the fees in the food safety fund~~ 51882
~~created in section 915.24 of the Revised Code.~~ If the director of 51883
health is acting as licensor, the director shall deposit the fees 51884
in the general operations fund created in section 3701.83 of the 51885
Revised Code. All subsequent fees charged in the district by the 51886
alternative licensor shall be deposited in the same manner. Moneys 51887
deposited under this division shall be used solely for the 51888
administration and enforcement of this chapter and the rules 51889
adopted under it in the district for which the alternative 51890
licensor is acting as licensor. 51891

(D)(1) A board that has had its approval to act as a licensor 51892
revoked may submit a request to the director ~~who revoked the~~ 51893
~~approval~~ to be reinstated as a licensor. The request shall be in 51894
writing and shall specify the corrective measures the board has 51895
taken and a proposed plan of action to remedy any remaining causes 51896
of the revocation. The director may reinstate the board as a 51897

licensor if all of the following occur: 51898

(a) The board pays or arranges to pay the alternative 51899
licensor or director, as applicable, for costs incurred in acting 51900
as licensor for the district and in transferring responsibility 51901
for the district to the board, if those costs exceed the moneys 51902
available under division (C) of this section for the district. 51903

(b) The board corrects all causes of the revocation. 51904

(c) The alternative licensor consents to the reinstatement. 51905

(2) The reinstatement of a board as a licensor shall be 51906
conducted in accordance with procedures established in rules 51907
adopted under this chapter by the director ~~who revoked the~~ 51908
~~approval.~~ 51909

Sec. 3717.111. (A) A board of health acting as a licensor of 51910
retail food establishments or food service operations may withdraw 51911
from serving as licensor of either or both. Before withdrawing as 51912
licensor, the board shall provide written notice of its intent to 51913
withdraw. ~~If the withdrawal applies to the licensing of retail~~ 51914
~~food establishments, the board shall provide the notice to the~~ 51915
~~director of agriculture. If the withdrawal applies to the~~ 51916
~~licensing of food service operations, the board shall provide the~~ 51917
~~notice to the director of health. On receipt of the notice, the~~ 51918
~~responsible~~ director shall designate an alternative licensor for 51919
the health district served by the board. The alternative licensor 51920
shall be a board of health that is qualified and has the requisite 51921
capacity to serve as alternative licensor, except that if a 51922
qualified and capable board is not available from a health 51923
district within reasonable proximity, the ~~director of agriculture~~ 51924
~~or director of health, as appropriate,~~ shall act as the 51925
alternative licensor. 51926

(B) When a board withdraws as licensor, all valid licenses 51927

issued by that board for retail food establishments or food 51928
service operations, whichever have been affected, shall be treated 51929
as though issued by the alternative licensor. The licenses shall 51930
remain valid until scheduled to expire unless earlier suspended or 51931
revoked by the alternative licensor. 51932

(C) All fees charged under section 3717.25 or 3717.45 of the 51933
Revised Code that have not been expended by a board that has 51934
withdrawn as licensor shall be transferred to the alternative 51935
licensor. A board of health acting as alternative licensor shall 51936
deposit the fees into a special fund it establishes for receipt of 51937
funds pertaining to the district for which it is acting as 51938
licensor. ~~If the director of agriculture is acting as licensor,~~ 51939
~~the director shall deposit the fees in the food safety fund~~ 51940
~~created in section 915.24 of the Revised Code.~~ If the director of 51941
~~health~~ is acting as licensor, the director shall deposit the fees 51942
in the general operations fund created in section 3701.83 of the 51943
Revised Code. All subsequent fees charged in the district by the 51944
alternative licensor shall be deposited in the same manner. Moneys 51945
deposited under this division shall be used solely for the 51946
administration and enforcement of this chapter and the rules 51947
adopted under it in the district for which the alternative 51948
licensor is acting as licensor. 51949

Sec. 3717.22. (A) The following are not retail food 51950
establishments: 51951

(1) A food service operation licensed under this chapter, 51952
including a food service operation that provides the services of a 51953
retail food establishment pursuant to an endorsement issued under 51954
section 3717.44 of the Revised Code; 51955

(2) An entity exempt under divisions (B)(1) to (9) or (11) to 51956
(13) of section 3717.42 of the Revised Code from the requirement 51957
to be licensed as a food service operation and an entity exempt 51958

under division (B)(10) of that section if the entity is regulated 51959
by the department of agriculture as a food processing 51960
establishment under section 3715.021 of the Revised Code; 51961

(3) A business or that portion of a business that is 51962
regulated by the federal government or the department of 51963
agriculture as a food manufacturing or food processing business, 51964
including a business or that portion of a business regulated by 51965
the department of agriculture under Chapter 911., 913., 915., 51966
917., 918., or 925. of the Revised Code. 51967

(B) All of the following are exempt from the requirement to 51968
be licensed as a retail food establishment: 51969

(1) An establishment with commercially prepackaged foods that 51970
are not potentially hazardous and contained in displays, the total 51971
space of which equals less than two hundred cubic feet; 51972

(2) A person at a farmers market that is registered with the 51973
director of ~~agriculture~~ health pursuant to section 3717.221 of the 51974
Revised Code that offers for sale only one or more of the 51975
following: 51976

(a) Fresh unprocessed fruits or vegetables; 51977

(b) Products of a cottage food production operation; 51978

(c) Maple syrup, sorghum, or honey that is produced by a 51979
maple syrup or sorghum producer or beekeeper described in division 51980
(A) of section 3715.021 of the Revised Code; 51981

(d) Commercially prepackaged food that is not potentially 51982
hazardous, on the condition that the food is contained in 51983
displays, the total space of which equals less than one hundred 51984
cubic feet on the premises where the person conducts business at 51985
the farmers market. 51986

(3) A person who offers for sale at a roadside stand only 51987
fresh fruits and fresh vegetables that are unprocessed; 51988

(4) A nonprofit organization exempt from federal income 51989
taxation under section 501(c)(3) of the "Internal Revenue Code of 51990
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, that raises 51991
funds by selling foods that are not potentially hazardous for not 51992
more than seven consecutive days or more than fifty-two separate 51993
days during a licensing period. This exemption extends to any 51994
individual or group raising all of its funds during the time 51995
periods specified in division (B)(4) of this section for the 51996
benefit of the nonprofit organization by selling foods under the 51997
same conditions. 51998

(5) An establishment that offers food contained in displays 51999
of less than five hundred square feet, and if required to be 52000
licensed would be classified as risk level one pursuant to rules 52001
establishing licensing categories for retail food establishments 52002
adopted under section 3717.33 of the Revised Code, on the 52003
condition that the establishment offers the food for sale at 52004
retail not more than six months in each calendar year; 52005

(6) A cottage food production operation, on the condition 52006
that the operation offers its products directly to the consumer 52007
from the site where the products are produced; 52008

(7) A maple syrup and sorghum processor and beekeeper 52009
described in division (A) of section 3715.021 of the Revised Code, 52010
on the condition that the processor or beekeeper offers only maple 52011
syrup, sorghum, or honey directly to the consumer from the site 52012
where those products are processed; 52013

(8) A person who annually maintains five hundred or fewer 52014
birds, on the condition that the person offers the eggs from those 52015
birds directly to the consumer from the location where the eggs 52016
are produced or at a farm product auction to which division 52017
(B)(11) of this section applies; 52018

(9) A person who annually raises and slaughters one thousand 52019

or fewer chickens, on the condition that the person offers dressed 52020
chickens directly to the consumer from the location where the 52021
chickens are raised and slaughtered or at a farm product auction 52022
to which division (B)(11) of this section applies; 52023

(10) A person who raises, slaughters, and processes the meat 52024
of nonamenable species described in divisions (A) and (B) of 52025
section 918.12 of the Revised Code, on the condition that the 52026
person offers the meat directly to the consumer from the location 52027
where the meat is processed or at a farm product auction to which 52028
division (B)(11) of this section applies; 52029

(11) A farm product auction, on the condition that it is 52030
registered with the director pursuant to section 3717.221 of the 52031
Revised Code that offers for sale at the farm product auction only 52032
one or more of the following: 52033

(a) The products described in divisions (B)(8) to (10) of 52034
this section that are produced, raised, slaughtered, or processed, 52035
as appropriate, by persons described in divisions (B)(8) to (10) 52036
of this section; 52037

(b) Fresh unprocessed fruits or vegetables; 52038

(c) Products of a cottage food production operation; 52039

(d) Maple syrup, sorghum, or honey that is produced by a 52040
maple syrup or sorghum producer or beekeeper described in division 52041
(A) of section 3715.021 of the Revised Code. 52042

(12) An establishment that, with respect to offering food for 52043
sale, offers only alcoholic beverages or prepackaged beverages 52044
that are not potentially hazardous; 52045

(13) An establishment that, with respect to offering food for 52046
sale, offers only alcoholic beverages, prepackaged beverages that 52047
are not potentially hazardous, or commercially prepackaged food 52048
that is not potentially hazardous, on the condition that the 52049

commercially prepackaged food is contained in displays, the total 52050
space of which equals less than two hundred cubic feet on the 52051
premises of the establishment; 52052

(14) An establishment that, with respect to offering food for 52053
sale, offers only fountain beverages that are not potentially 52054
hazardous; 52055

(15) A person who offers for sale only one or more of the 52056
following foods at a festival or celebration, on the condition 52057
that the festival or celebration is organized by a political 52058
subdivision of the state and lasts for a period not longer than 52059
seven consecutive days: 52060

(a) Fresh unprocessed fruits or vegetables; 52061

(b) Products of a cottage food production operation; 52062

(c) Maple syrup, sorghum, or honey if produced by a maple 52063
syrup or sorghum processor or beekeeper as described in division 52064
(A) of section 3715.021 of the Revised Code; 52065

(d) Commercially prepackaged food that is not potentially 52066
hazardous, on the condition that the food is contained in 52067
displays, the total space of which equals less than one hundred 52068
cubic feet; 52069

(e) Fruit butter produced at the festival or celebration and 52070
sold from the production site. 52071

(16) A farm market on the condition that it is registered 52072
with the director pursuant to section 3717.221 of the Revised Code 52073
that offers for sale at the farm market only one or more of the 52074
following: 52075

(a) Fresh unprocessed fruits or vegetables; 52076

(b) Products of a cottage food production operation; 52077

(c) Maple syrup, sorghum, or honey that is produced by a 52078
maple syrup or sorghum producer or beekeeper described in division 52079

(A) of section 3715.021 of the Revised Code;	52080
(d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farm market;	52081 52082 52083 52084 52085
(e) Cider and other juices manufactured on site at the farm market;	52086 52087
(f) The products or items described in divisions (B)(8) to (10) of this section, on the condition that those products or items were produced by the person offering to sell them, and further conditioned that, with respect to eggs offered, the person offering to sell them annually maintains five hundred or fewer birds, and with respect to dressed chickens offered, the person annually raises and slaughters one thousand or fewer chickens.	52088 52089 52090 52091 52092 52093 52094
Sec. 3717.221. (A) Any of the following may register with the director of agriculture <u>health</u> :	52095 52096
(1) A farm market, which is a location where a producer offers fruits, vegetables, and other items for sale;	52097 52098
(2) A farmers market, which is a location where producers congregate to offer fruits, vegetables, and other items for sale;	52099 52100
(3) A farm product auction, which is a location where agricultural products, including food products, are offered for sale at auction.	52101 52102 52103
(B) The director shall inspect each farm market, farmers market, and farm product auction that registers under this section. Inspections shall occur at a frequency considered appropriate by the director and shall be conducted in accordance with sanitation standards established in rules adopted under this section.	52104 52105 52106 52107 52108 52109

(C) The director shall adopt rules in accordance with Chapter 52110
119. of the Revised Code as necessary to administer this section. 52111

Sec. 3717.23. (A) Each person or government entity seeking a 52112
retail food establishment license or the renewal of a license 52113
shall apply to the appropriate licensor on a form provided by the 52114
licensor. A licensor shall use a form prescribed and furnished to 52115
the licensor by the director of ~~agriculture~~ health or a form 52116
prescribed by the licensor that has been approved by the director. 52117
The applicant shall include with the application all information 52118
necessary for the licensor to process the application, as 52119
requested by the licensor. 52120

An application for a retail food establishment license, other 52121
than an application for a mobile retail food establishment 52122
license, shall be submitted to the licensor for the health 52123
district in which the retail food establishment is located. An 52124
application for a mobile retail food establishment license shall 52125
be submitted to the licensor for the health district in which the 52126
applicant's business headquarters are located, or, if the 52127
headquarters are located outside this state, to the licensor for 52128
the district where the applicant will first operate in this state. 52129

(B) The licensor shall review all applications received. The 52130
licensor shall issue a license for a new retail food establishment 52131
when the applicant submits a complete application and the licensor 52132
determines that the applicant meets all other requirements of this 52133
chapter and the rules adopted under it for receiving the license. 52134
The licensor shall issue a renewed license on receipt of a 52135
complete renewal application. 52136

The licensor shall issue licenses for retail food 52137
establishments on forms prescribed and furnished by the director 52138
~~of agriculture~~. If the license is for a mobile retail food 52139
establishment, the licensor shall post the establishment's layout, 52140

equipment, and items to be sold on the back of the license. 52141

A mobile retail food establishment license issued by one 52142
licensor shall be recognized by all other licensors in this state. 52143

(C)(1) A retail food establishment license expires at the end 52144
of the licensing period for which the license is issued, except as 52145
follows: 52146

(a) A license issued to a new retail food establishment after 52147
the first day of December does not expire until the end of the 52148
licensing period next succeeding issuance of the license. 52149

(b) A temporary retail food establishment license expires at 52150
the end of the period for which it is issued. 52151

(2) All retail food establishment licenses remain valid until 52152
scheduled to expire unless earlier suspended or revoked under 52153
section 3717.29 or 3717.30 of the Revised Code. 52154

(D) A retail food establishment license may be renewed, 52155
except that a temporary retail food establishment license is not 52156
renewable. A person or government entity seeking license renewal 52157
shall submit an application for renewal to the licensor not later 52158
than the first day of March, except in the case of a mobile or 52159
seasonal retail food establishment, when the renewal application 52160
shall be submitted before commencing operation in a new licensing 52161
period. A licensor may renew a license prior to the first day of 52162
March or the first day of operation in a new licensing period, but 52163
not before the first day of February immediately preceding the 52164
licensing period for which the license is being renewed. 52165

If a person or government entity does not file a renewal 52166
application with the licensor postmarked on or before the first 52167
day of March or, in the case of a mobile or seasonal retail food 52168
establishment, the first day of operation in a new licensing 52169
period, the licensor shall assess a penalty. The amount of the 52170
penalty shall be the lesser of fifty dollars or twenty-five per 52171

cent of the fee charged for renewing the license, if the licensor 52172
charges renewal fees. If an applicant is subject to a penalty, the 52173
licensor shall not renew the license until the applicant pays the 52174
penalty. 52175

(E)(1) A licensor may issue not more than ten temporary 52176
retail food establishment licenses per licensing period to the 52177
same person or government entity to operate at different events 52178
within the licensor's jurisdiction. For each particular event, a 52179
licensor may issue only one temporary retail food establishment 52180
license to the same person or government entity. 52181

(2) A licensor may issue a temporary retail food 52182
establishment license to operate for more than five consecutive 52183
days if both of the following apply: 52184

(a) The establishment will be operated at an event organized 52185
by a county agricultural society or independent agricultural 52186
society organized under Chapter 1711. of the Revised Code. 52187

(b) The person who will receive the license is a resident of 52188
the county or one of the counties for which the agricultural 52189
society was organized. 52190

(3) A person may be granted only one temporary retail food 52191
establishment license per licensing period pursuant to division 52192
(E)(2) of this section. 52193

(F) The licensor may place restrictions or conditions on a 52194
retail food establishment license, based on the equipment or 52195
facilities of the establishment, limiting the types of food that 52196
may be stored, processed, prepared, manufactured, or otherwise 52197
held or handled for retail sale. Limitations pertaining to a 52198
mobile retail food establishment shall be posted on the back of 52199
the license. 52200

(G) The person or government entity holding a license for a 52201
retail food establishment shall display the license for that 52202

retail food establishment at all times at the licensed location. 52203

(H) With the assistance of the department of agriculture 52204
health, the licensor, to the extent practicable, shall computerize 52205
the process for licensing retail food establishments. 52206

Sec. 3717.25. (A) A licensor may charge fees for issuing and 52207
renewing retail food establishment licenses. Any licensing fee 52208
charged shall be used solely for the administration and 52209
enforcement of the provisions of this chapter and the rules 52210
adopted under it applicable to retail food establishments. 52211

Any licensing fee charged under this section shall be based 52212
on the licensor's costs of regulating retail food establishments, 52213
as determined according to the uniform methodologies established 52214
under section 3717.07 of the Revised Code. If the licensor is a 52215
board of health, a fee may be disapproved by the district advisory 52216
council in the case of a general health district or the 52217
legislative authority of the city in the case of a city health 52218
district. A disapproved fee shall not be charged by the board of 52219
health. 52220

At least thirty days prior to establishing a licensing fee, 52221
the licensor shall hold a public hearing regarding the proposed 52222
fee. At least thirty days prior to the public hearing, the 52223
licensor shall give written notice of the hearing to each person 52224
or government entity holding a retail food establishment license 52225
that may be affected by the proposed fee. The notice shall be 52226
mailed to the last known address of the licensee and shall specify 52227
the date, time, and place of the hearing and the amount of the 52228
proposed fee. On request, the licensor shall provide the completed 52229
uniform methodology used in the calculation of the licensor's 52230
costs and the proposed fee. 52231

(B) In addition to licensing fees, a licensor may charge fees 52232
for any of the following: 52233

(1) Review of facility layout and equipment specifications	52234
pertaining to retail food establishments, other than mobile and	52235
temporary retail food establishments;	52236
(2) Any necessary collection and bacteriological examination	52237
of samples from retail food establishments or similar services	52238
specified in rules adopted under this chapter by the director of	52239
agriculture <u>health</u> ;	52240
(3) Attendance at a course of study offered by the licensor	52241
in food protection as it pertains to retail food establishments,	52242
if the course is approved under section 3717.09 of the Revised	52243
Code.	52244
(C) The director may determine by rule an amount to be	52245
collected from applicants for retail food establishment licenses	52246
for use by the director in administering and enforcing the	52247
provisions of this chapter and the rules adopted under it	52248
applicable to retail food establishments. Licensors shall collect	52249
the amount prior to issuing an applicant's new or renewed license.	52250
If a licensing fee is charged under this section, the licensor	52251
shall collect the amount at the same time the fee is collected.	52252
Licensors are not required to provide notice or hold public	52253
hearings regarding amounts collected under this division.	52254
Not later than sixty days after the last day of the month in	52255
which a license is issued, the licensor shall certify the amount	52256
collected under this division and transmit the amount to the	52257
treasurer of state. All amounts received shall be deposited into <u>a</u>	52258
<u>distinct account of the food safety general operations</u> fund	52259
created in section 915.24 <u>3701.83</u> of the Revised Code. The	52260
director shall use the amounts solely for the <u>those</u> administration	52261
and enforcement of the provisions of this chapter and the rules	52262
adopted under it applicable to retail food establishments.	52263
When adopting rules regarding the amounts collected under	52264

this division, the director shall make available during the rule 52265
making process the current and projected expenses of administering 52266
and enforcing the provisions of this chapter and the rules adopted 52267
under it applicable to retail food establishments and the total of 52268
all amounts that have been deposited in the ~~food safety~~ general 52269
operations fund pursuant to this division. 52270

Sec. 3717.27. (A) All inspections of retail food 52271
establishments conducted by a licensor under this chapter shall be 52272
conducted according to the procedures and schedule of frequency 52273
specified in rules adopted under section 3717.33 of the Revised 52274
Code. An inspection may be ~~performed~~ performed only by an 52275
individual registered as a sanitarian or sanitarian-in-training 52276
under Chapter 4736. of the Revised Code. Each inspection shall be 52277
recorded on a form prescribed and furnished by the director of 52278
~~agriculture~~ health or a form approved by the director that has 52279
been prescribed by a board of health acting as licensor. With the 52280
assistance of the director, a board acting as licensor, to the 52281
extent practicable, shall computerize the inspection process and 52282
standardize the manner in which its inspections are conducted. 52283

(B) A person or government entity holding a retail food 52284
establishment license shall permit the licensor to inspect the 52285
retail food establishment for purposes of determining compliance 52286
with this chapter and the rules adopted under it or investigating 52287
a complaint concerning the establishment. On request of the 52288
licensor, the license holder shall permit the licensor to examine 52289
the records of the retail food establishment to obtain information 52290
about the purchase, receipt, or use of food, supplies, and 52291
equipment. 52292

A licensor may inspect any mobile retail food establishment 52293
being operated within the licensor's district. If an inspection of 52294
a mobile retail food establishment is conducted by a licensor 52295

other than the licensor that issued the license for the 52296
establishment, a report of the inspection shall be sent to the 52297
issuing licensor. The issuing licensor may use the inspection 52298
report to suspend or revoke the license under section 3717.29 or 52299
3717.30 of the Revised Code. 52300

(C) An inspection may include the following: 52301

(1) An investigation to determine the identity and source of 52302
a particular food; 52303

(2) Removal from use of any equipment, utensils, hand tools, 52304
or parts of facilities found to be maintained in a condition that 52305
presents a clear and present danger to the public health. 52306

Sec. 3717.28. Trade secrets and other forms of information 52307
that under this chapter are required to be furnished to or are 52308
procured by a licensor of retail food establishments shall be for 52309
the exclusive use and information of the licensor in the discharge 52310
of the licensor's official duties. The information shall not be 52311
open to the public or used in any action or proceeding in any 52312
court. If the licensor is a board of health, the board may share 52313
the information with the ~~director of agriculture and director of~~ 52314
~~health if the licensor is the director of agriculture, the~~ 52315
~~director may share the information with the~~ director of health. 52316

The licensor shall maintain the confidentiality of the 52317
information, except that the information may be consolidated in 52318
statistical tables and published by the licensor in statistical 52319
form for the use and information of state and local agencies and 52320
the public, if the statistics do not disclose details about a 52321
particular person or government entity that provided information 52322
to the licensor. An individual employed by the licensor or 52323
assisting the licensor in the administration of the retail food 52324
establishment licensing requirements of this chapter shall not 52325
willfully divulge any information that is confidential under this 52326

section to any person or government entity other than the licensor 52327
or the individual's superior. 52328

Sec. 3717.29. (A) This section applies when the licensor of 52329
retail food establishments is a board of health. 52330

(B) A board of health may suspend or revoke a retail food 52331
establishment license on determining that the license holder is in 52332
violation of any requirement of this chapter or the rules adopted 52333
under it applicable to retail food establishments, including a 52334
violation evidenced by documented failure to maintain sanitary 52335
conditions within the establishment. 52336

(C)(1) Except in the case of a violation that presents a 52337
clear and present danger to the public health, before initiating 52338
action to suspend or revoke a retail food establishment license, 52339
the board shall give the license holder written notice specifying 52340
each violation and a reasonable time within which the license 52341
holder must correct each violation to avoid suspension or 52342
revocation of the license. The board may extend the time specified 52343
in the notice for correcting a violation if the license holder is 52344
making a good faith effort to correct it. 52345

If the license holder fails to correct the violation in the 52346
time granted by the board, the board may initiate action to 52347
suspend or revoke the retail food establishment license by giving 52348
the license holder written notice of the proposed suspension or 52349
revocation. The board shall include in the notice a description of 52350
the procedure for appealing the proposed suspension or revocation. 52351
The license holder may appeal the proposed suspension or 52352
revocation by giving written notice to the board. The license 52353
holder shall specify in the notice whether a hearing is requested. 52354
The appeal shall be conducted in accordance with division (C)(3) 52355
of this section. 52356

A health commissioner or other person employed by the board, 52357

if the health commissioner or person is authorized by the board to 52358
take the action, may take any action that the board may take under 52359
division (C)(1) of this section. 52360

(2) If a board initiates actions to revoke or, except in the 52361
case of a violation that presents a clear and present danger to 52362
the public health, to suspend a retail food establishment license, 52363
the board shall determine whether to revoke or suspend the license 52364
by a majority vote of the board members who are present at a 52365
meeting at which there is a quorum. 52366

If the board decides to revoke or suspend the license, the 52367
board shall issue a formal written order revoking or suspending 52368
the license. 52369

(3) An appeal made under division (C)(1) of this section 52370
shall be conducted in accordance with procedures established in 52371
rules adopted by the director of ~~agriculture~~ health under section 52372
3717.33 of the Revised Code. If a license holder requests a 52373
hearing, the board shall hold the hearing before issuing an order 52374
under division (C)(2) of this section but may hold the hearing at 52375
the same meeting at which issuance of the order is considered. 52376

(D)(1) On determining that a license holder is in violation 52377
of any requirement of this chapter or the rules adopted under it 52378
applicable to retail food establishments and that the violation 52379
presents a clear and present danger to the public health, the 52380
board may suspend the retail food establishment license without 52381
giving written notice or affording the license holder the 52382
opportunity to correct the violation. If the license holder is 52383
operating a mobile retail food establishment, either the licensor 52384
that issued the license or the licensor for the health district in 52385
which the establishment is being operated may suspend the license. 52386

A suspension under division (D)(1) of this section takes 52387
effect immediately and remains in effect until the board rescinds 52388

the suspension. When a mobile retail food establishment license is 52389
suspended under this division, the licensor that suspended the 52390
license shall hold the license until the suspension is lifted and 52391
the licensor receives from the license holder written notice of 52392
the next location at which the license holder proposes to operate 52393
the retail food establishment. 52394

After suspending a license under division (D)(1) of this 52395
section, the licensor shall give the license holder written notice 52396
of the procedure for appealing the suspension. The license holder 52397
may appeal the suspension by giving written notice to the board 52398
and specifying in the notice whether a hearing is requested. The 52399
appeal shall be conducted in accordance with division (D)(2) of 52400
this section. 52401

A health commissioner, if authorized by the board to take the 52402
action, may take any action that may be taken by the board under 52403
division (D)(1) of this section. A health commissioner who 52404
suspends a license under this authority, on determining that there 52405
is no longer a clear and present danger to the public health, may 52406
rescind the suspension without consulting the board. 52407

(2) If the license holder appeals a suspension under division 52408
(D)(1) of this section, the board shall determine whether the 52409
clear and present danger to the public health continues to exist 52410
by majority vote of the board members who are present at a meeting 52411
at which there is a quorum. 52412

If the board determines that there is no longer a clear and 52413
present danger to the public health, the board shall rescind the 52414
suspension. If the board determines that the clear and present 52415
danger continues to exist, the board shall issue an order 52416
continuing the suspension. 52417

(3) An appeal requested under division (D)(1) of this section 52418
shall be conducted in accordance with procedures established in 52419

rules adopted by the director of ~~agriculture~~ under section 3717.33 52420
of the Revised Code. If the license holder requests a hearing, the 52421
board shall hold the hearing not later than two business days 52422
after the board receives the request. The board shall hold the 52423
hearing before issuing an order under division (D)(2) of this 52424
section but may conduct the hearing at the same meeting at which 52425
issuance of the order is considered. In the case of a suspension 52426
of a mobile retail food establishment, the appeal shall be made to 52427
the licensor that suspended the license. 52428

(E) A license holder may appeal an order issued under 52429
division (C) or (D) of this section to the common pleas court of 52430
the county in which the licensor is located. 52431

Sec. 3717.30. (A) This section applies when the licensor of 52432
retail food establishments is the director of ~~agriculture~~ health. 52433

(B) The director of ~~agriculture~~ health may suspend or revoke 52434
a retail food establishment license on determining that a license 52435
holder is in violation of the provisions of this chapter or the 52436
rules adopted under it pertaining to retail food establishments, 52437
including a violation evidenced by documented failure to maintain 52438
sanitary conditions within the establishment. Except as provided 52439
in division (C)(9) of this section, the suspension or revocation 52440
of a license is not effective until the license holder is given 52441
written notice of the violation, a reasonable amount of time to 52442
correct the violation, and an opportunity for a hearing. 52443

(C) All actions and proceedings undertaken pursuant to this 52444
section shall comply with Chapter 119. of the Revised Code, except 52445
as follows: 52446

(1) The location of any adjudicatory hearing that the license 52447
holder requests shall be the director's offices in ~~Licking~~ 52448
Franklin county. 52449

(2) The director shall notify a license holder by certified mail or personal delivery that the license holder is conditionally entitled to a hearing. The director shall specify in the notice that, in order to obtain a hearing, the license holder must request the hearing not later than ten days after the date of receipt of the notice.

(3) If the license holder requests a hearing, the date set for the hearing shall be not later than ten days after the date on which the director receives the request, unless the director and the license holder agree otherwise.

(4) The director shall not postpone or continue an adjudication hearing without the consent of the license holder. If the license holder requests a postponement or continuation of an adjudication hearing, the director shall not grant it unless the license holder demonstrates that an extreme hardship will be incurred in holding the adjudication hearing on that hearing date. If the director grants a postponement or continuation on the grounds of extreme hardship, the record shall document the nature and cause of the extreme hardship.

(5) In lieu of having a hearing and upon the license holder's written request to the director, the license holder may submit to the director, not later than the date of the hearing set pursuant to division (C)(3) of this section, documents, papers, and other written evidence to support the license holder's claim.

(6) If the director appoints a referee or examiner to conduct the hearing, the following apply:

(a) A copy of the written adjudication report and recommendations of the referee or examiner shall be served by certified mail upon the director and the license holder not later than three business days following the conclusion of the hearing.

(b) Not later than three business days after receipt of the

report and recommendations, the license holder may file with the 52481
director written objections to the report and recommendations. 52482

(c) The director shall consider the objections submitted by 52483
the license holder before approving, modifying, or disapproving 52484
the report and recommendations. The director shall serve the 52485
director's order upon the license holder by certified mail not 52486
later than six business days after receiving the report and 52487
recommendations. 52488

(7) If the director conducts the hearing, the director shall 52489
serve the director's decision by certified mail upon the license 52490
holder not later than three business days following the close of 52491
the hearing. 52492

(8) If no hearing is held, the director shall issue an order 52493
by certified mail to the license holder not later than three 52494
business days following the last date possible for a hearing, 52495
based on the record that is available. 52496

(9) If the director determines that an emergency exists that 52497
presents a clear and present danger to the public health, the 52498
director may suspend a license, effective without a hearing. 52499
Thereafter, without delay, the director shall afford the license 52500
holder an opportunity for hearing. On determining that there is no 52501
longer a clear and present danger to the public health, the 52502
director may rescind the suspension without a hearing. 52503

Sec. 3717.31. (A) This section applies when the licensor of 52504
retail food establishments is a board of health. 52505

As used in this section, "prosecutor" has the same meaning as 52506
in section 2935.01 of the Revised Code. 52507

(B) At the request of the board of health, the prosecutor 52508
with jurisdiction in the area where a person allegedly has 52509
violated section 3717.21 of the Revised Code shall commence a 52510

criminal prosecution against the person. 52511

At the request of a board of health, the director of 52512
~~agriculture~~ health shall provide enforcement support to assist in 52513
the prosecution of a person who is not in compliance with the 52514
provisions of this chapter and the rules adopted under it 52515
applicable to retail food establishments. Requests shall be made 52516
and assistance shall be provided in accordance with rules adopted 52517
by the director of ~~agriculture~~ under section 3717.33 of the 52518
Revised Code. 52519

(C) At the request of the board of health, the prosecutor 52520
with jurisdiction in the area where a person or government entity 52521
allegedly has failed to comply with a requirement of this chapter 52522
or the rules adopted under it applicable to retail food 52523
establishments shall commence in common pleas court an action 52524
requesting the issuance of a temporary restraining order or a 52525
preliminary or permanent injunction or a mandamus action regarding 52526
the act of noncompliance. The court may grant the appropriate 52527
relief if it is shown that the respondent failed to comply with 52528
the requirement. 52529

Notwithstanding the penalties established in section 2705.05 52530
of the Revised Code, a person or government entity found to be in 52531
contempt of court for failing to comply with a restraining order, 52532
injunction, or writ of mandamus issued pursuant to this division 52533
shall be fined not more than one thousand dollars for each 52534
offense. Each day the noncompliance continues is a separate 52535
offense. 52536

(D) Fifty per cent of all fines collected under this section 52537
shall be deposited in an appropriate fund created for the board's 52538
use in administering the provisions of this chapter and the rules 52539
adopted under it applicable to retail food establishments. The 52540
remaining fifty per cent shall be credited to the general fund of 52541
the political subdivision in which the case is prosecuted. 52542

(E) The remedies available under this section are in addition 52543
to any other remedies available under the law. 52544

Sec. 3717.32. (A) This section applies when the licensor of 52545
retail food establishments is the director of ~~agriculture~~ health. 52546

(B) In addition to other remedies provided by law and 52547
irrespective of whether an adequate remedy at law exists, the 52548
director of ~~agriculture~~ health may apply to the court of common 52549
pleas for a temporary or permanent injunction or other appropriate 52550
relief concerning the violation of a provision of this chapter or 52551
the rules adopted under it pertaining to retail food 52552
establishments. Application shall be made to the court in the 52553
county in which the violation occurs. 52554

Notwithstanding the penalties established in section 2705.05 52555
of the Revised Code, a person or government entity found to be in 52556
contempt of court for failing to comply with an injunction or 52557
other relief issued pursuant to this division shall be fined not 52558
more than one thousand dollars. Each day the noncompliance 52559
continues is a separate offense. 52560

(C) Fifty per cent of all fines collected under this section 52561
shall be deposited into the state treasury to the credit of a 52562
distinct account in the ~~food safety~~ general operations fund 52563
created in section ~~915.24~~ 3701.83 of the Revised Code to be used 52564
for the administration and enforcement of sections 3717.21 to 52565
3717.33 of the Revised Code. The remaining fifty per cent shall be 52566
credited to the general fund of the political subdivision in which 52567
the case is prosecuted. 52568

Sec. 3717.33. Pursuant to section 3717.04 of the Revised 52569
Code, the director of ~~agriculture~~ health shall adopt rules 52570
regarding the following: 52571

(A) Licensing categories for retail food establishments and 52572

licensing requirements for each category, including appropriate	52573
practices for the activities performed by a retail food	52574
establishment;	52575
(B) Standards for collection of food samples from retail food	52576
establishments for purposes of identifying adulteration and	52577
misbranding;	52578
(C) Records to be generated and maintained by licensed retail	52579
food establishments;	52580
(D) Appeals of proposed suspensions and revocations of retail	52581
food establishment licenses and appeals of suspensions of licenses	52582
issued for violations presenting a clear and present danger to the	52583
public health;	52584
(E) Standards and procedures, including a schedule of	52585
frequency, for conducting inspections of retail food	52586
establishments;	52587
(F) Standards and procedures for determining during an	52588
inspection whether articles should be removed from use because of	52589
a clear and present danger to the public health;	52590
(G) Standards and procedures for conducting investigations of	52591
complaints pertaining to retail food establishments;	52592
(H) Surveys conducted by the director to determine whether	52593
boards of health are qualified and have the capacity to administer	52594
and enforce the provisions of this chapter and the rules adopted	52595
under it applicable to retail food establishments and to abide by	52596
the Ohio uniform food safety code;	52597
(I) Reinstatement of a board of health as a licensor after	52598
the director has revoked the approval of the board;	52599
(J) Procedures for resolving disputes between licensors and	52600
the holders of licenses for retail food establishments;	52601
(K) Procedures for providing enforcement support to a board	52602

of health requesting assistance in the prosecution of a person for 52603
a violation of the provisions of this chapter applicable to retail 52604
food establishments; 52605

(L) Any other matter the director considers relevant to the 52606
administration and enforcement of the provisions of this chapter 52607
applicable to retail food establishments. 52608

Sec. 3717.48. Trade secrets and other forms of information 52609
that, under this chapter, are required to be furnished to or are 52610
procured by a licensor of food service operations shall be for the 52611
exclusive use and information of the licensor in the discharge of 52612
the licensor's official duties. The information shall not be open 52613
to the public or used in any action or proceeding in any court. If 52614
the licensor is a board of health, the board may share the 52615
information with the director of health ~~and director of~~ 52616
~~agriculture. If the licensor is the director of health, the~~ 52617
~~director may share the information with the director of~~ 52618
~~agriculture.~~ 52619

The licensor shall maintain the confidentiality of the 52620
information, except that the information may be consolidated in 52621
statistical tables and published by the licensor in statistical 52622
form for the use and information of state and local agencies and 52623
the public, if the statistics do not disclose details about a 52624
particular person or government entity that provided information 52625
to the licensor. An individual employed by the licensor or 52626
assisting the licensor in the administration of the food service 52627
operation licensing requirements of this chapter shall not 52628
willfully divulge any information that is confidential under this 52629
section to any person or government entity other than the licensor 52630
or the individual's superior. 52631

Sec. 3718.03. (A) There is hereby created the sewage 52632

treatment system technical advisory committee consisting of the 52633
director of health or the director's designee and ten members who 52634
are knowledgeable about sewage treatment systems and technologies. 52635
Of the ten members, four shall be appointed by the governor, three 52636
shall be appointed by the president of the senate, and three shall 52637
be appointed by the speaker of the house of representatives. 52638

52639

(1) Of the members appointed by the governor, one shall 52640
represent academia, one shall be a representative of the public 52641
who is not employed by the state or any of its political 52642
subdivisions and who does not have a pecuniary interest in 52643
household sewage treatment systems, one shall be an engineer from 52644
the environmental protection agency, and one shall be selected 52645
from among soil scientists in the division of soil and water 52646
~~conservation~~ resources in the department of natural resources. 52647

(2) Of the members appointed by the president of the senate, 52648
one shall be a health commissioner who is a member of and 52649
recommended by the association of Ohio health commissioners, one 52650
shall represent the interests of manufacturers of household sewage 52651
treatment systems, and one shall represent installers and service 52652
providers. 52653

(3) Of the members appointed by the speaker of the house of 52654
representatives, one shall be a health commissioner who is a 52655
member of and recommended by the association of Ohio health 52656
commissioners, one shall represent the interests of manufacturers 52657
of household sewage treatment systems, and one shall be a 52658
sanitarian who is registered under Chapter 4736. of the Revised 52659
Code and who is a member of the Ohio environmental health 52660
association. 52661

(B) Terms of members appointed to the committee shall be for 52662
three years, with each term ending on the same day of the same 52663
month as did the term that it succeeds. Each member shall serve 52664

from the date of appointment until the end of the term for which 52665
the member was appointed. 52666

Members may be reappointed. Vacancies shall be filled in the 52667
same manner as provided for original appointments. Any member 52668
appointed to fill a vacancy occurring prior to the expiration date 52669
of the term for which the member was appointed shall hold office 52670
for the remainder of that term. A member shall continue to serve 52671
after the expiration date of the member's term until the member's 52672
successor is appointed or until a period of sixty days has 52673
elapsed, whichever occurs first. The applicable appointing 52674
authority may remove a member from the committee for failure to 52675
attend two consecutive meetings without showing good cause for the 52676
absences. 52677

(C) The technical advisory committee annually shall select 52678
from among its members a chairperson and a vice-chairperson and a 52679
secretary to keep a record of its proceedings. A majority vote of 52680
the members of the full committee is necessary to take action on 52681
any matter. The committee may adopt bylaws governing its 52682
operation, including bylaws that establish the frequency of 52683
meetings. 52684

(D) Serving as a member of the sewage treatment system 52685
technical advisory committee does not constitute holding a public 52686
office or position of employment under the laws of this state and 52687
does not constitute grounds for removal of public officers or 52688
employees from their offices or positions of employment. Members 52689
of the committee shall serve without compensation for attending 52690
committee meetings. 52691

(E) A member of the committee shall not have a conflict of 52692
interest with the position. For the purposes of this division, 52693
"conflict of interest" means the taking of any action that 52694
violates any provision of Chapter 102. or 2921. of the Revised 52695
Code. 52696

(F) The sewage treatment system technical advisory committee shall do all of the following:	52697 52698
(1) Develop with the department of health standards and guidelines for approving or disapproving a sewage treatment system or components of a system under section 3718.04 of the Revised Code;	52699 52700 52701 52702
(2) Develop with the department an application form to be submitted to the director by an applicant for approval or disapproval of a sewage treatment system or components of a system and specify the information that must be included with an application form;	52703 52704 52705 52706 52707
(3) Advise the director on the approval or disapproval of an application sent to the director under section 3718.04 of the Revised Code requesting approval of a sewage treatment system or components of a system;	52708 52709 52710 52711
(4) Pursue and recruit in an active manner the research, development, introduction, and timely approval of innovative and cost-effective household sewage treatment systems and components of a system for use in this state, which shall include conducting pilot projects to assess the effectiveness of a system or components of a system;	52712 52713 52714 52715 52716 52717
(5) By January 1, 2008, provide the household sewage and small flow on-site sewage treatment system study commission created by Am. Sub. H.B. 119 of the 127th general assembly with a list of available alternative systems and the estimated cost of each system.	52718 52719 52720 52721 52722
(G) The chairperson of the committee shall prepare and submit an annual report concerning the activities of the committee to the general assembly not later than ninety days after the end of the calendar year. The report shall discuss the number of applications submitted under section 3718.04 of the Revised Code for the	52723 52724 52725 52726 52727

approval of a new sewage treatment system or a component of a 52728
system, the number of such systems and components that were 52729
approved, any information that the committee considers beneficial 52730
to the general assembly, and any other information that the 52731
chairperson determines is beneficial to the general assembly. If 52732
other members of the committee determine that certain information 52733
should be included in the report, they shall submit the 52734
information to the chairperson not later than thirty days after 52735
the end of the calendar year. 52736

(H) The department shall provide meeting space for the 52737
committee. The committee shall be assisted in its duties by the 52738
staff of the department. 52739

(I) Sections 101.82 to 101.87 of the Revised Code do not 52740
apply to the sewage treatment system technical advisory committee. 52741

Sec. 3721.01. (A) As used in sections 3721.01 to 3721.09 and 52742
3721.99 of the Revised Code: 52743

(1)(a) "Home" means an institution, residence, or facility 52744
that provides, for a period of more than twenty-four hours, 52745
whether for a consideration or not, accommodations to three or 52746
more unrelated individuals who are dependent upon the services of 52747
others, including a nursing home, residential care facility, home 52748
for the aging, and a veterans' home operated under Chapter 5907. 52749
of the Revised Code. 52750

(b) "Home" also means both of the following: 52751

(i) Any facility that a person, as defined in section 3702.51 52752
of the Revised Code, proposes for certification as a skilled 52753
nursing facility or nursing facility under Title XVIII or XIX of 52754
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 52755
as amended, and for which a certificate of need, other than a 52756
certificate to recategorize hospital beds as described in section 52757

3702.522 of the Revised Code or division (R)(7)(d) of the version 52758
of section 3702.51 of the Revised Code in effect immediately prior 52759
to April 20, 1995, has been granted to the person under sections 52760
3702.51 to 3702.62 of the Revised Code after August 5, 1989; 52761

(ii) A county home or district home that is or has been 52762
licensed as a residential care facility. 52763

(c) "Home" does not mean any of the following: 52764

(i) Except as provided in division (A)(1)(b) of this section, 52765
a public hospital or hospital as defined in section 3701.01 or 52766
5122.01 of the Revised Code; 52767

(ii) A residential facility for mentally ill persons as 52768
defined under section 5119.22 of the Revised Code; 52769

(iii) A residential facility as defined in section 5123.19 of 52770
the Revised Code; 52771

(iv) ~~A community alternative home as defined in section~~ 52772
~~3724.01 of the Revised Code;~~ 52773

~~(v)~~ An adult care facility as defined in section 3722.01 of 52774
the Revised Code; 52775

~~(vi)~~(v) An alcohol or drug addiction program as defined in 52776
section 3793.01 of the Revised Code; 52777

~~(vii)~~(vi) A facility licensed to provide methadone treatment 52778
under section 3793.11 of the Revised Code; 52779

~~(viii)~~(vii) A facility providing services under contract with 52780
the department of mental retardation and developmental 52781
disabilities under section 5123.18 of the Revised Code; 52782

~~(ix)~~(viii) A facility operated by a hospice care program 52783
licensed under section 3712.04 of the Revised Code that is used 52784
exclusively for care of hospice patients; 52785

~~(x)~~(ix) A facility, infirmary, or other entity that is 52786

operated by a religious order, provides care exclusively to 52787
members of religious orders who take vows of celibacy and live by 52788
virtue of their vows within the orders as if related, and does not 52789
participate in the medicare program established under Title XVIII 52790
of the "Social Security Act" or the medical assistance program 52791
established under Chapter 5111. of the Revised Code and Title XIX 52792
of the "Social Security Act," if on January 1, 1994, the facility, 52793
infirmary, or entity was providing care exclusively to members of 52794
the religious order; 52795

~~(xi)~~(x) A county home or district home that has never been 52796
licensed as a residential care facility. 52797

(2) "Unrelated individual" means one who is not related to 52798
the owner or operator of a home or to the spouse of the owner or 52799
operator as a parent, grandparent, child, grandchild, brother, 52800
sister, niece, nephew, aunt, uncle, or as the child of an aunt or 52801
uncle. 52802

(3) "Mental impairment" does not mean mental illness as 52803
defined in section 5122.01 of the Revised Code or mental 52804
retardation as defined in section 5123.01 of the Revised Code. 52805

(4) "Skilled nursing care" means procedures that require 52806
technical skills and knowledge beyond those the untrained person 52807
possesses and that are commonly employed in providing for the 52808
physical, mental, and emotional needs of the ill or otherwise 52809
incapacitated. "Skilled nursing care" includes, but is not limited 52810
to, the following: 52811

(a) Irrigations, catheterizations, application of dressings, 52812
and supervision of special diets; 52813

(b) Objective observation of changes in the patient's 52814
condition as a means of analyzing and determining the nursing care 52815
required and the need for further medical diagnosis and treatment; 52816

(c) Special procedures contributing to rehabilitation; 52817

(d) Administration of medication by any method ordered by a physician, such as hypodermically, rectally, or orally, including observation of the patient after receipt of the medication;	52818 52819 52820
(e) Carrying out other treatments prescribed by the physician that involve a similar level of complexity and skill in administration.	52821 52822 52823
(5)(a) "Personal care services" means services including, but not limited to, the following:	52824 52825
(i) Assisting residents with activities of daily living;	52826
(ii) Assisting residents with self-administration of medication, in accordance with rules adopted under section 3721.04 of the Revised Code;	52827 52828 52829
(iii) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under section 3721.04 of the Revised Code.	52830 52831 52832 52833
(b) "Personal care services" does not include "skilled nursing care" as defined in division (A)(4) of this section. A facility need not provide more than one of the services listed in division (A)(5)(a) of this section to be considered to be providing personal care services.	52834 52835 52836 52837 52838
(6) "Nursing home" means a home used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal care services but not skilled nursing care. A nursing home is licensed to provide personal care services and skilled nursing care.	52839 52840 52841 52842 52843 52844
(7) "Residential care facility" means a home that provides either of the following:	52845 52846
(a) Accommodations for seventeen or more unrelated	52847

individuals and supervision and personal care services for three 52848
or more of those individuals who are dependent on the services of 52849
others by reason of age or physical or mental impairment; 52850

(b) Accommodations for three or more unrelated individuals, 52851
supervision and personal care services for at least three of those 52852
individuals who are dependent on the services of others by reason 52853
of age or physical or mental impairment, and, to at least one of 52854
those individuals, any of the skilled nursing care authorized by 52855
section 3721.011 of the Revised Code. 52856

(8) "Home for the aging" means a home that provides services 52857
as a residential care facility and a nursing home, except that the 52858
home provides its services only to individuals who are dependent 52859
on the services of others by reason of both age and physical or 52860
mental impairment. 52861

The part or unit of a home for the aging that provides 52862
services only as a residential care facility is licensed as a 52863
residential care facility. The part or unit that may provide 52864
skilled nursing care beyond the extent authorized by section 52865
3721.011 of the Revised Code is licensed as a nursing home. 52866

(9) "County home" and "district home" mean a county home or 52867
district home operated under Chapter 5155. of the Revised Code. 52868

(B) The public health council may further classify homes. For 52869
the purposes of this chapter, any residence, institution, hotel, 52870
congregate housing project, or similar facility that meets the 52871
definition of a home under this section is such a home regardless 52872
of how the facility holds itself out to the public. 52873

(C) For purposes of this chapter, personal care services or 52874
skilled nursing care shall be considered to be provided by a 52875
facility if they are provided by a person employed by or 52876
associated with the facility or by another person pursuant to an 52877
agreement to which neither the resident who receives the services 52878

nor the resident's sponsor is a party. 52879

(D) Nothing in division (A)(4) of this section shall be 52880
construed to permit skilled nursing care to be imposed on an 52881
individual who does not require skilled nursing care. 52882

Nothing in division (A)(5) of this section shall be construed 52883
to permit personal care services to be imposed on an individual 52884
who is capable of performing the activity in question without 52885
assistance. 52886

(E) Division (A)(1)(c)~~(*)~~(ix) of this section does not 52887
prohibit a facility, infirmary, or other entity described in that 52888
division from seeking licensure under sections 3721.01 to 3721.09 52889
of the Revised Code or certification under Title XVIII or XIX of 52890
the "Social Security Act." However, such a facility, infirmary, or 52891
entity that applies for licensure or certification must meet the 52892
requirements of those sections or titles and the rules adopted 52893
under them and obtain a certificate of need from the director of 52894
health under section 3702.52 of the Revised Code. 52895

(F) Nothing in this chapter, or rules adopted pursuant to it, 52896
shall be construed as authorizing the supervision, regulation, or 52897
control of the spiritual care or treatment of residents or 52898
patients in any home who rely upon treatment by prayer or 52899
spiritual means in accordance with the creed or tenets of any 52900
recognized church or religious denomination. 52901

Sec. 3721.02. (A) The director of health shall license homes 52902
and establish procedures to be followed in inspecting and 52903
licensing homes. The director may inspect a home at any time. Each 52904
home shall be inspected by the director at least once prior to the 52905
issuance of a license and at least once every fifteen months 52906
thereafter. The state fire marshal or a township, municipal, or 52907
other legally constituted fire department approved by the marshal 52908
shall also inspect a home prior to issuance of a license, at least 52909

once every fifteen months thereafter, and at any other time 52910
requested by the director. A home does not have to be inspected 52911
prior to issuance of a license by the director, state fire 52912
marshal, or a fire department if ownership of the home is assigned 52913
or transferred to a different person and the home was licensed 52914
under this chapter immediately prior to the assignment or 52915
transfer. The director may enter at any time, for the purposes of 52916
investigation, any institution, residence, facility, or other 52917
structure that has been reported to the director or that the 52918
director has reasonable cause to believe is operating as a nursing 52919
home, residential care facility, or home for the aging without a 52920
valid license required by section 3721.05 of the Revised Code or, 52921
in the case of a county home or district home, is operating 52922
despite the revocation of its residential care facility license. 52923
The director may delegate the director's authority and duties 52924
under this chapter to any division, bureau, agency, or official of 52925
the department of health. 52926

(B) A single facility may be licensed both as a nursing home 52927
pursuant to this chapter and as an adult care facility pursuant to 52928
Chapter 3722. of the Revised Code if the director determines that 52929
the part or unit to be licensed as a nursing home can be 52930
maintained separate and discrete from the part or unit to be 52931
licensed as an adult care facility. 52932

(C) In determining the number of residents in a home for the 52933
purpose of licensing, the director shall consider all the 52934
individuals for whom the home provides accommodations as one group 52935
unless one of the following is the case: 52936

(1) The home is a home for the aging, in which case all the 52937
individuals in the part or unit licensed as a nursing home shall 52938
be considered as one group, and all the individuals in the part or 52939
unit licensed as a rest home shall be considered as another group. 52940

(2) The home is both a nursing home and an adult care 52941

facility. In that case, all the individuals in the part or unit 52942
licensed as a nursing home shall be considered as one group, and 52943
all the individuals in the part or unit licensed as an adult care 52944
facility shall be considered as another group. 52945

(3) The home maintains, in addition to a nursing home or 52946
residential care facility, a separate and discrete part or unit 52947
that provides accommodations to individuals who do not require or 52948
receive skilled nursing care and do not receive personal care 52949
services from the home, in which case the individuals in the 52950
separate and discrete part or unit shall not be considered in 52951
determining the number of residents in the home if the separate 52952
and discrete part or unit is in compliance with the Ohio basic 52953
building code established by the board of building standards under 52954
Chapters 3781. and 3791. of the Revised Code and the home permits 52955
the director, on request, to inspect the separate and discrete 52956
part or unit and speak with the individuals residing there, if 52957
they consent, to determine whether the separate and discrete part 52958
or unit meets the requirements of this division. 52959

(D)(1) The director of health shall charge ~~an~~ the following 52960
application fee and ~~an~~ annual renewal licensing and inspection fee 52961
~~of one hundred seventy dollars~~ for each fifty persons or part 52962
thereof of a home's licensed capacity: 52963

(a) For state fiscal year 2010, two hundred twenty dollars; 52964

(b) For state fiscal year 2011, two hundred seventy dollars; 52965

(c) For each state fiscal year thereafter, three hundred 52966
twenty dollars. All 52967

(2) All fees collected by the director for the issuance or 52968
renewal of licenses shall be deposited into the state treasury to 52969
the credit of the general operations fund created in section 52970
3701.83 of the Revised Code for use only in administering and 52971
enforcing this chapter and rules adopted under it. 52972

(E)(1) Except as otherwise provided in this section, the results of an inspection or investigation of a home that is conducted under this section, including any statement of deficiencies and all findings and deficiencies cited in the statement on the basis of the inspection or investigation, shall be used solely to determine the home's compliance with this chapter or another chapter of the Revised Code in any action or proceeding other than an action commenced under division (I) of section 3721.17 of the Revised Code. Those results of an inspection or investigation, that statement of deficiencies, and the findings and deficiencies cited in that statement shall not be used in any court or in any action or proceeding that is pending in any court and are not admissible in evidence in any action or proceeding unless that action or proceeding is an appeal of an action by the department of health under this chapter or is an action by any department or agency of the state to enforce this chapter or another chapter of the Revised Code.

(2) Nothing in division (E)(1) of this section prohibits the results of an inspection or investigation conducted under this section from being used in a criminal investigation or prosecution.

Sec. 3721.50. As used in sections 3721.50 to 3721.58 of the Revised Code:

(A) "Franchise permit fee rate" means the sum of the following:

(1) Six dollars and twenty-five cents;

(2) The difference between the following:

(a) The fiscal year 2010 medicaid rate calculated under division (C)(2) of Section 309.30.20 of Am. Sub. H.B. 1 of the 128th general assembly for a nursing facility that pays the

franchise permit fee imposed by section 3721.51 of the Revised Code; 53003
53004

(b) The medicaid rate the provider of the nursing facility is paid for nursing facility services the nursing facility provides on June 30, 2009. 53005
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(B) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 53008
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~~(B)~~(C) "Inpatient days" means all days during which a resident of a nursing facility, regardless of payment source, occupies a bed in the nursing facility that is included in the facility's certified capacity under Title XIX. Therapeutic or hospital leave days for which payment is made under section 5111.26 of the Revised Code are considered inpatient days proportionate to the percentage of the facility's per resident per day rate paid for those days. 53010
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~~(C)~~(D) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code. 53018
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~~(D)~~(E) "Medicaid day" means all days during which a resident who is a medicaid recipient occupies a bed in a nursing facility that is included in the facility's certified capacity under Title XIX. Therapeutic or hospital leave days for which payment is made under section 5111.26 of the Revised Code are considered medicaid days proportionate to the percentage of the nursing facility's per resident per day rate for those days. 53020
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~~(E)~~(F) "Medicare" means the program established by Title XVIII. 53027
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(G) "Nursing facility" has the same meaning as in section 5111.20 of the Revised Code. 53029
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~~(F)~~(H)(1) "Nursing home" means all of the following: 53031

(a) A nursing home licensed under section 3721.02 or 3721.09 53032

of the Revised Code, including any part of a home for the aging 53033
licensed as a nursing home; 53034

(b) A facility or part of a facility, other than a hospital, 53035
that is certified as a skilled nursing facility under Title XVIII; 53036

(c) A nursing facility, other than a portion of a hospital 53037
certified as a nursing facility. 53038

(2) "Nursing home" does not include any of the following: 53039

(a) A county home, county nursing home, or district home 53040
operated pursuant to Chapter 5155. of the Revised Code; 53041

(b) A nursing home maintained and operated by the Ohio 53042
veterans' home agency under section 5907.01 of the Revised Code; 53043

(c) A nursing home or part of a nursing home licensed under 53044
section 3721.02 or 3721.09 of the Revised Code that is certified 53045
as an intermediate care facility for the mentally retarded under 53046
Title XIX. 53047

~~(G)~~(I) "Title XIX" means Title XIX of the "Social Security 53048
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended. 53049

~~(H)~~(J) "Title XVIII" means Title XVIII of the "Social 53050
Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 53051

Sec. 3721.51. The department of job and family services shall 53052
do all of the following: 53053

(A) Subject to sections 3721.512 and 3721.513 of the Revised 53054
Code and division (C) of this section and for the purposes 53055
specified in sections 3721.56 and 3721.561 of the Revised Code, 53056
determine an annual franchise permit fee on each nursing home in 53057
an amount equal to ~~six dollars and twenty five cents~~, the 53058
franchise permit fee rate multiplied by the product of the 53059
following: 53060

(1) The number of beds licensed as nursing home beds, plus 53061

any other beds certified as skilled nursing facility beds under 53062
Title XVIII or nursing facility beds under Title XIX on the first 53063
day of May of the calendar year in which the fee is determined 53064
pursuant to division (A) of section 3721.53 of the Revised Code; 53065

(2) The number of days in the fiscal year beginning on the 53066
first day of July of the calendar year in which the fee is 53067
determined pursuant to division (A) of section 3721.53 of the 53068
Revised Code. 53069

(B) Subject to sections 3721.512 and 3721.513 of the Revised 53070
Code and division (C) of this section and for the purposes 53071
specified in sections 3721.56 and 3721.561 of the Revised Code, 53072
determine an annual franchise permit fee on each hospital in an 53073
amount equal to ~~six dollars and twenty five cents~~, the franchise 53074
permit fee rate multiplied by the product of the following: 53075

(1) The number of beds registered pursuant to section 3701.07 53076
of the Revised Code as skilled nursing facility beds or long-term 53077
care beds, plus any other beds licensed as nursing home beds under 53078
section 3721.02 or 3721.09 of the Revised Code, on the first day 53079
of May of the calendar year in which the fee is determined 53080
pursuant to division (A) of section 3721.53 of the Revised Code; 53081

(2) The number of days in the fiscal year beginning on the 53082
first day of July of the calendar year in which the fee is 53083
determined pursuant to division (A) of section 3721.53 of the 53084
Revised Code. 53085

(C) If the United States centers for medicare and medicaid 53086
services determines that the franchise permit fee established by 53087
sections 3721.50 to 3721.58 of the Revised Code is an 53088
impermissible health care related tax under section 1903(w) of the 53089
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396b(w), as 53090
amended, take all necessary actions to cease implementation of 53091
sections 3721.50 to 3721.58 of the Revised Code in accordance with 53092

rules adopted under section 3721.58 of the Revised Code. 53093

Sec. 3721.511. (A) Not later than one month after the 53094
effective date of this section, the department of job and family 53095
services shall apply to the United States secretary of health and 53096
human services for a waiver under 42 U.S.C. 1396b(w)(3)(E) as 53097
necessary to do both of the following regarding the franchise 53098
permit fee imposed by section 3721.51 of the Revised Code: 53099

(1) Reduce the franchise permit fee to zero dollars for each 53100
nursing home licensed under section 3721.02 or 3721.09 of the 53101
Revised Code to which either of the following applies: 53102

(a) The nursing home: 53103

(i) Is exempt from state taxation under section 140.08 of the 53104
Revised Code or is exempt from state taxation as a home for the 53105
aged as defined in section 5701.13 of the Revised Code; 53106

(ii) Is exempt from federal income taxation under section 501 53107
of the Internal Revenue Code of 1986; 53108

(iii) Does not participate in medicaid or medicare; and 53109

(iv) Provides services for the life of each resident without 53110
regard to the resident's ability to secure payment for the 53111
services. 53112

(b) The nursing home: 53113

(i) Has had a written affiliation agreement with a university 53114
in this state for education and research related to Alzheimer's 53115
disease for each of the twenty years preceding the effective date 53116
of this section and has such an agreement on the effective date of 53117
this section; 53118

(ii) Was granted a certificate of need under Section 3 of Am. 53119
Sub. S.B. 256 of the 116th General Assembly; and 53120

(iii) Does not participate in medicaid or medicare. 53121

(2) For each nursing facility with more than two hundred beds certified as nursing facility beds under Title XIX, reduce the franchise permit fee for a number of the nursing facility's beds specified by the department to the amount necessary to obtain approval of the waiver sought under this section. 53122
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(B) The effective date of the waiver sought under this section shall be the first day of the calendar quarter beginning after the United States secretary approves the waiver. 53127
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Sec. 3721.512. If the United States secretary of health and human services approves the waiver sought under section 3721.511 of the Revised Code, the department of job and family services shall, for each nursing home and hospital that qualifies for a reduction of its franchise permit fee under the waiver, reduce the franchise permit fee in accordance with the terms of the waiver. For purposes of the first fiscal year during which the waiver takes effect, the department shall determine the amount of the reduction not later than the effective date of the waiver and shall mail to each nursing home and hospital qualifying for the reduction notice of the reduction not later than the last day of the first month of the calendar quarter that begins after the United States secretary approves the waiver. For purposes of subsequent fiscal years, the department shall make such determinations and mail such notices in accordance with section 3721.53 of the Revised Code. 53130
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Sec. 3721.513. (A) If the United States secretary of health and human services approves the waiver sought under section 3721.511 of the Revised Code, the department of job and family services may do both of the following regarding the franchise permit fee imposed by section 3721.51 of the Revised Code: 53146
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(1) Determine how much money the franchise permit fee would 53151

have raised in a fiscal year if not for the waiver; 53152

(2) For each nursing home and hospital subject to the 53153
franchise permit fee, other than a nursing home or hospital that 53154
has its franchise permit fee reduced under section 3721.512 of the 53155
Revised Code, uniformly increase the amount of the franchise 53156
permit fee for a fiscal year to an amount that will have the 53157
franchise permit fee raise an amount of money that does not exceed 53158
the amount determined under division (A)(1) of this section for 53159
that fiscal year. 53160

(B) If the department increases the franchise permit fee in 53161
accordance with division (A) of this section for the first fiscal 53162
year during which the waiver takes effect, the department shall 53163
determine the amount of the increase not later than the effective 53164
date of the waiver and shall mail to each nursing home and 53165
hospital subject to the increase notice of the increase not later 53166
than the last day of the first month of the calendar quarter that 53167
begins after the United States secretary approves the waiver. If 53168
the department increases the franchise permit fee in accordance 53169
with division (A) of this section for a subsequent fiscal year, 53170
the department shall make such determinations and mail such 53171
notices in accordance with section 3721.53 of the Revised Code. 53172

Sec. 3721.53. (A) Not later than the fifteenth day of August 53173
of each year, the department of job and family services shall 53174
determine the annual franchise permit fee for each nursing home 53175
and hospital in accordance with ~~division (A) of~~ section 3721.51 of 53176
the Revised Code and ~~the annual franchise permit fee for each~~ 53177
hospital any adjustments made in accordance with ~~division (B) of~~ 53178
~~that section~~ sections 3721.512 and 3721.513 of the Revised Code. 53179

(B) Not later than the first day of September of each year, 53180
the department shall mail to each nursing home and hospital notice 53181
of the amount of the franchise permit fee that has been determined 53182

for the nursing home or hospital. 53183

(C) Each nursing home and hospital shall pay its fee under 53184
section 3721.51 of the Revised Code, as adjusted in accordance 53185
with sections 3721.512 and 3721.513 of the Revised Code, to the 53186
department in quarterly installment payments not later than 53187
forty-five days after the last day of each September, December, 53188
March, and June. 53189

(D) No nursing home or hospital shall directly bill its 53190
residents for the fee paid under this section, or otherwise 53191
directly pass the fee through to its residents. 53192

Sec. 3721.55. (A) A nursing home or hospital may appeal the 53193
fee imposed under section 3721.51 of the Revised Code, as adjusted 53194
under section 3721.512 or 3721.513 of the Revised Code, solely on 53195
the grounds that the department of job and family services 53196
committed a material error in determining the amount of the fee. A 53197
request for an appeal must be received by the department not later 53198
than fifteen days after the date the department mails the notice 53199
of the fee and must include written materials setting forth the 53200
basis for the appeal. 53201

(B) If a nursing home or hospital submits a request for an 53202
appeal within the time required under division (A) of this 53203
section, the department of job and family services shall hold a 53204
public hearing in Columbus not later than thirty days after the 53205
date the department receives the request for an appeal. The 53206
department shall, not later than ten days before the date of the 53207
hearing, mail a notice of the date, time, and place of the hearing 53208
to the nursing home or hospital. The department may hear all the 53209
requested appeals in one public hearing. 53210

(C) On the basis of the evidence presented at the hearing or 53211
any other evidence submitted by the nursing home or hospital, the 53212
department may adjust a fee. The department's decision is final. 53213

Sec. 3721.56. There is hereby created in the state treasury 53214
the home- and community-based services for the aged fund. ~~Sixteen~~ 53215
Eight and fifty-five hundredths per cent of all payments and 53216
penalties paid by nursing homes and hospitals under sections 53217
3721.53 and 3721.54 of the Revised Code shall be deposited into 53218
the fund. The departments of job and family services and aging 53219
shall use the moneys in the fund to fund the following in 53220
accordance with rules adopted under section 3721.58 of the Revised 53221
Code: 53222

(A) The medicaid program established under Chapter 5111. of 53223
the Revised Code, including the PASSPORT program established under 53224
section 173.40 of the Revised Code; 53225

(B) The residential state supplement program established 53226
under section 173.35 of the Revised Code. 53227

Sec. 3722.01. (A) As used in this chapter: 53228

(1) "Owner" means the person who owns the business of and who 53229
ultimately controls the operation of an adult care facility and to 53230
whom the manager, if different from the owner, is responsible. 53231

(2) "Manager" means the person responsible for the daily 53232
operation of an adult care facility. The manager and the owner of 53233
a facility may be the same person. 53234

(3) "Adult" means an individual eighteen years of age or 53235
older. 53236

(4) "Unrelated" means that an adult resident is not related 53237
to the owner or manager of an adult care facility or to the 53238
owner's or manager's spouse as a parent, grandparent, child, 53239
stepchild, grandchild, brother, sister, niece, nephew, aunt, or 53240
uncle, or as the child of an aunt or uncle. 53241

(5) "Skilled nursing care" means skilled nursing care as 53242

defined in section 3721.01 of the Revised Code. 53243

(6)(a) "Personal care services" means services including, but 53244
not limited to, the following: 53245

(i) ~~Assisting residents~~ Assistance with activities of daily 53246
living; 53247

(ii) ~~Assisting residents~~ Assistance with self-administration 53248
of medication, in accordance with rules adopted by the public 53249
health council pursuant to this chapter; 53250

(iii) ~~Preparing~~ Preparation of special diets, other than 53251
complex therapeutic diets, for residents pursuant to the 53252
instructions of a physician or a licensed dietitian, in accordance 53253
with rules adopted by the public health council pursuant to this 53254
chapter. 53255

(b) "Personal care services" does not include "skilled 53256
nursing care" as defined in section 3721.01 of the Revised Code. A 53257
facility need not provide more than one of the services listed in 53258
division (A)(6)(a) of this section for the facility to be 53259
considered to be providing personal care services. 53260

(7) "Adult family home" means a residence or facility that 53261
provides accommodations and supervision to three to five unrelated 53262
adults ~~and supervision and personal care services to,~~ at least 53263
three of ~~those adults~~ whom require personal care services. 53264

(8) "Adult group home" means a residence or facility that 53265
provides accommodations and supervision to six to sixteen 53266
unrelated adults ~~and provides supervision and personal care~~ 53267
~~services to,~~ at least three of ~~the unrelated adults~~ whom require 53268
personal care services. 53269

(9) "Adult care facility" means an adult family home or an 53270
adult group home. For the purposes of this chapter, any residence, 53271
facility, institution, hotel, congregate housing project, or 53272

similar facility that provides accommodations and supervision to 53273
three to sixteen unrelated adults, at least three of whom ~~are~~ 53274
~~provided~~ require personal care services, is an adult care facility 53275
regardless of how the facility holds itself out to the public. 53276
"Adult care facility" does not include: 53277

(a) A facility operated by a hospice care program licensed 53278
under section 3712.04 of the Revised Code that is used exclusively 53279
for care of hospice patients; 53280

(b) A nursing home, residential care facility, or home for 53281
the aging as defined in section 3721.01 of the Revised Code; 53282

(c) ~~A community alternative home as defined in section~~ 53283
~~3724.01 of the Revised Code;~~ 53284

~~(d)~~ An alcohol and drug addiction program as defined in 53285
section 3793.01 of the Revised Code; 53286

~~(e)~~(d) A residential facility for the mentally ill licensed 53287
by the department of mental health under section 5119.22 of the 53288
Revised Code; 53289

~~(f)~~(e) A facility licensed to provide methadone treatment 53290
under section 3793.11 of the Revised Code; 53291

~~(g)~~(f) A residential facility licensed under section 5123.19 53292
of the Revised Code or otherwise regulated by the department of 53293
mental retardation and developmental disabilities; 53294

~~(h)~~(g) Any residence, institution, hotel, congregate housing 53295
project, or similar facility that provides personal care services 53296
to fewer than three residents or that provides, for any number of 53297
residents, only housing, housekeeping, laundry, meal preparation, 53298
social or recreational activities, maintenance, security, 53299
transportation, and similar services that are not personal care 53300
services or skilled nursing care; 53301

~~(i)~~(h) Any facility that receives funding for operating costs 53302

from the department of development under any program established 53303
to provide emergency shelter housing or transitional housing for 53304
the homeless; 53305

~~(j)~~(i) A terminal care facility for the homeless that has 53306
entered into an agreement with a hospice care program under 53307
section 3712.07 of the Revised Code; 53308

~~(k)~~(j) A facility approved by the veterans administration 53309
under section 104(a) of the "Veterans Health Care Amendments of 53310
1983," 97 Stat. 993, 38 U.S.C.A. 630, as amended, and used 53311
exclusively for the placement and care of veterans; 53312

~~(l) Until January 1, 1994, the portion of a facility in which 53313
care is provided exclusively to members of a religious order if 53314
the facility is owned by or part of a nonprofit institution of 53315
higher education authorized to award degrees by the Ohio board of 53316
regents under Chapter 1713. of the Revised Code. 53317~~

(10) "Residents' rights advocate" means: 53318

(a) An employee or representative of any state or local 53319
government entity that has a responsibility for residents of adult 53320
care facilities and has registered with the department of health 53321
under section 3701.07 of the Revised Code; 53322

(b) An employee or representative, other than a manager or 53323
employee of an adult care facility or nursing home, of any private 53324
nonprofit corporation or association that qualifies for tax-exempt 53325
status under section 501(a) of the "Internal Revenue Code of 53326
1986," 100 Stat. 2085, 26 U.S.C.A. 501(a), as amended, that has 53327
registered with the department of health under section 3701.07 of 53328
the Revised Code, and whose purposes include educating and 53329
counseling residents, assisting residents in resolving problems 53330
and complaints concerning their care and treatment, and assisting 53331
them in securing adequate services. 53332

(11) "Sponsor" means an adult relative, friend, or guardian 53333

of a resident of an adult care facility who has an interest in or 53334
responsibility for the resident's welfare. 53335

(12) "Ombudsperson" means a "representative of the office of 53336
the state long-term care ombudsperson program" as defined in 53337
section 173.14 of the Revised Code. 53338

(13) "Mental health agency" means a community mental health 53339
agency, as defined in section 5119.22 of the Revised Code, under 53340
contract with a an ADAMHS board of alcohol, drug addiction, and 53341
mental health services pursuant to division (A)(8)(a) of section 53342
340.03 of the Revised Code. 53343

(14) "ADAMHS board" means a board of alcohol, drug addiction, 53344
and mental health services; 53345

(15) "Mental health resident program participation agreement" 53346
means a written agreement between an adult care facility and the 53347
ADAMHS board serving the alcohol, drug addiction, and mental 53348
health service district in which the facility is located, under 53349
which the facility is authorized to admit residents who are 53350
receiving or are eligible for publicly funded mental health 53351
services. 53352

(16) "PASSPORT administrative agency" means an entity under 53353
contract with the department of aging to provide administrative 53354
services regarding the PASSPORT program created under section 53355
173.40 of the Revised Code. 53356

(B) For purposes of this chapter, personal care services or 53357
skilled nursing care shall be considered to be provided by a 53358
facility if they are provided by a person employed by or 53359
associated with the facility or by another person pursuant to an 53360
agreement to which neither the resident who receives the services 53361
nor the resident's sponsor is a party. 53362

(C) Nothing in division (A)(6) of this section shall be 53363
construed to permit personal care services to be imposed upon a 53364

resident who is capable of performing the activity in question 53365
without assistance. 53366

Sec. 3722.011. (A) All medication taken by residents of an 53367
adult care facility shall be self-administered, except that 53368
medication may be administered to a resident ~~by a home health~~ 53369
~~agency, hospice care program, nursing home staff, mental health~~ 53370
~~agency, or board of alcohol, drug addiction, and mental health~~ 53371
~~services under~~ as part of the skilled nursing care provided in 53372
accordance with division (B) of section 3722.16 of the Revised 53373
Code. ~~Members of the staff of an adult care facility shall not~~ 53374
~~administer medication to residents.~~ No person shall be admitted to 53375
or retained by an adult care facility unless the person is capable 53376
of ~~taking~~ self-administering the person's ~~own~~ medication and 53377
~~biologicals~~, as determined in writing by ~~the person's personal a~~ 53378
physician, except that a person may be admitted to or retained by 53379
such a facility if the person's medication is administered ~~by a~~ 53380
~~home health agency, hospice care program, nursing home staff,~~ 53381
~~mental health agency, or board of alcohol, drug addiction, and~~ 53382
~~mental health services under~~ as part of the skilled nursing care 53383
provided in accordance with division (B) of section 3722.16 of the 53384
Revised Code. ~~Members~~ 53385

(B) Members of the staff of an adult care facility shall not 53386
administer medication to residents but may do any of the 53387
following: 53388

~~(A)~~ Remind a resident when to take medication and watch to 53389
ensure that the resident follows the directions on the container; 53390

~~(B)~~ Assist a resident in the self-administration of 53391
medication by taking the medication from the locked area where it 53392
is stored, in accordance with rules adopted by the public health 53393
council pursuant to this chapter, and handing it to the resident. 53394
If the resident is physically unable to open the container, a 53395

staff member may open the container for the resident. 53396

~~(C)~~ Assist a physically impaired but mentally alert resident, 53397
such as a resident with arthritis, cerebral palsy, or Parkinson's 53398
disease, in removing oral or topical medication from containers 53399
and in consuming or applying the medication, upon request by or 53400
with the consent of the resident. If a resident is physically 53401
unable to place a dose of medicine to the resident's mouth without 53402
spilling it, a staff member may place the dose in a container and 53403
place the container to the mouth of the resident. 53404

Sec. 3722.02. A person seeking a license to operate an adult 53405
care facility shall submit to the director of health an 53406
application on a form prescribed by the director and the 53407
following: 53408

(A) In the case of an adult group home seeking licensure as 53409
an adult care facility, evidence that the home has been inspected 53410
and approved by a local certified building department or by the 53411
division of industrial compliance in the department of commerce as 53412
meeting the applicable requirements of sections 3781.06 to 3781.18 53413
and 3791.04 of the Revised Code and any rules adopted under those 53414
sections and evidence that the home has been inspected by the 53415
state fire marshal or fire prevention officer of a municipal, 53416
township, or other legally constituted fire department approved by 53417
the state fire marshal and found to be in compliance with rules 53418
adopted under section 3737.83 of the Revised Code regarding fire 53419
prevention and safety in adult group homes; 53420

53421
(B) Valid approvals of the facility's water and sewage 53422
systems issued by the responsible governmental entity, if 53423
applicable; 53424

(C) A statement of ownership containing the following 53425
information: 53426

(1) If the owner is an individual, the owner's name, address, 53427
telephone number, business address, business telephone number, and 53428
occupation. If the owner is an association, corporation, or 53429
partnership, the business activity, address, and telephone number 53430
of the entity and the name of every person who has an ownership 53431
interest of five per cent or more in the entity. 53432

(2) If the owner does not own the building or if the owner 53433
owns only part of the building in which the facility is housed, 53434
the name of each person who has an ownership interest of five per 53435
cent or more in the building; 53436

(3) The address of any adult care facility and any facility 53437
described in divisions (A)(9)(a) to ~~(h)~~(j) of section 3722.01 of 53438
the Revised Code in which the owner has an ownership interest of 53439
five per cent or more; 53440

(4) The identity of the manager of the adult care facility, 53441
if different from the owner; 53442

(5) The name and address of any adult care facility and any 53443
facility described in divisions (A)(9)(a) to ~~(h)~~(j) of section 53444
3722.01 of the Revised Code with which either the owner or manager 53445
has been affiliated through ownership or employment in the five 53446
years prior to the date of the application; 53447

(6) The names and addresses of three persons not employed by 53448
or associated in business with the owner who will provide 53449
information about the character, reputation, and competence of the 53450
owner and the manager and the financial responsibility of the 53451
owner; 53452

(7) Information about any arrest of the owner or manager for, 53453
or adjudication or conviction of, a criminal offense related to 53454
the provision of care in an adult care facility or any facility 53455
described in divisions (A)(9)(a) to ~~(h)~~(j) of section 3722.01 of 53456
the Revised Code or the ability to operate a facility; 53457

(8) Any other information the director may require regarding the owner's ability to operate the facility. 53458
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(D) If the facility is an adult group home, a balance sheet showing the assets and liabilities of the owner and a statement projecting revenues and expenses for the first twelve months of the facility's operation; 53460
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(E) ~~Proof of insurance in an amount and type determined in rules adopted by the public health council pursuant to this chapter to be adequate;~~ A statement containing the following information regarding admissions to the facility: 53464
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(1) The intended bed capacity of the facility; 53468

(2) If the facility will admit persons referred by or receiving services from an ADAMHS board or a mental health agency, the total number of beds anticipated to be occupied as a result of those admissions. 53469
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(F) A nonrefundable license application fee in an amount established in rules adopted by the public health council pursuant to this chapter. 53473
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Sec. 3722.021. In determining the number of residents in a facility for the purpose of licensure under this chapter, the director of health shall consider all the individuals for whom the facility provides accommodations as one group unless either of the following is the case: 53476
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(A) ~~The~~ In addition to being an adult care facility, the facility is both a nursing home licensed under Chapter 3721. of the Revised Code and an adult care facility, a residential facility licensed under that chapter, or both. In that case, all the individuals in the part or unit licensed as a nursing home, residential care facility, or both, shall be considered as one group and all the individuals in the part or unit licensed as an 53481
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adult care facility shall be considered as another group. 53488

(B) The facility maintains, in addition to an adult care 53489
facility, a separate and discrete part or unit that provides 53490
accommodations to individuals who do not receive supervision or 53491
personal care services from the adult care facility, in which case 53492
the individuals in the separate and discrete part or unit shall 53493
not be considered in determining the number of residents in the 53494
adult care facility if the separate and discrete part or unit is 53495
in compliance with the Ohio basic building code established by the 53496
board of building standards under Chapters 3781. and 3791. of the 53497
Revised Code and the adult care facility, to the extent of its 53498
authority, permits the director, on request, to inspect the 53499
separate and discrete part or unit and speak with the individuals 53500
residing there, if they consent, to determine whether the separate 53501
and discrete part or unit meets the requirements of this division. 53502

Sec. 3722.022. A person may not apply for a license to 53503
operate an adult care facility if the person is or has been the 53504
owner or manager of an adult care facility for which a license to 53505
operate was revoked or for which renewal of a license was refused 53506
for any reason other than nonpayment of the license renewal fee, 53507
unless both of the following conditions are met: 53508

(A) A period of not less than two years has elapsed since the 53509
date the director of health issued the order revoking or refusing 53510
to renew the facility's license. 53511

(B) The director's revocation or refusal to renew the license 53512
was not based on an act or omission at the facility that violated 53513
a resident's right to be free from abuse, neglect, or 53514
exploitation. 53515

Sec. 3722.04. (A)~~(1)~~ The director of health shall inspect, 53516
license, and regulate adult care facilities. Except as otherwise 53517

provided in division (D) of this section, the director shall issue 53518
a license to an adult care facility that meets the requirements of 53519
section 3722.02 of the Revised Code and that the director 53520
determines to be in substantial compliance with the rules adopted 53521
by the public health council pursuant to this chapter. The 53522
director shall consider the past record of the owner and manager 53523
and any individuals who are principal participants in an entity 53524
that is the owner or manager in operating facilities providing 53525
care to adults. The director may, in accordance with Chapter 119. 53526
of the Revised Code, deny a license if the past record indicates 53527
that the owner or manager is not suitable to own or manage an 53528
adult care facility. 53529

The license shall contain the name and address of the 53530
facility for which it was issued, the date of expiration of the 53531
license, and the maximum number of residents that may be 53532
accommodated by the facility. A license for an adult care facility 53533
shall be valid for a period of two years after the date of 53534
issuance. No single facility may be licensed to operate as more 53535
than one adult care facility. 53536

~~(2) Notwithstanding division (A)(1) of this section and 53537
sections 3722.02 and 3722.041 of the Revised Code, the director 53538
may issue a temporary license if the requirements of divisions 53539
(C), (D), and (F) of section 3722.02 of the Revised Code have been 53540
met. A temporary license shall be valid for a period of ninety 53541
days and, except as otherwise provided in division (A)(3) of 53542
section 3722.05 of the Revised Code, may be renewed, without 53543
payment of an additional application fee, for an additional ninety 53544
days.~~ 53545

(B) The director shall renew a license for a two-year period 53546
if the facility continues to be in compliance with the 53547
requirements of this chapter and in substantial compliance with 53548
the rules adopted under this chapter. The owner shall submit a 53549

nonrefundable license renewal application fee in an amount 53550
established in rules adopted by the public health council pursuant 53551
to this chapter. Before the license of an adult group home is 53552
renewed, if any alterations have been made to the buildings, a 53553
certificate of occupancy for the facility shall have been issued 53554
by the division of industrial compliance in the department of 53555
commerce or a local certified building department. The facility 53556
shall have water and sewage system approvals, if required by law, 53557
and, in the case of an adult group home, documentation of 53558
continued compliance with the rules adopted by the state fire 53559
marshal under division (F) of section 3737.83 of the Revised Code. 53560

(C) ~~The~~ (1) During each licensure period, the director shall 53561
make at least one unannounced inspection of an adult care facility 53562
~~during each licensure period~~ in addition to inspecting the 53563
facility to determine whether a license should be issued or 53564
renewed, and may make additional unannounced inspections as the 53565
director considers necessary. Other inspections may be made at any 53566
time that the director considers appropriate. ~~The~~ 53567

The director shall take all reasonable actions to avoid 53568
giving notice of an inspection by the manner in which the 53569
inspection is scheduled or performed. ~~Not~~ 53570

If an inspection is conducted to investigate an alleged 53571
violation of the requirements of this chapter in a facility with 53572
residents referred by or receiving services from a mental health 53573
agency or ADAMHS board or a facility with residents receiving 53574
assistance under the residential state supplement program 53575
administered by the department of aging pursuant to section 173.35 53576
of the Revised Code, the director shall coordinate the inspection 53577
with the appropriate mental health agency, ADAMHS board, or 53578
PASSPORT administrative agency. As the director considers 53579
appropriate, the director shall conduct the inspection jointly 53580
with the mental health agency, ADAMHS board, or PASSPORT 53581

administrative agency. 53582

Not later than sixty days after the date of an inspection of 53583
a facility, the director shall send a report of the inspection to 53584
the ombudsperson in whose region the facility is located. ~~The~~ 53585

(2) ~~The~~ state fire marshal or fire prevention officer of a 53586
municipal, township, or other legally constituted fire department 53587
approved by the state fire marshal shall inspect an adult group 53588
home seeking a license or renewal under this chapter as an adult 53589
care facility prior to issuance of a license or renewal, at least 53590
once annually thereafter, and at any other time at the request of 53591
the director, to determine compliance with the rules adopted under 53592
division (F) of section 3737.83 of the Revised Code. 53593

(D) The director may waive any of the licensing requirements 53594
~~having to do with fire and safety requirements or building~~ 53595
~~standards~~ established by rule adopted by the public health council 53596
pursuant to this chapter upon written request of the facility. The 53597
director may grant a waiver if the director determines that the 53598
strict application of the licensing requirement would cause undue 53599
hardship to the facility and that granting the waiver would not 53600
jeopardize the health or safety of any resident. The director may 53601
provide a facility with an informal hearing concerning the denial 53602
of a waiver request, but the facility shall not be entitled to a 53603
hearing under Chapter 119. of the Revised Code unless the director 53604
takes an action that requires a hearing to be held under section 53605
3722.05 of the Revised Code. 53606

(E)(1) Not later than thirty days after each of the 53607
following, the owner of an adult care facility shall submit an 53608
inspection fee of twenty dollars for each bed for which the 53609
facility is licensed: 53610

(a) Issuance or renewal of a license, ~~other than a temporary~~ 53611
license; 53612

(b) The unannounced inspection required by division (C)(1) of this section that is in addition to the inspection conducted to determine whether a license should be issued or renewed;

(c) If, during an inspection conducted in addition to the two inspections required by division (C)(1) of this section, the facility was found to be in violation of this chapter or the rules adopted under it, receipt by the facility of the report of that investigation.

(2) The director may revoke the license of any adult care facility that fails to submit the fee within the thirty-day period.

(3) All inspection fees received by the director, all civil penalties assessed under section 3722.08 of the Revised Code, all fines imposed under section 3722.99 of the Revised Code, and all license application and renewal application fees received under division (F) of section 3722.02 of the Revised Code or under division (B) of this section shall be deposited into the general operations fund created in section 3701.83 of the Revised Code and shall be used only to pay the costs of administering and enforcing the requirements of this chapter and rules adopted under it.

(F)(1) An owner shall inform the director in writing of any changes in the information contained in the statement of ownership made pursuant to division (C) of section 3722.02 of the Revised Code or in the identity of the manager, not later than ten days after the change occurs.

(2) An owner who sells or transfers an adult care facility shall be responsible and liable for the following:

(a) Any civil penalties imposed against the facility under section 3722.08 of the Revised Code for violations that occur before the date of transfer of ownership or during any period in which the seller or the seller's agent operates the facility;

(b) Any outstanding liability to the state, unless the buyer or transferee has agreed, as a condition of the sale or transfer, to accept the outstanding liabilities and to guarantee their payment, except that if the buyer or transferee fails to meet these obligations the seller or transferor shall remain responsible for the outstanding liability.

(G) The director shall annually publish a list of licensed adult care facilities, facilities ~~whose~~ for which licenses have been revoked ~~or not renewed~~, facilities for which license renewal has been refused, any facilities under an order suspending admissions pursuant to section 3722.07 of the Revised Code, and any facilities that have been assessed a civil penalty pursuant to section 3722.08 of the Revised Code. The director shall furnish information concerning the status of licensure of any facility to any person upon request. The director shall annually send a copy of the list to the department of job and family services, to the department of mental health, and to the department of aging.

Sec. 3722.05. ~~(A)(1)~~ If an adult care facility fails to comply with any requirement of this chapter or with any rule adopted pursuant to this chapter, the director of health may do any one or all of the following:

~~(a)~~(A) In accordance with Chapter 119. of the Revised Code, deny, revoke, or refuse to renew the license of the facility;

~~(b)~~(B) Give the facility an opportunity to correct the violation, in accordance with section 3722.06 of the Revised Code;

~~(c)~~(C) Issue an order suspending the admission of residents to the facility, in accordance with section 3722.07 of the Revised Code;

~~(d)~~(D) Impose a civil penalty in accordance with section 3722.08 of the Revised Code;

~~(e)(E)~~ Petition the court of common pleas for injunctive relief in accordance with section 3722.09 of the Revised Code. 53674
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~~(2) The director may refuse to renew the temporary license of any adult care facility for failure to make reasonable progress toward compliance with the requirements for licensure under section 3722.02 of the Revised Code and rules adopted by the public health council pursuant to this chapter. The director may revoke a temporary license upon a finding that the facility jeopardizes the health or safety of any of its residents. Proceedings initiated to deny, revoke, or refuse to renew a temporary license are not subject to Chapter 119. of the Revised Code.~~ 53676
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~~(3) The director may renew a temporary license for the duration of proceedings under Chapter 119. of the Revised Code regarding the denial of a permanent license if he determines that the continued operation of the facility will not jeopardize the health or safety of the residents.~~ 53686
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Sec. 3722.06. Except as otherwise provided in sections 3722.07 to 3722.09 of the Revised Code and except in cases of violations that jeopardize the health and safety of any of the residents, if the director determines that a licensed adult care facility is in violation of this chapter or of rules adopted pursuant to this chapter, ~~he~~ the director shall give the facility an opportunity to correct the violation. The director shall notify the facility of the violation, ~~prescribe the steps necessary to correct the condition,~~ and specify a reasonable time for making the corrections. Notice of the violation ~~and the prescribed corrections~~ shall be in writing and shall include a citation to the statute or rule violated. The director shall state the action that ~~he~~ the director will take if the corrections are not made within the specified period of time. 53691
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The facility shall submit to the director a plan of 53705
correction stating the actions that will be taken to correct the 53706
violation. The director shall conduct an inspection to determine 53707
whether the facility has corrected the violation in accordance 53708
with the plan of correction. 53709

If the director determines that the facility has failed to 53710
correct the violation in accordance with the plan of correction, 53711
the director may impose a penalty under section 3722.08 of the 53712
Revised Code. If the director subsequently determines that the 53713
license of the facility should be revoked or should not be renewed 53714
because the facility has failed to correct the violation within 53715
the time specified or because the violation jeopardizes the health 53716
or safety of any of the residents, the director shall revoke or 53717
refuse to renew the license in accordance with Chapter 119. of the 53718
Revised Code. 53719

Sec. 3722.08. (A) If the director of health determines that 53720
an adult care facility is in violation of this chapter or rules 53721
adopted under it, the director may impose a civil penalty on the 53722
owner of the facility, pursuant to rules adopted by the public 53723
health council under this chapter, ~~on the owner of the facility.~~ 53724
The director shall determine the classification and amount of the 53725
penalty by considering the following factors: 53726

(1) The gravity of the violation, the severity of the actual 53727
or potential harm, and the extent to which the provisions of this 53728
chapter or rules adopted under it were violated; 53729

(2) Actions taken by the owner or manager to correct the 53730
violation; 53731

(3) The number, if any, of previous violations by the adult 53732
care facility. 53733

(B) The director shall give written notice of the order 53734

imposing a civil penalty to the adult care facility by certified 53735
mail, return receipt requested, or shall provide for delivery of 53736
the notice in person. The notice shall specify the classification 53737
of the violation as determined by rules adopted by the public 53738
health council pursuant to this chapter, the amount of the penalty 53739
and the rate of interest, the action that is required to be taken 53740
to correct the violation, the time within which it is to be 53741
corrected as specified in division (C) of this section, and the 53742
procedures for the facility to follow to request a conference on 53743
the order imposing a civil penalty. If the facility requests a 53744
conference in a letter mailed or delivered not later than two 53745
working days after it has received the notice, the director shall 53746
hold a conference with representatives of the facility concerning 53747
the civil penalty. The conference shall be held not later than 53748
seven days after the director receives the request. The conference 53749
shall be conducted as prescribed in division (C) of section 53750
3722.07 of the Revised Code. If the director issues an order 53751
upholding the civil penalty, the facility may request an 53752
adjudication hearing pursuant to Chapter 119. of the Revised Code, 53753
but the order of the director shall be in effect during 53754
proceedings instituted pursuant to that chapter until a final 53755
adjudication is made. 53756

(C) The director shall order that the condition or practice 53757
constituting a class I violation be abated or eliminated within 53758
twenty-four hours or any longer period that the director considers 53759
reasonable. The notice for a class II or a class III violation 53760
shall specify a time within which the violation is required to be 53761
corrected. 53762

(D) If the facility does not request a conference or if, 53763
after a conference, it fails to take action to correct a violation 53764
in the time prescribed by the director, the director shall issue 53765
an order upholding the penalty, plus interest at the rate 53766

specified in section 1343.03 of the Revised Code for each day 53767
beyond the date set for payment of the penalty. The director may 53768
waive the interest payment for the period prior to the conference 53769
if the director concludes that the conference was necessitated by 53770
a legitimate dispute. 53771

(E) The director may cancel or reduce the penalty for a class 53772
I violation if the facility corrects the violation within the time 53773
specified in the notice ~~unless, except that the director shall~~ 53774
~~impose the penalty even though the facility has corrected the~~ 53775
~~violation if~~ a resident suffers physical harm because of the 53776
violation or ~~unless~~ the facility has been cited previously for the 53777
same violation, ~~in which case the director shall impose the~~ 53778
~~penalty even though the facility has corrected the violation.~~ The 53779
director ~~shall~~ may cancel the penalty for a class II or class III 53780
violation if the facility corrects the violation within the time 53781
specified in the notice ~~unless~~ and the facility has not been cited 53782
previously for the same violation. Each day of a violation of any 53783
class, after the date the director sets for abatement or 53784
elimination, constitutes a separate and additional violation. 53785

(F) If an adult care facility fails to pay a penalty imposed 53786
under this section, the director may commence a civil action to 53787
collect the penalty. The license of an adult care facility that 53788
has failed to pay a penalty imposed under this section shall not 53789
be renewed until the penalty has been paid. 53790

(G) If a penalty is imposed under this section, a fine shall 53791
not be imposed under section 3722.99 of the Revised Code for the 53792
same violation. 53793

~~(H) Notwithstanding any other division of this section, the~~ 53794
~~director shall not impose a penalty for a class I violation if all~~ 53795
~~of the following apply:~~ 53796

~~(1) A resident has not suffered physical harm because of the~~ 53797

violation; 53798

~~(2) The violation has been corrected and is no longer
occurring;~~ 53799
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~~(3) The violation is discovered by an inspector authorized to
inspect an adult care facility pursuant to this chapter by an
examination of the records of the facility.~~ 53801
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Sec. 3722.09. (A) If the director of health determines that 53804
the operation of an adult care facility jeopardizes the health or 53805
safety of any of the residents of the facility or if the director 53806
determines that an adult care facility is operating without a 53807
license, the director may petition the court of common pleas in 53808
the county in which the facility is located for appropriate 53809
injunctive relief against the facility. The If injunctive relief 53810
is granted against a facility for operating without a license and 53811
the facility continues to operate without a license, the director 53812
shall refer the case to the attorney general for further action. 53813

(B) The court petitioned under division (A) of this section 53814
shall grant injunctive relief upon a showing that the operation of 53815
the facility jeopardizes the health or safety of any of the 53816
residents of the facility or that the facility is operating 53817
without a license. When the court grants injunctive relief in the 53818
case of a facility operating without a license, the court shall 53819
issue, at a minimum, an order enjoining the facility from 53820
admitting new residents to the facility and an order requiring the 53821
facility to assist resident rights advocates with the safe and 53822
orderly relocation of the facility's residents. 53823

Sec. 3722.10. (A) The public health council shall have the 53824
exclusive authority to adopt, and the council shall adopt, rules 53825
~~in accordance with Chapter 119. of the Revised Code~~ governing the 53826
licensing and operation of adult care facilities. The rules shall 53827

be adopted in accordance with Chapter 119. of the Revised Code and 53828
shall specify all of the following: 53829

(1) Procedures for the issuance, renewal, and revocation of 53830
licenses ~~and temporary licenses~~, for the granting and denial of 53831
waivers, and for the issuance and termination of orders of 53832
suspension of admission pursuant to section 3722.07 of the Revised 53833
Code; 53834

(2) The qualifications required for owners, managers, and 53835
employees of adult care facilities, including character, training, 53836
education, experience, and financial resources and the number of 53837
staff members required in a facility; 53838

(3) Adequate space, equipment, safety, and sanitation 53839
standards for the premises of adult care facilities, and fire 53840
protection standards for adult family homes as required by section 53841
3722.041 of the Revised Code; 53842

(4) The personal, social, dietary, and recreational services 53843
to be provided to each resident of adult care facilities; 53844

(5) Rights of residents of adult care facilities, in addition 53845
to the rights enumerated under section 3722.12 of the Revised 53846
Code, and procedures to protect and enforce the rights of these 53847
residents; 53848

(6) Provisions for keeping records of residents and for 53849
maintaining the confidentiality of the records as required by 53850
division (B) of section 3722.12 of the Revised Code. The 53851
provisions for maintaining the confidentiality of records shall, 53852
at the minimum, meet the requirements for maintaining the 53853
confidentiality of records under Title XIX of the "Social Security 53854
Act," 49 Stat. 620, 42 U.S.C. 301, as amended, and regulations 53855
promulgated thereunder. 53856

(7) Measures to be taken by adult care facilities relative to 53857
residents' medication, including policies and procedures 53858

concerning medication, storage of medication in a locked area, and 53859
disposal of medication and assistance with self-administration of 53860
medication, if the facility provides assistance; 53861

(8) Requirements for initial and periodic health assessments 53862
of prospective and current adult care facility residents by 53863
physicians or other health professionals to ensure that they do 53864
not require a level of care beyond that which is provided by the 53865
adult care facility, including assessment of their capacity to 53866
self-administer the medications prescribed for them; 53867

(9) Requirements relating to preparation of special diets; 53868

(10) The amount of the fees for new and renewal license 53869
applications made pursuant to sections 3722.02 and 3722.04 of the 53870
Revised Code; 53871

(11) Measures to be taken by any employee of the state or any 53872
political subdivision of the state authorized by this chapter to 53873
enter an adult care facility to inspect the facility or for any 53874
other purpose, to ensure that the employee respects the privacy 53875
and dignity of residents of the facility, cooperates with 53876
residents of the facility and behaves in a congenial manner toward 53877
them, and protects the rights of residents; 53878

(12) How an owner or manager of an adult care facility is to 53879
comply with section 3722.18 of the Revised Code. ~~The~~ At a minimum, 53880
the rules shall ~~do at least both of the following:~~ 53881

~~(a) Establish~~ establish the procedures an owner or manager is 53882
to follow under division (A)~~(2)~~ of section 3722.18 of the Revised 53883
Code regarding referrals to the facility of prospective residents 53884
with mental illness or severe mental disability and effective 53885
arrangements for ongoing mental health services for such 53886
prospective residents. The procedures may provide for any of the 53887
following: 53888

~~(i)~~(a) That the owner or manager ~~sign written agreements with~~ 53889

~~the mental health agencies and boards of alcohol, drug addiction, and mental health services that refer such prospective residents to the facility. Each agreement shall cover all such prospective residents referred by the agency or board with which the owner or manager enters into the agreement.~~ 53890
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~~(ii) and the ADAMHS board serving the alcohol, drug addiction, and mental health service district in which the facility is located sign a mental health resident program participation agreement, as developed by the director of mental health under section 5119.613 of the Revised Code;~~ 53895
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~~(b) That the owner or manager comply with the requirements of its mental health resident program participation agreement;~~ 53900
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~~(c) That the owner or manager and the mental health agencies and ADAMHS boards of alcohol, drug addiction, and mental health services that refer such prospective residents to the facility develop and sign a mental health plan for ongoing mental health services for each such prospective resident;~~ 53902
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~~(iii)(d) Any other process established by the public health council in consultation with the director of health and director of mental health regarding referrals and effective arrangements for ongoing mental health services for prospective residents with mental illness.~~ 53907
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~~(b) Specify the date an owner or manager must begin to follow the procedures established by division (A)(12)(a) of this section.~~ 53912
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(13) Any other rules necessary for the administration and enforcement of this chapter. 53914
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(B) After consulting with relevant constituencies, the director of mental health shall prepare and submit to the director of health recommendations for the content of rules to be adopted under division (A)(12) of this section. ~~The public health council shall adopt the rules required by division (A)(12) of this section~~ 53916
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~~no later than July 1, 2000.~~ 53921

(C) The director of health shall advise adult care facilities 53922
regarding compliance with the requirements of this chapter and 53923
with the rules adopted pursuant to this chapter. 53924

(D) Any duty or responsibility imposed upon the director of 53925
health by this chapter may be carried out by an employee of the 53926
department of health. 53927

(E) Employees of the department of health may enter, for the 53928
purposes of investigation, any institution, residence, facility, 53929
or other structure which has been reported to the department as, 53930
or that the department has reasonable cause to believe is, 53931
operating as an adult care facility without a valid license. 53932

Sec. 3722.13. (A) Each adult care facility shall establish a 53933
written residents' rights policy containing the text of sections 53934
3722.12 and 3722.14 of the Revised Code and rules adopted by the 53935
public health council pursuant to this chapter, a discussion of 53936
the rights and responsibilities of residents under that section, 53937
and the text of any additional rule for residents promulgated by 53938
the facility. At the time of admission the manager shall give a 53939
copy of the residents' rights policy to the resident and ~~his~~ the 53940
resident's sponsor, if any, and explain the contents of the policy 53941
to them. The facility shall establish procedures for facilitating 53942
the residents' exercise of their rights. 53943

(B) Each adult care facility shall post prominently within 53944
the facility a copy of the residents' rights listed in division 53945
(B) of section 3722.12 of the Revised Code and any additional 53946
residents' rights established by rules adopted by the public 53947
health council pursuant to this chapter, ~~and~~ the addresses and 53948
telephone numbers of the state long-term care ~~facilities ombudsman~~ 53949
ombudsperson and the regional ~~ombudsman~~ long-term care 53950
ombudsperson program for the area in which the facility is 53951

located, ~~and of the central and district offices of the telephone~~ 53952
~~number maintained by the department of health for accepting~~ 53953
~~complaints.~~ 53954

Sec. 3722.14. (A)(1) Except as provided in division (A)(2) of 53955
this section, an adult care facility may transfer or discharge a 53956
resident, in the absence of a request from the resident, only for 53957
the following reasons: 53958

(a) Charges for the resident's accommodations and services 53959
have not been paid within thirty days after the date on which they 53960
became due; 53961

(b) The mental, emotional, or physical condition of the 53962
resident requires a level of care that the facility is unable to 53963
provide; 53964

(c) The health, safety, or welfare of the resident or of 53965
another resident requires a transfer or discharge; 53966

(d) The facility's license has been revoked or renewal has 53967
been denied pursuant to this chapter; 53968

(e) The owner closes the facility; 53969

(f) The resident is relocated as the result of a court's 53970
order issued under section 3722.09 of the Revised Code as part of 53971
the injunctive relief granted against a facility that is operating 53972
without a license; 53973

(g) The resident is receiving publicly funded mental health 53974
services and the facility's mental health resident program 53975
participation agreement is terminated by the facility or ADAMHS 53976
board. 53977

(2) An adult family home may transfer or discharge a resident 53978
if transfer or discharge is required for the health, safety, or 53979
welfare of an individual who resides in the home but is not a 53980
resident for whom supervision or personal services are provided. 53981

(B)(1) The facility shall give a resident thirty days advance notice, in writing, of a proposed transfer or discharge, except that if the transfer or discharge is for a reason given in divisions (A)(1)(b) to (g) or (A)(2) to (5) of this section and an emergency exists, the notice need not be given thirty days in advance. ~~The resident may request and the director of health shall conduct a hearing if the transfer or discharge is based upon division (A)(1), (2), or (3) of this section. The public health council shall adopt rules governing the procedure for conducting such a hearing.~~ The facility shall state in the written notice the reasons for the proposed transfer or discharge. If the resident is entitled to a hearing as specified in division (B)(2) of this section, the written notice shall outline the procedure for the resident to follow in requesting a hearing.

(2) A resident may request a hearing if a proposed transfer or discharge is based on reason given in division (A)(1)(a) to (c) or (A)(2) of this section. If the resident seeks a hearing, ~~he~~ the resident shall submit a request to the director not later than ten days after receiving the written notice. The director shall hold the hearing not later than ten days after receiving the request. A representative of the director shall preside over the hearing and shall issue a written recommendation of action to be taken by the director not later than three days after the hearing. The director shall issue an order regarding the transfer or discharge not later than two days after receipt of the recommendation. The order may prohibit or place conditions on the discharge or transfer. In the case of a transfer, the order may require that the transfer be to an institution or facility specified by the director. The hearing is not subject to section 121.22 of the Revised Code. The public health council shall adopt rules governing any additional procedures necessary for conducting the hearing.

(C)(1) The owner of an adult care facility who is closing the

facility shall inform the director of health in writing at least 54014
thirty days prior to the proposed date of closing. At the same 54015
time, the owner or manager shall inform each resident, ~~his~~ the 54016
resident's guardian, ~~his~~ the resident's sponsor, or any 54017
organization or agency acting on behalf of the resident, of the 54018
closing of the facility and the date of the closing. 54019

(2) Immediately upon receiving notice that a facility is to 54020
be closed, the director shall monitor the transfer of residents to 54021
other facilities and ensure that residents' rights are protected. 54022
The director shall notify the ~~ombudsman~~ ombudsperson in the region 54023
in which the facility is located of the closing. 54024

(3) All charges shall be prorated as of the date on which the 54025
facility closes. If payments have been made in advance, the 54026
payments for services not rendered shall be refunded to the 54027
resident or the resident's guardian not later than seven days 54028
after the closing of the facility. 54029

(4) Immediately upon the closing of a facility, the owner 54030
shall surrender the license to the director, and the license shall 54031
be canceled. 54032

Sec. 3722.15. (A) The following may enter an adult care 54033
facility at any time: 54034

(1) Employees designated by the director of health; 54035

(2) Employees designated by the director of aging; 54036

(3) Employees designated by the attorney general; 54037

(4) Employees designated by a county department of job and 54038
family services to implement sections 5101.60 to 5101.71 of the 54039
Revised Code; 54040

(5) Persons employed pursuant to division (M) of section 54041
173.01 of the Revised Code in the long-term care ~~facilities~~ 54042
ombudsperson program; 54043

(6) Employees of the department of mental health designated by the director of mental health; 54044
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(7) Employees of a mental health agency, ~~if under any of the~~ following circumstances: 54046
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(a) When the agency has a client residing in the facility; 54048

(b) When the agency is acting as an agent of an ADAMHS board other than the board with which it is under contract; 54049
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(c) When there is a mental health resident program participation agreement between the facility and the ADAMHS board with which the agency is under contract. 54051
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(8) Employees of ~~a an ADAMHS board of alcohol, drug addiction, and mental health services, when~~ under any of the following circumstances: 54054
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(a) When authorized by section 340.05 of the Revised Code ~~or if an individual;~~ 54057
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(b) When a resident of the facility is receiving mental health services provided by the that ADAMHS board or another ADAMHS board pursuant to division (A)(8)(b) of section 340.03 of the Revised Code ~~or;~~ 54059
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(c) When a resident of the facility is receiving services from a mental health agency under contract with ~~the that ADAMHS board resides in the facility or another ADAMHS board;~~ 54063
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(d) When there is a mental health resident program participation agreement between the facility and that ADAMHS board. 54066
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~~These~~ The employees specified in divisions (A)(1) to (8) of this section shall be afforded access to all records of the facility, including records pertaining to residents, and may copy the records. Neither these employees nor the director of health shall release, without consent, any information obtained from the 54069
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records of an adult care facility that reasonably would tend to 54074
identify a specific resident of the facility, except as ordered by 54075
a court of competent jurisdiction. 54076

(B) The following persons may enter any adult care facility 54077
during reasonable hours: 54078

(1) A resident's sponsor; 54079

(2) Residents' rights advocates; 54080

(3) A resident's attorney; 54081

(4) A minister, priest, rabbi, or other person ministering to 54082
a resident's religious needs; 54083

(5) A physician or other person providing health care 54084
services to a resident; 54085

(6) Employees authorized by county departments of job and 54086
family services and local boards of health or health departments 54087
to enter adult care facilities; 54088

(7) A prospective resident and prospective resident's 54089
sponsor. 54090

(C) The manager of an adult care facility may require a 54091
person seeking to enter the facility to present identification 54092
sufficient to identify the person as an authorized person under 54093
this section. 54094

Sec. 3722.16. (A) No person shall: 54095

(1) Operate an adult care facility unless the facility is 54096
validly licensed by the director of health under section 3722.04 54097
of the Revised Code; 54098

(2) Admit to an adult care facility more residents than the 54099
number authorized in the facility's license; 54100

(3) Admit a resident to an adult care facility after the 54101

director has issued an order pursuant to section 3722.07 of the Revised Code suspending admissions to the facility. Violation of division (A)(3) of this section is cause for revocation of the facility's license.

(4) Interfere with any authorized inspection of an adult care facility conducted pursuant to section 3722.02 or 3722.04 of the Revised Code;

(5) Admit to an adult care facility a resident requiring publicly funded mental health services, unless both of the following conditions are met:

(a) The ADAMHS board serving the alcohol, drug addiction, and mental health service district in which the facility is located is notified;

(b) The facility and ADAMHS board have entered into a mental health resident program participation agreement by using the standardized form approved by the director of mental health under section 5119.613 of the Revised Code.

(6) Violate any of the provisions of this chapter or any of the rules adopted pursuant to it.

(B) No adult care facility shall provide, or admit or retain any resident in need of, skilled nursing care unless all of the following conditions are ~~the case~~ met:

(1) The care will be provided on a part-time, intermittent basis for not more than a total of one hundred twenty days in any twelve-month period.

(2) The care will be provided by one or more of the following:

(a) A home health agency certified under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended+;

(b) A hospice care program licensed under Chapter 3712. of the Revised Code; 54132
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(c) A nursing home licensed under Chapter 3721. of the Revised Code and owned and operated by the same person and located on the same site as the adult care facility; 54134
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(d) A mental health agency or, pursuant to division (A)(8)(b) of section 340.03 of the Revised Code, a an ADAMHS board of alcohol, drug addiction, and mental health services. 54137
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+2)(3) Each individual employed by, under contract with, or otherwise used by any of the entities specified in division (B)(2) of this section to perform the skilled nursing care is authorized under the laws of this state to perform the care by being appropriately licensed, as specified in rules adopted under division (G) of this section. 54140
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(4) The staff of the home health agency, hospice care program, nursing home, mental health agency, or board of alcohol, drug addiction, and mental health services one or more entities providing the skilled nursing care does not train the adult care facility staff to provide the skilled nursing care; 54146
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+3)(5) The individual to whom the skilled nursing care is provided is suffering from a short-term illness; 54151
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+4)(6) If the skilled nursing care is to be provided by the nursing staff of a nursing home, all of the following are the case: 54153
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(a) The adult care facility evaluates the individual receiving the skilled nursing care at least once every seven days to determine whether the individual should be transferred to a nursing home; 54156
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(b) The adult care facility meets at all times staffing requirements established by rules adopted under section 3722.10 of 54160
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the Revised Code; 54162

(c) The nursing home does not include the cost of providing 54163
skilled nursing care to the adult care facility residents in a 54164
cost report filed under section 5111.26 of the Revised Code; 54165

(d) The nursing home meets at all times the nursing home 54166
licensure staffing ratios established by rules adopted under 54167
section 3721.04 of the Revised Code; 54168

(e) The nursing home staff providing skilled nursing care to 54169
adult care facility residents are registered nurses or licensed 54170
practical nurses licensed under Chapter 4723. of the Revised Code 54171
and meet the personnel qualifications for nursing home staff 54172
established by rules adopted under section 3721.04 of the Revised 54173
Code; 54174

(f) The skilled nursing care is provided in accordance with 54175
rules established for nursing homes under section 3721.04 of the 54176
Revised Code; 54177

(g) The nursing home meets the skilled nursing care needs of 54178
the adult care facility residents; 54179

(h) Using the nursing home's nursing staff does not prevent 54180
the nursing home or adult care facility from meeting the needs of 54181
the nursing home and adult care facility residents in a quality 54182
and timely manner. 54183

(7) No adult care facility staff shall provide skilled 54184
nursing care. 54185

Notwithstanding section 3721.01 of the Revised Code, an adult 54186
care facility in which residents receive skilled nursing care as 54187
described in division (B) of this section is not a nursing home. 54188
~~No adult care facility shall provide skilled nursing care.~~ 54189

(C) A home health agency or hospice care program that 54190
provides skilled nursing care pursuant to division (B) of this 54191

section may not be associated with the adult care facility unless 54192
the facility is part of a home for the aged as defined in section 54193
5701.13 of the Revised Code or the adult care facility is owned 54194
and operated by the same person and located on the same site as a 54195
nursing home licensed under Chapter 3721. of the Revised Code that 54196
is associated with the home health agency or hospice care program. 54197
In addition, the following requirements shall be met: 54198

(1) The adult care facility shall evaluate the individual 54199
receiving the skilled nursing care not less than once every seven 54200
days to determine whether the individual should be transferred to 54201
a nursing home; 54202

(2) If the costs of providing the skilled nursing care are 54203
included in a cost report filed pursuant to section 5111.26 of the 54204
Revised Code by the nursing home that is part of the same home for 54205
the aged, the home health agency or hospice care program shall not 54206
seek reimbursement for the care under the medical assistance 54207
program established under Chapter 5111. of the Revised Code. 54208

(D)~~(1)~~ No person knowingly shall place or recommend placement 54209
of any person in an adult care facility that is operating without 54210
a license. 54211

~~(2)~~(E) No employee of a unit of local or state government, 54212
ADAMHS board of alcohol, drug addiction, and mental health 54213
~~services~~, mental health agency, or PASSPORT administrative agency 54214
shall place or recommend placement of any person in an adult care 54215
facility if the employee knows ~~that~~ any of the following: 54216

(1) That the facility cannot meet the needs of the potential 54217
resident; 54218

(2) That placement of the resident would cause the facility 54219
to exceed its licensed capacity; 54220

(3) That an enforcement action initiated by the director of 54221
health is pending and may result in the revocation of or refusal 54222

to renew the facility's license; 54223

(4) That the potential resident is receiving or is eligible for publicly funded mental health services and the facility has not entered into a mental health resident program participation agreement. 54224
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~~(3)~~(F) No person who has reason to believe that an adult care facility is operating without a license shall fail to report this information to the director of health. 54228
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~~(E)~~(G) In accordance with Chapter 119. of the Revised Code, the public health council shall adopt rules ~~that define for~~ purposes of division (B) of this section that do all of the following: 54231
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(1) Define a short-term illness for purposes of division (B)~~(3)~~(5) of this section ~~and specify;~~ 54235
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(2) Specify, consistent with rules pertaining to home health care adopted by the director of job and family services under the medical assistance program established under Chapter 5111. of the Revised Code and Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, what constitutes a part-time, intermittent basis for purposes of division (B)(1) of this section; 54237
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(3) Specify what constitutes being appropriately licensed for purposes of division (B)(3) of this section. 54244
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Sec. 3722.17. (A) Any person who believes that an adult care facility is in violation of this chapter or of any of the rules promulgated pursuant to it may report the information to the director of health. The director shall investigate each report made under this section or section 3722.16 of the Revised Code and shall inform the facility of the results of the investigation. When investigating a report made pursuant to section 340.05 of the 54246
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Revised Code, the director shall consult with the ADAMHS board of 54253
~~alcohol, drug addiction, and mental health services~~ that made the 54254
report. The director shall keep a record of the investigation and 54255
the action taken as a result of the investigation. 54256

The director shall not reveal, without consent, the identity 54257
of a person who makes a report under this section or division 54258
~~(D)(3)(G)~~ of section 3722.16 of the Revised Code, the identity of 54259
a specific resident or residents referred to in such a report, or 54260
any other information that could reasonably be expected to reveal 54261
the identity of the person making the report or the resident or 54262
residents referred to in the report, except that the director may 54263
provide this information to a government agency responsible for 54264
enforcing laws applying to adult care facilities. 54265

(B) Any person who believes that a resident's rights under 54266
sections 3722.12 to 3722.15 of the Revised Code have been violated 54267
may report the information to the state ~~or regional~~ long-term care 54268
~~facilities~~ ombudsperson, the regional long-term care ombudsperson 54269
program for the area in which the facility is located, or ~~to~~ the 54270
director of health. If the person believes that the resident has 54271
mental illness or severe mental disability and is suffering abuse 54272
or neglect, the person may report the information to the ADAMHS 54273
~~board of alcohol, drug addiction, and mental health services~~ 54274
serving the alcohol, drug addiction, and mental health service 54275
district in which the adult care facility is located or a mental 54276
health agency under contract with the board in addition to or 54277
instead of the ombudsperson, regional program, or director. 54278

(C) Any person who makes a report pursuant to division (A) or 54279
(B) of this section or division ~~(D)(3)(G)~~ of section 3722.16 of 54280
the Revised Code or any person who participates in an 54281
administrative or judicial proceeding resulting from such a report 54282
is immune from any civil liability or criminal liability, other 54283
than perjury, that might otherwise be incurred or imposed as a 54284

result of these actions, unless the person has acted in bad faith 54285
or with malicious purpose. 54286

Sec. 3722.18. Before an adult care facility admits a 54287
prospective resident who the owner or manager of the facility 54288
knows has been assessed as having a mental illness or severe 54289
mental disability, the owner or manager ~~shall do~~ is subject to 54290
both of the following in accordance with rules adopted under 54291
division (A)(12) of section 3722.10 of the Revised Code: 54292

(A) If the prospective resident is referred to the facility 54293
by a mental health agency or ADAMHS board ~~of alcohol, drug~~ 54294
~~addiction, and mental health services, do the following:~~ 54295

~~(1) Except in an emergency and only until the date an owner~~ 54296
~~or manager of an adult care facility must begin to follow~~ 54297
~~procedures under division (A)(2) of this section, enter into an~~ 54298
~~affiliation agreement with the agency or board. An affiliation~~ 54299
~~agreement with the agency is subject to the board's approval. An~~ 54300
~~affiliation agreement must be consistent with the residential~~ 54301
~~portion of the board's community mental health plan submitted to~~ 54302
~~the department of mental health under section 340.03 of the~~ 54303
~~Revised Code.~~ 54304

~~(2) Beginning on the date specified in rules adopted under~~ 54305
~~division (A)(12) of section 3722.10 of the Revised Code, the owner~~ 54306
~~or manager shall follow procedures established in those rules~~ 54307
~~adopted under division (A)(12) of section 3722.10 of the Revised~~ 54308
Code regarding referrals and effective arrangements for ongoing 54309
mental health services. 54310

(B) If the prospective resident is not referred to the 54311
facility by a mental health agency or ADAMHS board ~~of alcohol,~~ 54312
~~drug addiction, and mental health services, document that the~~ 54313
owner or manager ~~has offered~~ shall offer to assist the prospective 54314
resident in obtaining appropriate mental health services and 54315

document the offer of assistance in accordance with rules adopted 54316
under division (A)(12) of section 3722.10 of the Revised Code. 54317

54318

Sec. 3722.99. Whoever violates division (A) ~~or (B)(1)~~ of 54319
section 3722.16 of the Revised Code shall be fined ~~five hundred~~ 54320
two thousand dollars for a first offense; for each subsequent 54321
offense, such person shall be fined ~~one~~ five thousand dollars. 54322

Whoever violates division (C) of section 3722.12 or division 54323
(A)(2), (3), (4), (5) or (6), (B), (C), (D), (E), or (F) of 54324
section 3722.16 of the Revised Code shall be fined ~~one~~ five 54325
hundred dollars for a first offense; for each subsequent offense, 54326
such person shall be fined ~~five hundred~~ one thousand dollars. 54327

Sec. 3727.02. (A) No person and no political subdivision, 54328
agency, or instrumentality of this state shall operate a hospital 54329
unless it is certified under Title XVIII of the "Social Security 54330
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or is 54331
accredited by ~~the joint commission or the American osteopathic~~ 54332
~~association~~ a national accrediting organization approved by the 54333
centers for medicare and medicaid services. 54334

(B) No person and no political subdivision, agency, or 54335
instrumentality of this state shall hold out as a hospital any 54336
health facility that is not certified or accredited as required in 54337
division (A) of this section. 54338

Sec. 3733.02. (A)(1) The public health council, subject to 54339
Chapter 119. of the Revised Code, shall adopt, and has the 54340
exclusive power to adopt, rules of uniform application throughout 54341
the state governing the review of plans, issuance of flood plain 54342
management permits, and issuance of licenses for manufactured home 54343
parks; the location, layout, density, construction, drainage, 54344
sanitation, safety, and operation of those parks; and notices of 54345

flood events concerning, and flood protection at, those parks. The 54346
rules pertaining to flood plain management shall be consistent 54347
with and not less stringent than the flood plain management 54348
criteria of the national flood insurance program adopted under the 54349
"National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 54350
4001, as amended. The rules shall not apply to the construction, 54351
erection, or manufacture of any building to which section 3781.06 54352
of the Revised Code is applicable. 54353

(2) The rules pertaining to manufactured home parks 54354
constructed after June 30, 1971, shall specify that each home must 54355
be placed on its lot to provide not less than fifteen feet between 54356
the side of one home and the side of another home, ten feet 54357
between the end of one home and the side of another home, and five 54358
feet between the ends of two homes placed end to end. 54359

(3) The ~~department of health~~ manufactured homes commission 54360
shall determine compliance with the installation, blocking, 54361
tiedown, foundation, and base support system standards for 54362
manufactured housing located in manufactured home parks adopted by 54363
the ~~manufactured homes~~ commission pursuant to section 4781.04 of 54364
the Revised Code. All inspections of the installation, blocking, 54365
tiedown, foundation, and base support systems of manufactured 54366
housing in a manufactured home park that the department of health 54367
or a licensor conducts shall be conducted by a person who has 54368
completed an installation training course approved by the 54369
manufactured homes commission pursuant to division (B)(12) of 54370
section 4781.04 of the Revised Code. 54371

As used in division (A)(3) of this section, "manufactured 54372
housing" has the same meaning as in section 4781.01 of the Revised 54373
Code. 54374

(B) The public health council, in accordance with Chapter 54375
119. of the Revised Code, shall adopt rules of uniform application 54376
throughout the state establishing requirements and procedures in 54377

accordance with which the director of health may authorize 54378
licensors for the purposes of sections 3733.022 and 3733.025 of 54379
the Revised Code. The rules shall include at least provisions 54380
under which a licensor may enter into contracts for the purpose of 54381
fulfilling the licensor's responsibilities under either or both of 54382
those sections. 54383

Sec. 3734.05. (A)(1) Except as provided in divisions (A)(4), 54384
(8), and (9) of this section, no person shall operate or maintain 54385
a solid waste facility without a license issued under this 54386
division by the board of health of the health district in which 54387
the facility is located or by the director of environmental 54388
protection when the health district in which the facility is 54389
located is not on the approved list under section 3734.08 of the 54390
Revised Code. 54391

During the month of December, but before the first day of 54392
January of the next year, every person proposing to continue to 54393
operate an existing solid waste facility shall procure a license 54394
under this division to operate the facility for that year from the 54395
board of health of the health district in which the facility is 54396
located or, if the health district is not on the approved list 54397
under section 3734.08 of the Revised Code, from the director. The 54398
application for such a license shall be submitted to the board of 54399
health or to the director, as appropriate, on or before the last 54400
day of September of the year preceding that for which the license 54401
is sought. In addition to the application fee prescribed in 54402
division (A)(2) of this section, a person who submits an 54403
application after that date shall pay an additional ten per cent 54404
of the amount of the application fee for each week that the 54405
application is late. Late payment fees accompanying an application 54406
submitted to the board of health shall be credited to the special 54407
fund of the health district created in division (B) of section 54408
3734.06 of the Revised Code, and late payment fees accompanying an 54409

application submitted to the director shall be credited to the 54410
general revenue fund. A person who has received a license, upon 54411
sale or disposition of a solid waste facility, and upon consent of 54412
the board of health and the director, may have the license 54413
transferred to another person. The board of health or the director 54414
may include such terms and conditions in a license or revision to 54415
a license as are appropriate to ensure compliance with this 54416
chapter and rules adopted under it. The terms and conditions may 54417
establish the authorized maximum daily waste receipts for the 54418
facility. Limitations on maximum daily waste receipts shall be 54419
specified in cubic yards of volume for the purpose of regulating 54420
the design, construction, and operation of solidwaste facilities. 54421
Terms and conditions included in a license or revision to a 54422
license by a board of health shall be consistent with, and pertain 54423
only to the subjects addressed in, the rules adopted under 54424
division (A) of section 3734.02 and division (D) of section 54425
3734.12 of the Revised Code. 54426

(2)(a) Except as provided in divisions (A)(2)(b), (8), and 54427
(9) of this section, each person proposing to open a new solid 54428
waste facility or to modify an existing solid waste facility shall 54429
submit an application for a permit with accompanying detail plans 54430
and specifications to the environmental protection agency for 54431
required approval under the rules adopted by the director pursuant 54432
to division (A) of section 3734.02 of the Revised Code and 54433
applicable rules adopted under division (D) of section 3734.12 of 54434
the Revised Code at least two hundred seventy days before proposed 54435
operation of the facility and shall concurrently make application 54436
for the issuance of a license under division (A)(1) of this 54437
section with the board of health of the health district in which 54438
the proposed facility is to be located. 54439

(b) On and after the effective date of the rules adopted 54440
under division (A) of section 3734.02 of the Revised Code and 54441

division (D) of section 3734.12 of the Revised Code governing 54442
solid waste transfer facilities, each person proposing to open a 54443
new solid waste transfer facility or to modify an existing solid 54444
waste transfer facility shall submit an application for a permit 54445
with accompanying engineering detail plans, specifications, and 54446
information regarding the facility and its method of operation to 54447
the environmental protection agency for required approval under 54448
those rules at least two hundred seventy days before commencing 54449
proposed operation of the facility and concurrently shall make 54450
application for the issuance of a license under division (A)(1) of 54451
this section with the board of health of the health district in 54452
which the facility is located or proposed. 54453

(c) Each application for a permit under division (A)(2)(a) or 54454
(b) of this section shall be accompanied by a nonrefundable 54455
application fee of four hundred dollars that shall be credited to 54456
the general revenue fund. Each application for an annual license 54457
under division (A)(1) or (2) of this section shall be accompanied 54458
by a nonrefundable application fee of one hundred dollars. If the 54459
application for an annual license is submitted to a board of 54460
health on the approved list under section 3734.08 of the Revised 54461
Code, the application fee shall be credited to the special fund of 54462
the health district created in division (B) of section 3734.06 of 54463
the Revised Code. If the application for an annual license is 54464
submitted to the director, the application fee shall be credited 54465
to the general revenue fund. If a permit or license is issued, the 54466
amount of the application fee paid shall be deducted from the 54467
amount of the permit fee due under division (Q) of section 3745.11 54468
of the Revised Code or the amount of the license fee due under 54469
division (A)(1), (2), (3), or (4) of section 3734.06 of the 54470
Revised Code. 54471

(d) As used in divisions (A)(2)(d), (e), and (f) of this 54472
section, "modify" means any of the following: 54473

(i) Any increase of more than ten per cent in the total capacity of a solid waste facility;	54474 54475
(ii) Any expansion of the limits of solid waste placement at a solid waste facility;	54476 54477
(iii) Any increase in the depth of excavation at a solid waste facility;	54478 54479
(iv) Any change in the technique of waste receipt or type of waste received at a solid waste facility that may endanger human health, as determined by the director by rules adopted in accordance with Chapter 119. of the Revised Code.	54480 54481 54482 54483
Not later than thirty-five days after submitting an application under division (A)(2)(a) or (b) of this section for a permit to open a new or modify an existing solid waste facility, the applicant, in conjunction with an officer or employee of the environmental protection agency, shall hold a public meeting on the application within the county in which the new or modified solid waste facility is or is proposed to be located or within a contiguous county. Not less than thirty days before holding the public meeting on the application, the applicant shall publish notice of the meeting in each newspaper of general circulation that is published in the county in which the facility is or is proposed to be located. If no newspaper of general circulation is published in the county, the applicant shall publish the notice in a newspaper of general circulation in the county. The notice shall contain the date, time, and location of the public meeting and a general description of the proposed new or modified facility. Not later than five days after publishing the notice, the applicant shall send by certified mail a copy of the notice and the date the notice was published to the director and the legislative authority of each municipal corporation, township, and county, and to the chief executive officer of each municipal corporation, in which the facility is or is proposed to be located. At the public	54484 54485 54486 54487 54488 54489 54490 54491 54492 54493 54494 54495 54496 54497 54498 54499 54500 54501 54502 54503 54504 54505

meeting, the applicant shall provide information and describe the 54506
application and respond to comments or questions concerning the 54507
application, and the officer or employee of the agency shall 54508
describe the permit application process. At the public meeting, 54509
any person may submit written or oral comments on or objections to 54510
the application. Not more than thirty days after the public 54511
meeting, the applicant shall provide the director with a copy of a 54512
transcript of the full meeting, copies of any exhibits, displays, 54513
or other materials presented by the applicant at the meeting, and 54514
the original copy of any written comments submitted at the 54515
meeting. 54516

(e) Except as provided in division (A)(2)(f) of this section, 54517
prior to taking an action, other than a proposed or final denial, 54518
upon an application submitted under division (A)(2)(a) of this 54519
section for a permit to open a new or modify an existing solid 54520
waste facility, the director shall hold a public information 54521
session and a public hearing on the application within the county 54522
in which the new or modified solid waste facility is or is 54523
proposed to be located or within a contiguous county. If the 54524
application is for a permit to open a new solid waste facility, 54525
the director shall hold the hearing not less than fourteen days 54526
after the information session. If the application is for a permit 54527
to modify an existing solid waste facility, the director may hold 54528
both the information session and the hearing on the same day 54529
unless any individual affected by the application requests in 54530
writing that the information session and the hearing not be held 54531
on the same day, in which case the director shall hold the hearing 54532
not less than fourteen days after the information session. The 54533
director shall publish notice of the public information session or 54534
public hearing not less than thirty days before holding the 54535
information session or hearing, as applicable. The notice shall be 54536
published in each newspaper of general circulation that is 54537
published in the county in which the facility is or is proposed to 54538

be located. If no newspaper of general circulation is published in 54539
the county, the director shall publish the notice in a newspaper 54540
of general circulation in the county. The notice shall contain the 54541
date, time, and location of the information session or hearing, as 54542
applicable, and a general description of the proposed new or 54543
modified facility. At the public information session, an officer 54544
or employee of the environmental protection agency shall describe 54545
the status of the permit application and be available to respond 54546
to comments or questions concerning the application. At the public 54547
hearing, any person may submit written or oral comments on or 54548
objections to the approval of the application. The applicant, or a 54549
representative of the applicant who has knowledge of the location, 54550
construction, and operation of the facility, shall attend the 54551
information session and public hearing to respond to comments or 54552
questions concerning the facility directed to the applicant or 54553
representative by the officer or employee of the environmental 54554
protection agency presiding at the information session and 54555
hearing. 54556

(f) The solid waste management policy committee of a county 54557
or joint solid waste management district may adopt a resolution 54558
requesting expeditious consideration of a specific application 54559
submitted under division (A)(2)(a) of this section for a permit to 54560
modify an existing solid waste facility within the district. The 54561
resolution shall make the finding that expedited consideration of 54562
the application without the public information session and public 54563
hearing under division (A)(2)(e) of this section is in the public 54564
interest and will not endanger human health, as determined by the 54565
director by rules adopted in accordance with Chapter 119. of the 54566
Revised Code. Upon receiving such a resolution, the director, at 54567
the director's discretion, may issue a final action upon the 54568
application without holding a public information session or public 54569
hearing pursuant to division (A)(2)(e) of this section. 54570

(3) Except as provided in division (A)(10) of this section, 54571
and unless the owner or operator of any solid waste facility, 54572
other than a solid waste transfer facility or a compost facility 54573
that accepts exclusively source separated yard wastes, that 54574
commenced operation on or before July 1, 1968, has obtained an 54575
exemption from the requirements of division (A)(3) of this section 54576
in accordance with division (G) of section 3734.02 of the Revised 54577
Code, the owner or operator shall submit to the director an 54578
application for a permit with accompanying engineering detail 54579
plans, specifications, and information regarding the facility and 54580
its method of operation for approval under rules adopted under 54581
division (A) of section 3734.02 of the Revised Code and applicable 54582
rules adopted under division (D) of section 3734.12 of the Revised 54583
Code in accordance with the following schedule: 54584

(a) Not later than September 24, 1988, if the facility is 54585
located in the city of Garfield Heights or Parma in Cuyahoga 54586
county; 54587

(b) Not later than December 24, 1988, if the facility is 54588
located in Delaware, Greene, Guernsey, Hamilton, Madison, 54589
Mahoning, Ottawa, or Vinton county; 54590

(c) Not later than March 24, 1989, if the facility is located 54591
in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or 54592
Washington county, or is located in the city of Brooklyn or 54593
Cuyahoga Heights in Cuyahoga county; 54594

(d) Not later than June 24, 1989, if the facility is located 54595
in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or 54596
Summit county or is located in Cuyahoga county outside the cities 54597
of Garfield Heights, Parma, Brooklyn, and Cuyahoga Heights; 54598

(e) Not later than September 24, 1989, if the facility is 54599
located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross 54600
county; 54601

(f) Not later than December 24, 1989, if the facility is 54602
located in a county not listed in divisions (A)(3)(a) to (e) of 54603
this section; 54604

(g) Notwithstanding divisions (A)(3)(a) to (f) of this 54605
section, not later than December 31, 1990, if the facility is a 54606
solid waste facility owned by a generator of solid wastes when the 54607
solid waste facility exclusively disposes of solid wastes 54608
generated at one or more premises owned by the generator 54609
regardless of whether the facility is located on a premises where 54610
the wastes are generated and if the facility disposes of more than 54611
one hundred thousand tons of solid wastes per year, provided that 54612
any such facility shall be subject to division (A)(5) of this 54613
section. 54614

(4) Except as provided in divisions (A)(8), (9), and (10) of 54615
this section, unless the owner or operator of any solid waste 54616
facility for which a permit was issued after July 1, 1968, but 54617
before January 1, 1980, has obtained an exemption from the 54618
requirements of division (A)(4) of this section under division (G) 54619
of section 3734.02 of the Revised Code, the owner or operator 54620
shall submit to the director an application for a permit with 54621
accompanying engineering detail plans, specifications, and 54622
information regarding the facility and its method of operation for 54623
approval under those rules. 54624

(5) The director may issue an order in accordance with 54625
Chapter 3745. of the Revised Code to the owner or operator of a 54626
solid waste facility requiring the person to submit to the 54627
director updated engineering detail plans, specifications, and 54628
information regarding the facility and its method of operation for 54629
approval under rules adopted under division (A) of section 3734.02 54630
of the Revised Code and applicable rules adopted under division 54631
(D) of section 3734.12 of the Revised Code if, in the director's 54632
judgment, conditions at the facility constitute a substantial 54633

threat to public health or safety or are causing or contributing 54634
to or threatening to cause or contribute to air or water pollution 54635
or soil contamination. Any person who receives such an order shall 54636
submit the updated engineering detail plans, specifications, and 54637
information to the director within one hundred eighty days after 54638
the effective date of the order. 54639

(6) The director shall act upon an application submitted 54640
under division (A)(3) or (4) of this section and any updated 54641
engineering plans, specifications, and information submitted under 54642
division (A)(5) of this section within one hundred eighty days 54643
after receiving them. If the director denies any such permit 54644
application, the order denying the application or disapproving the 54645
plans shall include the requirements that the owner or operator 54646
submit a plan for closure and post-closure care of the facility to 54647
the director for approval within six months after issuance of the 54648
order, cease accepting solid wastes for disposal or transfer at 54649
the facility, and commence closure of the facility not later than 54650
one year after issuance of the order. If the director determines 54651
that closure of the facility within that one-year period would 54652
result in the unavailability of sufficient solid waste management 54653
facility capacity within the county or joint solid waste 54654
management district in which the facility is located to dispose of 54655
or transfer the solid waste generated within the district, the 54656
director in the order of denial or disapproval may postpone 54657
commencement of closure of the facility for such period of time as 54658
the director finds necessary for the board of county commissioners 54659
or directors of the district to secure access to or for there to 54660
be constructed within the district sufficient solid waste 54661
management facility capacity to meet the needs of the district, 54662
provided that the director shall certify in the director's order 54663
that postponing the date for commencement of closure will not 54664
endanger ground water or any property surrounding the facility, 54665
allow methane gas migration to occur, or cause or contribute to 54666

any other type of environmental damage. 54667

If an emergency need for disposal capacity that may affect 54668
public health and safety exists as a result of closure of a 54669
facility under division (A)(6) of this section, the director may 54670
issue an order designating another solid waste facility to accept 54671
the wastes that would have been disposed of at the facility to be 54672
closed. 54673

(7) If the director determines that standards more stringent 54674
than those applicable in rules adopted under division (A) of 54675
section 3734.02 of the Revised Code and division (D) of section 54676
3734.12 of the Revised Code, or standards pertaining to subjects 54677
not specifically addressed by those rules, are necessary to ensure 54678
that a solid waste facility constructed at the proposed location 54679
will not cause a nuisance, cause or contribute to water pollution, 54680
or endanger public health or safety, the director may issue a 54681
permit for the facility with such terms and conditions as the 54682
director finds necessary to protect public health and safety and 54683
the environment. If a permit is issued, the director shall state 54684
in the order issuing it the specific findings supporting each such 54685
term or condition. 54686

(8) Divisions (A)(1), (2)(a), (3), and (4) of this section do 54687
not apply to a solid waste compost facility that accepts 54688
exclusively source separated yard wastes and that is registered 54689
under division (C) of section 3734.02 of the Revised Code or, 54690
unless otherwise provided in rules adopted under division (N)(3) 54691
of section 3734.02 of the Revised Code, to a solid waste compost 54692
facility if the director has adopted rules establishing an 54693
alternative system for authorizing the establishment, operation, 54694
or modification of a solid waste compost facility under that 54695
division. 54696

(9) Divisions (A)(1) to (7) of this section do not apply to 54697
scrap tire collection, storage, monocell, monofill, and recovery 54698

facilities. The approval of plans and specifications, as 54699
applicable, and the issuance of registration certificates, 54700
permits, and licenses for those facilities are subject to sections 54701
3734.75 to 3734.78 of the Revised Code, as applicable, and section 54702
3734.81 of the Revised Code. 54703

(10) Divisions (A)(3) and (4) of this section do not apply to 54704
a solid waste incinerator that was placed into operation on or 54705
before October 12, 1994, and that is not authorized to accept and 54706
treat infectious wastes pursuant to division (B) of this section. 54707

(B)(1) Each person who is engaged in the business of treating 54708
infectious wastes for profit at a treatment facility located off 54709
the premises where the wastes are generated that is in operation 54710
on August 10, 1988, and who proposes to continue operating the 54711
facility shall submit to the board of health of the health 54712
district in which the facility is located an application for a 54713
license to operate the facility. 54714

Thereafter, no person shall operate or maintain an infectious 54715
waste treatment facility without a license issued by the board of 54716
health of the health district in which the facility is located or 54717
by the director when the health district in which the facility is 54718
located is not on the approved list under section 3734.08 of the 54719
Revised Code. 54720

(2)(a) During the month of December, but before the first day 54721
of January of the next year, every person proposing to continue to 54722
operate an existing infectious waste treatment facility shall 54723
procure a license to operate the facility for that year from the 54724
board of health of the health district in which the facility is 54725
located or, if the health district is not on the approved list 54726
under section 3734.08 of the Revised Code, from the director. The 54727
application for such a license shall be submitted to the board of 54728
health or to the director, as appropriate, on or before the last 54729
day of September of the year preceding that for which the license 54730

is sought. In addition to the application fee prescribed in 54731
division (B)(2)(c) of this section, a person who submits an 54732
application after that date shall pay an additional ten per cent 54733
of the amount of the application fee for each week that the 54734
application is late. Late payment fees accompanying an application 54735
submitted to the board of health shall be credited to the special 54736
infectious waste fund of the health district created in division 54737
(C) of section 3734.06 of the Revised Code, and late payment fees 54738
accompanying an application submitted to the director shall be 54739
credited to the general revenue fund. A person who has received a 54740
license, upon sale or disposition of an infectious waste treatment 54741
facility and upon consent of the board of health and the director, 54742
may have the license transferred to another person. The board of 54743
health or the director may include such terms and conditions in a 54744
license or revision to a license as are appropriate to ensure 54745
compliance with the infectious waste provisions of this chapter 54746
and rules adopted under them. 54747

(b) Each person proposing to open a new infectious waste 54748
treatment facility or to modify an existing infectious waste 54749
treatment facility shall submit an application for a permit with 54750
accompanying detail plans and specifications to the environmental 54751
protection agency for required approval under the rules adopted by 54752
the director pursuant to section 3734.021 of the Revised Code two 54753
hundred seventy days before proposed operation of the facility and 54754
concurrently shall make application for a license with the board 54755
of health of the health district in which the facility is or is 54756
proposed to be located. Not later than ninety days after receiving 54757
a completed application under division (B)(2)(b) of this section 54758
for a permit to open a new infectious waste treatment facility or 54759
modify an existing infectious waste treatment facility to expand 54760
its treatment capacity, or receiving a completed application under 54761
division (A)(2)(a) of this section for a permit to open a new 54762
solid waste incineration facility, or modify an existing solid 54763

waste incineration facility to also treat infectious wastes or to 54764
increase its infectious waste treatment capacity, that pertains to 54765
a facility for which a notation authorizing infectious waste 54766
treatment is included or proposed to be included in the solid 54767
waste incineration facility's license pursuant to division (B)(3) 54768
of this section, the director shall hold a public hearing on the 54769
application within the county in which the new or modified 54770
infectious waste or solid waste facility is or is proposed to be 54771
located or within a contiguous county. Not less than thirty days 54772
before holding the public hearing on the application, the director 54773
shall publish notice of the hearing in each newspaper that has 54774
general circulation and that is published in the county in which 54775
the facility is or is proposed to be located. If there is no 54776
newspaper that has general circulation and that is published in 54777
the county, the director shall publish the notice in a newspaper 54778
of general circulation in the county. The notice shall contain the 54779
date, time, and location of the public hearing and a general 54780
description of the proposed new or modified facility. At the 54781
public hearing, any person may submit written or oral comments on 54782
or objections to the approval or disapproval of the application. 54783
The applicant, or a representative of the applicant who has 54784
knowledge of the location, construction, and operation of the 54785
facility, shall attend the public hearing to respond to comments 54786
or questions concerning the facility directed to the applicant or 54787
representative by the officer or employee of the environmental 54788
protection agency presiding at the hearing. 54789

(c) Each application for a permit under division (B)(2)(b) of 54790
this section shall be accompanied by a nonrefundable application 54791
fee of four hundred dollars that shall be credited to the general 54792
revenue fund. Each application for an annual license under 54793
division (B)(2)(a) of this section shall be accompanied by a 54794
nonrefundable application fee of one hundred dollars. If the 54795
application for an annual license is submitted to a board of 54796

health on the approved list under section 3734.08 of the Revised Code, the application fee shall be credited to the special infectious waste fund of the health district created in division (C) of section 3734.06 of the Revised Code. If the application for an annual license is submitted to the director, the application fee shall be credited to the general revenue fund. If a permit or license is issued, the amount of the application fee paid shall be deducted from the amount of the permit fee due under division (Q) of section 3745.11 of the Revised Code or the amount of the license fee due under division (C) of section 3734.06 of the Revised Code.

(d) The owner or operator of any infectious waste treatment facility that commenced operation on or before July 1, 1968, shall submit to the director an application for a permit with accompanying engineering detail plans, specifications, and information regarding the facility and its method of operation for approval under rules adopted under section 3734.021 of the Revised Code in accordance with the following schedule:

(i) Not later than December 24, 1988, if the facility is located in Delaware, Greene, Guernsey, Hamilton, Madison, Mahoning, Ottawa, or Vinton county;

(ii) Not later than March 24, 1989, if the facility is located in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or Washington county, or is located in the city of Brooklyn, Cuyahoga Heights, or Parma in Cuyahoga county;

(iii) Not later than June 24, 1989, if the facility is located in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or Summit county or is located in Cuyahoga county outside the cities of Brooklyn, Cuyahoga Heights, and Parma;

(iv) Not later than September 24, 1989, if the facility is located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross

county; 54828

(v) Not later than December 24, 1989, if the facility is 54829
located in a county not listed in divisions (B)(2)(d)(i) to (iv) 54830
of this section. 54831

The owner or operator of an infectious waste treatment 54832
facility required to submit a permit application under division 54833
(B)(2)(d) of this section is not required to pay any permit 54834
application fee under division (B)(2)(c) of this section, or 54835
permit fee under division (Q) of section 3745.11 of the Revised 54836
Code, with respect thereto unless the owner or operator also 54837
proposes to modify the facility. 54838

(e) The director may issue an order in accordance with 54839
Chapter 3745. of the Revised Code to the owner or operator of an 54840
infectious waste treatment facility requiring the person to submit 54841
to the director updated engineering detail plans, specifications, 54842
and information regarding the facility and its method of operation 54843
for approval under rules adopted under section 3734.021 of the 54844
Revised Code if, in the director's judgment, conditions at the 54845
facility constitute a substantial threat to public health or 54846
safety or are causing or contributing to or threatening to cause 54847
or contribute to air or water pollution or soil contamination. Any 54848
person who receives such an order shall submit the updated 54849
engineering detail plans, specifications, and information to the 54850
director within one hundred eighty days after the effective date 54851
of the order. 54852

(f) The director shall act upon an application submitted 54853
under division (B)(2)(d) of this section and any updated 54854
engineering plans, specifications, and information submitted under 54855
division (B)(2)(e) of this section within one hundred eighty days 54856
after receiving them. If the director denies any such permit 54857
application or disapproves any such updated engineering plans, 54858
specifications, and information, the director shall include in the 54859

order denying the application or disapproving the plans the 54860
requirement that the owner or operator cease accepting infectious 54861
wastes for treatment at the facility. 54862

(3) Division (B) of this section does not apply to an 54863
infectious waste treatment facility that meets any of the 54864
following conditions: 54865

(a) Is owned or operated by the generator of the wastes and 54866
exclusively treats, by methods, techniques, and practices 54867
established by rules adopted under division (C)(1) or (3) of 54868
section 3734.021 of the Revised Code, wastes that are generated at 54869
any premises owned or operated by that generator regardless of 54870
whether the wastes are generated on the same premises where the 54871
generator's treatment facility is located or, if the generator is 54872
a hospital as defined in section 3727.01 of the Revised Code, 54873
infectious wastes that are described in division (A)(1)(g), (h), 54874
or (i) of section 3734.021 of the Revised Code; 54875

(b) Holds a license or renewal of a license to operate a 54876
crematory facility issued under Chapter 4717. and a permit issued 54877
under Chapter 3704. of the Revised Code; 54878

(c) Treats or disposes of dead animals or parts thereof, or 54879
the blood of animals, and is subject to any of the following: 54880

(i) Inspection under the "Federal Meat Inspection Act," 81 54881
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 54882

(ii) Chapter 918. of the Revised Code; 54883

(iii) Chapter 953. of the Revised Code. 54884

Nothing in division (B) of this section requires a facility 54885
that holds a license issued under division (A) of this section as 54886
a solid waste facility and that also treats infectious wastes by 54887
the same method, technique, or process to obtain a license under 54888
division (B) of this section as an infectious waste treatment 54889

facility. However, the solid waste facility license for the 54890
facility shall include the notation that the facility also treats 54891
infectious wastes. 54892

On and after the effective date of the amendments to the 54893
rules adopted under division (C)(2) of section 3734.021 of the 54894
Revised Code that are required by Section 6 of Substitute House 54895
Bill No. 98 of the 120th General Assembly, the director shall not 54896
issue a permit to open a new solid waste incineration facility 54897
unless the proposed facility complies with the requirements for 54898
the location of new infectious waste incineration facilities 54899
established in the required amendments to those rules. 54900

(C) Except for a facility or activity described in division 54901
(E)(3) of section 3734.02 of the Revised Code, a person who 54902
proposes to establish or operate a hazardous waste facility shall 54903
submit a complete application for a hazardous waste facility 54904
installation and operation permit and accompanying detail plans, 54905
specifications, and such information as the director may require 54906
to the environmental protection agency at least one hundred eighty 54907
days before the proposed beginning of operation of the facility. 54908
The applicant shall notify by certified mail the legislative 54909
authority of each municipal corporation, township, and county in 54910
which the facility is proposed to be located of the submission of 54911
the application within ten days after the submission or at such 54912
earlier time as the director may establish by rule. If the 54913
application is for a proposed new hazardous waste disposal or 54914
thermal treatment facility, the applicant also shall give actual 54915
notice of the general design and purpose of the facility to the 54916
legislative authority of each municipal corporation, township, and 54917
county in which the facility is proposed to be located at least 54918
ninety days before the permit application is submitted to the 54919
environmental protection agency. 54920

In accordance with rules adopted under section 3734.12 of the 54921

Revised Code, prior to the submission of a complete application 54922
for a hazardous waste facility installation and operation permit, 54923
the applicant shall hold at least one meeting in the township or 54924
municipal corporation in which the facility is proposed to be 54925
located, whichever is geographically closer to the proposed 54926
location of the facility. The meeting shall be open to the public 54927
and shall be held to inform the community of the proposed 54928
hazardous waste management activities and to solicit questions 54929
from the community concerning the activities. 54930

(D)(1) Except as provided in section 3734.123 of the Revised 54931
Code, upon receipt of a complete application for a hazardous waste 54932
facility installation and operation permit under division (C) of 54933
this section, the director shall consider the application and 54934
accompanying information to determine whether the application 54935
complies with agency rules and the requirements of division (D)(2) 54936
of this section. After making a determination, the director shall 54937
issue either a draft permit or a notice of intent to deny the 54938
permit. The director, in accordance with rules adopted under 54939
section 3734.12 of the Revised Code or with rules adopted to 54940
implement Chapter 3745. of the Revised Code, shall provide public 54941
notice of the application and the draft permit or the notice of 54942
intent to deny the permit, provide an opportunity for public 54943
comments, and, if significant interest is shown, schedule a public 54944
meeting in the county in which the facility is proposed to be 54945
located and give public notice of the date, time, and location of 54946
the public meeting in a newspaper of general circulation in that 54947
county. 54948

(2) The director shall not approve an application for a 54949
hazardous waste facility installation and operation permit or an 54950
application for a modification under division (I)(3) of this 54951
section unless the director finds and determines as follows: 54952

(a) The nature and volume of the waste to be treated, stored, 54953

or disposed of at the facility; 54954

(b) That the facility complies with the director's hazardous 54955
waste standards adopted pursuant to section 3734.12 of the Revised 54956
Code; 54957

(c) That the facility represents the minimum adverse 54958
environmental impact, considering the state of available 54959
technology and the nature and economics of various alternatives, 54960
and other pertinent considerations; 54961

(d) That the facility represents the minimum risk of all of 54962
the following: 54963

(i) Fires or explosions from treatment, storage, or disposal 54964
methods; 54965

(ii) Release of hazardous waste during transportation of 54966
hazardous waste to or from the facility; 54967

(iii) Adverse impact on the public health and safety. 54968

(e) That the facility will comply with this chapter and 54969
Chapters 3704. and 6111. of the Revised Code and all rules and 54970
standards adopted under them; 54971

(f) That if the owner of the facility, the operator of the 54972
facility, or any other person in a position with the facility from 54973
which the person may influence the installation and operation of 54974
the facility has been involved in any prior activity involving 54975
transportation, treatment, storage, or disposal of hazardous 54976
waste, that person has a history of compliance with this chapter 54977
and Chapters 3704. and 6111. of the Revised Code and all rules and 54978
standards adopted under them, the "Resource Conservation and 54979
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 54980
amended, and all regulations adopted under it, and similar laws 54981
and rules of other states if any such prior operation was located 54982
in another state that demonstrates sufficient reliability, 54983

expertise, and competency to operate a hazardous waste facility 54984
under the applicable provisions of this chapter and Chapters 3704. 54985
and 6111. of the Revised Code, the applicable rules and standards 54986
adopted under them, and terms and conditions of a hazardous waste 54987
facility installation and operation permit, given the potential 54988
for harm to the public health and safety and the environment that 54989
could result from the irresponsible operation of the facility. For 54990
off-site facilities, as defined in section 3734.41 of the Revised 54991
Code, the director may use the investigative reports of the 54992
attorney general prepared pursuant to section 3734.42 of the 54993
Revised Code as a basis for making a finding and determination 54994
under division (D)(2)(f) of this section. 54995

(g) That the active areas within a new hazardous waste 54996
facility where acute hazardous waste as listed in 40 C.F.R. 261.33 54997
(e), as amended, or organic waste that is toxic and is listed 54998
under 40 C.F.R. 261, as amended, is being stored, treated, or 54999
disposed of and where the aggregate of the storage design capacity 55000
and the disposal design capacity of all hazardous waste in those 55001
areas is greater than two hundred fifty thousand gallons, are not 55002
located or operated within any of the following: 55003

(i) Two thousand feet of any residence, school, hospital, 55004
jail, or prison; 55005

(ii) Any naturally occurring wetland; 55006

(iii) Any flood hazard area if the applicant cannot show that 55007
the facility will be designed, constructed, operated, and 55008
maintained to prevent washout by a one-hundred-year flood. 55009

Division (D)(2)(g) of this section does not apply to the 55010
facility of any applicant who demonstrates to the director that 55011
the limitations specified in that division are not necessary 55012
because of the nature or volume of the waste and the manner of 55013
management applied, the facility will impose no substantial danger 55014

to the health and safety of persons occupying the structures 55015
listed in division (D)(2)(g)(i) of this section, and the facility 55016
is to be located or operated in an area where the proposed 55017
hazardous waste activities will not be incompatible with existing 55018
land uses in the area. 55019

(h) That the facility will not be located within the 55020
boundaries of a state park established or dedicated under Chapter 55021
1541. of the Revised Code, a state park purchase area established 55022
under section 1541.02 of the Revised Code, any unit of the 55023
national park system, or any property that lies within the 55024
boundaries of a national park or recreation area, but that has not 55025
been acquired or is not administered by the secretary of the 55026
United States department of the interior, located in this state, 55027
or any candidate area located in this state identified for 55028
potential inclusion in the national park system in the edition of 55029
the "national park system plan" submitted under paragraph (b) of 55030
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 55031
U.S.C.A. 1a-5, as amended, current at the time of filing of the 55032
application for the permit, unless the facility will be used 55033
exclusively for the storage of hazardous waste generated within 55034
the park or recreation area in conjunction with the operation of 55035
the park or recreation area. Division (D)(2)(h) of this section 55036
does not apply to the facility of any applicant for modification 55037
of a permit unless the modification application proposes to 55038
increase the land area included in the facility or to increase the 55039
quantity of hazardous waste that will be treated, stored, or 55040
disposed of at the facility. 55041

(3) Not later than one hundred eighty days after the end of 55042
the public comment period, the director, without prior hearing, 55043
shall issue or deny the permit in accordance with Chapter 3745. of 55044
the Revised Code. If the director approves an application for a 55045
hazardous waste facility installation and operation permit, the 55046

director shall issue the permit, upon such terms and conditions as 55047
the director finds are necessary to ensure the construction and 55048
operation of the hazardous waste facility in accordance with the 55049
standards of this section. 55050

(E)† No political subdivision of this state shall require any 55051
additional zoning or other approval, consent, permit, certificate, 55052
or condition for the construction or operation of a hazardous 55053
waste facility authorized by a hazardous waste facility 55054
installation and operation permit issued pursuant to this chapter, 55055
nor shall any political subdivision adopt or enforce any law, 55056
ordinance, or rule that in any way alters, impairs, or limits the 55057
authority granted in the permit. 55058

(F) The director may issue a single hazardous waste facility 55059
installation and operation permit to a person who operates two or 55060
more adjoining facilities where hazardous waste is stored, 55061
treated, or disposed of if the application includes detail plans, 55062
specifications, and information on all facilities. For the 55063
purposes of this section, "adjoining" means sharing a common 55064
boundary, separated only by a public road, or in such proximity 55065
that the director determines that the issuance of a single permit 55066
will not create a hazard to the public health or safety or the 55067
environment. 55068

(G) No person shall falsify or fail to keep or submit any 55069
plans, specifications, data, reports, records, manifests, or other 55070
information required to be kept or submitted to the director by 55071
this chapter or the rules adopted under it. 55072

(H)(1) Each person who holds an installation and operation 55073
permit issued under this section and who wishes to obtain a permit 55074
renewal shall submit a completed application for an installation 55075
and operation permit renewal and any necessary accompanying 55076
general plans, detail plans, specifications, and such information 55077
as the director may require to the director no later than one 55078

hundred eighty days prior to the expiration date of the existing 55079
permit or upon a later date prior to the expiration of the 55080
existing permit if the permittee can demonstrate good cause for 55081
the late submittal. The director shall consider the application 55082
and accompanying information, inspection reports of the facility, 55083
results of performance tests, a report regarding the facility's 55084
compliance or noncompliance with the terms and conditions of its 55085
permit and rules adopted by the director under this chapter, and 55086
such other information as is relevant to the operation of the 55087
facility and shall issue a draft renewal permit or a notice of 55088
intent to deny the renewal permit. The director, in accordance 55089
with rules adopted under this section or with rules adopted to 55090
implement Chapter 3745. of the Revised Code, shall give public 55091
notice of the application and draft renewal permit or notice of 55092
intent to deny the renewal permit, provide for the opportunity for 55093
public comments within a specified time period, schedule a public 55094
meeting in the county in which the facility is located if 55095
significant interest is shown, and give public notice of the 55096
public meeting. 55097

(2) Within sixty days after the public meeting or close of 55098
the public comment period, the director, without prior hearing, 55099
shall issue or deny the renewal permit in accordance with Chapter 55100
3745. of the Revised Code. The director shall not issue a renewal 55101
permit unless the director determines that the facility under the 55102
existing permit has a history of compliance with this chapter, 55103
rules adopted under it, the existing permit, or orders entered to 55104
enforce such requirements that demonstrates sufficient 55105
reliability, expertise, and competency to operate the facility 55106
henceforth under this chapter, rules adopted under it, and the 55107
renewal permit. If the director approves an application for a 55108
renewal permit, the director shall issue the permit subject to the 55109
payment of the annual permit fee required under division (E) of 55110
section 3734.02 of the Revised Code and upon such terms and 55111

conditions as the director finds are reasonable to ensure that 55112
continued operation, maintenance, closure, and post-closure care 55113
of the hazardous waste facility are in accordance with the rules 55114
adopted under section 3734.12 of the Revised Code. 55115

(3) An installation and operation permit renewal application 55116
submitted to the director that also contains or would constitute 55117
an application for a modification shall be acted upon by the 55118
director in accordance with division (I) of this section in the 55119
same manner as an application for a modification. In approving or 55120
disapproving the renewal portion of a permit renewal application 55121
containing an application for a modification, the director shall 55122
apply the criteria established under division (H)(2) of this 55123
section. 55124

(4) An application for renewal or modification of a permit 55125
that does not contain an application for a modification as 55126
described in divisions (I)(3)(a) to (d) of this section shall not 55127
be subject to division (D)(2) of this section. 55128

(I)(1) As used in this section, "modification" means a change 55129
or alteration to a hazardous waste facility or its operations that 55130
is inconsistent with or not authorized by its existing permit or 55131
authorization to operate. Modifications shall be classified as 55132
Class 1, 2, or 3 modifications in accordance with rules adopted 55133
under division (K) of this section. Modifications classified as 55134
Class 3 modifications, in accordance with rules adopted under that 55135
division, shall be further classified by the director as either 55136
Class 3 modifications that are to be approved or disapproved by 55137
the director under divisions (I)(3)(a) to (d) of this section or 55138
as Class 3 modifications that are to be approved or disapproved by 55139
the director under division (I)(5) of this section. Not later than 55140
thirty days after receiving a request for a modification under 55141
division (I)(4) of this section that is not listed in Appendix I 55142
to 40 C.F.R. 270.42 or in rules adopted under division (K) of this 55143

section, the director shall classify the modification and shall 55144
notify the owner or operator of the facility requesting the 55145
modification of the classification. Notwithstanding any other law 55146
to the contrary, any modification that involves the transfer of a 55147
hazardous waste facility installation and operation permit to a 55148
new owner or operator for an off-site facility as defined in 55149
section 3734.41 of the Revised Code shall be classified as a Class 55150
3 modification. The transfer of a hazardous waste facility 55151
installation and operation permit to a new owner or operator for a 55152
facility that is not an off-site facility shall be classified as a 55153
Class 1 modification requiring prior approval of the director. 55154

(2) Except as provided in section 3734.123 of the Revised 55155
Code, a hazardous waste facility installation and operation permit 55156
may be modified at the request of the director or upon the written 55157
request of the permittee only if any of the following applies: 55158

(a) The permittee desires to accomplish alterations, 55159
additions, or deletions to the permitted facility or to undertake 55160
alterations, additions, deletions, or activities that are 55161
inconsistent with or not authorized by the existing permit; 55162

(b) New information or data justify permit conditions in 55163
addition to or different from those in the existing permit; 55164

(c) The standards, criteria, or rules upon which the existing 55165
permit is based have been changed by new, amended, or rescinded 55166
standards, criteria, or rules, or by judicial decision after the 55167
existing permit was issued, and the change justifies permit 55168
conditions in addition to or different from those in the existing 55169
permit; 55170

(d) The permittee proposes to transfer the permit to another 55171
person. 55172

(3) The director shall approve or disapprove an application 55173
for a modification in accordance with division (D)(2) of this 55174

section and rules adopted under division (K) of this section for 55175
all of the following categories of Class 3 modifications: 55176

(a) Authority to conduct treatment, storage, or disposal at a 55177
site, location, or tract of land that has not been authorized for 55178
the proposed category of treatment, storage, or disposal activity 55179
by the facility's permit; 55180

(b) Modification or addition of a hazardous waste management 55181
unit, as defined in rules adopted under section 3734.12 of the 55182
Revised Code, that results in an increase in a facility's storage 55183
capacity of more than twenty-five per cent over the capacity 55184
authorized by the facility's permit, an increase in a facility's 55185
treatment rate of more than twenty-five per cent over the rate so 55186
authorized, or an increase in a facility's disposal capacity over 55187
the capacity so authorized. The authorized disposal capacity for a 55188
facility shall be calculated from the approved design plans for 55189
the disposal units at that facility. In no case during a five-year 55190
period shall a facility's storage capacity or treatment rate be 55191
modified to increase by more than twenty-five per cent in the 55192
aggregate without the director's approval in accordance with 55193
division (D)(2) of this section. Notwithstanding any provision of 55194
division (I) of this section to the contrary, a request for 55195
modification of a facility's annual total waste receipt limit 55196
shall be classified and approved or disapproved by the director 55197
under division (I)(5) of this section. 55198

(c) Authority to add any of the following categories of 55199
regulated activities not previously authorized at a facility by 55200
the facility's permit: storage at a facility not previously 55201
authorized to store hazardous waste, treatment at a facility not 55202
previously authorized to treat hazardous waste, or disposal at a 55203
facility not previously authorized to dispose of hazardous waste; 55204
or authority to add a category of hazardous waste management unit 55205
not previously authorized at the facility by the facility's 55206

permit. Notwithstanding any provision of division (I) of this 55207
section to the contrary, a request for authority to add or to 55208
modify an activity or a hazardous waste management unit for the 55209
purposes of performing a corrective action shall be classified and 55210
approved or disapproved by the director under division (I)(5) of 55211
this section. 55212

(d) Authority to treat, store, or dispose of waste types 55213
listed or characterized as reactive or explosive, in rules adopted 55214
under section 3734.12 of the Revised Code, or any acute hazardous 55215
waste listed in 40 C.F.R. 261.33(e), as amended, at a facility not 55216
previously authorized to treat, store, or dispose of those types 55217
of wastes by the facility's permit unless the requested authority 55218
is limited to wastes that no longer exhibit characteristics 55219
meeting the criteria for listing or characterization as reactive 55220
or explosive wastes, or for listing as acute hazardous waste, but 55221
still are required to carry those waste codes as established in 55222
rules adopted under section 3734.12 of the Revised Code because of 55223
the requirements established in 40 C.F.R. 261(a) and (e), as 55224
amended, that is, the "mixture," "derived-from," or "contained-in" 55225
regulations. 55226

(4) A written request for a modification from the permittee 55227
shall be submitted to the director and shall contain such 55228
information as is necessary to support the request. Requests for 55229
modifications shall be acted upon by the director in accordance 55230
with this section and rules adopted under it. 55231

(5) Class 1 modification applications that require prior 55232
approval of the director, as provided in division (I)(1) of this 55233
section or as determined in accordance with rules adopted under 55234
division (K) of this section, Class 2 modification applications, 55235
and Class 3 modification applications that are not described in 55236
divisions (I)(3)(a) to (d) of this section shall be approved or 55237
disapproved by the director in accordance with rules adopted under 55238

division (K) of this section. The board of county commissioners of 55239
the county, the board of township trustees of the township, and 55240
the city manager or mayor of the municipal corporation in which a 55241
hazardous waste facility is located shall receive notification of 55242
any application for a modification for that facility and shall be 55243
considered as interested persons with respect to the director's 55244
consideration of the application. 55245

~~For those modification applications for a transfer of a 55246
permit to a new owner or operator of a facility, the director also 55247
shall determine that, if the transferee owner or operator has been 55248
involved in any prior activity involving the transportation, 55249
treatment, storage, or disposal of hazardous waste, the transferee 55250
owner or operator has a history of compliance with this chapter 55251
and Chapters 3704. and 6111. of the Revised Code and all rules and 55252
standards adopted under them, the "Resource Conservation and 55253
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 55254
amended, and all regulations adopted under it, and similar laws 55255
and rules of another state if the transferee owner or operator 55256
owns or operates a facility in that state, that demonstrates 55257
sufficient reliability, expertise, and competency to operate a 55258
hazardous waste facility under this chapter and Chapters 3704. and 55259
6111. of the Revised Code, all rules and standards adopted under 55260
them, and terms and conditions of a hazardous waste facility 55261
installation and operation permit, given the potential for harm to 55262
the public health and safety and the environment that could result 55263
from the irresponsible operation of the facility. A permit may be 55264
transferred to a new owner or operator only pursuant to a Class 3 55265
permit modification. 55266~~

~~As used in division (I)(5) of this section: 55267~~

~~(a) "Owner" means the person who owns a majority or 55268
controlling interest in a facility. 55269~~

~~(b) "Operator" means the person who is responsible for the 55270~~

~~overall operation of a facility.~~ 55271

The director shall approve or disapprove an application for a 55272
Class 1 modification that requires the director's approval within 55273
sixty days after receiving the request for modification. The 55274
director shall approve or disapprove an application for a Class 2 55275
modification within three hundred days after receiving the request 55276
for modification. The director shall approve or disapprove an 55277
application for a Class 3 modification within three hundred 55278
sixty-five days after receiving the request for modification. 55279

(6) The approval or disapproval by the director of a Class 1 55280
modification application is not a final action that is appealable 55281
under Chapter 3745. of the Revised Code. The approval or 55282
disapproval by the director of a Class 2 modification or a Class 3 55283
modification is a final action that is appealable under that 55284
chapter. In approving or disapproving a request for a 55285
modification, the director shall consider all comments pertaining 55286
to the request that are received during the public comment period 55287
and the public meetings. The administrative record for appeal of a 55288
final action by the director in approving or disapproving a 55289
request for a modification shall include all comments received 55290
during the public comment period relating to the request for 55291
modification, written materials submitted at the public meetings 55292
relating to the request, and any other documents related to the 55293
director's action. 55294

(7) Notwithstanding any other provision of law to the 55295
contrary, a change or alteration to a hazardous waste facility 55296
described in division (E)(3)(a) or (b) of section 3734.02 of the 55297
Revised Code, or its operations, is a modification for the 55298
purposes of this section. An application for a modification at 55299
such a facility shall be submitted, classified, and approved or 55300
disapproved in accordance with divisions (I)(1) to (6) of this 55301
section in the same manner as a modification to a hazardous waste 55302

facility installation and operation permit. 55303

(J)(1) Except as provided in division (J)(2) of this section, 55304
an owner or operator of a hazardous waste facility that is 55305
operating in accordance with a permit by rule under rules adopted 55306
by the director under division (E)(3)(b) of section 3734.02 of the 55307
Revised Code shall submit either a hazardous waste facility 55308
installation and operation permit application for the facility or 55309
a modification application, whichever is required under division 55310
(J)(1)(a) or (b) of this section, within one hundred eighty days 55311
after the director has requested the application or upon a later 55312
date if the owner or operator demonstrates to the director good 55313
cause for the late submittal. 55314

(a) If the owner or operator does not have a hazardous waste 55315
facility installation and operation permit for any hazardous waste 55316
treatment, storage, or disposal activities at the facility, the 55317
owner or operator shall submit an application for such a permit to 55318
the director for the activities authorized by the permit by rule. 55319
Notwithstanding any other provision of law to the contrary, the 55320
director shall approve or disapprove the application for the 55321
permit in accordance with the procedures governing the approval or 55322
disapproval of permit renewals under division (H) of this section. 55323

(b) If the owner or operator has a hazardous waste facility 55324
installation and operation permit for hazardous waste treatment, 55325
storage, or disposal activities at the facility other than those 55326
authorized by the permit by rule, the owner or operator shall 55327
submit to the director a request for modification in accordance 55328
with division (I) of this section. Notwithstanding any other 55329
provision of law to the contrary, the director shall approve or 55330
disapprove the modification application in accordance with 55331
division (I)(5) of this section. 55332

(2) The owner or operator of a boiler or industrial furnace 55333
that is conducting thermal treatment activities in accordance with 55334

a permit by rule under rules adopted by the director under 55335
division (E)(3)(b) of section 3734.02 of the Revised Code shall 55336
submit a hazardous waste facility installation and operation 55337
permit application if the owner or operator does not have such a 55338
permit for any hazardous waste treatment, storage, or disposal 55339
activities at the facility or, if the owner or operator has such a 55340
permit for hazardous waste treatment, storage, or disposal 55341
activities at the facility other than thermal treatment activities 55342
authorized by the permit by rule, a modification application to 55343
add those activities authorized by the permit by rule, whichever 55344
is applicable, within one hundred eighty days after the director 55345
has requested the submission of the application or upon a later 55346
date if the owner or operator demonstrates to the director good 55347
cause for the late submittal. The application shall be accompanied 55348
by information necessary to support the request. The director 55349
shall approve or disapprove an application for a hazardous waste 55350
facility installation and operation permit in accordance with 55351
division (D) of this section and approve or disapprove an 55352
application for a modification in accordance with division (I)(3) 55353
of this section, except that the director shall not disapprove an 55354
application for the thermal treatment activities on the basis of 55355
the criteria set forth in division (D)(2)(g) or (h) of this 55356
section. 55357

(3) As used in division (J) of this section: 55358

(a) "Modification application" means a request for a 55359
modification submitted in accordance with division (I) of this 55360
section. 55361

(b) "Thermal treatment," "boiler," and "industrial furnace" 55362
have the same meanings as in rules adopted under section 3734.12 55363
of the Revised Code. 55364

(K) The director shall adopt, and may amend, suspend, or 55365
rescind, rules in accordance with Chapter 119. of the Revised Code 55366

in order to implement divisions (H) and (I) of this section. 55367
Except when in actual conflict with this section, rules governing 55368
the classification of and procedures for the modification of 55369
hazardous waste facility installation and operation permits shall 55370
be substantively and procedurally identical to the regulations 55371
governing hazardous waste facility permitting and permit 55372
modifications adopted under the "Resource Conservation and 55373
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 55374
amended. 55375

Sec. 3734.28. ~~All~~ Except as otherwise provided in section 55376
3734.282 of the Revised Code, moneys collected under sections 55377
3734.122, 3734.13, 3734.20, 3734.22, 3734.24, and 3734.26 of the 55378
Revised Code and ~~natural resource damages collected by the state~~ 55379
under the "Comprehensive Environmental Response, Compensation, and 55380
Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as 55381
amended, shall be paid into the state treasury to the credit of 55382
the hazardous waste clean-up fund, which is hereby created. In 55383
addition, any moneys recovered for costs paid from the fund for 55384
activities described in ~~division~~ divisions (A)(1) and (2) of 55385
section 3745.12 of the Revised Code shall be credited to the fund. 55386
The environmental protection agency shall use the moneys in the 55387
fund for the purposes set forth in division (D) of section 55388
3734.122, sections 3734.19, 3734.20, 3734.21, 3734.23, 3734.25, 55389
3734.26, and 3734.27, ~~and, through October 15, 2005,~~ divisions 55390
(A)(1) and (2) of section 3745.12, and Chapter 3746. of the 55391
Revised Code, including any related enforcement expenses. In 55392
addition, the agency shall use the moneys in the fund to pay the 55393
state's long-term operation and maintenance costs or matching 55394
share for actions taken under the "Comprehensive Environmental 55395
Response, Compensation, and Liability Act of 1980," as amended. If 55396
those moneys are reimbursed by grants or other moneys from the 55397
United States or any other person, the moneys shall be placed in 55398

the fund and not in the general revenue fund. 55399

The director of environmental protection may enter into 55400
contracts and grant agreements with federal, state, or local 55401
government agencies, nonprofit organizations, and colleges and 55402
universities for the purpose of carrying out the responsibilities 55403
of the environmental protection agency for which money may be 55404
expended from the fund. 55405

Sec. 3734.281. ~~Notwithstanding any provision of law to the~~ 55406
~~contrary, any moneys set aside by the state for the cleanup and~~ 55407
~~remediation of the Ashtabula river; any~~ Except as otherwise 55408
provided in section 3734.282 of the Revised Code, moneys collected 55409
from judgements for the state or settlements ~~made by~~ with the 55410
director of environmental protection, including those associated 55411
with bankruptcies, related to actions brought under Chapter 3714. 55412
and section 3734.13, 3734.20, 3734.22, 6111.03, or 6111.04 of the 55413
Revised Code; and ~~any~~ moneys received under the "Comprehensive 55414
Environmental Response, Compensation, and Liability Act of 1980," 55415
94 Stat. 2767, 42 U.S.C. ~~9602~~ 9601 et seq., as amended, may be 55416
paid into the state treasury to the credit of the environmental 55417
protection remediation fund, which is hereby created. The 55418
environmental protection agency shall use the moneys in the fund 55419
only for the purpose of remediating conditions at a hazardous 55420
waste facility, a solid waste facility, a construction and 55421
demolition debris facility licensed under Chapter 3714. of the 55422
Revised Code, or another location at which the director has reason 55423
to believe there is a substantial threat to public health or 55424
safety or the environment. Remediation may include the direct and 55425
indirect costs associated with the overseeing, supervising, 55426
performing, verifying, or reviewing of remediation activities by 55427
agency employees. All investment earnings of the fund shall be 55428
credited to the fund. 55429

The director of environmental protection may enter into contracts and grant agreements with federal, state, or local government agencies, nonprofit organizations, and colleges and universities for the purpose of carrying out the responsibilities of the environmental protection agency for which money may be expended from the fund.

Sec. 3734.282. All money collected by the state for natural resources damages under the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2767, 42 U.S.C. 9601 et seq., as amended, the "Oil Pollution Act of 1990," 104 Stat. 484, 33 U.S.C. 2701 et seq., as amended, the "Clean Water Act," 86 Stat. 862, 33 U.S.C. 1321, as amended, or any other applicable federal or state law shall be paid into the state treasury to the credit of the natural resource damages fund, which is hereby created. The director of environmental protection shall use money in the fund only in accordance with the purposes of and the limitations on natural resources damages set forth in the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," as amended, the "Oil Pollution Act of 1990," as amended, the "Clean Water Act," as amended, or another applicable federal or state law. All investment earnings of the fund shall be credited to the fund.

The director of environmental protection may enter into contracts and grant agreements with federal, state, or local government agencies, nonprofit organizations, and colleges and universities for the purpose of carrying out the director's responsibilities for which money may be expended from the fund.

Sec. 3734.57. (A) The following fees are hereby levied on the transfer or disposal of solid wastes in this state:

(1) One dollar per ton on and after July 1, 2003, through

June 30, ~~2010~~ 2012, one-half of the proceeds of which shall be 55460
deposited in the state treasury to the credit of the hazardous 55461
waste facility management fund created in section 3734.18 of the 55462
Revised Code and one-half of the proceeds of which shall be 55463
deposited in the state treasury to the credit of the hazardous 55464
waste clean-up fund created in section 3734.28 of the Revised 55465
Code; 55466

(2) An additional one dollar per ton on and after July 1, 55467
2003, through June 30, ~~2010~~ 2012, the proceeds of which shall be 55468
deposited in the state treasury to the credit of the solid waste 55469
fund, which is hereby created. The environmental protection agency 55470
shall use money in the solid waste fund to pay the costs of 55471
administering and enforcing the laws pertaining to solid wastes, 55472
infectious wastes, and construction and demolition debris, 55473
including, without limitation, ground water evaluations related to 55474
solid wastes, infectious wastes, and construction and demolition 55475
debris, under this chapter and Chapter 3714. of the Revised Code 55476
and any rules adopted under them, providing compliance assistance 55477
to small businesses, and paying a share of the administrative 55478
costs of the environmental protection agency pursuant to section 55479
3745.014 of the Revised Code. 55480

(3) An additional one dollar and fifty cents per ton on and 55481
after July 1, 2005, through June 30, ~~2010~~ 2012, the proceeds of 55482
which shall be deposited in the state treasury to the credit of 55483
the environmental protection fund created in section 3745.015 of 55484
the Revised Code . 55485

In the case of solid wastes that are taken to a solid waste 55486
transfer facility located in this state prior to being transported 55487
for disposal at a solid waste disposal facility located in this 55488
state or outside of this state, the fees levied under this 55489
division shall be collected by the owner or operator of the 55490
transfer facility as a trustee for the state. The amount of fees 55491

required to be collected under this division at such a transfer 55492
facility shall equal the total tonnage of solid wastes received at 55493
the facility multiplied by the fees levied under this division. In 55494
the case of solid wastes that are not taken to a solid waste 55495
transfer facility located in this state prior to being transported 55496
to a solid waste disposal facility, the fees shall be collected by 55497
the owner or operator of the solid waste disposal facility as a 55498
trustee for the state. The amount of fees required to be collected 55499
under this division at such a disposal facility shall equal the 55500
total tonnage of solid wastes received at the facility that was 55501
not previously taken to a solid waste transfer facility located in 55502
this state multiplied by the fees levied under this division. Fees 55503
levied under this division do not apply to materials separated 55504
from a mixed waste stream for recycling by a generator or 55505
materials removed from the solid waste stream through recycling, 55506
as "recycling" is defined in rules adopted under section 3734.02 55507
of the Revised Code. 55508

The owner or operator of a solid waste transfer facility or 55509
disposal facility, as applicable, shall prepare and file with the 55510
director of environmental protection each month a return 55511
indicating the total tonnage of solid wastes received at the 55512
facility during that month and the total amount of the fees 55513
required to be collected under this division during that month. In 55514
addition, the owner or operator of a solid waste disposal facility 55515
shall indicate on the return the total tonnage of solid wastes 55516
received from transfer facilities located in this state during 55517
that month for which the fees were required to be collected by the 55518
transfer facilities. The monthly returns shall be filed on a form 55519
prescribed by the director. Not later than thirty days after the 55520
last day of the month to which a return applies, the owner or 55521
operator shall mail to the director the return for that month 55522
together with the fees required to be collected under this 55523
division during that month as indicated on the return or may 55524

submit the return and fees electronically in a manner approved by 55525
the director. If the return is filed and the amount of the fees 55526
due is paid in a timely manner as required in this division, the 55527
owner or operator may retain a discount of three-fourths of one 55528
per cent of the total amount of the fees that are required to be 55529
paid as indicated on the return. 55530

The owner or operator may request an extension of not more 55531
than thirty days for filing the return and remitting the fees, 55532
provided that the owner or operator has submitted such a request 55533
in writing to the director together with a detailed description of 55534
why the extension is requested, the director has received the 55535
request not later than the day on which the return is required to 55536
be filed, and the director has approved the request. If the fees 55537
are not remitted within thirty days after the last day of the 55538
month to which the return applies or are not remitted by the last 55539
day of an extension approved by the director, the owner or 55540
operator shall not retain the three-fourths of one per cent 55541
discount and shall pay an additional ten per cent of the amount of 55542
the fees for each month that they are late. For purposes of 55543
calculating the late fee, the first month in which fees are late 55544
begins on the first day after the deadline has passed for timely 55545
submitting the return and fees, and one additional month shall be 55546
counted every thirty days thereafter. 55547

The owner or operator of a solid waste facility may request a 55548
refund or credit of fees levied under this division and remitted 55549
to the director that have not been paid to the owner or operator. 55550
Such a request shall be made only if the fees have not been 55551
collected by the owner or operator, have become a debt that has 55552
become worthless or uncollectable for a period of six months or 55553
more, and may be claimed as a deduction, including a deduction 55554
claimed if the owner or operator keeps accounts on an accrual 55555
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 55556

U.S.C. 166, as amended, and regulations adopted under it. Prior to 55557
making a request for a refund or credit, an owner or operator 55558
shall make reasonable efforts to collect the applicable fees. A 55559
request for a refund or credit shall not include any costs 55560
resulting from those efforts to collect unpaid fees. 55561

A request for a refund or credit of fees shall be made in 55562
writing, on a form prescribed by the director, and shall be 55563
supported by evidence that may be required in rules adopted by the 55564
director under this chapter. After reviewing the request, and if 55565
the request and evidence submitted with the request indicate that 55566
a refund or credit is warranted, the director shall grant a refund 55567
to the owner or operator or shall permit a credit to be taken by 55568
the owner or operator on a subsequent monthly return submitted by 55569
the owner or operator. The amount of a refund or credit shall not 55570
exceed an amount that is equal to ninety days' worth of fees owed 55571
to an owner or operator by a particular debtor of the owner or 55572
operator. A refund or credit shall not be granted by the director 55573
to an owner or operator more than once in any twelve-month period 55574
for fees owed to the owner or operator by a particular debtor. 55575

If, after receiving a refund or credit from the director, an 55576
owner or operator receives payment of all or part of the fees, the 55577
owner or operator shall remit the fees with the next monthly 55578
return submitted to the director together with a written 55579
explanation of the reason for the submittal. 55580

For purposes of computing the fees levied under this division 55581
or division (B) of this section, any solid waste transfer or 55582
disposal facility that does not use scales as a means of 55583
determining gate receipts shall use a conversion factor of three 55584
cubic yards per ton of solid waste or one cubic yard per ton for 55585
baled waste, as applicable. 55586

The fees levied under this division and divisions (B) and (C) 55587
of this section are in addition to all other applicable fees and 55588

taxes and shall be paid by the customer or a political subdivision 55589
to the owner or operator of a solid waste transfer or disposal 55590
facility. In the alternative, the fees shall be paid by a customer 55591
or political subdivision to a transporter of waste who 55592
subsequently transfers the fees to the owner or operator of such a 55593
facility. The fees shall be paid notwithstanding the existence of 55594
any provision in a contract that the customer or a political 55595
subdivision may have with the owner or operator or with a 55596
transporter of waste to the facility that would not require or 55597
allow such payment regardless of whether the contract was entered 55598
prior to or after the effective date of this amendment. For those 55599
purposes, "customer" means a person who contracts with, or 55600
utilizes the solid waste services of, the owner or operator of a 55601
solid waste transfer or disposal facility or a transporter of 55602
solid waste to such a facility. 55603

(B) For the purposes specified in division (G) of this 55604
section, the solid waste management policy committee of a county 55605
or joint solid waste management district may levy fees upon the 55606
following activities: 55607

(1) The disposal at a solid waste disposal facility located 55608
in the district of solid wastes generated within the district; 55609

(2) The disposal at a solid waste disposal facility within 55610
the district of solid wastes generated outside the boundaries of 55611
the district, but inside this state; 55612

(3) The disposal at a solid waste disposal facility within 55613
the district of solid wastes generated outside the boundaries of 55614
this state. 55615

The solid waste management plan of the county or joint 55616
district approved under section 3734.521 or 3734.55 of the Revised 55617
Code and any amendments to it, or the resolution adopted under 55618
this division, as appropriate, shall establish the rates of the 55619

fees levied under divisions (B)(1), (2), and (3) of this section, 55620
if any, and shall specify whether the fees are levied on the basis 55621
of tons or cubic yards as the unit of measurement. A solid waste 55622
management district that levies fees under this division on the 55623
basis of cubic yards shall do so in accordance with division (A) 55624
of this section. 55625

The fee levied under division (B)(1) of this section shall be 55626
not less than one dollar per ton nor more than two dollars per 55627
ton, the fee levied under division (B)(2) of this section shall be 55628
not less than two dollars per ton nor more than four dollars per 55629
ton, and the fee levied under division (B)(3) of this section 55630
shall be not more than the fee levied under division (B)(1) of 55631
this section. 55632

Prior to the approval of the solid waste management plan of a 55633
district under section 3734.55 of the Revised Code, the solid 55634
waste management policy committee of a district may levy fees 55635
under this division by adopting a resolution establishing the 55636
proposed amount of the fees. Upon adopting the resolution, the 55637
committee shall deliver a copy of the resolution to the board of 55638
county commissioners of each county forming the district and to 55639
the legislative authority of each municipal corporation and 55640
township under the jurisdiction of the district and shall prepare 55641
and publish the resolution and a notice of the time and location 55642
where a public hearing on the fees will be held. Upon adopting the 55643
resolution, the committee shall deliver written notice of the 55644
adoption of the resolution; of the amount of the proposed fees; 55645
and of the date, time, and location of the public hearing to the 55646
director and to the fifty industrial, commercial, or institutional 55647
generators of solid wastes within the district that generate the 55648
largest quantities of solid wastes, as determined by the 55649
committee, and to their local trade associations. The committee 55650
shall make good faith efforts to identify those generators within 55651

the district and their local trade associations, but the 55652
nonprovision of notice under this division to a particular 55653
generator or local trade association does not invalidate the 55654
proceedings under this division. The publication shall occur at 55655
least thirty days before the hearing. After the hearing, the 55656
committee may make such revisions to the proposed fees as it 55657
considers appropriate and thereafter, by resolution, shall adopt 55658
the revised fee schedule. Upon adopting the revised fee schedule, 55659
the committee shall deliver a copy of the resolution doing so to 55660
the board of county commissioners of each county forming the 55661
district and to the legislative authority of each municipal 55662
corporation and township under the jurisdiction of the district. 55663
Within sixty days after the delivery of a copy of the resolution 55664
adopting the proposed revised fees by the policy committee, each 55665
such board and legislative authority, by ordinance or resolution, 55666
shall approve or disapprove the revised fees and deliver a copy of 55667
the ordinance or resolution to the committee. If any such board or 55668
legislative authority fails to adopt and deliver to the policy 55669
committee an ordinance or resolution approving or disapproving the 55670
revised fees within sixty days after the policy committee 55671
delivered its resolution adopting the proposed revised fees, it 55672
shall be conclusively presumed that the board or legislative 55673
authority has approved the proposed revised fees. The committee 55674
shall determine if the resolution has been ratified in the same 55675
manner in which it determines if a draft solid waste management 55676
plan has been ratified under division (B) of section 3734.55 of 55677
the Revised Code. 55678

The committee may amend the schedule of fees levied pursuant 55679
to a resolution adopted and ratified under this division by 55680
adopting a resolution establishing the proposed amount of the 55681
amended fees. The committee may repeal the fees levied pursuant to 55682
such a resolution by adopting a resolution proposing to repeal 55683
them. Upon adopting such a resolution, the committee shall proceed 55684

to obtain ratification of the resolution in accordance with this 55685
division. 55686

Not later than fourteen days after declaring the new fees to 55687
be ratified or the fees to be repealed under this division, the 55688
committee shall notify by certified mail the owner or operator of 55689
each solid waste disposal facility that is required to collect the 55690
fees of the ratification and the amount of the fees or of the 55691
repeal of the fees. Collection of any fees shall commence or 55692
collection of repealed fees shall cease on the first day of the 55693
second month following the month in which notification is sent to 55694
the owner or operator. 55695

Fees levied under this division also may be established, 55696
amended, or repealed by a solid waste management policy committee 55697
through the adoption of a new district solid waste management 55698
plan, the adoption of an amended plan, or the amendment of the 55699
plan or amended plan in accordance with sections 3734.55 and 55700
3734.56 of the Revised Code or the adoption or amendment of a 55701
district plan in connection with a change in district composition 55702
under section 3734.521 of the Revised Code. 55703

Not later than fourteen days after the director issues an 55704
order approving a district's solid waste management plan, amended 55705
plan, or amendment to a plan or amended plan that establishes, 55706
amends, or repeals a schedule of fees levied by the district, the 55707
committee shall notify by certified mail the owner or operator of 55708
each solid waste disposal facility that is required to collect the 55709
fees of the approval of the plan or amended plan, or the amendment 55710
to the plan, as appropriate, and the amount of the fees, if any. 55711
In the case of an initial or amended plan approved under section 55712
3734.521 of the Revised Code in connection with a change in 55713
district composition, other than one involving the withdrawal of a 55714
county from a joint district, the committee, within fourteen days 55715
after the change takes effect pursuant to division (G) of that 55716

section, shall notify by certified mail the owner or operator of 55717
each solid waste disposal facility that is required to collect the 55718
fees that the change has taken effect and of the amount of the 55719
fees, if any. Collection of any fees shall commence or collection 55720
of repealed fees shall cease on the first day of the second month 55721
following the month in which notification is sent to the owner or 55722
operator. 55723

If, in the case of a change in district composition involving 55724
the withdrawal of a county from a joint district, the director 55725
completes the actions required under division (G)(1) or (3) of 55726
section 3734.521 of the Revised Code, as appropriate, forty-five 55727
days or more before the beginning of a calendar year, the policy 55728
committee of each of the districts resulting from the change that 55729
obtained the director's approval of an initial or amended plan in 55730
connection with the change, within fourteen days after the 55731
director's completion of the required actions, shall notify by 55732
certified mail the owner or operator of each solid waste disposal 55733
facility that is required to collect the district's fees that the 55734
change is to take effect on the first day of January immediately 55735
following the issuance of the notice and of the amount of the fees 55736
or amended fees levied under divisions (B)(1) to (3) of this 55737
section pursuant to the district's initial or amended plan as so 55738
approved or, if appropriate, the repeal of the district's fees by 55739
that initial or amended plan. Collection of any fees set forth in 55740
such a plan or amended plan shall commence on the first day of 55741
January immediately following the issuance of the notice. If such 55742
an initial or amended plan repeals a schedule of fees, collection 55743
of the fees shall cease on that first day of January. 55744

If, in the case of a change in district composition involving 55745
the withdrawal of a county from a joint district, the director 55746
completes the actions required under division (G)(1) or (3) of 55747
section 3734.521 of the Revised Code, as appropriate, less than 55748

forty-five days before the beginning of a calendar year, the 55749
director, on behalf of each of the districts resulting from the 55750
change that obtained the director's approval of an initial or 55751
amended plan in connection with the change proceedings, shall 55752
notify by certified mail the owner or operator of each solid waste 55753
disposal facility that is required to collect the district's fees 55754
that the change is to take effect on the first day of January 55755
immediately following the mailing of the notice and of the amount 55756
of the fees or amended fees levied under divisions (B)(1) to (3) 55757
of this section pursuant to the district's initial or amended plan 55758
as so approved or, if appropriate, the repeal of the district's 55759
fees by that initial or amended plan. Collection of any fees set 55760
forth in such a plan or amended plan shall commence on the first 55761
day of the second month following the month in which notification 55762
is sent to the owner or operator. If such an initial or amended 55763
plan repeals a schedule of fees, collection of the fees shall 55764
cease on the first day of the second month following the month in 55765
which notification is sent to the owner or operator. 55766

If the schedule of fees that a solid waste management 55767
district is levying under divisions (B)(1) to (3) of this section 55768
is amended or repealed, the fees in effect immediately prior to 55769
the amendment or repeal shall continue to be collected until 55770
collection of the amended fees commences or collection of the 55771
repealed fees ceases, as applicable, as specified in this 55772
division. In the case of a change in district composition, money 55773
so received from the collection of the fees of the former 55774
districts shall be divided among the resulting districts in 55775
accordance with division (B) of section 343.012 of the Revised 55776
Code and the agreements entered into under division (B) of section 55777
343.01 of the Revised Code to establish the former and resulting 55778
districts and any amendments to those agreements. 55779

For the purposes of the provisions of division (B) of this 55780

section establishing the times when newly established or amended 55781
fees levied by a district are required to commence and the 55782
collection of fees that have been amended or repealed is required 55783
to cease, "fees" or "schedule of fees" includes, in addition to 55784
fees levied under divisions (B)(1) to (3) of this section, those 55785
levied under section 3734.573 or 3734.574 of the Revised Code. 55786

(C) For the purposes of defraying the added costs to a 55787
municipal corporation or township of maintaining roads and other 55788
public facilities and of providing emergency and other public 55789
services, and compensating a municipal corporation or township for 55790
reductions in real property tax revenues due to reductions in real 55791
property valuations resulting from the location and operation of a 55792
solid waste disposal facility within the municipal corporation or 55793
township, a municipal corporation or township in which such a 55794
solid waste disposal facility is located may levy a fee of not 55795
more than twenty-five cents per ton on the disposal of solid 55796
wastes at a solid waste disposal facility located within the 55797
boundaries of the municipal corporation or township regardless of 55798
where the wastes were generated. 55799

The legislative authority of a municipal corporation or 55800
township may levy fees under this division by enacting an 55801
ordinance or adopting a resolution establishing the amount of the 55802
fees. Upon so doing the legislative authority shall mail a 55803
certified copy of the ordinance or resolution to the board of 55804
county commissioners or directors of the county or joint solid 55805
waste management district in which the municipal corporation or 55806
township is located or, if a regional solid waste management 55807
authority has been formed under section 343.011 of the Revised 55808
Code, to the board of trustees of that regional authority, the 55809
owner or operator of each solid waste disposal facility in the 55810
municipal corporation or township that is required to collect the 55811
fee by the ordinance or resolution, and the director of 55812

environmental protection. Although the fees levied under this 55813
division are levied on the basis of tons as the unit of 55814
measurement, the legislative authority, in its ordinance or 55815
resolution levying the fees under this division, may direct that 55816
the fees be levied on the basis of cubic yards as the unit of 55817
measurement based upon a conversion factor of three cubic yards 55818
per ton generally or one cubic yard per ton for baled wastes. 55819

Not later than five days after enacting an ordinance or 55820
adopting a resolution under this division, the legislative 55821
authority shall so notify by certified mail the owner or operator 55822
of each solid waste disposal facility that is required to collect 55823
the fee. Collection of any fee levied on or after March 24, 1992, 55824
shall commence on the first day of the second month following the 55825
month in which notification is sent to the owner or operator. 55826

(D)(1) The fees levied under divisions (A), (B), and (C) of 55827
this section do not apply to the disposal of solid wastes that: 55828

(a) Are disposed of at a facility owned by the generator of 55829
the wastes when the solid waste facility exclusively disposes of 55830
solid wastes generated at one or more premises owned by the 55831
generator regardless of whether the facility is located on a 55832
premises where the wastes are generated; 55833

(b) Are disposed of at facilities that exclusively dispose of 55834
wastes that are generated from the combustion of coal, or from the 55835
combustion of primarily coal in combination with scrap tires, that 55836
is not combined in any way with garbage at one or more premises 55837
owned by the generator. 55838

(2) Except as provided in section 3734.571 of the Revised 55839
Code, any fees levied under division (B)(1) of this section apply 55840
to solid wastes originating outside the boundaries of a county or 55841
joint district that are covered by an agreement for the joint use 55842
of solid waste facilities entered into under section 343.02 of the 55843

Revised Code by the board of county commissioners or board of 55844
directors of the county or joint district where the wastes are 55845
generated and disposed of. 55846

(3) When solid wastes, other than solid wastes that consist 55847
of scrap tires, are burned in a disposal facility that is an 55848
incinerator or energy recovery facility, the fees levied under 55849
divisions (A), (B), and (C) of this section shall be levied upon 55850
the disposal of the fly ash and bottom ash remaining after burning 55851
of the solid wastes and shall be collected by the owner or 55852
operator of the sanitary landfill where the ash is disposed of. 55853

(4) When solid wastes are delivered to a solid waste transfer 55854
facility, the fees levied under divisions (B) and (C) of this 55855
section shall be levied upon the disposal of solid wastes 55856
transported off the premises of the transfer facility for disposal 55857
and shall be collected by the owner or operator of the solid waste 55858
disposal facility where the wastes are disposed of. 55859

(5) The fees levied under divisions (A), (B), and (C) of this 55860
section do not apply to sewage sludge that is generated by a waste 55861
water treatment facility holding a national pollutant discharge 55862
elimination system permit and that is disposed of through 55863
incineration, land application, or composting or at another 55864
resource recovery or disposal facility that is not a landfill. 55865

(6) The fees levied under divisions (A), (B), and (C) of this 55866
section do not apply to solid wastes delivered to a solid waste 55867
composting facility for processing. When any unprocessed solid 55868
waste or compost product is transported off the premises of a 55869
composting facility and disposed of at a landfill, the fees levied 55870
under divisions (A), (B), and (C) of this section shall be 55871
collected by the owner or operator of the landfill where the 55872
unprocessed waste or compost product is disposed of. 55873

(7) When solid wastes that consist of scrap tires are 55874

processed at a scrap tire recovery facility, the fees levied under 55875
divisions (A), (B), and (C) of this section shall be levied upon 55876
the disposal of the fly ash and bottom ash or other solid wastes 55877
remaining after the processing of the scrap tires and shall be 55878
collected by the owner or operator of the solid waste disposal 55879
facility where the ash or other solid wastes are disposed of. 55880

(8) The director of environmental protection may issue an 55881
order exempting from the fees levied under this section solid 55882
wastes, including, but not limited to, scrap tires, that are 55883
generated, transferred, or disposed of as a result of a contract 55884
providing for the expenditure of public funds entered into by the 55885
administrator or regional administrator of the United States 55886
environmental protection agency, the director of environmental 55887
protection, or the director of administrative services on behalf 55888
of the director of environmental protection for the purpose of 55889
remediating conditions at a hazardous waste facility, solid waste 55890
facility, or other location at which the administrator or regional 55891
administrator or the director of environmental protection has 55892
reason to believe that there is a substantial threat to public 55893
health or safety or the environment or that the conditions are 55894
causing or contributing to air or water pollution or soil 55895
contamination. An order issued by the director of environmental 55896
protection under division (D)(8) of this section shall include a 55897
determination that the amount of the fees not received by a solid 55898
waste management district as a result of the order will not 55899
adversely impact the implementation and financing of the 55900
district's approved solid waste management plan and any approved 55901
amendments to the plan. Such an order is a final action of the 55902
director of environmental protection. 55903

(E) The fees levied under divisions (B) and (C) of this 55904
section shall be collected by the owner or operator of the solid 55905
waste disposal facility where the wastes are disposed of as a 55906

trustee for the county or joint district and municipal corporation 55907
or township where the wastes are disposed of. Moneys from the fees 55908
levied under division (B) of this section shall be forwarded to 55909
the board of county commissioners or board of directors of the 55910
district in accordance with rules adopted under division (H) of 55911
this section. Moneys from the fees levied under division (C) of 55912
this section shall be forwarded to the treasurer or such other 55913
officer of the municipal corporation as, by virtue of the charter, 55914
has the duties of the treasurer or to the fiscal officer of the 55915
township, as appropriate, in accordance with those rules. 55916

(F) Moneys received by the treasurer or other officer of the 55917
municipal corporation under division (E) of this section shall be 55918
paid into the general fund of the municipal corporation. Moneys 55919
received by the fiscal officer of the township under that division 55920
shall be paid into the general fund of the township. The treasurer 55921
or other officer of the municipal corporation or the township 55922
fiscal officer, as appropriate, shall maintain separate records of 55923
the moneys received from the fees levied under division (C) of 55924
this section. 55925

(G) Moneys received by the board of county commissioners or 55926
board of directors under division (E) of this section or section 55927
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 55928
shall be paid to the county treasurer, or other official acting in 55929
a similar capacity under a county charter, in a county district or 55930
to the county treasurer or other official designated by the board 55931
of directors in a joint district and kept in a separate and 55932
distinct fund to the credit of the district. If a regional solid 55933
waste management authority has been formed under section 343.011 55934
of the Revised Code, moneys received by the board of trustees of 55935
that regional authority under division (E) of this section shall 55936
be kept by the board in a separate and distinct fund to the credit 55937
of the district. Moneys in the special fund of the county or joint 55938

district arising from the fees levied under division (B) of this 55939
section and the fee levied under division (A) of section 3734.573 55940
of the Revised Code shall be expended by the board of county 55941
commissioners or directors of the district in accordance with the 55942
district's solid waste management plan or amended plan approved 55943
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 55944
exclusively for the following purposes: 55945

(1) Preparation of the solid waste management plan of the 55946
district under section 3734.54 of the Revised Code, monitoring 55947
implementation of the plan, and conducting the periodic review and 55948
amendment of the plan required by section 3734.56 of the Revised 55949
Code by the solid waste management policy committee; 55950

(2) Implementation of the approved solid waste management 55951
plan or amended plan of the district, including, without 55952
limitation, the development and implementation of solid waste 55953
recycling or reduction programs; 55954

(3) Providing financial assistance to boards of health within 55955
the district, if solid waste facilities are located within the 55956
district, for enforcement of this chapter and rules, orders, and 55957
terms and conditions of permits, licenses, and variances adopted 55958
or issued under it, other than the hazardous waste provisions of 55959
this chapter and rules adopted and orders and terms and conditions 55960
of permits issued under those provisions; 55961

(4) Providing financial assistance to each county within the 55962
district to defray the added costs of maintaining roads and other 55963
public facilities and of providing emergency and other public 55964
services resulting from the location and operation of a solid 55965
waste facility within the county under the district's approved 55966
solid waste management plan or amended plan; 55967

(5) Pursuant to contracts entered into with boards of health 55968
within the district, if solid waste facilities contained in the 55969

district's approved plan or amended plan are located within the 55970
district, for paying the costs incurred by those boards of health 55971
for collecting and analyzing samples from public or private water 55972
wells on lands adjacent to those facilities; 55973

(6) Developing and implementing a program for the inspection 55974
of solid wastes generated outside the boundaries of this state 55975
that are disposed of at solid waste facilities included in the 55976
district's approved solid waste management plan or amended plan; 55977

(7) Providing financial assistance to boards of health within 55978
the district for the enforcement of section 3734.03 of the Revised 55979
Code or to local law enforcement agencies having jurisdiction 55980
within the district for enforcing anti-littering laws and 55981
ordinances; 55982

(8) Providing financial assistance to boards of health of 55983
health districts within the district that are on the approved list 55984
under section 3734.08 of the Revised Code to defray the costs to 55985
the health districts for the participation of their employees 55986
responsible for enforcement of the solid waste provisions of this 55987
chapter and rules adopted and orders and terms and conditions of 55988
permits, licenses, and variances issued under those provisions in 55989
the training and certification program as required by rules 55990
adopted under division (L) of section 3734.02 of the Revised Code; 55991

(9) Providing financial assistance to individual municipal 55992
corporations and townships within the district to defray their 55993
added costs of maintaining roads and other public facilities and 55994
of providing emergency and other public services resulting from 55995
the location and operation within their boundaries of a 55996
composting, energy or resource recovery, incineration, or 55997
recycling facility that either is owned by the district or is 55998
furnishing solid waste management facility or recycling services 55999
to the district pursuant to a contract or agreement with the board 56000
of county commissioners or directors of the district; 56001

(10) Payment of any expenses that are agreed to, awarded, or 56002
ordered to be paid under section 3734.35 of the Revised Code and 56003
of any administrative costs incurred pursuant to that section. In 56004
the case of a joint solid waste management district, if the board 56005
of county commissioners of one of the counties in the district is 56006
negotiating on behalf of affected communities, as defined in that 56007
section, in that county, the board shall obtain the approval of 56008
the board of directors of the district in order to expend moneys 56009
for administrative costs incurred. 56010

Prior to the approval of the district's solid waste 56011
management plan under section 3734.55 of the Revised Code, moneys 56012
in the special fund of the district arising from the fees shall be 56013
expended for those purposes in the manner prescribed by the solid 56014
waste management policy committee by resolution. 56015

Notwithstanding division (G)(6) of this section as it existed 56016
prior to October 29, 1993, or any provision in a district's solid 56017
waste management plan prepared in accordance with division 56018
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 56019
prior to that date, any moneys arising from the fees levied under 56020
division (B)(3) of this section prior to January 1, 1994, may be 56021
expended for any of the purposes authorized in divisions (G)(1) to 56022
(10) of this section. 56023

(H) The director shall adopt rules in accordance with Chapter 56024
119. of the Revised Code prescribing procedures for collecting and 56025
forwarding the fees levied under divisions (B) and (C) of this 56026
section to the boards of county commissioners or directors of 56027
county or joint solid waste management districts and to the 56028
treasurers or other officers of municipal corporations and the 56029
fiscal officers of townships. The rules also shall prescribe the 56030
dates for forwarding the fees to the boards and officials and may 56031
prescribe any other requirements the director considers necessary 56032
or appropriate to implement and administer divisions (A), (B), and 56033

(C) of this section. 56034

Sec. 3734.573. (A) For the purposes specified in division (G) 56035
of section 3734.57 of the Revised Code, the solid waste management 56036
policy committee of a county or joint solid waste management 56037
district may levy a fee on the generation of solid wastes within 56038
the district. 56039

The initial or amended solid waste management plan of the 56040
county or joint district approved under section 3734.521, 3734.55, 56041
or 3734.56 of the Revised Code, an amendment to the district's 56042
plan adopted under division (E) of section 3734.56 of the Revised 56043
Code, or the resolution adopted and ratified under division (B) of 56044
this section shall establish the rate of the fee levied under this 56045
division and shall specify whether the fee is levied on the basis 56046
of tons or cubic yards as the unit of measurement. 56047

(B) Prior to the approval under division (A) of section 56048
3734.56 of the Revised Code of the first amended plan that the 56049
district is required to submit for approval under that section, 56050
the approval of an initial plan under section 3734.521 of the 56051
Revised Code, the approval of an amended plan under section 56052
3734.521 or division (D) of section 3734.56 of the Revised Code, 56053
or the amendment of the district's plan under division (E) of 56054
section 3734.56 of the Revised Code, the solid waste management 56055
policy committee of a county or joint district that is operating 56056
under an initial plan approved under section 3734.55 of the 56057
Revised Code, or one for which approval of its initial plan is 56058
pending before the director of environmental protection on October 56059
29, 1993, under section 3734.55 of the Revised Code, may levy a 56060
fee under division (A) of this section by adopting and obtaining 56061
ratification of a resolution establishing the amount of the fee. A 56062
policy committee that, after December 1, 1993, concurrently 56063
proposes to levy a fee under division (A) of this section and to 56064

amend the fees levied by the district under divisions (B)(1) to 56065
(3) of section 3734.57 of the Revised Code may adopt and obtain 56066
ratification of one resolution proposing to do both. The 56067
requirements and procedures set forth in division (B) of section 56068
3734.57 of the Revised Code governing the adoption, amendment, and 56069
repeal of resolutions levying fees under divisions (B)(1) to (3) 56070
of that section, the ratification of those resolutions, and the 56071
notification of owners and operators of solid waste facilities 56072
required to collect fees levied under those divisions govern the 56073
adoption of the resolutions authorized to be adopted under this 56074
division, the ratification thereof, and the notification of owners 56075
and operators required to collect the fees, except as otherwise 56076
specifically provided in division (C) of this section. 56077

(C) Any initial or amended plan of a district adopted under 56079
section 3734.521 or 3734.56 of the Revised Code, or resolution 56080
adopted under division (B) of this section, that proposes to levy 56081
a fee under division (A) of this section that exceeds five dollars 56082
per ton shall be ratified in accordance with the provisions of 56083
section 3734.55 or division (B) of section 3734.57 of the Revised 56084
Code, as applicable, except that such an initial or amended plan 56085
or resolution shall be approved by a combination of municipal 56086
corporations and townships with a combined population within the 56087
boundaries of the district comprising at least seventy-five per 56088
cent, rather than at least sixty per cent, of the total population 56089
of the district. 56090

(D) The policy committee of a county or joint district may 56091
amend the fee levied by the district under division (A) of this 56092
section by adopting and obtaining ratification of a resolution 56093
establishing the amount of the amended fee. The policy committee 56094
may abolish the fee or an amended fee established under this 56095
division by adopting and obtaining ratification of a resolution 56096

proposing to repeal it. The requirements and procedures under 56097
division (B) and, if applicable, division (C) of this section 56098
govern the adoption and ratification of a resolution authorized to 56099
be adopted under this division and the notification of owners and 56100
operators of solid waste facilities required to collect the fees. 56101

(E) Collection of a fee or amended fee levied under division 56102
(A) or (D) of this section shall commence or cease in accordance 56103
with division (B) of section 3734.57 of the Revised Code. If a 56104
district is levying a fee under section 3734.572 of the Revised 56105
Code, collection of that fee shall cease on the date on which 56106
collection of the fee levied under division (A) of this section 56107
commences in accordance with division (B) of section 3734.57 of 56108
the Revised Code. 56109

(F) In the case of solid wastes that are taken to a solid 56110
waste transfer facility prior to being transported to a solid 56111
waste disposal facility for disposal, the fee levied under 56112
division (A) of this section shall be collected by the owner or 56113
operator of the transfer facility as a trustee for the district. 56114
In the case of solid wastes that are not taken to a solid waste 56115
transfer facility prior to being transported to a solid waste 56116
disposal facility, the fee shall be collected by the owner or 56117
operator of the solid waste disposal facility where the wastes are 56118
disposed of. An owner or operator of a solid waste transfer or 56119
disposal facility who is required to collect the fee shall collect 56120
and forward the fee to the district in accordance with section 56121
3734.57 of the Revised Code and rules adopted under division (H) 56122
of that section. 56123

If the owner or operator of a solid waste transfer or 56124
disposal facility who did not receive notice pursuant to division 56125
(B) of this section to collect the fee levied by a district under 56126
division (A) of this section receives solid wastes generated in 56127
the district, the owner or operator, within thirty days after 56128

receiving the wastes, shall send written notice of that fact to 56129
the board of county commissioners or directors of the district. 56130
Within thirty days after receiving such a notice, the board of 56131
county commissioners or directors shall send written notice to the 56132
owner or operator indicating whether the district is levying a fee 56133
under division (A) of this section and, if so, the amount of the 56134
fee. 56135

(G) Moneys received by a district levying a fee under 56136
division (A) of this section shall be credited to the special fund 56137
of the district created in division (G) of section 3734.57 of the 56138
Revised Code and shall be used exclusively for the purposes 56139
specified in that division. Prior to the approval under division 56140
(A) of section 3734.56 of the Revised Code of the first amended 56141
plan that the district is required to submit for approval under 56142
that section, the approval of an initial plan under section 56143
3734.521 of the Revised Code, the approval of an amended plan 56144
under that section or division (D) of section 3734.56 of the 56145
Revised Code, or the amendment of the district's plan under 56146
division (E) of section 3734.56 of the Revised Code, moneys 56147
credited to the special fund arising from the fee levied pursuant 56148
to a resolution adopted and ratified under division (B) of this 56149
section shall be expended for those purposes in the manner 56150
prescribed by the solid waste management policy committee by 56151
resolution. 56152

(H) The fee levied under division (A) of this section does 56153
not apply to the management of solid wastes that: 56154

(1) Are disposed of at a facility owned by the generator of 56155
the wastes when the solid waste facility exclusively disposes of 56156
solid wastes generated at one or more premises owned by the 56157
generator regardless of whether the facility is located on a 56158
premises where the wastes were generated; 56159

(2) Are disposed of at facilities that exclusively dispose of 56160

wastes that are generated from the combustion of coal, or from the 56161
combustion of primarily coal in combination with scrap tires, that 56162
is not combined in any way with garbage at one or more premises 56163
owned by the generator. 56164

(I) When solid wastes that are burned in a disposal facility 56165
that is an incinerator or energy recovery facility are delivered 56166
to a solid waste transfer facility prior to being transported to 56167
the incinerator or energy recovery facility where they are burned, 56168
the fee levied under division (A) of this section shall be levied 56169
on the wastes delivered to the transfer facility. 56170

(J) When solid wastes that are burned in a disposal facility 56171
that is an incinerator or energy recovery facility are not 56172
delivered to a solid waste transfer facility prior to being 56173
transported to the incinerator or energy recovery facility where 56174
they are burned, the fee levied under division (A) of this section 56175
shall be levied on the wastes delivered to the incinerator or 56176
energy recovery facility. 56177

(K) The fee levied under division (A) of this section does 56178
not apply to sewage sludge that is generated by a waste water 56179
treatment facility holding a national pollutant discharge 56180
elimination system permit and that is disposed of through 56181
incineration, land application, or composting or at another 56182
resource recovery or disposal facility that is not a landfill. 56183

(L) The fee levied under division (A) of this section does 56184
not apply to ~~yard waste~~ solid waste delivered to a solid waste 56185
composting facility for processing ~~or to a solid waste transfer~~ 56186
~~facility. If any unprocessed solid waste or compost product is~~ 56187
transported off the premises of a composting facility for disposal 56188
at a landfill, the fee levied under division (A) of this section 56189
applies and shall be collected by the owner or operator of the 56190
landfill. 56191

(M) The fee levied under division (A) of this section does 56192
not apply to materials separated from a mixed waste stream for 56193
recycling by the generator or materials removed from the solid 56194
waste stream as a result of recycling, as "recycling" is defined 56195
in rules adopted under section 3734.02 of the Revised Code. 56196

(N) The director of environmental protection may issue an 56197
order exempting from the fees levied under this section solid 56198
wastes, including, but not limited to, scrap tires, that are 56199
generated, transferred, or disposed of as a result of a contract 56200
providing for the expenditure of public funds entered into by the 56201
administrator or regional administrator of the United States 56202
environmental protection agency, the director of environmental 56203
protection, or the director of administrative services on behalf 56204
of the director of environmental protection for the purpose of 56205
remediating conditions at a hazardous waste facility, solid waste 56206
facility, or other location at which the administrator or regional 56207
administrator or the director of environmental protection has 56208
reason to believe that there is a substantial threat to public 56209
health or safety or the environment or that the conditions are 56210
causing or contributing to air or water pollution or soil 56211
contamination. An order issued by the director of environmental 56212
protection under this division shall include a determination that 56213
the amount of fees not received by a solid waste management 56214
district as a result of the order will not adversely impact the 56215
implementation and financing of the district's approved solid 56216
waste ~~management~~ management plan and any approved amendments to the 56217
plan. Such an order is a final action of the director of 56218
environmental protection. 56219

Sec. 3734.82. (A) The annual fee for a scrap tire recovery 56220
facility license issued under section 3734.81 of the Revised Code 56221
shall be in accordance with the following schedule: 56222

Daily Design	Annual	56223
Input Capacity	License	56224
(Tons)	Fee	56225
1 or less	\$ 100	56226
2 to 25	500	56227
26 to 50	1,000	56228
51 to 100	1,500	56229
101 to 200	2,500	56230
201 to 500	3,500	56231
501 or more	5,500	56232

For the purpose of determining the applicable license fee 56233
under this division, the daily design input capacity shall be the 56234
quantity of scrap tires the facility is designed to process daily 56235
as set forth in the registration certificate or permit for the 56236
facility, and any modifications to the permit, if applicable, 56237
issued under section 3734.78 of the Revised Code. 56238

(B) The annual fee for a scrap tire monocell or monofill 56239
facility license shall be in accordance with the following 56240
schedule: 56241

Authorized Maximum	Annual	56242
Daily Waste Receipt	License	56243
(Tons)	Fee	56244
100 or less	\$ 5,000	56245
101 to 200	12,500	56246
201 to 500	30,000	56247
501 or more	60,000	56248

For the purpose of determining the applicable license fee 56249
under this division, the authorized maximum daily waste receipt 56250
shall be the maximum amount of scrap tires the facility is 56251
authorized to receive daily that is established in the permit for 56252
the facility, and any modification to that permit, issued under 56253
section 3734.77 of the Revised Code. 56254

(C)(1) Except as otherwise provided in division (C)(2) of 56255
this section, the annual fee for a scrap tire storage facility 56256
license shall equal one thousand dollars times the number of acres 56257
on which scrap tires are to be stored at the facility during the 56258
license year, as set forth on the application for the annual 56259
license, except that the total annual license fee for any such 56260
facility shall not exceed three thousand dollars. 56261

(2) The annual fee for a scrap tire storage facility license 56262
for a storage facility that is owned or operated by a motor 56263
vehicle salvage dealer licensed under Chapter 4738. of the Revised 56264
Code is one hundred dollars. 56265

(D)(1) Except as otherwise provided in division (D)(2) of 56266
this section, the annual fee for a scrap tire collection facility 56267
license is two hundred dollars. 56268

(2) The annual fee for a scrap tire collection facility 56269
license for a collection facility that is owned or operated by a 56270
motor vehicle salvage dealer licensed under Chapter 4738. of the 56271
Revised Code is fifty dollars. 56272

(E) Except as otherwise provided in divisions (C)(2) and 56273
(D)(2) of this section, the same fees apply to private operators 56274
and to the state and its political subdivisions and shall be paid 56275
within thirty days after the issuance of a license. The fees 56276
include the cost of licensing, all inspections, and other costs 56277
associated with the administration of the scrap tire provisions of 56278
this chapter and rules adopted under them. Each license shall 56279
specify that it is conditioned upon payment of the applicable fee 56280
to the board of health or the director of environmental 56281
protection, as appropriate, within thirty days after the issuance 56282
of the license. 56283

(F) The board of health shall retain fifteen thousand dollars 56284
of each license fee collected by the board under division (B) of 56285

this section, or the entire amount of any such fee that is less 56286
than fifteen thousand dollars, and the entire amount of each 56287
license fee collected by the board under divisions (A), (C), and 56288
(D) of this section. The moneys retained shall be paid into a 56289
special fund, which is hereby created in each health district, and 56290
used solely to administer and enforce the scrap tire provisions of 56291
this chapter and rules adopted under them. The remainder, if any, 56292
of each license fee collected by the board under division (B) of 56293
this section shall be transmitted to the director within 56294
forty-five days after receipt of the fee. 56295

(G) The director shall transmit the moneys received by the 56296
director from license fees collected under division (B) of this 56297
section to the treasurer of state to be credited to the scrap tire 56298
management fund, which is hereby created in the state treasury. 56299
The fund shall consist of all federal moneys received by the 56300
environmental protection agency for the scrap tire management 56301
program; all grants, gifts, and contributions made to the director 56302
for that program; and all other moneys that may be provided by law 56303
for that program. The director shall use moneys in the fund as 56304
follows: 56305

(1) Expend not more than seven hundred fifty thousand dollars 56306
during each fiscal year to implement, administer, and enforce the 56307
scrap tire provisions of this chapter and rules adopted under 56308
them; 56309

(2) During each fiscal year, request the director of budget 56310
and management to, and the director of budget and management 56311
shall, transfer one million dollars to the scrap tire grant fund 56312
created in section 1502.12 of the Revised Code for ~~the purposes~~ 56313
~~specified in that section;~~ supporting market development 56314
activities for scrap tires and synthetic rubber from tire 56315
manufacturing processes and tire recycling processes. In addition, 56316
during a fiscal year, the director of environmental protection may 56317

request the director of budget and management to, and the director 56318
of budget and management shall, transfer up to an additional five 56319
hundred thousand dollars to the scrap tire grant fund for scrap 56320
tire amnesty events and scrap tire cleanup events. 56321

~~(3) Expend not more than three million dollars per year~~ 56322
~~during fiscal years 2002 and 2003 to conduct removal actions under~~ 56323
~~section 3734.85 of the Revised Code and to make grants to boards~~ 56324
~~of health under section 3734.042 of the Revised Code. However,~~ 56325
~~more than three million dollars may be expended in fiscal years~~ 56326
~~2002 and 2003 for the purposes of division (C)(3) of this section~~ 56327
~~if more moneys are collected from the fee levied under division~~ 56328
~~(A)(2) of section 3734.901 of the Revised Code. During each~~ 56329
~~subsequent fiscal year the director shall expend not more than~~ 56330
~~four million five hundred thousand dollars to conduct removal~~ 56331
~~actions under section 3734.85 of the Revised Code and to make~~ 56332
~~grants to boards of health under section 3734.042 of the Revised~~ 56333
~~Code. However, more than four million five hundred thousand~~ 56334
~~dollars may be expended in a fiscal year for the purposes of~~ 56335
~~division (C)(3) of this section if more moneys are collected from~~ 56336
~~the fee levied under division (A)(2) of section 3734.901 of the~~ 56337
~~Revised Code. The director shall request the approval of the~~ 56338
~~controlling board prior to the use of the moneys to conduct~~ 56339
~~removal actions under section 3734.85 of the Revised Code. The~~ 56340
~~request shall be accompanied by a plan describing the removal~~ 56341
~~actions to be conducted during the fiscal year and an estimate of~~ 56342
~~the costs of conducting them. The controlling board shall approve~~ 56343
~~the plan only if it finds that the proposed removal actions are in~~ 56344
~~accordance with the priorities set forth in division (B) of~~ 56345
~~section 3734.85 of the Revised Code and that the costs of~~ 56346
~~conducting them are reasonable. Controlling board approval is not~~ 56347
~~required for grants made to boards of health under section~~ 56348
~~3734.042 of the Revised Code.~~ 56349

~~(H) If, during a fiscal year, more than seven million dollars are credited to the scrap tire management fund, the director, at the conclusion of the fiscal year, shall request the director of budget and management to, and the director of budget and management shall, transfer one half of those excess moneys to the scrap tire grant fund. The director shall expend the remaining excess moneys in the scrap tire management fund to conduct removal actions under section 3734.85 of the Revised Code in accordance with the procedures established under division (I) of this section.~~

~~(I) After the actions in divisions (G)(1) to (3) and (H) of this section are completed during each prior fiscal year, the director may expend up to the balance remaining from prior fiscal years in the scrap tire management fund to conduct removal actions under section 3734.85 of the Revised Code. Prior to using any moneys in the fund for that purpose in a fiscal year, the director shall request the approval of the controlling board for that use of the moneys. The request shall be accompanied by a plan describing the removal actions to be conducted during the fiscal year and an estimate of the costs of conducting them. The controlling board shall approve the plan only if the board finds that the proposed removal actions are in accordance with the priorities set forth in division (B) of section 3734.85 of the Revised Code and that the costs of conducting them are reasonable.~~

After the expenditures and transfers are made under divisions (G)(1) and (2) of this section, expend the balance of the money in the scrap tire management fund remaining in each fiscal year to conduct removal actions under section 3734.85 of the Revised Code and to provide grants to boards of health under section 3734.042 of the Revised Code.

Sec. 3734.901. (A)(1) For the purpose of providing revenue to defray the cost of administering and enforcing the scrap tire

provisions of this chapter, rules adopted under those provisions, 56382
and terms and conditions of orders, variances, and licenses issued 56383
under those provisions; to abate accumulations of scrap tires; to 56384
make grants ~~to promote research regarding alternative methods of~~ 56385
~~recycling scrap tires and supporting market development activities~~ 56386
for scrap tires and synthetic rubber from tire manufacturing 56387
processes and tire recycling processes and to support scrap tire 56388
amnesty and cleanup events; to make loans to promote the recycling 56389
or recovery of energy from scrap tires; and to defray the costs of 56390
administering and enforcing sections 3734.90 to 3734.9014 of the 56391
Revised Code, a fee of fifty cents per tire is hereby levied on 56392
the sale of tires. The proceeds of the fee shall be deposited in 56393
the state treasury to the credit of the scrap tire management fund 56394
created in section 3734.82 of the Revised Code. The fee is levied 56395
from the first day of the calendar month that begins next after 56396
thirty days from October 29, 1993, through June 30, 2011. 56397

(2) Beginning on September 5, 2001, and ending on June 30, 56398
2011, there is hereby levied an additional fee of fifty cents per 56399
tire on the sale of tires the proceeds of which shall be deposited 56400
in the state treasury to the credit of the scrap tire management 56401
fund ~~created in section 3734.82 of the Revised Code~~ and be used 56402
exclusively for the purposes specified in division (G)(3) of that 56403
section. 56404

(B) Only one sale of the same article shall be used in 56405
computing the amount of the fee due. 56406

Sec. 3734.9010. Two per cent of all amounts paid to the 56407
treasurer of state pursuant to sections 3734.90 to 3734.9014 of 56408
the Revised Code shall be certified directly to the credit of the 56409
tire fee administrative fund, which is hereby created in the state 56410
treasury, for appropriation to the department of taxation for use 56411
in administering those sections. The remainder of the amounts paid 56412

to the treasurer of state shall be deposited ~~to the credit of the~~ 56413
~~scrap tire management fund created and credited~~ in accordance with 56414
section ~~3734.82~~ 3734.901 of the Revised Code. 56415

Sec. 3737.71. Each insurance company doing business in this 56416
state shall pay to the state in installments, at the time of 56417
making the payments required by section 5729.05 of the Revised 56418
Code, in addition to the taxes required to be paid by it, 56419
three-fourths of one per cent on the gross premium receipts 56420
derived from fire insurance and that portion of the premium 56421
reasonably allocable to insurance against the hazard of fire 56422
included in other coverages except life and sickness and accident 56423
insurance, after deducting return premiums paid and considerations 56424
received for reinsurances as shown by the annual statement of such 56425
company made pursuant to sections 3929.30, 3931.06, and 5729.02 of 56426
the Revised Code. The money received shall be paid into the state 56427
treasury to the credit of the state fire marshal's fund, which is 56428
hereby created. The fund shall be used for the maintenance and 56429
administration of the office of the fire marshal and the Ohio fire 56430
academy established by section 3737.33 of the Revised Code. If the 56431
director of commerce certifies to the director of budget and 56432
management that the cash balance in the state fire marshal's fund 56433
is in excess of the amount needed to pay ongoing operating 56434
expenses, the director of commerce, with the approval of the 56435
director of budget and management, may use the excess amount to 56436
acquire by purchase, lease, or otherwise, real property or 56437
interests in real property to be used for the benefit of the 56438
office of the state fire marshal, or to construct, acquire, 56439
enlarge, equip, furnish, or improve the fire marshal's office 56440
facilities or the facilities of the Ohio fire academy. The state 56441
fire marshal's fund shall be assessed a proportionate share of the 56442
administrative costs of the department of commerce in accordance 56443
with procedures prescribed by the director of commerce and 56444

approved by the director of budget and management. Such assessment 56445
shall be paid from the state fire marshal's fund to the division 56446
of administration fund. 56447

Notwithstanding any other provision in this section, if the 56448
director of budget and management determines at any time that the 56449
money in the state fire marshal's fund exceeds the amount 56450
necessary to defray ongoing operating expenses in a fiscal year, 56451
the director may transfer the excess to the general revenue fund. 56452

Sec. 3745.11. (A) Applicants for and holders of permits, 56453
licenses, variances, plan approvals, and certifications issued by 56454
the director of environmental protection pursuant to Chapters 56455
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 56456
to the environmental protection agency for each such issuance and 56457
each application for an issuance as provided by this section. No 56458
fee shall be charged for any issuance for which no application has 56459
been submitted to the director. 56460

(B) Each person who is issued a permit to install prior to 56461
July 1, 2003, pursuant to rules adopted under division (F) of 56462
section 3704.03 of the Revised Code shall pay the fees specified 56463
in the following schedules: 56464

(1) Fuel-burning equipment (boilers) 56465
Input capacity (maximum) 56466
(million British thermal units per hour) Permit to install 56467
Greater than 0, but less than 10 \$ 200 56468
10 or more, but less than 100 400 56469
100 or more, but less than 300 800 56470
300 or more, but less than 500 1500 56471
500 or more, but less than 1000 2500 56472
1000 or more, but less than 5000 4000 56473
5000 or more 6000 56474

Units burning exclusively natural gas, number two fuel oil, 56475

or both shall be assessed a fee that is one-half of the applicable amount established in division (F)(1) of this section. 56476
56477

(2) Incinerators 56478

Input capacity (pounds per hour) Permit to install 56479

0 to 100 \$ 100 56480

101 to 500 400 56481

501 to 2000 750 56482

2001 to 20,000 1000 56483

more than 20,000 2500 56484

(3)(a) Process 56485

Process weight rate (pounds per hour) Permit to install 56486

0 to 1000 \$ 200 56487

1001 to 5000 400 56488

5001 to 10,000 600 56489

10,001 to 50,000 800 56490

more than 50,000 1000 56491

In any process where process weight rate cannot be ascertained, the minimum fee shall be assessed. 56492
56493

(b) Notwithstanding division (B)(3)(a) of this section, any person issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay the fees established in division (B)(3)(c) of this section for a process used in any of the following industries, as identified by the applicable four-digit standard industrial classification code according to the Standard Industrial Classification Manual published by the United States office of management and budget in the executive office of the president, 1972, as revised: 56494
56495
56496
56497
56498
56499
56500
56501
56502

1211 Bituminous coal and lignite mining; 56503

1213 Bituminous coal and lignite mining services; 56504

1411 Dimension stone; 56505

1422 Crushed and broken limestone;		56506
1427 Crushed and broken stone, not elsewhere classified;		56507
1442 Construction sand and gravel;		56508
1446 Industrial sand;		56509
3281 Cut stone and stone products;		56510
3295 Minerals and earth, ground or otherwise treated.		56511
(c) The fees established in the following schedule apply to		56512
the issuance of a permit to install pursuant to rules adopted		56513
under division (F) of section 3704.03 of the Revised Code for a		56514
process listed in division (B)(3)(b) of this section:		56515
Process weight rate (pounds per hour)	Permit to install	56516
0 to 1000	\$ 200	56517
10,001 to 50,000	300	56518
50,001 to 100,000	400	56519
100,001 to 200,000	500	56520
200,001 to 400,000	600	56521
400,001 or more	700	56522
(4) Storage tanks		56523
Gallons (maximum useful capacity)	Permit to install	56524
0 to 20,000	\$ 100	56525
20,001 to 40,000	150	56526
40,001 to 100,000	200	56527
100,001 to 250,000	250	56528
250,001 to 500,000	350	56529
500,001 to 1,000,000	500	56530
1,000,001 or greater	750	56531
(5) Gasoline/fuel dispensing facilities		56532
For each gasoline/fuel dispensing	Permit to install	56533
facility	\$ 100	56534
(6) Dry cleaning facilities		56535

For each dry cleaning facility	Permit to install	56536
(includes all units at the facility)	\$ 100	56537
(7) Registration status		56538
For each source covered	Permit to install	56539
by registration status	\$ 75	56540
(C)(1) Except as otherwise provided in division (C)(2) of		56541
this section, beginning July 1, 1994, each person who owns or		56542
operates an air contaminant source and who is required to apply		56543
for and obtain a Title V permit under section 3704.036 of the		56544
Revised Code shall pay the fees set forth in division (C)(1) of		56545
this section. For the purposes of that division, total emissions		56546
of air contaminants may be calculated using engineering		56547
calculations, emissions factors, material balance calculations, or		56548
performance testing procedures, as authorized by the director.		56549
The following fees shall be assessed on the total actual		56550
emissions from a source in tons per year of the regulated		56551
pollutants particulate matter, sulfur dioxide, nitrogen oxides,		56552
organic compounds, and lead:		56553
(a) Fifteen dollars per ton on the total actual emissions of		56554
each such regulated pollutant during the period July through		56555
December 1993, to be collected no sooner than July 1, 1994;		56556
(b) Twenty dollars per ton on the total actual emissions of		56557
each such regulated pollutant during calendar year 1994, to be		56558
collected no sooner than April 15, 1995;		56559
(c) Twenty-five dollars per ton on the total actual emissions		56560
of each such regulated pollutant in calendar year 1995, and each		56561
subsequent calendar year, to be collected no sooner than the		56562
fifteenth day of April of the year next succeeding the calendar		56563
year in which the emissions occurred.		56564
The fees levied under division (C)(1) of this section do not		56565
apply to that portion of the emissions of a regulated pollutant at		56566

a facility that exceed four thousand tons during a calendar year. 56567

(2) The fees assessed under division (C)(1) of this section 56568
are for the purpose of providing funding for the Title V permit 56569
program. 56570

(3) The fees assessed under division (C)(1) of this section 56571
do not apply to emissions from any electric generating unit 56572
designated as a Phase I unit under Title IV of the federal Clean 56573
Air Act prior to calendar year 2000. Those fees shall be assessed 56574
on the emissions from such a generating unit commencing in 56575
calendar year 2001 based upon the total actual emissions from the 56576
generating unit during calendar year 2000 and shall continue to be 56577
assessed each subsequent calendar year based on the total actual 56578
emissions from the generating unit during the preceding calendar 56579
year. 56580

(4) The director shall issue invoices to owners or operators 56581
of air contaminant sources who are required to pay a fee assessed 56582
under division (C) or (D) of this section. Any such invoice shall 56583
be issued no sooner than the applicable date when the fee first 56584
may be collected in a year under the applicable division, shall 56585
identify the nature and amount of the fee assessed, and shall 56586
indicate that the fee is required to be paid within thirty days 56587
after the issuance of the invoice. 56588

(D)(1) Except as provided in division (D)(3) of this section, 56589
from January 1, 1994, through December 31, 2003, each person who 56590
owns or operates an air contaminant source; who is required to 56591
apply for a permit to operate pursuant to rules adopted under 56592
division (G), or a variance pursuant to division (H), of section 56593
3704.03 of the Revised Code; and who is not required to apply for 56594
and obtain a Title V permit under section 3704.036 of the Revised 56595
Code shall pay a single fee based upon the sum of the actual 56596
annual emissions from the facility of the regulated pollutants 56597
particulate matter, sulfur dioxide, nitrogen oxides, organic 56598

compounds, and lead in accordance with the following schedule:		56599
Total tons per year		56600
of regulated pollutants	Annual fee	56601
emitted	per facility	56602
More than 0, but less than 50	\$ 75	56603
50 or more, but less than 100	300	56604
100 or more	700	56605

(2) Except as provided in division (D)(3) of this section, beginning January 1, 2004, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.03 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule:

Total tons per year		56617
of regulated pollutants	Annual fee	56618
emitted	per facility	56619
More than 0, but less than 10	\$ 100	56620
10 or more, but less than 50	200	56621
50 or more, but less than 100	300	56622
100 or more	700	56623

(3)(a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, ~~2010~~ 2012,
each person who owns or operates a synthetic minor facility shall
pay an annual fee based on the sum of the actual annual emissions
from the facility of particulate matter, sulfur dioxide, nitrogen
dioxide, organic compounds, and lead in accordance with the
following schedule:

Combined total tons per year of all regulated pollutants emitted	Annual fee per facility
Less than 10	\$ 170
10 or more, but less than 20	340
20 or more, but less than 30	670
30 or more, but less than 40	1,010
40 or more, but less than 50	1,340
50 or more, but less than 60	1,680
60 or more, but less than 70	2,010
70 or more, but less than 80	2,350
80 or more, but less than 90	2,680
90 or more, but less than 100	3,020
100 or more	3,350

(4) The fees assessed under division (D)(1) of this section
shall be collected annually no sooner than the fifteenth day of
April, commencing in 1995. The fees assessed under division (D)(2)
of this section shall be collected annually no sooner than the
fifteenth day of April, commencing in 2005. The fees assessed
under division (D)(3) of this section shall be collected no sooner
than the fifteenth day of April, commencing in 2000. The fees
assessed under division (D) of this section in a calendar year
shall be based upon the sum of the actual emissions of those
regulated pollutants during the preceding calendar year. For the
purpose of division (D) of this section, emissions of air
contaminants may be calculated using engineering calculations,
emission factors, material balance calculations, or performance

testing procedures, as authorized by the director. The director, 56664
by rule, may require persons who are required to pay the fees 56665
assessed under division (D) of this section to pay those fees 56666
biennially rather than annually. 56667

(E)(1) Consistent with the need to cover the reasonable costs 56668
of the Title V permit program, the director annually shall 56669
increase the fees prescribed in division (C)(1) of this section by 56670
the percentage, if any, by which the consumer price index for the 56671
most recent calendar year ending before the beginning of a year 56672
exceeds the consumer price index for calendar year 1989. Upon 56673
calculating an increase in fees authorized by division (E)(1) of 56674
this section, the director shall compile revised fee schedules for 56675
the purposes of division (C)(1) of this section and shall make the 56676
revised schedules available to persons required to pay the fees 56677
assessed under that division and to the public. 56678

(2) For the purposes of division (E)(1) of this section: 56679

(a) The consumer price index for any year is the average of 56680
the consumer price index for all urban consumers published by the 56681
United States department of labor as of the close of the 56682
twelve-month period ending on the thirty-first day of August of 56683
that year. 56684

(b) If the 1989 consumer price index is revised, the director 56685
shall use the revision of the consumer price index that is most 56686
consistent with that for calendar year 1989. 56687

(F) Each person who is issued a permit to install pursuant to 56688
rules adopted under division (F) of section 3704.03 of the Revised 56689
Code on or after July 1, 2003, shall pay the fees specified in the 56690
following schedules: 56691

(1) Fuel-burning equipment (boilers, furnaces, or process 56692
heaters used in the process of burning fuel for the primary 56693
purpose of producing heat or power by indirect heat transfer) 56694

Input capacity (maximum)		56695
(million British thermal units per hour)	Permit to install	56696
Greater than 0, but less than 10	\$ 200	56697
10 or more, but less than 100	400	56698
100 or more, but less than 300	1000	56699
300 or more, but less than 500	2250	56700
500 or more, but less than 1000	3750	56701
1000 or more, but less than 5000	6000	56702
5000 or more	9000	56703
Units burning exclusively natural gas, number two fuel oil,		56704
or both shall be assessed a fee that is one-half the applicable		56705
amount shown in division (F)(1) of this section.		56706
(2) Combustion turbines and stationary internal combustion		56707
engines designed to generate electricity		56708
Generating capacity (mega watts)	Permit to install	56709
0 or more, but less than 10	\$ 25	56710
10 or more, but less than 25	150	56711
25 or more, but less than 50	300	56712
50 or more, but less than 100	500	56713
100 or more, but less than 250	1000	56714
250 or more	2000	56715
(3) Incinerators		56716
Input capacity (pounds per hour)	Permit to install	56717
0 to 100	\$ 100	56718
101 to 500	500	56719
501 to 2000	1000	56720
2001 to 20,000	1500	56721
more than 20,000	3750	56722
(4)(a) Process		56723
Process weight rate (pounds per hour)	Permit to install	56724
0 to 1000	\$ 200	56725
1001 to 5000	500	56726

5001 to 10,000	750	56727
10,001 to 50,000	1000	56728
more than 50,000	1250	56729

In any process where process weight rate cannot be 56730
ascertained, the minimum fee shall be assessed. A boiler, furnace, 56731
combustion turbine, stationary internal combustion engine, or 56732
process heater designed to provide direct heat or power to a 56733
process not designed to generate electricity shall be assessed a 56734
fee established in division (F)(4)(a) of this section. A 56735
combustion turbine or stationary internal combustion engine 56736
designed to generate electricity shall be assessed a fee 56737
established in division (F)(2) of this section. 56738

(b) Notwithstanding division (F)(4)(a) of this section, any 56739
person issued a permit to install pursuant to rules adopted under 56740
division (F) of section 3704.03 of the Revised Code shall pay the 56741
fees set forth in division (F)(4)(c) of this section for a process 56742
used in any of the following industries, as identified by the 56743
applicable two-digit, three-digit, or four-digit standard 56744
industrial classification code according to the Standard 56745
Industrial Classification Manual published by the United States 56746
office of management and budget in the executive office of the 56747
president, 1987, as revised: 56748

Major group 10, metal mining; 56749

Major group 12, coal mining; 56750

Major group 14, mining and quarrying of nonmetallic minerals; 56751

Industry group 204, grain mill products; 56752

2873 Nitrogen fertilizers; 56753

2874 Phosphatic fertilizers; 56754

3281 Cut stone and stone products; 56755

3295 Minerals and earth, ground or otherwise treated; 56756

4221 Grain elevators (storage only);		56757
5159 Farm related raw materials;		56758
5261 Retail nurseries and lawn and garden supply stores.		56759
(c) The fees set forth in the following schedule apply to the		56760
issuance of a permit to install pursuant to rules adopted under		56761
division (F) of section 3704.03 of the Revised Code for a process		56762
identified in division (F)(4)(b) of this section:		56763
Process weight rate (pounds per	Permit to install	56764
hour)		
0 to 10,000	\$ 200	56765
10,001 to 50,000	400	56766
50,001 to 100,000	500	56767
100,001 to 200,000	600	56768
200,001 to 400,000	750	56769
400,001 or more	900	56770
(5) Storage tanks		56771
Gallons (maximum useful capacity)	Permit to install	56772
0 to 20,000	\$ 100	56773
20,001 to 40,000	150	56774
40,001 to 100,000	250	56775
100,001 to 500,000	400	56776
500,001 or greater	750	56777
(6) Gasoline/fuel dispensing facilities		56778
For each gasoline/fuel		56779
dispensing facility (includes all	Permit to install	56780
units at the facility)	\$ 100	56781
(7) Dry cleaning facilities		56782
For each dry cleaning		56783
facility (includes all units	Permit to install	56784
at the facility)	\$ 100	56785
(8) Registration status		56786

For each source covered Permit to install 56787
by registration status \$ 75 56788

(G) An owner or operator who is responsible for an asbestos 56789
demolition or renovation project pursuant to rules adopted under 56790
section 3704.03 of the Revised Code shall pay the fees set forth 56791
in the following schedule: 56792

Action	Fee	
Each notification	\$75	56794
Asbestos removal	\$3/unit	56795
Asbestos cleanup	\$4/cubic yard	56796

For purposes of this division, "unit" means any combination of 56797
linear feet or square feet equal to fifty. 56798

(H) A person who is issued an extension of time for a permit 56799
to install an air contaminant source pursuant to rules adopted 56800
under division (F) of section 3704.03 of the Revised Code shall 56801
pay a fee equal to one-half the fee originally assessed for the 56802
permit to install under this section, except that the fee for such 56803
an extension shall not exceed two hundred dollars. 56804

(I) A person who is issued a modification to a permit to 56805
install an air contaminant source pursuant to rules adopted under 56806
section 3704.03 of the Revised Code shall pay a fee equal to 56807
one-half of the fee that would be assessed under this section to 56808
obtain a permit to install the source. The fee assessed by this 56809
division only applies to modifications that are initiated by the 56810
owner or operator of the source and shall not exceed two thousand 56811
dollars. 56812

(J) Notwithstanding division (B) or (F) of this section, a 56813
person who applies for or obtains a permit to install pursuant to 56814
rules adopted under division (F) of section 3704.03 of the Revised 56815
Code after the date actual construction of the source began shall 56816
pay a fee for the permit to install that is equal to twice the fee 56817
that otherwise would be assessed under the applicable division 56818

unless the applicant received authorization to begin construction 56819
under division (W) of section 3704.03 of the Revised Code. This 56820
division only applies to sources for which actual construction of 56821
the source begins on or after July 1, 1993. The imposition or 56822
payment of the fee established in this division does not preclude 56823
the director from taking any administrative or judicial 56824
enforcement action under this chapter, Chapter 3704., 3714., 56825
3734., or 6111. of the Revised Code, or a rule adopted under any 56826
of them, in connection with a violation of rules adopted under 56827
division (F) of section 3704.03 of the Revised Code. 56828

As used in this division, "actual construction of the source" 56829
means the initiation of physical on-site construction activities 56830
in connection with improvements to the source that are permanent 56831
in nature, including, without limitation, the installation of 56832
building supports and foundations and the laying of underground 56833
pipework. 56834

(K) Fifty cents per ton of each fee assessed under division 56835
(C) of this section on actual emissions from a source and received 56836
by the environmental protection agency pursuant to that division 56837
shall be deposited into the state treasury to the credit of the 56838
small business assistance fund created in section 3706.19 of the 56839
Revised Code. The remainder of the moneys received by the division 56840
pursuant to that division and moneys received by the agency 56841
pursuant to divisions (D), (F), (G), (H), (I), and (J) of this 56842
section shall be deposited in the state treasury to the credit of 56843
the clean air fund created in section 3704.035 of the Revised 56844
Code. 56845

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 56846
or (c) of this section, a person issued a water discharge permit 56847
or renewal of a water discharge permit pursuant to Chapter 6111. 56848
of the Revised Code shall pay a fee based on each point source to 56849
which the issuance is applicable in accordance with the following 56850

schedule:		56851
Design flow discharge (gallons per day)	Fee	56852
0 to 1000	\$ 0	56853
1,001 to 5000	100	56854
5,001 to 50,000	200	56855
50,001 to 100,000	300	56856
100,001 to 300,000	525	56857
over 300,000	750	56858
(b) Notwithstanding the fee schedule specified in division		56859
(L)(1)(a) of this section, the fee for a water discharge permit		56860
that is applicable to coal mining operations regulated under		56861
Chapter 1513. of the Revised Code shall be two hundred fifty		56862
dollars per mine.		56863
(c) Notwithstanding the fee schedule specified in division		56864
(L)(1)(a) of this section, the fee for a water discharge permit		56865
for a public discharger identified by I in the third character of		56866
the permittee's NPDES permit number shall not exceed seven hundred		56867
fifty dollars.		56868
(2) A person applying for a plan approval for a wastewater		56869
treatment works pursuant to section 6111.44, 6111.45, or 6111.46		56870
of the Revised Code shall pay a fee of one hundred dollars plus		56871
sixty-five one-hundredths of one per cent of the estimated project		56872
cost through June 30, 2010 <u>2012</u> , and one hundred dollars plus		56873
two-tenths of one per cent of the estimated project cost on and		56874
after July 1, 2010 <u>2012</u> , except that the total fee shall not		56875
exceed fifteen thousand dollars through June 30, 2010 <u>2012</u> , and		56876
five thousand dollars on and after July 1, 2010 <u>2012</u> . The fee		56877
shall be paid at the time the application is submitted.		56878
(3) A person issued a modification of a water discharge		56879
permit shall pay a fee equal to one-half the fee that otherwise		56880
would be charged for a water discharge permit, except that the fee		56881
for the modification shall not exceed four hundred dollars.		56882

(4) A person who has entered into an agreement with the director under section 6111.14 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons who have entered into agreements under that section, or who have applied for agreements, of the amount of the fee.

(5)(a)(i) Not later than January 30, ~~2008~~ 2010, and January 30, ~~2009~~ 2011, a person holding an NPDES discharge permit issued pursuant to Chapter 6111. of the Revised Code with an average daily discharge flow of five thousand gallons or more shall pay a nonrefundable annual discharge fee. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required annual discharge fee.

(ii) The billing year for the annual discharge fee established in division (L)(5)(a)(i) of this section shall consist of a twelve-month period beginning on the first day of January of the year preceding the date when the annual discharge fee is due. In the case of an existing source that permanently ceases to discharge during a billing year, the director shall reduce the annual discharge fee, including the surcharge applicable to certain industrial facilities pursuant to division (L)(5)(c) of this section, by one-twelfth for each full month during the billing year that the source was not discharging, but only if the person holding the NPDES discharge permit for the source notifies the director in writing, not later than the first day of October of the billing year, of the circumstances causing the cessation of discharge.

(iii) The annual discharge fee established in division (L)(5)(a)(i) of this section, except for the surcharge applicable

to certain industrial facilities pursuant to division (L)(5)(c) of 56915
 this section, shall be based upon the average daily discharge flow 56916
 in gallons per day calculated using first day of May through 56917
 thirty-first day of October flow data for the period two years 56918
 prior to the date on which the fee is due. In the case of NPDES 56919
 discharge permits for new sources, the fee shall be calculated 56920
 using the average daily design flow of the facility until actual 56921
 average daily discharge flow values are available for the time 56922
 period specified in division (L)(5)(a)(iii) of this section. The 56923
 annual discharge fee may be prorated for a new source as described 56924
 in division (L)(5)(a)(ii) of this section. 56925

(b) An NPDES permit holder that is a public discharger shall 56926
 pay the fee specified in the following schedule: 56927

Average daily	Fee due by	
discharge flow	January 30,	
	2008 <u>2010</u> , and	
	January 30, 2009	
	<u>2011</u>	
5,000 to 49,999	\$ 200	56932
50,000 to 100,000	500	56933
100,001 to 250,000	1,050	56934
250,001 to 1,000,000	2,600	56935
1,000,001 to 5,000,000	5,200	56936
5,000,001 to 10,000,000	10,350	56937
10,000,001 to 20,000,000	15,550	56938
20,000,001 to 50,000,000	25,900	56939
50,000,001 to 100,000,000	41,400	56940
100,000,001 or more	62,100	56941

Public dischargers owning or operating two or more publicly 56942
 owned treatment works serving the same political subdivision, as 56943
 "treatment works" is defined in section 6111.01 of the Revised 56944
 Code, and that serve exclusively political subdivisions having a 56945

population of fewer than one hundred thousand shall pay an annual discharge fee under division (L)(5)(b) of this section that is based on the combined average daily discharge flow of the treatment works.

(c) An NPDES permit holder that is an industrial discharger, other than a coal mining operator identified by P in the third character of the permittee's NPDES permit number, shall pay the fee specified in the following schedule:

Average daily discharge flow	Fee due by January 30, 2008 <u>2010</u> , and January 30, 2009 <u>2011</u>	
5,000 to 49,999	\$ 250	56958
50,000 to 250,000	1,200	56959
250,001 to 1,000,000	2,950	56960
1,000,001 to 5,000,000	5,850	56961
5,000,001 to 10,000,000	8,800	56962
10,000,001 to 20,000,000	11,700	56963
20,000,001 to 100,000,000	14,050	56964
100,000,001 to 250,000,000	16,400	56965
250,000,001 or more	18,700	56966

In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee billing year specified in division (L)(5)(a)(ii) of this section shall pay a nonrefundable annual surcharge of seven thousand five hundred dollars not later than January 30, ~~2008~~ 2010, and not later than January 30, ~~2009~~ 2011. Any person who fails to pay the surcharge at that time shall pay an additional amount that equals ten per cent of the amount of the surcharge.

(d) Notwithstanding divisions (L)(5)(b) and (c) of this

section, a public discharger identified by I in the third 56977
character of the permittee's NPDES permit number and an industrial 56978
discharger identified by I, J, L, V, W, X, Y, or Z in the third 56979
character of the permittee's NPDES permit number shall pay a 56980
nonrefundable annual discharge fee of one hundred eighty dollars 56981
not later than January 30, ~~2008~~ 2010, and not later than January 56982
30, ~~2009~~ 2011. Any person who fails to pay the fee at that time 56983
shall pay an additional amount that equals ten per cent of the 56984
required fee. 56985

(6) Each person obtaining a national pollutant discharge 56986
elimination system general or individual permit for municipal 56987
storm water discharge shall pay a nonrefundable storm water 56988
discharge fee of one hundred dollars per square mile of area 56989
permitted. The fee shall not exceed ten thousand dollars and shall 56990
be payable on or before January 30, 2004, and the thirtieth day of 56991
January of each year thereafter. Any person who fails to pay the 56992
fee on the date specified in division (L)(6) of this section shall 56993
pay an additional amount per year equal to ten per cent of the 56994
annual fee that is unpaid. 56995

(7) The director shall transmit all moneys collected under 56996
division (L) of this section to the treasurer of state for deposit 56997
into the state treasury to the credit of the surface water 56998
protection fund created in section 6111.038 of the Revised Code. 56999

(8) As used in division (L) of this section: 57000

(a) "NPDES" means the federally approved national pollutant 57001
discharge elimination system program for issuing, modifying, 57002
revoking, reissuing, terminating, monitoring, and enforcing 57003
permits and imposing and enforcing pretreatment requirements under 57004
Chapter 6111. of the Revised Code and rules adopted under it. 57005

(b) "Public discharger" means any holder of an NPDES permit 57006
identified by P in the second character of the NPDES permit number 57007

assigned by the director. 57008

(c) "Industrial discharger" means any holder of an NPDES 57009
permit identified by I in the second character of the NPDES permit 57010
number assigned by the director. 57011

(d) "Major discharger" means any holder of an NPDES permit 57012
classified as major by the regional administrator of the United 57013
States environmental protection agency in conjunction with the 57014
director. 57015

(M) Through June 30, ~~2010~~ 2012, a person applying for a 57016
license or license renewal to operate a public water system under 57017
section 6109.21 of the Revised Code shall pay the appropriate fee 57018
established under this division at the time of application to the 57019
director. Any person who fails to pay the fee at that time shall 57020
pay an additional amount that equals ten per cent of the required 57021
fee. The director shall transmit all moneys collected under this 57022
division to the treasurer of state for deposit into the drinking 57023
water protection fund created in section 6109.30 of the Revised 57024
Code. 57025

Except as provided in division (M)(4) of this section, fees 57026
required under this division shall be calculated and paid in 57027
accordance with the following schedule: 57028

(1) For the initial license required under division (A)(1) of 57029
section 6109.21 of the Revised Code for any public water system 57030
that is a community water system as defined in section 6109.01 of 57031
the Revised Code, and for each license renewal required for such a 57032
system prior to January 31, ~~2010~~ 2012, the fee is: 57033

Number of service connections	Fee amount	
Not more than 49	\$ 112	57035
50 to 99	176	57036
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	57038

2,500 to 4,999	1.48	57039
5,000 to 7,499	1.42	57040
7,500 to 9,999	1.34	57041
10,000 to 14,999	1.16	57042
15,000 to 24,999	1.10	57043
25,000 to 49,999	1.04	57044
50,000 to 99,999	.92	57045
100,000 to 149,999	.86	57046
150,000 to 199,999	.80	57047
200,000 or more	.76	57048

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under division (A)(2) of section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2010~~ 2012, the fee is:

Population served	Fee amount	
Fewer than 150	\$ 112	57063
150 to 299	176	57064
300 to 749	384	57065
750 to 1,499	628	57066
1,500 to 2,999	1,268	57067
3,000 to 7,499	2,816	57068
7,500 to 14,999	5,510	57069
15,000 to 22,499	9,048	57070

22,500 to 29,999	12,430	57071
30,000 or more	16,820	57072

As used in division (M)(2) of this section, "population served" means the total number of individuals receiving water from the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under division (A)(3) of section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2010~~ 2012, the fee is:

Number of wells supplying system	Fee amount	
1	\$112	57085
2	112	57086
3	176	57087
4	278	57088
5	568	57089
System designated as using a surface water source	792	57091

As used in division (M)(3) of this section, "number of wells supplying system" means those wells that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.

(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except

that the total fee shall not exceed twenty thousand dollars 57103
through June 30, ~~2010~~ 2012, and fifteen thousand dollars on and 57104
after July 1, ~~2010~~ 2012. The fee shall be paid at the time the 57105
application is submitted. 57106

(2) A person who has entered into an agreement with the 57107
director under division (A)(2) of section 6109.07 of the Revised 57108
Code shall pay an administrative service fee for each plan 57109
submitted under that section for approval that shall not exceed 57110
the minimum amount necessary to pay administrative costs directly 57111
attributable to processing plan approvals. The director annually 57112
shall calculate the fee and shall notify all persons that have 57113
entered into agreements under that division, or who have applied 57114
for agreements, of the amount of the fee. 57115

(3) Through June 30, ~~2010~~ 2012, the following fee, on a per 57116
survey basis, shall be charged any person for services rendered by 57117
the state in the evaluation of laboratories and laboratory 57118
personnel for compliance with accepted analytical techniques and 57119
procedures established pursuant to Chapter 6109. of the Revised 57120
Code for determining the qualitative characteristics of water: 57121

microbiological		57122
MMO-MUG	\$2,000	57123
MF	2,100	57124
MMO-MUG and MF	2,550	57125
organic chemical	5,400	57126
trace metals	5,400	57127
standard chemistry	2,800	57128
limited chemistry	1,550	57129

On and after July 1, ~~2010~~ 2012, the following fee, on a per 57130
survey basis, shall be charged any such person: 57131

microbiological	\$ 1,650	57132
organic chemicals	3,500	57133
trace metals	3,500	57134

standard chemistry	1,800	57135
limited chemistry	1,000	57136

The fee for those services shall be paid at the time the request for the survey is made. Through June 30, ~~2010~~ 2012, an individual laboratory shall not be assessed a fee under this division more than once in any three-year period unless the person requests the addition of analytical methods or analysts, in which case the person shall pay eighteen hundred dollars for each additional survey requested.

As used in division (N)(3) of this section:

(a) "MF" means microfiltration.

(b) "MMO" means minimal medium ONPG.

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide.

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(O) Any person applying to the director for examination for certification as an operator of a water supply system or wastewater system under Chapter 6109. or 6111. of the Revised Code, at the time the application is submitted, shall pay an application fee of forty-five dollars through November 30, ~~2010~~ 2012, and twenty-five dollars on and after December 1, ~~2010~~ 2012. Upon approval from the director that the applicant is eligible to take the examination therefor, the applicant shall pay a fee in accordance with the following schedule through November 30, ~~2010~~ 2012:

Class A operator	\$35	57163
Class I operator	60	57164

Class II operator	75	57165
Class III operator	85	57166
Class IV operator	100	57167

On and after December 1, ~~2010~~ 2012, the applicant shall pay a fee in accordance with the following schedule:

Class A operator	\$25	57170
Class I operator	\$45	57171
Class II operator	55	57172
Class III operator	65	57173
Class IV operator	75	57174

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

Class A operator	\$25	57178
Class I operator	35	57179
Class II operator	45	57180
Class III operator	55	57181
Class IV operator	65	57182

If a certification renewal fee is received by the director more than thirty days, but not more than one year after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

Class A operator	\$45	57188
Class I operator	55	57189
Class II operator	65	57190
Class III operator	75	57191
Class IV operator	85	57192

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking

water protection fund created in section 6109.30 of the Revised Code. 57197
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(P) Any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code, as that section existed before its repeal by H.B. 95 of the 125th general assembly, shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section. On and after June 26, 2003, persons shall file such applications and pay the fee as required under sections 5709.20 to 5709.27 of the Revised Code, and proceeds from the fee shall be credited as provided in section 5709.212 of the Revised Code. 57199
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(Q) Except as otherwise provided in division (R) of this section, a person issued a permit by the director for a new solid waste disposal facility other than an incineration or composting facility, a new infectious waste treatment facility other than an incineration facility, or a modification of such an existing facility that includes an increase in the total disposal or treatment capacity of the facility pursuant to Chapter 3734. of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal or treatment capacity, or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars. A person issued a modification of a permit for a solid waste disposal facility or an infectious waste treatment facility that does not involve an increase in the total disposal or treatment capacity of the facility shall pay a fee of one thousand dollars. A person issued a permit to install a new, or modify an existing, solid waste 57213
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transfer facility under that chapter shall pay a fee of two 57229
thousand five hundred dollars. A person issued a permit to install 57230
a new or to modify an existing solid waste incineration or 57231
composting facility, or an existing infectious waste treatment 57232
facility using incineration as its principal method of treatment, 57233
under that chapter shall pay a fee of one thousand dollars. The 57234
increases in the permit fees under this division resulting from 57235
the amendments made by Amended Substitute House Bill 592 of the 57236
117th general assembly do not apply to any person who submitted an 57237
application for a permit to install a new, or modify an existing, 57238
solid waste disposal facility under that chapter prior to 57239
September 1, 1987; any such person shall pay the permit fee 57240
established in this division as it existed prior to June 24, 1988. 57241
In addition to the applicable permit fee under this division, a 57242
person issued a permit to install or modify a solid waste facility 57243
or an infectious waste treatment facility under that chapter who 57244
fails to pay the permit fee to the director in compliance with 57245
division (V) of this section shall pay an additional ten per cent 57246
of the amount of the fee for each week that the permit fee is 57247
late. 57248

Permit and late payment fees paid to the director under this 57249
division shall be credited to the general revenue fund. 57250

(R)(1) A person issued a registration certificate for a scrap 57251
tire collection facility under section 3734.75 of the Revised Code 57252
shall pay a fee of two hundred dollars, except that if the 57253
facility is owned or operated by a motor vehicle salvage dealer 57254
licensed under Chapter 4738. of the Revised Code, the person shall 57255
pay a fee of twenty-five dollars. 57256

(2) A person issued a registration certificate for a new 57257
scrap tire storage facility under section 3734.76 of the Revised 57258
Code shall pay a fee of three hundred dollars, except that if the 57259
facility is owned or operated by a motor vehicle salvage dealer 57260

licensed under Chapter 4738. of the Revised Code, the person shall 57261
pay a fee of twenty-five dollars. 57262

(3) A person issued a permit for a scrap tire storage 57263
facility under section 3734.76 of the Revised Code shall pay a fee 57264
of one thousand dollars, except that if the facility is owned or 57265
operated by a motor vehicle salvage dealer licensed under Chapter 57266
4738. of the Revised Code, the person shall pay a fee of fifty 57267
dollars. 57268

(4) A person issued a permit for a scrap tire monocell or 57269
monofill facility under section 3734.77 of the Revised Code shall 57270
pay a fee of ten dollars per thousand cubic yards of disposal 57271
capacity or one thousand dollars, whichever is greater, except 57272
that the total fee for any such permit shall not exceed eighty 57273
thousand dollars. 57274

(5) A person issued a registration certificate for a scrap 57275
tire recovery facility under section 3734.78 of the Revised Code 57276
shall pay a fee of one hundred dollars. 57277

(6) A person issued a permit for a scrap tire recovery 57278
facility under section 3734.78 of the Revised Code shall pay a fee 57279
of one thousand dollars. 57280

(7) In addition to the applicable registration certificate or 57281
permit fee under divisions (R)(1) to (6) of this section, a person 57282
issued a registration certificate or permit for any such scrap 57283
tire facility who fails to pay the registration certificate or 57284
permit fee to the director in compliance with division (V) of this 57285
section shall pay an additional ten per cent of the amount of the 57286
fee for each week that the fee is late. 57287

(8) The registration certificate, permit, and late payment 57288
fees paid to the director under divisions (R)(1) to (7) of this 57289
section shall be credited to the scrap tire management fund 57290
created in section 3734.82 of the Revised Code. 57291

(S)(1) Except as provided by divisions (L), (M), (N), (O), 57292
(P), and (S)(2) of this section, division (A)(2) of section 57293
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 57294
and rules adopted under division (T)(1) of this section, any 57295
person applying for a registration certificate under section 57296
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 57297
variance, or plan approval under Chapter 3734. of the Revised Code 57298
shall pay a nonrefundable fee of fifteen dollars at the time the 57299
application is submitted. 57300

Except as otherwise provided, any person applying for a 57301
permit, variance, or plan approval under Chapter 6109. or 6111. of 57302
the Revised Code shall pay a nonrefundable fee of one hundred 57303
dollars at the time the application is submitted through June 30, 57304
~~2010~~ 2012, and a nonrefundable fee of fifteen dollars at the time 57305
the application is submitted on and after July 1, ~~2010~~ 2012. 57306
Through June 30, ~~2010~~ 2012, any person applying for a national 57307
pollutant discharge elimination system permit under Chapter 6111. 57308
of the Revised Code shall pay a nonrefundable fee of two hundred 57309
dollars at the time of application for the permit. On and after 57310
July 1, ~~2010~~ 2012, such a person shall pay a nonrefundable fee of 57311
fifteen dollars at the time of application. 57312

In addition to the application fee established under division 57313
(S)(1) of this section, any person applying for a national 57314
pollutant discharge elimination system general storm water 57315
construction permit shall pay a nonrefundable fee of twenty 57316
dollars per acre for each acre that is permitted above five acres 57317
at the time the application is submitted. However, the per acreage 57318
fee shall not exceed three hundred dollars. In addition, any 57319
person applying for a national pollutant discharge elimination 57320
system general storm water industrial permit shall pay a 57321
nonrefundable fee of one hundred fifty dollars at the time the 57322
application is submitted. 57323

The director shall transmit all moneys collected under 57324
division (S)(1) of this section pursuant to Chapter 6109. of the 57325
Revised Code to the treasurer of state for deposit into the 57326
drinking water protection fund created in section 6109.30 of the 57327
Revised Code. 57328

The director shall transmit all moneys collected under 57329
division (S)(1) of this section pursuant to Chapter 6111. of the 57330
Revised Code to the treasurer of state for deposit into the 57331
surface water protection fund created in section 6111.038 of the 57332
Revised Code. 57333

If a registration certificate is issued under section 57334
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 57335
the application fee paid shall be deducted from the amount of the 57336
registration certificate fee due under division (R)(1), (2), or 57337
(5) of this section, as applicable. 57338

If a person submits an electronic application for a 57339
registration certificate, permit, variance, or plan approval for 57340
which an application fee is established under division (S)(1) of 57341
this section, the person shall pay the applicable application fee 57342
as expeditiously as possible after the submission of the 57343
electronic application. An application for a registration 57344
certificate, permit, variance, or plan approval for which an 57345
application fee is established under division (S)(1) of this 57346
section shall not be reviewed or processed until the applicable 57347
application fee, and any other fees established under this 57348
division, are paid. 57349

(2) Division (S)(1) of this section does not apply to an 57350
application for a registration certificate for a scrap tire 57351
collection or storage facility submitted under section 3734.75 or 57352
3734.76 of the Revised Code, as applicable, if the owner or 57353
operator of the facility or proposed facility is a motor vehicle 57354
salvage dealer licensed under Chapter 4738. of the Revised Code. 57355

(T) The director may adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) Prescribe fees to be paid by applicants for and holders of any license, permit, variance, plan approval, or certification required or authorized by Chapter 3704., 3734., 6109., or 6111. of the Revised Code that are not specifically established in this section. The fees shall be designed to defray the cost of processing, issuing, revoking, modifying, denying, and enforcing the licenses, permits, variances, plan approvals, and certifications.

The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6109. of the Revised Code to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6111. of the Revised Code to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code.

(2) Exempt the state and political subdivisions thereof, including education facilities or medical facilities owned by the state or a political subdivision, or any person exempted from taxation by section 5709.07 or 5709.12 of the Revised Code, from any fee required by this section;

(3) Provide for the waiver of any fee, or any part thereof, otherwise required by this section whenever the director determines that the imposition of the fee would constitute an unreasonable cost of doing business for any applicant, class of applicants, or other person subject to the fee;

(4) Prescribe measures that the director considers necessary 57387
to carry out this section. 57388

(U) When the director reasonably demonstrates that the direct 57389
cost to the state associated with the issuance of a permit to 57390
install, license, variance, plan approval, or certification 57391
exceeds the fee for the issuance or review specified by this 57392
section, the director may condition the issuance or review on the 57393
payment by the person receiving the issuance or review of, in 57394
addition to the fee specified by this section, the amount, or any 57395
portion thereof, in excess of the fee specified under this 57396
section. The director shall not so condition issuances for which 57397
fees are prescribed in divisions (B)(7) and (L)(1)(b) of this 57398
section. 57399

(V) Except as provided in divisions (L), (M), and (P) of this 57400
section or unless otherwise prescribed by a rule of the director 57401
adopted pursuant to Chapter 119. of the Revised Code, all fees 57402
required by this section are payable within thirty days after the 57403
issuance of an invoice for the fee by the director or the 57404
effective date of the issuance of the license, permit, variance, 57405
plan approval, or certification. If payment is late, the person 57406
responsible for payment of the fee shall pay an additional ten per 57407
cent of the amount due for each month that it is late. 57408

(W) As used in this section, "fuel-burning equipment," 57409
"fuel-burning equipment input capacity," "incinerator," 57410
"incinerator input capacity," "process," "process weight rate," 57411
"storage tank," "gasoline dispensing facility," "dry cleaning 57412
facility," "design flow discharge," and "new source treatment 57413
works" have the meanings ascribed to those terms by applicable 57414
rules or standards adopted by the director under Chapter 3704. or 57415
6111. of the Revised Code. 57416

(X) As used in divisions (B), (C), (D), (E), (F), (H), (I), 57417
and (J) of this section, and in any other provision of this 57418

section pertaining to fees paid pursuant to Chapter 3704. of the Revised Code: 57419
57420

(1) "Facility," "federal Clean Air Act," "person," and "Title V permit" have the same meanings as in section 3704.01 of the Revised Code. 57421
57422
57423

(2) "Title V permit program" means the following activities as necessary to meet the requirements of Title V of the federal Clean Air Act and 40 C.F.R. part 70, including at least: 57424
57425
57426

(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its implementation or enforcement; 57427
57428
57429

(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal; 57430
57431
57432
57433

(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry; 57434
57435
57436

(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions; 57437
57438
57439

(e) Emission and ambient monitoring; 57440

(f) Modeling, analyses, or demonstrations; 57441

(g) Preparing inventories and tracking emissions; 57442

(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the 57443
57444
57445
57446
57447
57448

Revised Code. 57449

(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) 57450
of this section, each sewage sludge facility shall pay a 57451
nonrefundable annual sludge fee equal to three dollars and fifty 57452
cents per dry ton of sewage sludge, including the dry tons of 57453
sewage sludge in materials derived from sewage sludge, that the 57454
sewage sludge facility treats or disposes of in this state. The 57455
annual volume of sewage sludge treated or disposed of by a sewage 57456
sludge facility shall be calculated using the first day of January 57457
through the thirty-first day of December of the calendar year 57458
preceding the date on which payment of the fee is due. 57459

(2)(a) Except as provided in division (Y)(2)(d) of this 57460
section, each sewage sludge facility shall pay a minimum annual 57461
sewage sludge fee of one hundred dollars. 57462

(b) The annual sludge fee required to be paid by a sewage 57463
sludge facility that treats or disposes of exceptional quality 57464
sludge in this state shall be thirty-five per cent less per dry 57465
ton of exceptional quality sludge than the fee assessed under 57466
division (Y)(1) of this section, subject to the following 57467
exceptions: 57468

(i) Except as provided in division (Y)(2)(d) of this section, 57469
a sewage sludge facility that treats or disposes of exceptional 57470
quality sludge shall pay a minimum annual sewage sludge fee of one 57471
hundred dollars. 57472

(ii) A sewage sludge facility that treats or disposes of 57473
exceptional quality sludge shall not be required to pay the annual 57474
sludge fee for treatment or disposal in this state of exceptional 57475
quality sludge generated outside of this state and contained in 57476
bags or other containers not greater than one hundred pounds in 57477
capacity. 57478

A thirty-five per cent reduction for exceptional quality 57479

sludge applies to the maximum annual fees established under 57480
division (Y)(3) of this section. 57481

(c) A sewage sludge facility that transfers sewage sludge to 57482
another sewage sludge facility in this state for further treatment 57483
prior to disposal in this state shall not be required to pay the 57484
annual sludge fee for the tons of sewage sludge that have been 57485
transferred. In such a case, the sewage sludge facility that 57486
disposes of the sewage sludge shall pay the annual sludge fee. 57487
However, the facility transferring the sewage sludge shall pay the 57488
one-hundred-dollar minimum fee required under division (Y)(2)(a) 57489
of this section. 57490

In the case of a sewage sludge facility that treats sewage 57491
sludge in this state and transfers it out of this state to another 57492
entity for disposal, the sewage sludge facility in this state 57493
shall be required to pay the annual sludge fee for the tons of 57494
sewage sludge that have been transferred. 57495

(d) A sewage sludge facility that generates sewage sludge 57496
resulting from an average daily discharge flow of less than five 57497
thousand gallons per day is not subject to the fees assessed under 57498
division (Y) of this section. 57499

(3) No sewage sludge facility required to pay the annual 57500
sludge fee shall be required to pay more than the maximum annual 57501
fee for each disposal method that the sewage sludge facility uses. 57502
The maximum annual fee does not include the additional amount that 57503
may be charged under division (Y)(5) of this section for late 57504
payment of the annual sludge fee. The maximum annual fee for the 57505
following methods of disposal of sewage sludge is as follows: 57506

(a) Incineration: five thousand dollars; 57507

(b) Preexisting land reclamation project or disposal in a 57508
landfill: five thousand dollars; 57509

(c) Land application, land reclamation, surface disposal, or 57510

any other disposal method not specified in division (Y)(3)(a) or 57511
(b) of this section: twenty thousand dollars. 57512

(4)(a) In the case of an entity that generates sewage sludge 57513
or a sewage sludge facility that treats sewage sludge and 57514
transfers the sewage sludge to an incineration facility for 57515
disposal, the incineration facility, and not the entity generating 57516
the sewage sludge or the sewage sludge facility treating the 57517
sewage sludge, shall pay the annual sludge fee for the tons of 57518
sewage sludge that are transferred. However, the entity or 57519
facility generating or treating the sewage sludge shall pay the 57520
one-hundred-dollar minimum fee required under division (Y)(2)(a) 57521
of this section. 57522

(b) In the case of an entity that generates sewage sludge and 57523
transfers the sewage sludge to a landfill for disposal or to a 57524
sewage sludge facility for land reclamation or surface disposal, 57525
the entity generating the sewage sludge, and not the landfill or 57526
sewage sludge facility, shall pay the annual sludge fee for the 57527
tons of sewage sludge that are transferred. 57528

(5) Not later than the first day of April of the calendar 57529
year following March 17, 2000, and each first day of April 57530
thereafter, the director shall issue invoices to persons who are 57531
required to pay the annual sludge fee. The invoice shall identify 57532
the nature and amount of the annual sludge fee assessed and state 57533
the first day of May as the deadline for receipt by the director 57534
of objections regarding the amount of the fee and the first day of 57535
July as the deadline for payment of the fee. 57536

Not later than the first day of May following receipt of an 57537
invoice, a person required to pay the annual sludge fee may submit 57538
objections to the director concerning the accuracy of information 57539
regarding the number of dry tons of sewage sludge used to 57540
calculate the amount of the annual sludge fee or regarding whether 57541
the sewage sludge qualifies for the exceptional quality sludge 57542

discount established in division (Y)(2)(b) of this section. The 57543
director may consider the objections and adjust the amount of the 57544
fee to ensure that it is accurate. 57545

If the director does not adjust the amount of the annual 57546
sludge fee in response to a person's objections, the person may 57547
appeal the director's determination in accordance with Chapter 57548
119. of the Revised Code. 57549

Not later than the first day of June, the director shall 57550
notify the objecting person regarding whether the director has 57551
found the objections to be valid and the reasons for the finding. 57552
If the director finds the objections to be valid and adjusts the 57553
amount of the annual sludge fee accordingly, the director shall 57554
issue with the notification a new invoice to the person 57555
identifying the amount of the annual sludge fee assessed and 57556
stating the first day of July as the deadline for payment. 57557

Not later than the first day of July, any person who is 57558
required to do so shall pay the annual sludge fee. Any person who 57559
is required to pay the fee, but who fails to do so on or before 57560
that date shall pay an additional amount that equals ten per cent 57561
of the required annual sludge fee. 57562

(6) The director shall transmit all moneys collected under 57563
division (Y) of this section to the treasurer of state for deposit 57564
into the surface water protection fund created in section 6111.038 57565
of the Revised Code. The moneys shall be used to defray the costs 57566
of administering and enforcing provisions in Chapter 6111. of the 57567
Revised Code and rules adopted under it that govern the use, 57568
storage, treatment, or disposal of sewage sludge. 57569

(7) Beginning in fiscal year 2001, and every two years 57570
thereafter, the director shall review the total amount of moneys 57571
generated by the annual sludge fees to determine if that amount 57572
exceeded six hundred thousand dollars in either of the two 57573

preceding fiscal years. If the total amount of moneys in the fund 57574
exceeded six hundred thousand dollars in either fiscal year, the 57575
director, after review of the fee structure and consultation with 57576
affected persons, shall issue an order reducing the amount of the 57577
fees levied under division (Y) of this section so that the 57578
estimated amount of moneys resulting from the fees will not exceed 57579
six hundred thousand dollars in any fiscal year. 57580

If, upon review of the fees under division (Y)(7) of this 57581
section and after the fees have been reduced, the director 57582
determines that the total amount of moneys collected and 57583
accumulated is less than six hundred thousand dollars, the 57584
director, after review of the fee structure and consultation with 57585
affected persons, may issue an order increasing the amount of the 57586
fees levied under division (Y) of this section so that the 57587
estimated amount of moneys resulting from the fees will be 57588
approximately six hundred thousand dollars. Fees shall never be 57589
increased to an amount exceeding the amount specified in division 57590
(Y)(7) of this section. 57591

Notwithstanding section 119.06 of the Revised Code, the 57592
director may issue an order under division (Y)(7) of this section 57593
without the necessity to hold an adjudicatory hearing in 57594
connection with the order. The issuance of an order under this 57595
division is not an act or action for purposes of section 3745.04 57596
of the Revised Code. 57597

(8) As used in division (Y) of this section: 57598

(a) "Sewage sludge facility" means an entity that performs 57599
treatment on or is responsible for the disposal of sewage sludge. 57600

(b) "Sewage sludge" means a solid, semi-solid, or liquid 57601
residue generated during the treatment of domestic sewage in a 57602
treatment works as defined in section 6111.01 of the Revised Code. 57603
"Sewage sludge" includes, but is not limited to, scum or solids 57604

removed in primary, secondary, or advanced wastewater treatment 57605
processes. "Sewage sludge" does not include ash generated during 57606
the firing of sewage sludge in a sewage sludge incinerator, grit 57607
and screenings generated during preliminary treatment of domestic 57608
sewage in a treatment works, animal manure, residue generated 57609
during treatment of animal manure, or domestic septage. 57610

(c) "Exceptional quality sludge" means sewage sludge that 57611
meets all of the following qualifications: 57612

(i) Satisfies the class A pathogen standards in 40 C.F.R. 57613
503.32(a); 57614

(ii) Satisfies one of the vector attraction reduction 57615
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 57616

(iii) Does not exceed the ceiling concentration limitations 57617
for metals listed in table one of 40 C.F.R. 503.13; 57618

(iv) Does not exceed the concentration limitations for metals 57619
listed in table three of 40 C.F.R. 503.13. 57620

(d) "Treatment" means the preparation of sewage sludge for 57621
final use or disposal and includes, but is not limited to, 57622
thickening, stabilization, and dewatering of sewage sludge. 57623

(e) "Disposal" means the final use of sewage sludge, 57624
including, but not limited to, land application, land reclamation, 57625
surface disposal, or disposal in a landfill or an incinerator. 57626

(f) "Land application" means the spraying or spreading of 57627
sewage sludge onto the land surface, the injection of sewage 57628
sludge below the land surface, or the incorporation of sewage 57629
sludge into the soil for the purposes of conditioning the soil or 57630
fertilizing crops or vegetation grown in the soil. 57631

(g) "Land reclamation" means the returning of disturbed land 57632
to productive use. 57633

(h) "Surface disposal" means the placement of sludge on an 57634

area of land for disposal, including, but not limited to, 57635
monofills, surface impoundments, lagoons, waste piles, or 57636
dedicated disposal sites. 57637

(i) "Incinerator" means an entity that disposes of sewage 57638
sludge through the combustion of organic matter and inorganic 57639
matter in sewage sludge by high temperatures in an enclosed 57640
device. 57641

(j) "Incineration facility" includes all incinerators owned 57642
or operated by the same entity and located on a contiguous tract 57643
of land. Areas of land are considered to be contiguous even if 57644
they are separated by a public road or highway. 57645

(k) "Annual sludge fee" means the fee assessed under division 57646
(Y)(1) of this section. 57647

(l) "Landfill" means a sanitary landfill facility, as defined 57648
in rules adopted under section 3734.02 of the Revised Code, that 57649
is licensed under section 3734.05 of the Revised Code. 57650

(m) "Preexisting land reclamation project" means a 57651
property-specific land reclamation project that has been in 57652
continuous operation for not less than five years pursuant to 57653
approval of the activity by the director and includes the 57654
implementation of a community outreach program concerning the 57655
activity. 57656

Sec. 3745.31. (A) As used in this section, "environmental 57657
law" means sections 903.08, 903.17, and 3737.87 to 3737.882 and 57658
Chapters 3704., 3714., 3734., 3745., 3750., 3751., 3752., 3753., 57659
6109., and 6111. of the Revised Code; any rule adopted under those 57660
sections or chapters or adopted for the purpose of implementing 57661
those sections or chapters; and any applicable provisions of 57662
Chapter 3767. of the Revised Code when an environmentally related 57663
nuisance action is brought. 57664

(B)(1) Except as provided in ~~division~~ divisions (B)(2) and 57665
(3) of this section, any action under any environmental law for 57666
civil or administrative penalties of any kind brought by any 57667
agency or department of the state or by any other governmental 57668
authority charged with enforcing environmental laws shall be 57669
commenced within five years of the time when the agency, 57670
department, or governmental authority actually knew or was 57671
informed of the occurrence, omission, or facts on which the cause 57672
of action is based. 57673

(2) ~~If~~ Except as provided in division (B)(3) of this section, 57674
if an agency, department, or governmental authority actually knew 57675
or was informed of an occurrence, omission, or facts on which a 57676
cause of action is based prior to ~~the effective date of this~~ 57677
~~section~~ July 23, 2002, the cause of action for civil or 57678
administrative penalties of any kind for the alleged violation 57679
shall be commenced not later than five years after ~~the effective~~ 57680
~~date of this section~~ July 23, 2002. 57681

(3) With regard to Chapter 3714. of the Revised Code and 57682
rules adopted under it, if an agency, department, or governmental 57683
authority actually knew or was informed of an occurrence, 57684
omission, or facts on which a cause of action is based prior to 57685
the effective date of this amendment, the cause of action for 57686
civil or administrative penalties of any kind for the alleged 57687
violation shall be commenced not later than five years after the 57688
effective date of this amendment. 57689

(C) Division (B) of this section applies only if, during the 57690
time periods established in that division, proper service of 57691
process can be given in accordance with the Rules of Civil 57692
Procedure and jurisdiction of a court in this state can be 57693
obtained. 57694

(D) The time periods established in division (B) of this 57695
section may be tolled by mutual agreement between the enforcing 57696

agency, department, or authority and the person who is subject to 57697
a civil or administrative penalty of any kind under an 57698
environmental law. 57699

(E) When an action seeks injunctive relief or another remedy 57700
in addition to a remedy of civil or administrative penalties of 57701
any kind under an environmental law, division (B) of this section 57702
applies only to the remedy of civil or administrative penalties of 57703
any kind. 57704

(F) Beginning on the first anniversary of ~~the effective date~~ 57705
~~of this section~~ July 23, 2002, and for four years thereafter, the 57706
director of environmental protection and the fire marshal shall 57707
each annually submit a report concerning the aggregate number of 57708
enforcement cases that are based on occurrences, omissions, or 57709
facts about which the director or the fire marshal actually knew 57710
or was informed prior to ~~the effective date of this section~~ July 57711
23, 2002 for which a cause of action has not been brought pursuant 57712
to division (B)(2) of this section as of the date of the report. 57713
The respective reports submitted by the director and the fire 57714
marshal shall only address the aggregate number of occurrences, 57715
omissions, or facts under environmental laws concerning which the 57716
director or fire marshal has regulatory authority. The respective 57717
reports submitted by the director and the fire marshal shall not 57718
include any names, addresses, or other identifying information. 57719
The report shall be submitted to the speaker of the house of 57720
representatives, the president of the senate, and the chairpersons 57721
of the standing committees of the house of representatives and the 57722
senate that are primarily responsible for considering 57723
environmental issues. 57724

Sec. 3745.50. For the purpose of promoting the expansion of 57725
oil and gas production in this state, the development and 57726
production of other energy resources in this state, and the 57727

protection of the environment, the director of environmental 57728
protection, the director of natural resources, and the director of 57729
development jointly shall establish procedures and policies for 57730
the purpose of streamlining the permitting process for permits 57731
issued by the environmental protection agency and any other state 57732
agency that are related to the siting or expansion of oil and gas 57733
refineries, coal gasification facilities, and other energy 57734
resource related facilities. 57735

Sec. 3767.41. (A) As used in this section: 57736

(1) "Building" means, except as otherwise provided in this 57737
division, any building or structure that is used or intended to be 57738
used for residential purposes. "Building" includes, but is not 57739
limited to, a building or structure in which any floor is used for 57740
retail stores, shops, salesrooms, markets, or similar commercial 57741
uses, or for offices, banks, civic administration activities, 57742
professional services, or similar business or civic uses, and in 57743
which the other floors are used, or designed and intended to be 57744
used, for residential purposes. "Building" does not include any 57745
building or structure that is occupied by its owner and that 57746
contains three or fewer residential units. 57747

(2)(a) "Public nuisance" means a building that is a menace to 57748
the public health, welfare, or safety; that is structurally 57749
unsafe, unsanitary, or not provided with adequate safe egress; 57750
that constitutes a fire hazard, is otherwise dangerous to human 57751
life, or is otherwise no longer fit and habitable; or that, in 57752
relation to its existing use, constitutes a hazard to the public 57753
health, welfare, or safety by reason of inadequate maintenance, 57754
dilapidation, obsolescence, or abandonment. 57755

(b) "Public nuisance" as it applies to subsidized housing 57756
means subsidized housing that fails to meet the following 57757

standards as specified in the federal rules governing each 57758
standard: 57759

(i) Each building on the site is structurally sound, secure, 57760
habitable, and in good repair, as defined in 24 C.F.R. 5.703(b); 57761

(ii) Each building's domestic water, electrical system, 57762
elevators, emergency power, fire protection, HVAC, and sanitary 57763
system is free of health and safety hazards, functionally 57764
adequate, operable, and in good repair, as defined in 24 C.F.R. 57765
5.703(c); 57766

(iii) Each dwelling unit within the building is structurally 57767
sound, habitable, and in good repair, and all areas and aspects of 57768
the dwelling unit are free of health and safety hazards, 57769
functionally adequate, operable, and in good repair, as defined in 57770
24 C.F.R. 5.703(d)(1); 57771

(iv) Where applicable, the dwelling unit has hot and cold 57772
running water, including an adequate source of potable water, as 57773
defined in 24 C.F.R. 5.703(d)(2); 57774

(v) If the dwelling unit includes its own sanitary facility, 57775
it is in proper operating condition, usable in privacy, and 57776
adequate for personal hygiene, and the disposal of human waste, as 57777
defined in 24 C.F.R. 5.703(d)(3); 57778

(vi) The common areas are structurally sound, secure, and 57779
functionally adequate for the purposes intended. The basement, 57780
garage, carport, restrooms, closets, utility, mechanical, 57781
community rooms, daycare, halls, corridors, stairs, kitchens, 57782
laundry rooms, office, porch, patio, balcony, and trash collection 57783
areas are free of health and safety hazards, operable, and in good 57784
repair. All common area ceilings, doors, floors, HVAC, lighting, 57785
smoke detectors, stairs, walls, and windows, to the extent 57786
applicable, are free of health and safety hazards, operable, and 57787
in good repair, as defined in 24 C.F.R. 5.703(e); 57788

(vii) All areas and components of the housing are free of health and safety hazards. These areas include, but are not limited to, air quality, electrical hazards, elevators, emergency/fire exits, flammable materials, garbage and debris, handrail hazards, infestation, and lead-based paint, as defined in 24 C.F.R. 5.703(f).

(3) "Abate" or "abatement" in connection with any building means the removal or correction of any conditions that constitute a public nuisance and the making of any other improvements that are needed to effect a rehabilitation of the building that is consistent with maintaining safe and habitable conditions over its remaining useful life. "Abatement" does not include the closing or boarding up of any building that is found to be a public nuisance.

(4) "Interested party" means any owner, mortgagee, lienholder, tenant, or person that possesses an interest of record in any property that becomes subject to the jurisdiction of a court pursuant to this section, and any applicant for the appointment of a receiver pursuant to this section.

(5) "Neighbor" means any owner of property, including, but not limited to, any person who is purchasing property by land installment contract or under a duly executed purchase contract, that is located within five hundred feet of any property that becomes subject to the jurisdiction of a court pursuant to this section, and any occupant of a building that is so located.

(6) "Tenant" has the same meaning as in section 5321.01 of the Revised Code.

(7) "Subsidized housing" means a property consisting of more than four dwelling units that, in whole or in part, receives project-based assistance pursuant to a contract under any of the following federal housing programs:

(a) The new construction or substantial rehabilitation

program under section 8(b)(2) of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f(b)(2) as that program was in effect immediately before the first day of October, 1983;

(b) The moderate rehabilitation program under section 8(e)(2) of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f(e)(2);

(c) The loan management assistance program under section 8 of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f;

(d) The rent supplement program under section 101 of the "Housing and Urban Development Act of 1965," Pub. L. No. 89-174, 79 Stat. 667, 12 U.S.C. 1701s;

(e) Section 8 of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f, following conversion from assistance under section 101 of the "Housing and Urban Development Act of 1965," Pub. L. No. 89-174, 79 Stat. 667, 12 U.S.C. 1701s;

(f) The program of supportive housing for the elderly under section 202 of the "Housing Act of 1959," Pub. L. No. 86-372, 73 Stat. 654, 12 U.S.C. 1701q;

(g) The program of supportive housing for persons with disabilities under section 811 of the "National Affordable Housing Act of 1990," Pub. L. No. 101-625, 104 Stat. 4313, 42 U.S.C. 8013;

(h) The rental assistance program under section 521 of the "United States Housing Act of 1949," Pub. L. No. 90-448, 82 Stat. 551, as amended by Pub. L. No. 93-383, 88 Stat. 696, 42 U.S.C. 1490a.

(8) "Project-based assistance" means the assistance is attached to the property and provides rental assistance only on

behalf of tenants who reside in that property. 57850

(9) "Landlord" has the same meaning as in section 5321.01 of 57851
the Revised Code. 57852

(B)(1)(a) In any civil action to enforce any local building, 57853
housing, air pollution, sanitation, health, fire, zoning, or 57854
safety code, ordinance, resolution, or regulation applicable to 57855
buildings, that is commenced in a court of common pleas, municipal 57856
court, housing or environmental division of a municipal court, or 57857
county court, or in any civil action for abatement commenced in a 57858
court of common pleas, municipal court, housing or environmental 57859
division of a municipal court, or county court, by a municipal 57860
corporation or township in which the building involved is located, 57861
by any neighbor, tenant, or by a nonprofit corporation that is 57862
duly organized and has as one of its goals the improvement of 57863
housing conditions in the county or municipal corporation in which 57864
the building involved is located, if a building is alleged to be a 57865
public nuisance, the municipal corporation, township, neighbor, 57866
tenant, or nonprofit corporation may apply in its complaint for an 57867
injunction or other order as described in division (C)(1) of this 57868
section, or for the relief described in division (C)(2) of this 57869
section, including, if necessary, the appointment of a receiver as 57870
described in divisions (C)(2) and (3) of this section, or for both 57871
such an injunction or other order and such relief. The municipal 57872
corporation, township, neighbor, tenant, or nonprofit corporation 57873
commencing the action is not liable for the costs, expenses, and 57874
fees of any receiver appointed pursuant to divisions (C)(2) and 57875
(3) of this section. 57876

(b) Prior to commencing a civil action for abatement when the 57877
property alleged to be a public nuisance is subsidized housing, 57878
the municipal corporation, township, neighbor, tenant, or 57879
nonprofit corporation commencing the action shall provide the 57880
landlord of that property with written notice that specifies one 57881

or more defective conditions that constitute a public nuisance as 57882
that term applies to subsidized housing and states that if the 57883
landlord fails to remedy the condition within sixty days of the 57884
service of the notice, a claim pursuant to this section may be 57885
brought on the basis that the property constitutes a public 57886
nuisance in subsidized housing. Any party authorized to bring an 57887
action against the landlord shall make reasonable attempts to 57888
serve the notice in the manner prescribed in the Rules of Civil 57889
Procedure to the landlord or the landlord's agent for the property 57890
at the property's management office, or at the place where the 57891
tenants normally pay or send rent. If the landlord is not the 57892
owner of record, the party bringing the action shall make a 57893
reasonable attempt to serve the owner. If the owner does not 57894
receive service the person bringing the action shall certify the 57895
attempts to serve the owner. 57896

(2)(a) In a civil action described in division (B)(1) of this 57897
section, a copy of the complaint and a notice of the date and time 57898
of a hearing on the complaint shall be served upon the owner of 57899
the building and all other interested parties in accordance with 57900
the Rules of Civil Procedure. If certified mail service, personal 57901
service, or residence service of the complaint and notice is 57902
refused or certified mail service of the complaint and notice is 57903
not claimed, and if the municipal corporation, township, neighbor, 57904
tenant, or nonprofit corporation commencing the action makes a 57905
written request for ordinary mail service of the complaint and 57906
notice, or uses publication service, in accordance with the Rules 57907
of Civil Procedure, then a copy of the complaint and notice shall 57908
be posted in a conspicuous place on the building. 57909

(b) The judge in a civil action described in division (B)(1) 57910
of this section shall conduct a hearing at least twenty-eight days 57911
after the owner of the building and the other interested parties 57912
have been served with a copy of the complaint and the notice of 57913

the date and time of the hearing in accordance with division 57914
(B)(2)(a) of this section. 57915

(c) In considering whether subsidized housing is a public 57916
nuisance, the judge shall construe the standards set forth in 57917
division (A)(2)(b) of this section in a manner consistent with 57918
department of housing and urban development and judicial 57919
interpretations of those standards. The judge shall deem that the 57920
property is not a public nuisance if during the twelve months 57921
prior to the service of the notice that division (B)(1)(b) of this 57922
section requires, the department of housing and urban 57923
development's real estate assessment center issued a score of 57924
seventy-five or higher out of a possible one hundred points 57925
pursuant to its regulations governing the physical condition of 57926
multifamily properties pursuant to 24 C.F.R. part 200, subpart P, 57927
and since the most recent inspection, there has been no 57928
significant change in the property's conditions that would create 57929
a serious threat to the health, safety, or welfare of the 57930
property's tenants. 57931

(C)(1) If the judge in a civil action described in division 57932
(B)(1) of this section finds at the hearing required by division 57933
(B)(2) of this section that the building involved is a public 57934
nuisance, if the judge additionally determines that the owner of 57935
the building previously has not been afforded a reasonable 57936
opportunity to abate the public nuisance or has been afforded such 57937
an opportunity and has not refused or failed to abate the public 57938
nuisance, and if the complaint of the municipal corporation, 57939
township, neighbor, tenant, or nonprofit corporation commencing 57940
the action requested the issuance of an injunction as described in 57941
this division, then the judge may issue an injunction requiring 57942
the owner of the building to abate the public nuisance or issue 57943
any other order that the judge considers necessary or appropriate 57944
to cause the abatement of the public nuisance. If an injunction is 57945

issued pursuant to this division, the owner of the building 57946
involved shall be given no more than thirty days from the date of 57947
the entry of the judge's order to comply with the injunction, 57948
unless the judge, for good cause shown, extends the time for 57949
compliance. 57950

(2) If the judge in a civil action described in division 57951
(B)(1) of this section finds at the hearing required by division 57952
(B)(2) of this section that the building involved is a public 57953
nuisance, if the judge additionally determines that the owner of 57954
the building previously has been afforded a reasonable opportunity 57955
to abate the public nuisance and has refused or failed to do so, 57956
and if the complaint of the municipal corporation, township, 57957
neighbor, tenant, or nonprofit corporation commencing the action 57958
requested relief as described in this division, then the judge 57959
shall offer any mortgagee, lienholder, or other interested party 57960
associated with the property on which the building is located, in 57961
the order of the priority of interest in title, the opportunity to 57962
undertake the work and to furnish the materials necessary to abate 57963
the public nuisance. Prior to selecting any interested party, the 57964
judge shall require the interested party to demonstrate the 57965
ability to promptly undertake the work and furnish the materials 57966
required, to provide the judge with a viable financial and 57967
construction plan for the rehabilitation of the building as 57968
described in division (D) of this section, and to post security 57969
for the performance of the work and the furnishing of the 57970
materials. 57971

If the judge determines, at the hearing, that no interested 57972
party is willing or able to undertake the work and to furnish the 57973
materials necessary to abate the public nuisance, or if the judge 57974
determines, at any time after the hearing, that any party who is 57975
undertaking corrective work pursuant to this division cannot or 57976
will not proceed, or has not proceeded with due diligence, the 57977

judge may appoint a receiver pursuant to division (C)(3) of this 57978
section to take possession and control of the building. 57979

(3)(a) The judge in a civil action described in division 57980
(B)(1) of this section shall not appoint any person as a receiver 57981
unless the person first has provided the judge with a viable 57982
financial and construction plan for the rehabilitation of the 57983
building involved as described in division (D) of this section and 57984
has demonstrated the capacity and expertise to perform the 57985
required work and to furnish the required materials in a 57986
satisfactory manner. An appointed receiver may be a financial 57987
institution that possesses an interest of record in the building 57988
or the property on which it is located, a nonprofit corporation as 57989
described in divisions (B)(1) and (C)(3)(b) of this section, 57990
including, but not limited to, a nonprofit corporation that 57991
commenced the action described in division (B)(1) of this section, 57992
or any other qualified property manager. 57993

(b) To be eligible for appointment as a receiver, no part of 57994
the net earnings of a nonprofit corporation shall inure to the 57995
benefit of any private shareholder or individual. Membership on 57996
the board of trustees of a nonprofit corporation appointed as a 57997
receiver does not constitute the holding of a public office or 57998
employment within the meaning of sections 731.02 and 731.12 or any 57999
other section of the Revised Code and does not constitute a direct 58000
or indirect interest in a contract or expenditure of money by any 58001
municipal corporation. A member of a board of trustees of a 58002
nonprofit corporation appointed as a receiver shall not be 58003
disqualified from holding any public office or employment, and 58004
shall not forfeit any public office or employment, by reason of 58005
membership on the board of trustees, notwithstanding any law to 58006
the contrary. 58007

(D) Prior to ordering any work to be undertaken, or the 58008
furnishing of any materials, to abate a public nuisance under this 58009

section, the judge in a civil action described in division (B)(1) 58010
of this section shall review the submitted financial and 58011
construction plan for the rehabilitation of the building involved 58012
and, if it specifies all of the following, shall approve that 58013
plan: 58014

(1) The estimated cost of the labor, materials, and any other 58015
development costs that are required to abate the public nuisance; 58016

(2) The estimated income and expenses of the building and the 58017
property on which it is located after the furnishing of the 58018
materials and the completion of the repairs and improvements; 58019

(3) The terms, conditions, and availability of any financing 58020
that is necessary to perform the work and to furnish the 58021
materials; 58022

(4) If repair and rehabilitation of the building are found 58023
not to be feasible, the cost of demolition of the building or of 58024
the portions of the building that constitute the public nuisance. 58025

(E) Upon the written request of any of the interested parties 58026
to have a building, or portions of a building, that constitute a 58027
public nuisance demolished because repair and rehabilitation of 58028
the building are found not to be feasible, the judge may order the 58029
demolition. However, the demolition shall not be ordered unless 58030
the requesting interested parties have paid the costs of 58031
demolition and, if any, of the receivership, and, if any, all 58032
notes, certificates, mortgages, and fees of the receivership. 58033

(F) Before proceeding with the duties of receiver, any 58034
receiver appointed by the judge in a civil action described in 58035
division (B)(1) of this section may be required by the judge to 58036
post a bond in an amount fixed by the judge, but not exceeding the 58037
value of the building involved as determined by the judge. 58038

The judge may empower the receiver to do any or all of the 58039
following: 58040

- (1) Take possession and control of the building and the property on which it is located, operate and manage the building and the property, establish and collect rents and income, lease and rent the building and the property, and evict tenants; 58041
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- (2) Pay all expenses of operating and conserving the building and the property, including, but not limited to, the cost of electricity, gas, water, sewerage, heating fuel, repairs and supplies, custodian services, taxes and assessments, and insurance premiums, and hire and pay reasonable compensation to a managing agent; 58045
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- (3) Pay pre-receivership mortgages or installments of them and other liens; 58051
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- (4) Perform or enter into contracts for the performance of all work and the furnishing of materials necessary to abate, and obtain financing for the abatement of, the public nuisance; 58053
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- (5) Pursuant to court order, remove and dispose of any personal property abandoned, stored, or otherwise located in or on the building and the property that creates a dangerous or unsafe condition or that constitutes a violation of any local building, housing, air pollution, sanitation, health, fire, zoning, or safety code, ordinance, or regulation; 58056
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- (6) Obtain mortgage insurance for any receiver's mortgage from any agency of the federal government; 58062
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- (7) Enter into any agreement and do those things necessary to maintain and preserve the building and the property and comply with all local building, housing, air pollution, sanitation, health, fire, zoning, or safety codes, ordinances, resolutions, and regulations; 58064
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- (8) Give the custody of the building and the property, and the opportunity to abate the nuisance and operate the property, to its owner or any mortgagee or lienholder of record; 58069
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(9) Issue notes and secure them by a mortgage bearing 58072
interest, and upon terms and conditions, that the judge approves. 58073
When sold or transferred by the receiver in return for valuable 58074
consideration in money, material, labor, or services, the notes or 58075
certificates shall be freely transferable. Any mortgages granted 58076
by the receiver shall be superior to any claims of the receiver. 58077
Priority among the receiver's mortgages shall be determined by the 58078
order in which they are recorded. 58079

(G) A receiver appointed pursuant to this section is not 58080
personally liable except for misfeasance, malfeasance, or 58081
nonfeasance in the performance of the functions of the office of 58082
receiver. 58083

(H)(1) The judge in a civil action described in division 58084
(B)(1) of this section may assess as court costs, the expenses 58085
described in division (F)(2) of this section, and may approve 58086
receiver's fees to the extent that they are not covered by the 58087
income from the property. Subject to that limitation, a receiver 58088
appointed pursuant to divisions (C)(2) and (3) of this section is 58089
entitled to receive fees in the same manner and to the same extent 58090
as receivers appointed in actions to foreclose mortgages. 58091

(2)(a) Pursuant to the police powers vested in the state, all 58092
expenditures of a mortgagee, lienholder, or other interested party 58093
that has been selected pursuant to division (C)(2) of this section 58094
to undertake the work and to furnish the materials necessary to 58095
abate a public nuisance, and any expenditures in connection with 58096
the foreclosure of the lien created by this division, is a first 58097
lien upon the building involved and the property on which it is 58098
located and is superior to all prior and subsequent liens or other 58099
encumbrances associated with the building or the property, 58100
including, but not limited to, those for taxes and assessments, 58101
upon the occurrence of both of the following: 58102

(i) The prior approval of the expenditures by, and the entry 58103

of a judgment to that effect by, the judge in the civil action 58104
described in division (B)(1) of this section; 58105

(ii) The recordation of a certified copy of the judgment 58106
entry and a sufficient description of the property on which the 58107
building is located with the county recorder in the county in 58108
which the property is located within sixty days after the date of 58109
the entry of the judgment. 58110

(b) Pursuant to the police powers vested in the state, all 58111
expenses and other amounts paid in accordance with division (F) of 58112
this section by a receiver appointed pursuant to divisions (C)(2) 58113
and (3) of this section, the amounts of any notes issued by the 58114
receiver in accordance with division (F) of this section, all 58115
mortgages granted by the receiver in accordance with that 58116
division, the fees of the receiver approved pursuant to division 58117
(H)(1) of this section, and any amounts expended in connection 58118
with the foreclosure of a mortgage granted by the receiver in 58119
accordance with division (F) of this section or with the 58120
foreclosure of the lien created by this division, are a first lien 58121
upon the building involved and the property on which it is located 58122
and are superior to all prior and subsequent liens or other 58123
encumbrances associated with the building or the property, 58124
including, but not limited to, those for taxes and assessments, 58125
upon the occurrence of both of the following: 58126

(i) The approval of the expenses, amounts, or fees by, and 58127
the entry of a judgment to that effect by, the judge in the civil 58128
action described in division (B)(1) of this section; or the 58129
approval of the mortgages in accordance with division (F)(9) of 58130
this section by, and the entry of a judgment to that effect by, 58131
that judge; 58132

(ii) The recordation of a certified copy of the judgment 58133
entry and a sufficient description of the property on which the 58134
building is located, or, in the case of a mortgage, the 58135

recording of the mortgage, a certified copy of the judgment 58136
entry, and such a description, with the county recorder of the 58137
county in which the property is located within sixty days after 58138
the date of the entry of the judgment. 58139

(c) Priority among the liens described in divisions (H)(2)(a) 58140
and (b) of this section shall be determined as described in 58141
division (I) of this section. Additionally, the creation pursuant 58142
to this section of a mortgage lien that is prior to or superior to 58143
any mortgage of record at the time the mortgage lien is so 58144
created, does not disqualify the mortgage of record as a legal 58145
investment under Chapter 1107. or 1151. or any other chapter of 58146
the Revised Code. 58147

(I)(1) If a receiver appointed pursuant to divisions (C)(2) 58148
and (3) of this section files with the judge in the civil action 58149
described in division (B)(1) of this section a report indicating 58150
that the public nuisance has been abated, if the judge confirms 58151
that the receiver has abated the public nuisance, and if the 58152
receiver or any interested party requests the judge to enter an 58153
order directing the receiver to sell the building and the property 58154
on which it is located, the judge may enter that order after 58155
holding a hearing as described in division (I)(2) of this section 58156
and otherwise complying with that division. 58157

(2)(a) The receiver or interested party requesting an order 58158
as described in division (I)(1) of this section shall cause a 58159
notice of the date and time of a hearing on the request to be 58160
served on the owner of the building involved and all other 58161
interested parties in accordance with division (B)(2)(a) of this 58162
section. The judge in the civil action described in division 58163
(B)(1) of this section shall conduct the scheduled hearing. At the 58164
hearing, if the owner or any interested party objects to the sale 58165
of the building and the property, the burden of proof shall be 58166
upon the objecting person to establish, by a preponderance of the 58167

evidence, that the benefits of not selling the building and the property outweigh the benefits of selling them. If the judge determines that there is no objecting person, or if the judge determines that there is one or more objecting persons but no objecting person has sustained the burden of proof specified in this division, the judge may enter an order directing the receiver to offer the building and the property for sale upon terms and conditions that the judge shall specify.

(b) In any sale of subsidized housing that is ordered pursuant to this section, the judge shall specify that the subsidized housing not be conveyed unless that conveyance complies with applicable federal law and applicable program contracts for that housing. Any such conveyance shall be subject to the condition that the purchaser enter into a contract with the department of housing and urban development or the rural housing service of the federal department of agriculture under which the property continues to be subsidized housing and the owner continues to operate that property as subsidized housing unless the secretary of housing and urban development or the administrator of the rural housing service terminates that property's contract prior to or upon the conveyance of the property.

(3) If a sale of a building and the property on which it is located is ordered pursuant to divisions (I)(1) and (2) of this section and if the sale occurs in accordance with the terms and conditions specified by the judge in the judge's order of sale, then the receiver shall distribute the proceeds of the sale and the balance of any funds that the receiver may possess, after the payment of the costs of the sale, in the following order of priority and in the described manner:

(a) First, in satisfaction of any notes issued by the receiver pursuant to division (F) of this section, in their order

of priority; 58200

(b) Second, any unreimbursed expenses and other amounts paid 58201
in accordance with division (F) of this section by the receiver, 58202
and the fees of the receiver approved pursuant to division (H)(1) 58203
of this section; 58204

(c) Third, all expenditures of a mortgagee, lienholder, or 58205
other interested party that has been selected pursuant to division 58206
(C)(2) of this section to undertake the work and to furnish the 58207
materials necessary to abate a public nuisance, provided that the 58208
expenditures were approved as described in division (H)(2)(a) of 58209
this section and provided that, if any such interested party 58210
subsequently became the receiver, its expenditures shall be paid 58211
prior to the expenditures of any of the other interested parties 58212
so selected; 58213

(d) Fourth, the amount due for delinquent taxes, assessments, 58214
charges, penalties, and interest owed to this state or a political 58215
subdivision of this state, provided that, if the amount available 58216
for distribution pursuant to division (I)(3)(d) of this section is 58217
insufficient to pay the entire amount of those taxes, assessments, 58218
charges, penalties, and interest, the proceeds and remaining funds 58219
shall be paid to each claimant in proportion to the amount of 58220
those taxes, assessments, charges, penalties, and interest that 58221
each is due. 58222

(e) The amount of any pre-receivership mortgages, liens, or 58223
other encumbrances, in their order of priority. 58224

(4) Following a distribution in accordance with division 58225
(I)(3) of this section, the receiver shall request the judge in 58226
the civil action described in division (B)(1) of this section to 58227
enter an order terminating the receivership. If the judge 58228
determines that the sale of the building and the property on which 58229
it is located occurred in accordance with the terms and conditions 58230

specified by the judge in the judge's order of sale under division 58231
(I)(2) of this section and that the receiver distributed the 58232
proceeds of the sale and the balance of any funds that the 58233
receiver possessed, after the payment of the costs of the sale, in 58234
accordance with division (I)(3) of this section, and if the judge 58235
approves any final accounting required of the receiver, the judge 58236
may terminate the receivership. 58237

(J)(1) A receiver appointed pursuant to divisions (C)(2) and 58238
(3) of this section may be discharged at any time in the 58239
discretion of the judge in the civil action described in division 58240
(B)(1) of this section. The receiver shall be discharged by the 58241
judge as provided in division (I)(4) of this section, or when all 58242
of the following have occurred: 58243

(a) The public nuisance has been abated; 58244

(b) All costs, expenses, and approved fees of the 58245
receivership have been paid; 58246

(c) Either all receiver's notes issued and mortgages granted 58247
pursuant to this section have been paid, or all the holders of the 58248
notes and mortgages request that the receiver be discharged. 58249

(2) If a judge in a civil action described in division (B)(1) 58250
of this section determines that, and enters of record a 58251
declaration that, a public nuisance has been abated by a receiver, 58252
and if, within three days after the entry of the declaration, all 58253
costs, expenses, and approved fees of the receivership have not 58254
been paid in full, then, in addition to the circumstances 58255
specified in division (I) of this section for the entry of such an 58256
order, the judge may enter an order directing the receiver to sell 58257
the building involved and the property on which it is located. Any 58258
such order shall be entered, and the sale shall occur, only in 58259
compliance with division (I) of this section. 58260

(K) The title in any building, and in the property on which 58261

it is located, that is sold at a sale ordered under division (I) 58262
or (J)(2) of this section shall be incontestable in the purchaser 58263
and shall be free and clear of all liens for delinquent taxes, 58264
assessments, charges, penalties, and interest owed to this state 58265
or any political subdivision of this state, that could not be 58266
satisfied from the proceeds of the sale and the remaining funds in 58267
the receiver's possession pursuant to the distribution under 58268
division (I)(3) of this section. All other liens and encumbrances 58269
with respect to the building and the property shall survive the 58270
sale, including, but not limited to, a federal tax lien notice 58271
properly filed in accordance with section 317.09 of the Revised 58272
Code prior to the time of the sale, and the easements and 58273
covenants of record running with the property that were created 58274
prior to the time of the sale. 58275

(L)(1) Nothing in this section shall be construed as a 58276
limitation upon the powers granted to a court of common pleas, a 58277
municipal court or a housing or environmental division of a 58278
municipal court under Chapter 1901. of the Revised Code, or a 58279
county court under Chapter 1907. of the Revised Code. 58280

(2) The monetary and other limitations specified in Chapters 58281
1901. and 1907. of the Revised Code upon the jurisdiction of 58282
municipal and county courts, and of housing or environmental 58283
divisions of municipal courts, in civil actions do not operate as 58284
limitations upon any of the following: 58285

(a) Expenditures of a mortgagee, lienholder, or other 58286
interested party that has been selected pursuant to division 58287
(C)(2) of this section to undertake the work and to furnish the 58288
materials necessary to abate a public nuisance; 58289

(b) Any notes issued by a receiver pursuant to division (F) 58290
of this section; 58291

(c) Any mortgage granted by a receiver in accordance with 58292

division (F) of this section;	58293
(d) Expenditures in connection with the foreclosure of a mortgage granted by a receiver in accordance with division (F) of this section;	58294 58295 58296
(e) The enforcement of an order of a judge entered pursuant to this section;	58297 58298
(f) The actions that may be taken pursuant to this section by a receiver or a mortgagee, lienholder, or other interested party that has been selected pursuant to division (C)(2) of this section to undertake the work and to furnish the materials necessary to abate a public nuisance.	58299 58300 58301 58302 58303
(3) A judge in a civil action described in division (B)(1) of this section, or the judge's successor in office, has continuing jurisdiction to review the condition of any building that was determined to be a public nuisance pursuant to this section.	58304 58305 58306 58307
<u>(4) Nothing in this section shall be construed to limit or prohibit a municipal corporation or township that has filed with the superintendent of insurance a certified copy of an adopted resolution, ordinance, or regulation authorizing the procedures described in divisions (C) and (D) of section 3929.86 of the Revised Code from receiving insurance proceeds under section 3929.86 of the Revised Code.</u>	58308 58309 58310 58311 58312 58313 58314
Sec. 3770.05. (A) As used in this section, "person" means any person, association, corporation, partnership, club, trust, estate, society, receiver, trustee, person acting in a fiduciary or representative capacity, instrumentality of the state or any of its political subdivisions, or any other combination of individuals meeting the requirements set forth in this section or established by rule or order of the state lottery commission.	58315 58316 58317 58318 58319 58320 58321
(B) The director of the state lottery commission may license	58322

any person as a lottery sales agent. No license shall be issued to 58323
any person or group of persons to engage in the sale of lottery 58324
tickets as the person's or group's sole occupation or business. 58325

Before issuing any license to a lottery sales agent, the 58326
director shall consider all of the following: 58327

(1) The financial responsibility and security of the 58328
applicant and the applicant's business or activity; 58329

(2) The accessibility of the applicant's place of business or 58330
activity to the public; 58331

(3) The sufficiency of existing licensed agents to serve the 58332
public interest; 58333

(4) The volume of expected sales by the applicant; 58334

(5) Any other factors pertaining to the public interest, 58335
convenience, or trust. 58336

(C) Except as otherwise provided in division (F) of this 58337
section, the director of the state lottery commission shall refuse 58338
to grant, or shall suspend or revoke, a license if the applicant 58339
or licensee: 58340

(1) Has been convicted of a felony or has been convicted of a 58341
crime involving moral turpitude; 58342

(2) Has been convicted of an offense that involves illegal 58343
gambling; 58344

(3) Has been found guilty of fraud or misrepresentation in 58345
any connection; 58346

(4) Has been found to have violated any rule or order of the 58347
commission; or 58348

(5) Has been convicted of illegal trafficking in ~~food stamps~~ 58349
supplemental nutrition assistance program benefits. 58350

(D) Except as otherwise provided in division (F) of this 58351

section, the director of the state lottery commission shall refuse 58352
to grant, or shall suspend or revoke, a license if the applicant 58353
or licensee is a corporation and any of the following applies: 58354

(1) Any of the corporation's directors, officers, or 58355
controlling shareholders has been found guilty of any of the 58356
activities specified in divisions (C)(1) to (5) of this section; 58357

(2) It appears to the director of the state lottery 58358
commission that, due to the experience, character, or general 58359
fitness of any director, officer, or controlling shareholder of 58360
the corporation, the granting of a license as a lottery sales 58361
agent would be inconsistent with the public interest, convenience, 58362
or trust; 58363

(3) The corporation is not the owner or lessee of the 58364
business at which it would conduct a lottery sales agency pursuant 58365
to the license applied for; 58366

(4) Any person, firm, association, or corporation other than 58367
the applicant or licensee shares or will share in the profits of 58368
the applicant or licensee, other than receiving dividends or 58369
distributions as a shareholder, or participates or will 58370
participate in the management of the affairs of the applicant or 58371
licensee. 58372

(E)(1) The director of the state lottery commission shall 58373
refuse to grant a license to an applicant for a lottery sales 58374
agent license and shall revoke a lottery sales agent license if 58375
the applicant or licensee is or has been convicted of a violation 58376
of division (A) or (C)(1) of section 2913.46 of the Revised Code. 58377

(2) The director shall refuse to grant a license to an 58378
applicant for a lottery sales agent license that is a corporation 58379
and shall revoke the lottery sales agent license of a corporation 58380
if the corporation is or has been convicted of a violation of 58381
division (A) or (C)(1) of section 2913.46 of the Revised Code. 58382

(F) The director of the state lottery commission shall 58383
request the bureau of criminal identification and investigation, 58384
the department of public safety, or any other state, local, or 58385
federal agency to supply the director with the criminal records of 58386
any applicant for a lottery sales agent license, and may 58387
periodically request the criminal records of any person to whom a 58388
lottery sales agent license has been issued. At or prior to the 58389
time of making such a request, the director shall require an 58390
applicant or licensee to obtain fingerprint impressions on 58391
fingerprint cards prescribed by the superintendent of the bureau 58392
of criminal identification and investigation at a qualified law 58393
enforcement agency, and the director shall cause those fingerprint 58394
cards to be forwarded to the bureau of criminal identification and 58395
investigation, to the federal bureau of investigation, or to both 58396
bureaus. The commission shall assume the cost of obtaining the 58397
fingerprint cards. 58398

The director shall pay to each agency supplying criminal 58399
records for each investigation a reasonable fee, as determined by 58400
the agency. 58401

The commission may adopt uniform rules specifying time 58402
periods after which the persons described in divisions (C)(1) to 58403
(5) and (D)(1) to (4) of this section may be issued a license and 58404
establishing requirements for those persons to seek a court order 58405
to have records sealed in accordance with law. 58406

(G)(1) Each applicant for a lottery sales agent license shall 58407
do both of the following: 58408

(a) Pay to the state lottery commission, at the time the 58409
application is submitted, a fee in an amount that the director of 58410
the state lottery commission determines by rule adopted under 58411
Chapter 119. of the Revised Code and that the controlling board 58412
approves; 58413

(b) Prior to approval of the application, obtain a surety bond in an amount the director determines by rule adopted under Chapter 119. of the Revised Code or, alternatively, with the director's approval, deposit the same amount into a dedicated account for the benefit of the state lottery. The director also may approve the obtaining of a surety bond to cover part of the amount required, together with a dedicated account deposit to cover the remainder of the amount required.

A surety bond may be with any company that complies with the bonding and surety laws of this state and the requirements established by rules of the commission pursuant to this chapter. A dedicated account deposit shall be conducted in accordance with policies and procedures the director establishes.

A surety bond, dedicated account, or both, as applicable, may be used to pay for the lottery sales agent's failure to make prompt and accurate payments for lottery ticket sales, for missing or stolen lottery tickets, or for damage to equipment or materials issued to the lottery sales agent, or to pay for expenses the commission incurs in connection with the lottery sales agent's license.

(2) A lottery sales agent license is effective for one year.

A licensed lottery sales agent, on or before the date established by the director, shall renew the agent's license and provide at that time evidence to the director that the surety bond, dedicated account deposit, or both, required under division (G)(1)(b) of this section has been renewed or is active, whichever applies.

Before the commission renews a lottery sales agent license, the lottery sales agent shall submit a renewal fee to the commission in an amount that the director determines by rule adopted under Chapter 119. of the Revised Code and that the

controlling board approves. The renewal fee shall not exceed the 58445
actual cost of administering the license renewal and processing 58446
changes reflected in the renewal application. The renewal of the 58447
license is effective for up to one year. 58448

(3) A lottery sales agent license shall be complete, 58449
accurate, and current at all times during the term of the license. 58450
Any changes to an original license application or a renewal 58451
application may subject the applicant or lottery sales agent, as 58452
applicable, to paying an administrative fee that shall be in an 58453
amount that the director determines by rule adopted under Chapter 58454
119. of the Revised Code, that the controlling board approves, and 58455
that shall not exceed the actual cost of administering and 58456
processing the changes to an application. 58457

(4) The relationship between the commission and a lottery 58458
sales agent is one of trust. A lottery sales agent collects funds 58459
on behalf of the commission through the sale of lottery tickets 58460
for which the agent receives a compensation. 58461

(H) Pending a final resolution of any question arising under 58462
this section, the director of the state lottery commission may 58463
issue a temporary lottery sales agent license, subject to the 58464
terms and conditions the director considers appropriate. 58465

(I) If a lottery sales agent's rental payments for the 58466
lottery sales agent's premises are determined, in whole or in 58467
part, by the amount of retail sales the lottery sales agent makes, 58468
and if the rental agreement does not expressly provide that the 58469
amount of those retail sales includes the amounts the lottery 58470
sales agent receives from lottery ticket sales, only the amounts 58471
the lottery sales agent receives as compensation from the state 58472
lottery commission for selling lottery tickets shall be considered 58473
to be amounts the lottery sales agent receives from the retail 58474
sales the lottery sales agent makes, for the purpose of computing 58475
the lottery sales agent's rental payments. 58476

Sec. 3773.35. Any person who wishes to conduct a public or 58477
private competition that involves boxing ~~or~~, wrestling ~~match or~~ 58478
~~exhibition, mixed martial arts, kick boxing, tough man contests,~~ 58479
tough guy contests, or any other form of boxing or martial arts 58480
shall apply to the Ohio athletic commission for a promoter's 58481
license. Each application shall be filed with the commission on 58482
forms provided by the commission, and shall be accompanied by an 58483
application fee as prescribed in section 3773.43 of the Revised 58484
Code and, with the exception of wrestling events, by a ~~cash bond,~~ 58485
~~certified check, bank draft, or~~ surety bond of not less than five 58486
twenty thousand dollars conditioned for compliance with sections 58487
3773.31 to 3773.57 of the Revised Code and the rules of the 58488
commission. ~~The applicant shall verify the application under oath.~~ 58489
58490

The commission shall prescribe the form of the application 58491
for the promoter's license. The application shall include the name 58492
of the applicant, the post office address of the applicant, and 58493
any other information the commission requires. 58494

Sec. 3773.36. Upon the proper filing of an application to 58495
conduct any public or private competition that involves boxing ~~or~~ 58496
~~wrestling matches or exhibitions, mixed martial arts, kick boxing,~~ 58497
tough man contests, tough guy contests, or any other form of 58498
boxing or martial arts, accompanied by the ~~cash bond, certified~~ 58499
~~check, bank draft, or~~ surety bond ~~required by section 3773.35,~~ and 58500
the application fee ~~required by section 3773.43 of the Revised~~ 58501
~~Code,~~ or upon the proper filing of an application to conduct any 58502
public or private competition that involves wrestling accompanied 58503
by the application fee, the Ohio athletic commission shall issue a 58504
promoter's license to the applicant if it finds that the applicant 58505
is not in default on any payment, obligation, or debt payable to 58506
the state under sections 3773.31 to 3773.57 of the Revised Code, 58507

is financially responsible, and is knowledgeable in the proper 58508
conduct of such matches or exhibitions. 58509

Each license issued pursuant to this section shall bear the 58510
name of the licensee, the post office address of the licensee, the 58511
date of ~~issue~~ expiration, ~~a serial~~ an identification number 58512
designated by the commission, and the seal of the commission, ~~and~~ 58513
~~the signature of the commission chairperson.~~ 58514

A promoter's license shall expire twelve months after its 58515
date of issuance and shall become invalid on that date unless 58516
renewed. A promoter's license may be renewed upon application to 58517
the commission and upon payment of the renewal fee prescribed in 58518
section 3773.43 of the Revised Code. The commission shall renew 58519
the license unless it denies the application for renewal for one 58520
or more reasons stated in section 3123.47 or 3773.53 of the 58521
Revised Code. 58522

Sec. 3773.43. The Ohio athletic commission shall charge the 58523
following fees: 58524

(A) For an application for or renewal of a promoter's license 58525
for a public or private competition that involves boxing matches 58526
or exhibitions, mixed martial arts, kick boxing, tough man 58527
contests, tough guy contests, or any other form of boxing or 58528
martial arts, one hundred dollars. 58529

(B) For an application for or renewal of a license to 58530
participate in a public boxing match or exhibition as a 58531
contestant, or as a referee, judge, matchmaker, manager, 58532
timekeeper, trainer, or second of a contestant, twenty dollars. 58533

(C) For a permit to conduct a public boxing match or 58534
exhibition, fifty dollars. 58535

(D) For an application for or renewal of a promoter's license 58536
for ~~professional~~ a public or private competition that involves 58537

wrestling ~~matches or exhibitions~~, two hundred dollars. 58538

(E) For a permit to conduct a professional wrestling match or 58539
exhibition, one hundred dollars. 58540

The commission, subject to the approval of the controlling 58541
board, may establish fees in excess of the amounts provided in 58542
this section, provided that such fees do not exceed the amounts 58543
permitted by this section by more than fifty per cent. 58544

The fees prescribed by this section shall be paid to the 58545
treasurer of state, who shall deposit the fees in the occupational 58546
licensing and regulatory fund. 58547

Sec. 3773.45. (A) ~~Each contestant in a public boxing match or 58548
exhibition shall be examined not more than twenty four hours 58549
before entering the ring by a licensed physician, a physician 58550
assistant, a clinical nurse specialist, a certified nurse 58551
practitioner, or a certified nurse midwife. Each contestant who 58552
has had a previous match or exhibition on or after July 27, 1981, 58553
and was knocked out at that match or exhibition shall present to 58554
the examiner a record of the physical examination performed at the 58555
conclusion of that match or exhibition. If, after reviewing such 58556
record and performing a physical examination of the contestant, 58557
the examiner determines that the contestant is physically fit to 58558
compete, the physician shall certify that fact on the contestant's 58559
physical examination form. No physician, physician assistant, 58560
clinical nurse specialist, certified nurse practitioner, or 58561
certified nurse midwife shall certify a contestant as physically 58562
fit to compete if the physician, physician assistant, clinical 58563
nurse specialist, certified nurse practitioner, or certified 58564
nurse midwife determines that the contestant was knocked out in a 58565
contest that took place within the preceding thirty days. No 58566
contestant shall compete in a public boxing match or exhibition 58567
unless the contestant has been certified as physically fit in 58568~~

~~accordance with this section.~~ 58569

~~Immediately after the end of a match or exhibition, the 58570
examiner shall examine each contestant who was knocked out in the 58571
match or exhibition, and record the outcome of the match or 58572
exhibition and any physical injuries sustained by the contestant 58573
on the contestant's physical examination form.~~ 58574

~~Within twenty four hours after the match or exhibition, the 58575
examiner shall mail one copy of the examination report to the Ohio 58576
athletic commission and one copy to the contestant. The commission 58577
shall furnish blank copies of the examination report to the 58578
examiner. The examiner shall answer all questions on the form. The 58579
person conducting the match or exhibition shall compensate the 58580
examiner. No person shall conduct such a match or exhibition 58581
unless an examiner appointed by the commission is in attendance. 58582
The Ohio athletic commission shall adopt, and may amend or 58583
rescind, rules that do both of the following: 58584~~

~~(1) Require the physical examination by appropriate medical 58585
personnel of each contestant in any public competition that 58586
involves boxing, mixed martial arts, kick boxing, karate, tough 58587
man contests, or any other form of boxing or martial arts within a 58588
specified time period before and after the competition to 58589
determine whether the contestant is physically fit to compete in 58590
the competition under specified standards, has sustained physical 58591
injuries in the competition, or requires follow-up examination; 58592
and 58593~~

~~(2) Require the reporting of each examination to the 58594
commission. 58595~~

~~(B) No holder of a promoter's license shall conduct a boxing 58596
match or exhibition that exceeds twelve rounds. Each round shall 58597
be not more than three minutes in length. A period of at least one 58598
minute, during which no boxing or sparring takes place, shall 58599~~

occur between rounds. 58600

No holder of a promoter's license or a permit issued under 58601
section 3773.39 of the Revised Code shall allow a professional 58602
boxer to participate in more than twelve rounds of boxing within a 58603
period of seventy-two consecutive hours. For any match or 58604
exhibition or for a class of contestants, the commission may limit 58605
the number of rounds within the maximum of twelve rounds. 58606

(C) No person shall conduct a boxing match or exhibition 58607
unless a licensed referee appointed by the commission and paid by 58608
the person is present. The referee shall direct and control the 58609
match or exhibition. Before each match or exhibition the referee 58610
shall obtain from each contestant the name of the contestant's 58611
chief second and shall hold the chief second responsible for the 58612
conduct of any assistant seconds during the match or exhibition. 58613
The referee may declare a prize, remuneration, or purse or any 58614
part thereof to which a contestant is otherwise entitled withheld 58615
if, in the referee's judgment, the contestant is not competing or 58616
did not compete honestly. A contestant may appeal the referee's 58617
decision in a hearing before the commission conducted in 58618
accordance with section 3773.52 of the Revised Code. 58619

(D) No person shall hold or conduct a boxing match or 58620
exhibition unless three licensed judges appointed by the 58621
commission and paid by the person are present. Each judge shall 58622
render a decision at the end of each match or exhibition. The 58623
judges shall determine the outcome of the match or exhibition, and 58624
their decision shall be final. 58625

(E) Each contestant in a boxing match or exhibition shall 58626
wear gloves weighing not less than six ounces during the boxing 58627
match or exhibition. 58628

Sec. 3773.53. The Ohio athletic commission may revoke, 58629
suspend, or refuse to renew any license issued under sections 58630

3773.31 to 3773.57 of the Revised Code if the licensee:	58631
(A) Has committed an act detrimental to any sport regulated	58632
by this chapter or to the public interest, convenience, or	58633
necessity;	58634
(B) Is associating or consorting with any person who has been	58635
convicted of a crime <u>involving the sports regulated by the</u>	58636
<u>commission, including a conviction under sections 2913.02,</u>	58637
<u>2915.05, or 2921.02 of the Revised Code;</u>	58638
(C) Is or has been consorting with bookmakers or gamblers, or	58639
has engaged in similar pursuits;	58640
(D) Is financially irresponsible;	58641
(E) Has been found guilty of any fraud or misrepresentation	58642
in connection with any sport regulated by this chapter;	58643
(F) Has violated any law with respect to any sport regulated	58644
by this chapter or any rule or order of the commission;	58645
(G) <u>Has been convicted of or pleaded guilty to a violation of</u>	58646
<u>sections 2913.02, 2915.05, or 2921.02 of the Revised Code;</u>	58647
<u>(H)</u> Has engaged in any other activity that the commission	58648
determines is detrimental to any sport regulated by this chapter.	58649
The commission, in addition to any other action it may take	58650
under this chapter, may impose a fine of not more than one hundred	58651
dollars <u>in an amount to be determined by rule of the commission</u>	58652
<u>adopted under Chapter 119. of the Revised Code</u> against any person	58653
licensed under sections 3773.31 to 3773.57 of the Revised Code for	58654
a violation of any of these sections or a violation of any rule or	58655
order of the commission. The amount of fines collected shall be	58656
deposited into the general revenue fund.	58657
	58658
Sec. 3781.01. (A) Chapters 3781. and 3791. of the Revised	58659

Code do not prevent the legislative authority of a municipal 58660
corporation from making further and additional regulations, not in 58661
conflict with those chapters or with the rules the board of 58662
building standards adopts. Those chapters or rules do not modify 58663
or repeal any portion of any building code adopted by a municipal 58664
corporation and in force on September 13, 1911, that is not in 58665
direct conflict with those chapters or rules. 58666

(B) The state residential building code the board of building 58667
standards adopts pursuant to section 3781.10 of the Revised Code 58668
does not prevent a local governing authority from adopting 58669
additional regulations governing residential structures that do 58670
not conflict with the state residential building code if the 58671
procedures in division (C) of this section are followed. 58672

(C)(1) A local governing authority shall, and any person may, 58673
notify the board of building standards of any regulation the local 58674
governing authority adopts pursuant to division (B) of this 58675
section and request the board of building standards to determine 58676
whether that regulation conflicts with the state residential 58677
building code. 58678

(2) Not later than sixty days after receiving a notice under 58679
division (C)(1) of this section, the board shall determine whether 58680
the regulation conflicts with the state residential building code 58681
and shall notify any person who submitted the notice and the local 58682
governing authority that adopted the regulation of the board's 58683
determination. 58684

(a) If the board determines that a conflict does not exist, 58685
the board shall take no further action with regard to the 58686
regulation. If the board determines a conflict exists and the 58687
regulation is not necessary to protect the health or safety of the 58688
persons within the local governing authority's jurisdiction, the 58689
regulation is not valid and the local governing authority may not 58690
enforce the regulation. 58691

(b) If the board determines that a conflict exists and that the regulation is necessary to protect the health or safety of the persons within the local governing authority's jurisdiction, the board shall adopt a rule to incorporate the regulation into the state residential building code in accordance with division (D) of section 4740.14 of the Revised Code. Until the rule becomes a part of the state residential building code, the board shall grant a temporary variance to the local governing authority and any similarly situated local governing authority to which the board determines the temporary variance should apply.

(D) As used in this section, "local governing authority" means a board of county commissioners, a board of township trustees, and the legislative authority of a municipal corporation.

Sec. 3781.10. (A)(1) The board of building standards shall formulate and adopt rules governing the erection, construction, repair, alteration, and maintenance of all buildings or classes of buildings specified in section 3781.06 of the Revised Code, including land area incidental to those buildings, the construction of industrialized units, the installation of equipment, and the standards or requirements for materials used in connection with those buildings. The board shall incorporate those rules into separate residential and nonresidential building codes. The residential building code shall include sanitation and plumbing standards. The standards shall relate to the conservation of energy and the safety and sanitation of those buildings.

(2) The rules governing nonresidential buildings are the lawful minimum requirements specified for those buildings and industrialized units, except that no rule other than as provided in division (C) of section 3781.108 of the Revised Code that

specifies a higher requirement than is imposed by any section of 58723
the Revised Code is enforceable. The rules governing residential 58724
buildings are uniform requirements for residential buildings in 58725
any area with a building department certified to enforce the state 58726
residential building code. In no case shall any local code or 58727
regulation differ from the state residential building code unless 58728
that code or regulation addresses subject matter not addressed by 58729
the state residential building code or is adopted pursuant to 58730
section 3781.01 of the Revised Code. 58731

(3) The rules adopted pursuant to this section are complete, 58732
lawful alternatives to any requirements specified for buildings or 58733
industrialized units in any section of the Revised Code. ~~The~~ 58734
Except as otherwise limited by division (I) of this section, the 58735
board shall, on its own motion or on application made under 58736
sections 3781.12 and 3781.13 of the Revised Code, formulate, 58737
propose, adopt, modify, amend, or repeal the rules to the extent 58738
necessary or desirable to effectuate the purposes of sections 58739
3781.06 to 3781.18 of the Revised Code. 58740

(B) The board shall report to the general assembly proposals 58741
for amendments to existing statutes relating to the purposes 58742
declared in section 3781.06 of the Revised Code that public health 58743
and safety and the development of the arts require and shall 58744
recommend any additional legislation to assist in carrying out 58745
fully, in statutory form, the purposes declared in that section. 58746
The board shall prepare and submit to the general assembly a 58747
summary report of the number, nature, and disposition of the 58748
petitions filed under sections 3781.13 and 3781.14 of the Revised 58749
Code. 58750

(C) On its own motion or on application made under sections 58751
3781.12 and 3781.13 of the Revised Code, and after thorough 58752
testing and evaluation, the board shall determine by rule that any 58753
particular fixture, device, material, process of manufacture, 58754

manufactured unit or component, method of manufacture, system, or 58755
method of construction complies with performance standards adopted 58756
pursuant to section 3781.11 of the Revised Code. The board shall 58757
make its determination with regard to adaptability for safe and 58758
sanitary erection, use, or construction, to that described in any 58759
section of the Revised Code, wherever the use of a fixture, 58760
device, material, method of manufacture, system, or method of 58761
construction described in that section of the Revised Code is 58762
permitted by law. The board shall amend or annul any rule or issue 58763
an authorization for the use of a new material or manufactured 58764
unit on any like application. No department, officer, board, or 58765
commission of the state other than the board of building standards 58766
or the board of building appeals shall permit the use of any 58767
fixture, device, material, method of manufacture, newly designed 58768
product, system, or method of construction at variance with what 58769
is described in any rule the board of building standards adopts or 58770
issues or that is authorized by any section of the Revised Code. 58771
Nothing in this section shall be construed as requiring approval, 58772
by rule, of plans for an industrialized unit that conforms with 58773
the rules the board of building standards adopts pursuant to 58774
section 3781.11 of the Revised Code. 58775

58776

(D) The board shall recommend rules, codes, and standards to 58777
help carry out the purposes of section 3781.06 of the Revised Code 58778
and to help secure uniformity of state administrative rulings and 58779
local legislation and administrative action to the bureau of 58780
workers' compensation, the director of commerce, any other 58781
department, officer, board, or commission of the state, and to 58782
legislative authorities and building departments of counties, 58783
townships, and municipal corporations, and shall recommend that 58784
they audit those recommended rules, codes, and standards by any 58785
appropriate action that they are allowed pursuant to law or the 58786
constitution. 58787

(E)(1) The board shall certify municipal, township, and county building departments and the personnel of those building departments, and persons and employees of individuals, firms, or corporations as described in division (E)(7) of this section to exercise enforcement authority, to accept and approve plans and specifications, and to make inspections, pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code.

(2) The board shall certify departments, personnel, and persons to enforce the state residential building code, to enforce the nonresidential building code, or to enforce both the residential and the nonresidential building codes. Any department, personnel, or person may enforce only the type of building code for which certified.

(3) The board shall not require a building department, its personnel, or any persons that it employs to be certified for residential building code enforcement if that building department does not enforce the state residential building code. The board shall specify, in rules adopted pursuant to Chapter 119. of the Revised Code, the requirements for certification for residential and nonresidential building code enforcement, which shall be consistent with this division. The requirements for residential and nonresidential certification may differ. Except as otherwise provided in this division, the requirements shall include, but are not limited to, the satisfactory completion of an initial examination and, to remain certified, the completion of a specified number of hours of continuing building code education within each three-year period following the date of certification which shall be not less than thirty hours. The rules shall provide that continuing education credits and certification issued by the council of American building officials, national model code organizations, and agencies or entities the board recognizes are acceptable for purposes of this division. The rules shall specify

requirements that are compatible, to the extent possible, with 58820
requirements the council of American building officials and 58821
national model code organizations establish. 58822

(4) The board shall establish and collect a certification and 58823
renewal fee for building department personnel, and persons and 58824
employees of persons, firms, or corporations as described in this 58825
section, who are certified pursuant to this division. 58826

(5) Any individual certified pursuant to this division shall 58827
complete the number of hours of continuing building code education 58828
that the board requires or, for failure to do so, forfeit 58829
certification. 58830

(6) This division does not require or authorize the board to 58831
certify personnel of municipal, township, and county building 58832
departments, and persons and employees of persons, firms, or 58833
corporations as described in this section, whose responsibilities 58834
do not include the exercise of enforcement authority, the approval 58835
of plans and specifications, or making inspections under the state 58836
residential and nonresidential building codes. 58837

(7) Enforcement authority for approval of plans and 58838
specifications and enforcement authority for inspections may be 58839
exercised, and plans and specifications may be approved and 58840
inspections may be made on behalf of a municipal corporation, 58841
township, or county, by any of the following who the board of 58842
building standards certifies: 58843

(a) Officers or employees of the municipal corporation, 58844
township, or county; 58845

(b) Persons, or employees of persons, firms, or corporations, 58846
pursuant to a contract to furnish architectural, engineering, or 58847
other services to the municipal corporation, township, or county; 58848

(c) Officers or employees of, and persons under contract 58849
with, a municipal corporation, township, county, health district, 58850

or other political subdivision, pursuant to a contract to furnish architectural, engineering, or other services. 58851
58852

(8) Municipal, township, and county building departments have jurisdiction within the meaning of sections 3781.03, 3791.04, and 4104.43 of the Revised Code, only with respect to the types of buildings and subject matters for which they are certified under this section. 58853
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(9) Certification shall be granted upon application by the municipal corporation, the board of township trustees, or the board of county commissioners and approval of that application by the board of building standards. The application shall set forth: 58858
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(a) Whether the certification is requested for residential or nonresidential buildings, or both; 58862
58863

(b) The number and qualifications of the staff composing the building department; 58864
58865

(c) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services pursuant to division (E)(7)(b) of this section; 58866
58867
58868

(d) The names of any other municipal corporation, township, county, health district, or political subdivision under contract to furnish work or services pursuant to division (E)(7) of this section; 58869
58870
58871
58872

(e) The proposed budget for the operation of the building department. 58873
58874

(10) The board of building standards shall adopt rules governing all of the following: 58875
58876

(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E)(7) of this section. 58877
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The rules shall disqualify any employee of the department or 58880

person who contracts for services with the department from 58881
performing services for the department when that employee or 58882
person would have to pass upon, inspect, or otherwise exercise 58883
authority over any labor, material, or equipment the employee or 58884
person furnishes for the construction, alteration, or maintenance 58885
of a building or the preparation of working drawings or 58886
specifications for work within the jurisdictional area of the 58887
department. The department shall provide other similarly qualified 58888
personnel to enforce the residential and nonresidential building 58889
codes as they pertain to that work. 58890

(b) The minimum services to be provided by a certified 58891
building department. 58892

(11) The board of building standards may revoke or suspend 58893
certification to enforce the residential and nonresidential 58894
building codes, on petition to the board by any person affected by 58895
that enforcement or approval of plans, or by the board on its own 58896
motion. Hearings shall be held and appeals permitted on any 58897
proceedings for certification or revocation or suspension of 58898
certification in the same manner as provided in section 3781.101 58899
of the Revised Code for other proceedings of the board of building 58900
standards. 58901

(12) Upon certification, and until that authority is revoked, 58902
any county or township building department shall enforce the 58903
residential and nonresidential building codes for which it is 58904
certified without regard to limitation upon the authority of 58905
boards of county commissioners under Chapter 307. of the Revised 58906
Code or boards of township trustees under Chapter 505. of the 58907
Revised Code. 58908

(F) In addition to hearings sections 3781.06 to 3781.18 and 58909
3791.04 of the Revised Code require, the board of building 58910
standards shall make investigations and tests, and require from 58911
other state departments, officers, boards, and commissions 58912

information the board considers necessary or desirable to assist 58913
it in the discharge of any duty or the exercise of any power 58914
mentioned in this section or in sections 3781.06 to 3781.18, 58915
3791.04, and 4104.43 of the Revised Code. 58916

(G) The board shall adopt rules and establish reasonable fees 58917
for the review of all applications submitted where the applicant 58918
applies for authority to use a new material, assembly, or product 58919
of a manufacturing process. The fee shall bear some reasonable 58920
relationship to the cost of the review or testing of the 58921
materials, assembly, or products and for the notification of 58922
approval or disapproval as provided in section 3781.12 of the 58923
Revised Code. 58924

(H) The residential construction advisory committee shall 58925
provide the board with a proposal for a state residential building 58926
code that the committee recommends pursuant to division ~~(C)~~(D)(1) 58927
of section 4740.14 of the Revised Code. Upon receiving a 58928
recommendation from the committee that is acceptable to the board, 58929
the board shall adopt rules establishing that code as the state 58930
residential building code. 58931

(I) The committee shall provide the board with proposed rules 58932
to update or amend the state residential building code or to 58933
update or amend rules that the board adopts pursuant to division 58934
(E) of this section that relate to the certification of entities 58935
that enforce the state residential building code that the 58936
committee recommends pursuant to division (D)(2) of section 58937
4740.14 of the Revised Code. 58938

The board shall not adopt any rules to update or amend the 58939
state residential building code or the rules the board adopts 58940
pursuant to division (E) of this section as those rules relate to 58941
the certification of entities that enforce the state residential 58942
building code unless the board first receives a recommendation 58943
from the committee as described in division (D)(2) of section 58944

4740.14 of the Revised Code. 58945

(J) The board shall cooperate with the director of job and family services when the director promulgates rules pursuant to section 5104.05 of the Revised Code regarding safety and sanitation in type A family day-care homes. 58946
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~~(J)~~(K) The board shall adopt rules to implement the requirements of section 3781.108 of the Revised Code. 58950
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Sec. 3781.12. (A)(1) Any person may petition the board of building standards to adopt, amend, or annul a rule adopted pursuant to section 3781.10 of the Revised Code, except for any rules regarding the state residential building code or rules the board adopts pursuant to division (E) of that section as those rules relate to the certification of entities that enforce the state residential building code, or to permit the use of any particular fixture, device, material, system, method of manufacture, product of a manufacturing process, or method or manner of construction or installation that complies with performance standards adopted pursuant to section 3781.11 of the Revised Code, as regards the purposes declared in section 3781.06 of the Revised Code, of the fixtures, devices, materials, systems, or methods or manners of construction, manufacture or installation described in any section of the Revised Code relating to those purposes, where the use is permitted by law. 58952
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(2) Any person may petition the residential construction advisory committee to recommend a rule to update or amend the state residential building code or to update or amend rules that the board adopts pursuant to division (E) of section 3781.10 of the Revised Code that relate to the certification of entities that enforce the state residential building code. 58968
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(B) Upon petition under division (A) of this section, the board shall cause to be conducted testing and evaluation that the 58974
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board determines desirable of any fixture, device, material, 58976
system, assembly or product of a manufacturing process, or method 58977
or manner of construction or installation sought to be used under 58978
the rules the board adopts pursuant to section 3781.10 of the 58979
Revised Code. 58980

(C) If the board, after hearing, determines it advisable to 58981
adopt the rule, amendment, or annulment, or to permit the use of 58982
the materials or assemblages petitioned for under division (A) of 58983
this section, it shall give at least thirty days' notice of the 58984
time and place of a public hearing as provided by section 119.03 58985
of the Revised Code. No rule shall be adopted, amended, or 58986
annulled or the use of materials or assemblages authorized until 58987
after the public hearing. A copy of every rule, amendment, or 58988
annulment, and a copy of every approved material or assembly 58989
authorization signed by the chairperson of the board of building 58990
standards and sealed with the seal of the department of commerce 58991
shall, after final adoption or authorization by the board, be 58992
filed with the secretary of state and published as the board 58993
determines. The issuance of the authorization for the use of the 58994
materials or assemblages described in the petition constitutes 58995
approval for their use anywhere in this state. Any rule, 58996
amendment, or annulment does not take effect until a date the 58997
board fixes and states. No rule, amendment, or annulment applies 58998
to any building for which the plans or drawings, specifications, 58999
and data were approved prior to the time the rule, amendment, or 59000
annulment becomes effective. All hearings of the board are open to 59001
the public. Each member of the board may administer oaths in the 59002
performance of the member's duties. 59003

Sec. 3781.19. There is hereby established in the department 59004
of commerce a board of building appeals consisting of five members 59005
who shall be appointed by the governor with the advice and consent 59006
of the senate. Terms of office shall be for four years, commencing 59007

on the fourteenth day of October and ending on the thirteenth day 59008
of October. Each member shall hold office from the date of 59009
appointment until the end of the term for which the member was 59010
appointed. Any member appointed to fill a vacancy occurring prior 59011
to the expiration of the term for which the member's predecessor 59012
was appointed shall hold office for the remainder of such term. 59013
Any member shall continue in office subsequent to the expiration 59014
date of the member's term until a successor takes office, or until 59015
a period of sixty days has elapsed, whichever occurs first. One 59016
member shall be an attorney-at-law, admitted to the bar of this 59017
state and of the remaining members, one shall be a registered 59018
architect and one shall be a professional engineer, each of whom 59019
shall be duly licensed to practice their respective professions in 59020
this state, one shall be a fire prevention officer qualified under 59021
section 3737.66 of the Revised Code, and one shall be a person 59022
with recognized ability in the plumbing or pipefitting profession. 59023
No member of the board of building standards shall be a member of 59024
the board of building appeals. Each member shall be paid an amount 59025
fixed pursuant to Chapter 124. of the Revised Code per diem. The 59026
department shall provide and assign to the board such employees as 59027
are required by the board to perform its functions. The board may 59028
adopt its own rules of procedure not inconsistent with sections 59029
3781.06 to 3781.18 and 3791.04 of the Revised Code, and may change 59030
them in its discretion. The board may establish reasonable fees, 59031
based on actual costs for administration of filing and processing, 59032
not to exceed two hundred dollars, for the costs of filing and 59033
processing appeals. A full and complete record of all proceedings 59034
of the board shall be kept and be open to public inspection. 59035

In the enforcement by any department of the state or any 59036
political subdivision of this chapter and Chapter 3791., and 59037
sections 3737.41, 3737.42, 4104.02, 4104.06, 4104.43, 4104.44, 59038
4104.45, 4105.011, and 4105.11 of the Revised Code and any rule 59039
made thereunder, such department is the agency referred to in 59040

sections 119.07, 119.08, and 119.10 of the Revised Code. 59041

The appropriate municipal or county board of appeals, where 59042
one exists, certified pursuant to section 3781.20 of the Revised 59043
Code shall conduct the adjudication hearing referred to in 59044
sections 119.09 to 119.13 and required by section 3781.031 of the 59045
Revised Code. If there is no certified municipal or county board 59046
of appeals, the board of building appeals shall conduct the 59047
adjudication hearing. If the adjudication hearing concerns section 59048
3781.111 of the Revised Code or any rule made thereunder, 59049
reasonable notice of the time, date, place, and subject of the 59050
hearing shall be given to any local corporation, association, or 59051
other organization composed of or representing handicapped 59052
persons, as defined in section 3781.111 of the Revised Code, or if 59053
there is no local organization, then to any statewide corporation, 59054
association, or other organization composed of or representing 59055
handicapped persons. 59056

In addition to the provisions of Chapter 119. of the Revised 59057
Code, the municipal, county, or state board of building appeals, 59058
as the agency conducting the adjudication hearing, may reverse or 59059
modify the order of the enforcing agency if it finds that the 59060
order is contrary to this chapter and Chapters 3791. and 4104., 59061
and sections 3737.41, 3737.42, 4105.011, and 4105.11 of the 59062
Revised Code and any rule made thereunder or to a fair 59063
interpretation or application of such laws or any rule made 59064
thereunder, or that a variance from the provisions of such laws or 59065
any rule made thereunder, in the specific case, will not be 59066
contrary to the public interest where a literal enforcement of 59067
such provisions will result in unnecessary hardship. 59068

The state board of building appeals or a certified municipal 59069
or county board of appeals shall render its decision within thirty 59070
days after the date of the adjudication hearing. Following the 59071
adjudication hearing, any municipal or county officer, official 59072

municipal or county board, or person who was a party to the 59073
hearing before the municipal or county board of appeals may apply 59074
to the state board of appeals for a de novo hearing before the 59075
state board, or may appeal directly to the court of common pleas 59076
pursuant to section 3781.031 of the Revised Code. 59077

In addition, any local corporation, association, or other 59078
organization composed of or representing handicapped persons as 59079
defined in section 3781.111 of the Revised Code, or, if no local 59080
corporation, association, or organization exists, then any 59081
statewide corporation, association, or other organization composed 59082
of or representing handicapped persons may apply for the de novo 59083
hearing or appeal to the court of common pleas from any decision 59084
of a certified municipal or county board of appeals interpreting, 59085
applying, or granting a variance from section 3781.111 of the 59086
Revised Code and any rule made thereunder. Application for a de 59087
novo hearing before the state board shall be made no later than 59088
thirty days after the municipal or county board renders its 59089
decision. 59090

The state board of building appeals or the appropriate 59091
certified local board of building appeals shall grant variances 59092
and exemptions from the requirements of section 3781.108 of the 59093
Revised Code in accordance with rules adopted by the board of 59094
building standards pursuant to division ~~(J)~~(K) of section 3781.10 59095
of the Revised Code. 59096

The state board of building appeals or the appropriate 59097
certified local board of building appeals shall, in granting a 59098
variance or exemption from section 3781.108 of the Revised Code, 59099
in addition to any other considerations the state or the 59100
appropriate local board determines appropriate, consider the 59101
architectural and historical significance of the building. 59102

Sec. 3793.02. (A) The department of alcohol and drug 59103

addiction services shall promote, assist in developing, and 59104
coordinate or conduct programs of education and research for the 59105
prevention of alcohol and drug addiction, the prevention of 59106
gambling addiction, the treatment, including intervention, of 59107
alcoholics and persons who abuse drugs of abuse, including 59108
anabolic steroids, and the treatment, including intervention, of 59109
persons with gambling addictions. Programs established by the 59110
department shall include abstinence-based prevention and treatment 59111
programs. 59112

(B) In addition to the other duties prescribed by this 59113
chapter, the department shall do all of the following: 59114

(1) Promote and coordinate efforts in the provision of 59115
alcohol and drug addiction services and of gambling addiction 59116
services by other state agencies, as defined in section 1.60 of 59117
the Revised Code; courts; hospitals; clinics; physicians in 59118
private practice; public health authorities; boards of alcohol, 59119
drug addiction, and mental health services; alcohol and drug 59120
addiction programs; law enforcement agencies; gambling addiction 59121
programs; and related groups; 59122

(2) Provide for education and training in prevention, 59123
diagnosis, treatment, and control of alcohol and drug addiction 59124
and of gambling addiction for medical students, physicians, 59125
nurses, social workers, professional counselors, psychologists, 59126
and other persons who provide alcohol and drug addiction services 59127
or gambling addiction services; 59128

(3) Provide training and consultation for persons who 59129
supervise alcohol and drug addiction programs and facilities or 59130
gambling addiction programs and facilities; 59131

(4) Develop measures for evaluating the effectiveness of 59132
alcohol and drug addiction services, including services that use 59133
methadone treatment, and of gambling addiction services, and for 59134

increasing the accountability of alcohol and drug addiction programs and of gambling addiction programs; 59135
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(5) Provide to each court of record, and biennially update, a list of the treatment and education programs within that court's jurisdiction that the court may require an offender, sentenced pursuant to section 4511.19 of the Revised Code, to attend; 59137
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(6) ~~Print and distribute~~ Make the warning sign described in sections 3313.752, 3345.41, and 3707.50 of the Revised Code available on the department's internet web site; 59141
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(7) Provide a program of gambling addiction services on behalf of the state lottery commission, pursuant to an agreement entered into with the director of the commission under division (K) of section 3770.02 of the Revised Code. 59144
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(C) The department may accept and administer grants from public or private sources for carrying out any of the duties enumerated in this section. 59148
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(D) Pursuant to Chapter 119. of the Revised Code, the department shall adopt a rule defining the term "intervention" as it is used in this chapter in connection with alcohol and drug addiction services and in connection with gambling addiction services. The department may adopt other rules as necessary to implement the requirements of this chapter. 59151
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Sec. 3793.04. The department of alcohol and drug addiction services shall develop, administer, and revise as necessary a comprehensive statewide alcohol and drug addiction services plan for the implementation of this chapter. The plan shall emphasize abstinence from the use of alcohol and drugs of abuse as the primary goal of alcohol and drug addiction services. The council on alcohol and drug addiction services shall advise the department in the development and implementation of the plan. 59157
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The plan shall provide for the allocation of state and federal funds for service furnished by alcohol and drug addiction programs under contract with boards of alcohol, drug addiction, and mental health services and for distribution of the funds to such boards. The plan shall specify the methodology that the department will use for determining how funds will be allocated and distributed. A portion of the funds shall be allocated on the basis of the ratio of the population of each alcohol, drug addiction, and mental health service district to the total population of the state as determined from the most recent federal census or the most recent official estimate made by the United States census bureau.

The plan shall ensure that alcohol and drug addiction services of a high quality are accessible to, and responsive to the needs of, all persons, especially those who are members of underserved groups, including, but not limited to, African Americans, Hispanics, native Americans, Asians, juvenile and adult offenders, women, and persons with special services needs due to age or disability. The plan shall include a program to promote and protect the rights of those who receive services.

To aid in formulating the plan and in evaluating the effectiveness and results of alcohol and drug addiction services, the department, in consultation with the department of mental health, shall establish and maintain an information system or systems. The department of alcohol and drug addiction services shall specify the information that must be provided by boards of alcohol, drug addiction, and mental health services and by alcohol and drug addiction programs for inclusion in the system. The department shall not collect any personal information ~~for the purpose of identifying by name any person who receives a service through a board,~~ from the boards except as required or permitted by the state or federal law ~~to validate appropriate reimbursement~~

for purposes related to payment, health care operations, program 59197
and service evaluation, reporting activities, research, system 59198
administration, and oversight. 59199

In consultation with boards, programs, and persons receiving 59200
services, the department shall establish guidelines for the use of 59201
state and federal funds and for the boards' development of plans 59202
for services required by sections 340.033 and 3793.05 of the 59203
Revised Code. 59204

In any fiscal year, the department shall spend, or allocate 59205
to boards, for methadone maintenance programs or any similar 59206
programs not more than eight per cent of the total amount 59207
appropriated to the department for the fiscal year. 59208

Sec. 3901.381. (A) Except as provided in sections 3901.382, 59209
3901.383, 3901.384, and 3901.386 of the Revised Code, a 59210
third-party payer shall process a claim for payment for health 59211
care services rendered by a provider to a beneficiary in 59212
accordance with this section. 59213

(B)(1) Unless division (B)(2) or (3) of this section applies, 59214
when a third-party payer receives from a provider or beneficiary a 59215
claim on the standard claim form prescribed in rules adopted by 59216
the superintendent of insurance under section 3902.22 of the 59217
Revised Code, the third-party payer shall pay or deny the claim 59218
not later than thirty days after receipt of the claim. When a 59219
third-party payer denies a claim, the third-party payer shall 59220
notify the provider and the beneficiary. The notice shall state, 59221
with specificity, why the third-party payer denied the claim. 59222

(2)(a) Unless division (B)(3) of this section applies, when a 59223
provider or beneficiary has used the standard claim form, but the 59224
third-party payer determines that reasonable supporting 59225
documentation is needed to establish the third-party payer's 59226
responsibility to make payment, the third-party payer shall pay or 59227

deny the claim not later than forty-five days after receipt of the 59228
claim. Supporting documentation includes the verification of 59229
employer and beneficiary coverage under a benefits contract, 59230
confirmation of premium payment, medical information regarding the 59231
beneficiary and the services provided, information on the 59232
responsibility of another third-party payer to make payment or 59233
confirmation of the amount of payment by another third-party 59234
payer, and information that is needed to correct material 59235
deficiencies in the claim related to a diagnosis or treatment or 59236
the provider's identification. 59237

Not later than thirty days after receipt of the claim, the 59238
third-party payer shall notify all relevant external sources that 59239
the supporting documentation is needed. All such notices shall 59240
state, with specificity, the supporting documentation needed. If 59241
the notice was not provided in writing, the provider, beneficiary, 59242
or third-party payer may request the third-party payer to provide 59243
the notice in writing, and the third-party payer shall then 59244
provide the notice in writing. If any of the supporting 59245
documentation is under the control of the beneficiary, the 59246
beneficiary shall provide the supporting documentation to the 59247
third-party payer. 59248

The number of days that elapse between the third-party 59249
payer's last request for supporting documentation within the 59250
thirty-day period and the third-party payer's receipt of all of 59251
the supporting documentation that was requested shall not be 59252
counted for purposes of determining the third-party payer's 59253
compliance with the time period of not more than forty-five days 59254
for payment or denial of a claim. Except as provided in division 59255
(B)(2)(b) of this section, if the third-party payer requests 59256
additional supporting documentation after receiving the initially 59257
requested documentation, the number of days that elapse between 59258
making the request and receiving the additional supporting 59259

documentation shall be counted for purposes of determining the 59260
third-party payer's compliance with the time period of not more 59261
than forty-five days. 59262

(b) If a third-party payer determines, after receiving 59263
initially requested documentation, that it needs additional 59264
supporting documentation pertaining to a beneficiary's preexisting 59265
condition, which condition was unknown to the third-party payer 59266
and about which it was reasonable for the third-party payer to 59267
have no knowledge at the time of its initial request for 59268
documentation, and the third-party payer subsequently requests 59269
this additional supporting documentation, the number of days that 59270
elapse between making the request and receiving the additional 59271
supporting documentation shall not be counted for purposes of 59272
determining the third-party payer's compliance with the time 59273
period of not more than forty-five days. 59274

(c) When a third-party payer denies a claim, the third-party 59275
payer shall notify the provider and the beneficiary. The notice 59276
shall state, with specificity, why the third-party payer denied 59277
the claim. 59278

(d) If a third-party payer determines that supporting 59279
documentation related to medical information is routinely 59280
necessary to process a claim for payment of a particular health 59281
care service, the third-party payer shall establish a description 59282
of the supporting documentation that is routinely necessary and 59283
make the description available to providers in a readily 59284
accessible format. 59285

Third-party payers and providers shall, in connection with a 59286
claim, use the most current CPT code in effect, as published by 59287
the American medical association, the most current ICD-9 code in 59288
effect, as published by the United States department of health and 59289
human services, the most current CDT code in effect, as published 59290
by the American dental association, or the most current HCPCS code 59291

in effect, as published by the United States health care financing administration. 59292
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(3) When a provider or beneficiary submits a claim by using the standard claim form prescribed in the superintendent's rules, but the information provided in the claim is materially deficient, the third-party payer shall notify the provider or beneficiary not later than fifteen days after receipt of the claim. The notice shall state, with specificity, the information needed to correct all material deficiencies. Once the material deficiencies are corrected, the third-party payer shall proceed in accordance with division (B)(1) or (2) of this section. 59294
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It is not a violation of the notification time period of not more than fifteen days if a third-party payer fails to notify a provider or beneficiary of material deficiencies in the claim related to a diagnosis or treatment or the provider's identification. A third-party payer may request the information necessary to correct these deficiencies after the end of the notification time period. Requests for such information shall be made as requests for supporting documentation under division (B)(2) of this section, and payment or denial of the claim is subject to the time periods specified in that division. 59303
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(C) For purposes of this section, if a dispute exists between a provider and a third-party payer as to the day a claim form was received by the third-party payer, both of the following apply: 59313
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(1) If the provider or a person acting on behalf of the provider submits a claim directly to a third-party payer by mail and retains a record of the day the claim was mailed, there exists a rebuttable presumption that the claim was received by the third-party payer on the fifth business day after the day the claim was mailed, unless it can be proven otherwise. 59316
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(2) If the provider or a person acting on behalf of the 59322

provider submits a claim directly to a third-party payer 59323
electronically, there exists a rebuttable presumption that the 59324
claim was received by the third-party payer twenty-four hours 59325
after the claim was submitted, unless it can be proven otherwise. 59326

(D) Nothing in this section requires a third-party payer to 59327
provide more than one notice to an employer whose premium for 59328
coverage of employees under a benefits contract has not been 59329
received by the third-party payer. 59330

(E) Compliance with the provisions of division (B)(3) of this 59331
section shall be determined separately from compliance with the 59332
provisions of divisions (B)(1) and (2) of this section. 59333

(F) A third party payer shall transmit electronically any 59334
payment with respect to claims that the third party payer receives 59335
electronically and pays to a contracted provider under this 59336
section and under sections 3901.383, 3901.384, and 3901.386 of the 59337
Revised Code. A provider shall not refuse to accept a payment made 59338
under this section or sections 3901.383, 3901.384, and 3901.386 of 59339
the Revised Code on the basis that the payment was transmitted 59340
electronically. 59341

Sec. 3901.3812. (A) If, after completion of an examination 59342
involving information collected from a six-month period, the 59343
superintendent finds that a third-party payer has committed a 59344
series of violations that, taken together, constitutes a 59345
consistent pattern or practice of violating division (A) of 59346
section 3901.3811 of the Revised Code, the superintendent may 59347
impose on the third-party payer any of the administrative remedies 59348
specified in division (B) of this section. In making a finding 59349
under this division, the superintendent shall apply the error 59350
tolerance standards for claims processing contained in the market 59351
conduct examiners handbook issued by the national association of 59352
insurance commissioners in effect at the time the claims were 59353

processed. 59354

Before imposing an administrative remedy, the superintendent 59355
shall provide written notice to the third-party payer informing 59356
the third-party payer of the reasons for the superintendent's 59357
finding, the administrative remedy the superintendent proposes to 59358
impose, and the opportunity to submit a written request for an 59359
administrative hearing regarding the finding and proposed remedy. 59360
If the third-party payer requests a hearing, the superintendent 59361
shall conduct the hearing in accordance with Chapter 119. of the 59362
Revised Code not later than fifteen days after receipt of the 59363
request. 59364

(B)(1) In imposing administrative remedies under division (A) 59365
of this section for violations of section 3901.381 of the Revised 59366
Code, the superintendent may do any of the following: 59367

(a) Levy a monetary penalty in an amount determined in 59368
accordance with division (B)(3) of this section; 59369

(b) Order the payment of interest directly to the provider in 59370
accordance with section 3901.389 of the Revised Code; 59371

(c) Order the third-party payer to cease and desist from 59372
engaging in the violations; 59373

(d) If a monetary penalty is not levied under division 59374
(B)(1)(a) of this section, impose any of the administrative 59375
remedies provided for in section 3901.22 of the Revised Code, 59376
other than those specified in divisions (D)(4) and (5) and (G) of 59377
that section. 59378

(2) In imposing administrative remedies under division (A) of 59379
this section for violations of sections 3901.384 to 3901.3810 of 59380
the Revised Code, the superintendent may do any of the following: 59381

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(a) Levy a monetary penalty in an amount determined in 59383

accordance with division (B)(3) of this section; 59384

(b) Order the payment of interest directly to the provider in 59385
accordance with section 3901.38 of the Revised Code; 59386

(c) Order the third-party payer to cease and desist from 59387
engaging in the violations; 59388

(d) If a monetary penalty is not levied under division 59389
(B)(2)(a) of this section, impose any of the administrative 59390
remedies provided for in section 3901.22 of the Revised Code, 59391
other than those specified in divisions (D)(4) and (5) and (G) of 59392
that section. For violations of sections 3901.384 to 3901.3810 of 59393
the Revised Code that did not comply with section 3901.381 of the 59394
Revised Code, the superintendent may also use section 3901.22 of 59395
the Revised Code except divisions (D)(4) and (5) of that section. 59396

(3) A finding by the superintendent that a third-party payer 59397
has committed a series of violations that, taken together, 59398
constitutes a consistent pattern or practice of violating division 59399
(A) of section 3901.3811 of the Revised Code, shall constitute a 59400
single offense for purposes of levying a fine under division 59401
(B)(1)(a) and (B)(2)(a) of this section. For a first offense, the 59402
superintendent may levy a fine of not more than one hundred 59403
thousand dollars. For a second offense that occurs on or earlier 59404
than four years from the first offense, the superintendent may 59405
levy a fine of not more than one hundred fifty thousand dollars. 59406
For a third or additional offense that occurs on or earlier than 59407
seven years after a first offense, the superintendent may levy a 59408
fine of not more than three hundred thousand dollars. In 59409
determining the amount of a fine to be levied within the specified 59410
limits, the superintendent shall consider the following factors: 59411

(a) The extent and frequency of the violations; 59412

(b) Whether the violations were due to circumstances beyond 59413
the third-party payer's control; 59414

(c) Any remedial actions taken by the third-party payer to prevent future violations;	59415 59416
(d) The actual or potential harm to others resulting from the violations;	59417 59418
(e) If the third-party payer knowingly and willingly committed the violations;	59419 59420
(f) The third-party payer's financial condition;	59421
(g) Any other factors the superintendent considers appropriate.	59422 59423
(C) The remedies imposed by the superintendent under this section are in addition to, and not in lieu of, such other remedies as providers and beneficiaries may otherwise have by law.	59424 59425 59426
(D) Any fine collected under this section shall be paid into the state treasury as follows:	59427 59428
(1) Twenty-five per cent of the total to the credit of the department of insurance operating fund created by section 3901.021 of the Revised Code;	59429 59430 59431
(2) Sixty-five per cent of the total to the credit of the general revenue fund;	59432 59433
(3) Ten per cent of the total to the credit of claims processing education fund <u>account</u> , which is hereby created <u>within the department of insurance operating fund created by section 3901.021 of the Revised Code.</u>	59434 59435 59436 59437
All money credited to the claims processing education fund <u>account</u> shall be used by the department of insurance to make technical assistance available to third-party payers, providers, and beneficiaries for effective implementation of the provisions of sections 3901.38 and 3901.381 to 3901.3814 of the Revised Code.	59438 59439 59440 59441 59442
<u>Sec. 3903.77. (A) Every property and casualty insurance</u>	59443

company doing business in this state, except as exempted by the 59444
superintendent of insurance, annually, shall cause to be prepared 59445
by a qualified actuary, appointed by the company, the following 59446
documents: 59447

(1) An actuarial opinion that certifies to the reasonableness 59448
of the insurance company's reserves and that shall be entitled a 59449
"statement of actuarial opinion"; 59450

(2) A summary that shall be in support of the statement of 59451
actuarial opinion and that shall be entitled an "actuarial opinion 59452
summary." An insurance company licensed but not domiciled in this 59453
state need not include the actuarial opinion summary in its 59454
submissions to the superintendent but shall make the summary 59455
available to the superintendent upon request. 59456

(B) The insurance company annually shall submit the documents 59457
prepared pursuant to division (A) of this section to the 59458
superintendent in accordance with the national association of 59459
insurance commissioners' property and casualty annual statement 59460
instructions. The documents shall accompany the insurance 59461
company's annual financial statement described in section 3901.77 59462
of the Revised Code. 59463

(C)(1) Every property and casualty insurance company doing 59464
business in this state shall prepare an actuarial report and 59465
underlying work papers to support the statement of actuarial 59466
opinion and the actuarial opinion summary required under division 59467
(A) of this section in accordance with the national association of 59468
insurance commissioners' property and casualty statement 59469
instructions. The insurance company shall make the actuarial 59470
report and underlying work papers available to the superintendent 59471
upon request. 59472

(2) If an insurance company fails to provide the actuarial 59473
report or work papers at the request of the superintendent 59474

pursuant to division (C)(1) of this section or the superintendent 59475
determines that the actuarial report or work papers provided are 59476
unacceptable, the superintendent may contract with a qualified 59477
actuary at the expense of the insurance company to review the 59478
statement of actuarial opinion provided by the insurance company 59479
pursuant to division (A) of this section and the basis for that 59480
opinion and to prepare an actuarial report and work papers. 59481

(D) Except in cases of fraud or willful misconduct on the 59482
part of the actuary, no actuary appointed by an insurance company 59483
to prepare the statement of actuarial opinion and actuarial 59484
opinion summary required under division (A) of this section is 59485
liable for damages to any person except the insurance company and 59486
the superintendent for any act, error, omission, decision, or 59487
conduct with respect to the actuary's opinion. 59488

(E) The statement of actuarial opinion required under 59489
division (A) of this section is a public document and a public 59490
record as defined in section 149.43 of the Revised Code. However, 59491
the actuarial opinion summary, actuarial report, work papers, and 59492
any documents, materials or other information provided in support 59493
of the statement of actuarial opinion are privileged and 59494
confidential, are not a public record, and are not subject to 59495
subpoena or to discovery, and are not admissible in evidence in 59496
any private civil action. 59497

Neither the superintendent nor any person who receives 59498
documents, materials, or other information required to be kept 59499
confidential under this division while acting under the authority 59500
of the superintendent shall testify in any private civil action 59501
concerning any documents, materials, or other information required 59502
to be kept confidential under this division. 59503

This section shall not be construed to limit the 59504
superintendent's authority to release documents to the actuarial 59505
board for counseling and discipline so long as the documents are 59506

necessary for the purpose of professional disciplinary proceedings 59507
and the actuarial board for counseling and discipline establishes 59508
procedures satisfactory to the superintendent for preserving the 59509
confidentiality of the documents. Neither shall this section be 59510
construed to limit the superintendent's authority to use 59511
documents, materials, nor other information in furtherance of any 59512
regulatory or legal action brought as part of the superintendent's 59513
official duties. 59514

(F) In order to assist in the performance of the 59515
superintendent's duties, the superintendent may do all of the 59516
following: 59517

(1) Share documents, materials, or other information, 59518
including any documents, materials, or other information required 59519
to be kept confidential under division (E) of this section, with 59520
other state, federal, and international regulatory and law 59521
enforcement agencies and with the national association of 59522
insurance commissioners including its affiliates and subsidiaries 59523
if the recipient agrees to maintain the confidentiality and 59524
privileged status of the document, material, or other information 59525
and has the legal authority to maintain confidentiality; 59526

(2) Receive documents, materials, or other information, 59527
including otherwise confidential and privileged documents, 59528
materials, and information from other state, federal, and 59529
international regulatory and law enforcement agencies and from the 59530
national association of insurance commissioners including its 59531
affiliates and subsidiaries. The superintendent shall maintain the 59532
confidentiality and privileged status of any document, material, 59533
or other information received with notice of confidential and 59534
privileged status under the laws of the jurisdiction that is the 59535
source of the document, material, or information. 59536

(3) Enter into agreements consistent with divisions (E) and 59537
(F) of this section for the sharing and use of information. 59538

(G) No waiver of any privilege or claim of confidentiality of documents, materials, or other information shall occur as a result of any disclosure to the superintendent under this section or as a result of any sharing of documents, materials, or other information authorized by the superintendent under division (G) of this section.

(H) As used in this section, "qualified actuary" means a person who is a member in good standing of the American academy of actuaries and who meets the requirements identified in the national association of insurance commissioners' property and casualty statement instructions.

Sec. 3923.021. (A) As used in this section, ~~"benefits:~~

(1) "Benefits provided are not unreasonable in relation to the premium charged" means the rates were calculated in accordance with sound actuarial principles.

(2) "Individual policy of sickness and accident insurance" includes sickness and accident insurance made available by insurers in the individual market to individuals, with or without family members or dependents, through group policies issued to one or more associations or entities.

(B) With respect to any filing, made pursuant to section 3923.02 of the Revised Code, of any premium rates for any individual policy of sickness and accident insurance or certificates made available by an insurer to individuals in the individual market through a group policy or for any indorsement or rider pertaining thereto, the superintendent of insurance may, within thirty days after filing:

(1) Disapprove such filing after finding that the benefits provided are unreasonable in relation to the premium charged. Such disapproval shall be effected by written order of the

superintendent, a copy of which shall be mailed to the insurer 59569
that has made the filing. In the order, the superintendent shall 59570
specify the reasons for the disapproval and state that a hearing 59571
will be held within fifteen days after requested in writing by the 59572
insurer. If a hearing is so requested, the superintendent shall 59573
also give such public notice as the superintendent considers 59574
appropriate. The superintendent, within fifteen days after the 59575
commencement of any hearing, shall issue a written order, a copy 59576
of which shall be mailed to the insurer that has made the filing, 59577
either affirming the prior disapproval or approving such filing 59578
after finding that the benefits provided are not unreasonable in 59579
relation to the premium charged. 59580

(2) Set a date for a public hearing to commence no later than 59581
forty days after the filing. The superintendent shall give the 59582
insurer making the filing twenty days' written notice of the 59583
hearing and shall give such public notice as the superintendent 59584
considers appropriate. The superintendent, within twenty days 59585
after the commencement of a hearing, shall issue a written order, 59586
a copy of which shall be mailed to the insurer that has made the 59587
filing, either approving such filing if the superintendent finds 59588
that the benefits provided are not unreasonable in relation to the 59589
premium charged, or disapproving such filing if the superintendent 59590
finds that the benefits provided are unreasonable in relation to 59591
the premium charged. This division does not apply to any insurer 59592
organized or transacting the business of insurance under Chapter 59593
3907. or 3909. of the Revised Code. 59594

(3) Take no action, in which case such filing shall be deemed 59595
to be approved and shall become effective upon the thirty-first 59596
day after such filing, unless the superintendent has previously 59597
given to the insurer a written approval. 59598

(C) At any time after any filing has been approved pursuant 59599
to this section, the superintendent may, after a hearing of which 59600

at least twenty days' written notice has been given to the insurer 59601
that has made such filing and for which such public notice as the 59602
superintendent considers appropriate has been given, withdraw 59603
approval of such filing after finding that the benefits provided 59604
are unreasonable in relation to the premium charged. Such 59605
withdrawal of approval shall be effected by written order of the 59606
superintendent, a copy of which shall be mailed to the insurer 59607
that has made the filing, which shall state the ground for such 59608
withdrawal and the date, not less than forty days after the date 59609
of such order, when the withdrawal or approval shall become 59610
effective. 59611

(D) The superintendent may retain at the insurer's expense 59612
such attorneys, actuaries, accountants, and other experts not 59613
otherwise a part of the superintendent's staff as shall be 59614
reasonably necessary to assist in the preparation for and conduct 59615
of any public hearing under this section. The expense for 59616
retaining such experts and the expenses of the department of 59617
insurance incurred in connection with such public hearing shall be 59618
assessed against the insurer in an amount not to exceed one 59619
one-hundredth of one per cent of the sum of premiums earned plus 59620
net realized investment gain or loss of such insurer as reflected 59621
in the most current annual statement on file with the 59622
superintendent. Any person retained shall be under the direction 59623
and control of the superintendent and shall act in a purely 59624
advisory capacity. 59625

Sec. 3923.11. (A) Sickness and accident insurance on a 59626
franchise plan is that form of sickness and accident insurance 59627
issued to either of the following: 59628

~~(A)(1)~~ Five or more or, with respect to long-term care or 59629
disability income insurance, two or more employees of any 59630
corporation, copartnership, or individual employer, or of any 59631

governmental corporation or agency or a department thereof; 59632

~~(B)(2)~~ Ten or more or, with respect to long-term care or 59633
disability income insurance, two or more members of any trade or 59634
professional association, or labor union, or any other association 59635
having had an active existence for at least two years where such 59636
association or union has a constitution or bylaws and is formed in 59637
good faith for purposes other than that of obtaining insurance. ~~It~~ 59638

(B) In order that such sickness and accident insurance be 59639
considered as issued on a franchise plan, such employees or such 59640
members, with or without one or more of their dependents and 59641
members of their immediate families, must be issued the same form 59642
of an individual policy, varying only as to amounts and kinds of 59643
coverage applied for by such employees or such members, under an 59644
arrangement by which the premiums on such policies may be paid to 59645
the insurer periodically by the employer, with or without payroll 59646
deductions, or by the association for its members, or by some 59647
designated person acting on behalf of such employer or 59648
association. 59649

Sec. 3923.66. (A) As used in sections 3923.66 to 3923.70 of 59650
the Revised Code: 59651

(1) "Clinical peer" and "physician" have the same meanings as 59652
in section 1751.77 of the Revised Code. 59653

(2) "Authorized person" means a parent, guardian, or other 59654
person authorized to act on behalf of an insured with respect to 59655
health care decisions. 59656

(B) Sections 3923.66 to 3923.70 of the Revised Code do not 59657
apply to any individual or group policy of sickness and accident 59658
insurance covering only accident, credit, dental, disability 59659
income, long-term care, hospital indemnity, medicare supplement, 59660
medicare, tricare, specified disease, or vision care; coverage 59661

issued as a supplement to liability insurance; insurance arising 59662
out of workers' compensation or similar law; automobile medical 59663
payment insurance; or insurance under which benefits are payable 59664
with or without regard to fault and which is statutorily required 59665
to be contained in any liability insurance policy or equivalent 59666
self-insurance. 59667

(C) The superintendent of insurance shall establish and 59668
maintain a system for receiving and reviewing requests for review 59669
from insureds who have been denied coverage of a health care 59670
service on the grounds that the service is not a service covered 59671
under the terms of the insured's policy or certificate. 59672

On receipt of a written request from an insured or authorized 59673
person, the superintendent shall consider whether the health care 59674
service is a service covered under the terms of the insured's 59675
policy or certificate, except that the superintendent shall not 59676
conduct a review under this section unless the insured has 59677
exhausted the insurer's internal review process. The insurer and 59678
the insured or authorized person shall provide the superintendent 59679
with any information required by the superintendent that is in 59680
their possession and is germane to the review. 59681

Unless the superintendent is not able to do so because making 59682
the determination requires resolution of a medical issue, the 59683
superintendent shall determine whether the health care service at 59684
issue is a service covered under the terms of the insured's policy 59685
or certificate. The superintendent shall notify the insured, or 59686
authorized person, and the insurer of its determination or that it 59687
is not able to make a determination because the determination 59688
requires the resolution of a medical issue. 59689

If the superintendent notifies the insurer that making the 59690
determination requires the resolution of a medical issue, the 59691
insurer shall ~~afford the insured an opportunity for~~ initiate an 59692
external review under section 3923.67 or 3923.68 of the Revised 59693

Code. If the superintendent notifies the insurer that the health care service is not a covered service, the insurer is not required to cover the service or afford the insured an external review.

Sec. 3923.67. (A) Except as provided in divisions (B) and (C) of this section, an insurer shall afford an insured an opportunity for an external review of a coverage denial when requested by the insured or authorized person, if both of the following are the case:

(1) The insurer has denied, reduced, or terminated coverage for what would be a covered health care service except that the insurer has determined that the health care service is not medically necessary.

(2) Except in the case of expedited review, the proposed service, plus any ancillary services and follow-up care, will cost the insured more than five hundred dollars if the proposed service is not covered by the insurer.

External review shall be conducted in accordance with this section, except that if an insured with a terminal condition meets all of the criteria of division (A) of section 3923.68 of the Revised Code, an external review shall be conducted under that section.

(B) An insured need not be afforded a review under this section in any of the following circumstances:

(1) The superintendent of insurance has determined under section 3923.66 of the Revised Code that the health care service is not a service covered under the terms of the insured's policy or certificate.

(2) The insured has failed to exhaust the insurer's internal review process.

(3) The insured has previously afforded an external review

for the same denial of coverage, and no new clinical information 59724
has been submitted to the insurer. 59725

(C)(1) An insurer may deny a request from an insured for an 59726
external review of an adverse decision from the insurer's internal 59727
appeal process if it is requested later than ~~sixty~~ one hundred 59728
eighty days after receipt ~~by the insured~~ of notice ~~from the~~ 59729
~~superintendent of insurance under section 3923.66 of the Revised~~ 59730
~~Code that making a determination requires the resolution of a~~ 59731
~~medical issue~~ from the insurer of the adverse decision. An 59732
external review may be requested by the insured, an authorized 59733
person, the insured's provider, or a health care facility 59734
rendering health care service to the insured. The insured may 59735
request a review without the approval of the provider or the 59736
health care facility rendering the health care service. The 59737
provider or health care facility may not request a review without 59738
the prior consent of the insured. 59739

(2) An external review must be requested in writing, except 59740
that if the insured has a condition that requires expedited 59741
review, the review may be requested orally or by electronic means. 59742
When an oral or electronic request for review is made, written 59743
confirmation of the request must be submitted to the insurer not 59744
later than five days after the request is made. 59745

Except in the case of an expedited review, a request for an 59746
external review must be accompanied by written certification from 59747
the insured's provider or the health care facility rendering the 59748
health care service to the insured that the proposed service, plus 59749
any ancillary services and follow-up care, will cost the insured 59750
more than five hundred dollars if the proposed service is not 59751
covered by the insurer. 59752

(3) For an expedited review, the insured's provider must 59753
certify that the insured's condition could, in the absence of 59754
immediate medical attention, result in any of the following: 59755

(a) Placing the health of the insured or, with respect to a pregnant woman, the health of the insured or the unborn child, in serious jeopardy;	59756 59757 59758
(b) Serious impairment to bodily functions;	59759
(c) Serious dysfunction of any bodily organ or part.	59760
(D) The procedures used in conducting an external review shall include all of the following:	59761 59762
(1) The review shall be conducted by an independent review organization assigned by the superintendent of insurance under section 3901.80 of the Revised Code.	59763 59764 59765
(2) Except as provided in divisions (D)(3) and (4) of this section, neither the clinical peer nor any health care facility with which the clinical peer is affiliated shall have any professional, familial, or financial affiliation with any of the following:	59766 59767 59768 59769 59770
(a) The insurer or any officer, director, or managerial employee of the insurer;	59771 59772
(b) The insured, the insured's provider, or the practice group of the insured's provider;	59773 59774
(c) The health care facility at which the health care service requested by the insured would be provided;	59775 59776
(d) The development or manufacture of the principal drug, device, procedure, or therapy proposed for the insured.	59777 59778
(3) Division (D)(2) of this section does not prohibit a clinical peer from conducting a review under any of the following circumstances:	59779 59780 59781
(a) The clinical peer is affiliated with an academic medical center that provides health care services to insureds of the insurer.	59782 59783 59784

(b) The clinical peer has staff privileges at a health care facility that provides health care services to insureds of the insurer. 59785
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(c) The clinical peer has a contractual relationship with the insurer but was not involved with the insurer's coverage decision. 59788
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(4) Division (D)(2) of this section does not prohibit the insurer from paying the independent review organization for the conduct of the review. 59790
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(5) An insured shall not be required to pay for any part of the cost of the review. The cost of the review shall be borne by the insurer. 59793
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(6)(a) The insurer shall provide to the independent review organization conducting the review a copy of those records in its possession that are relevant to the insured's medical condition and the review. 59796
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Records shall be used solely for the purpose of this division. At the request of the independent review organization, the insurer, insured, provider, or health care facility rendering health care services to the insured shall provide any additional information the independent review organization requests to complete the review. A request for additional information may be made in writing, orally, or by electronic means. The independent review organization shall submit the request to the insured and insurer. If a request is submitted orally or by electronic means to an insured or insurer, not later than five days after the request is submitted, the independent review organization shall provide written confirmation of the request. If the review was initiated by a provider or health care facility, a copy of the request shall be submitted to the provider or health care facility. 59800
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(b) An independent review organization is not required to 59815

make a decision if it has not received any requested information 59816
that it considers necessary to complete a review. An independent 59817
review organization that does not make a decision for this reason 59818
shall notify the insured and the insurer that a decision is not 59819
being made. The notice may be made in writing, orally, or by 59820
electronic means. An oral or electronic notice shall be confirmed 59821
in writing not later than five days after the oral or electronic 59822
notice is made. If the review was initiated by a provider or 59823
health care facility, a copy of the notice shall be submitted to 59824
the provider or health care facility. 59825

(7) The insurer may elect to cover the service requested and 59826
terminate the review. The insurer shall notify the insured and all 59827
other parties involved with the decision by mail, or with the 59828
consent or approval of the insured, by electronic means. 59829

(8) In making its decision, an independent review 59830
organization conducting the review shall take into account all of 59831
the following: 59832

(a) Information submitted by the insurer, the insured, the 59833
insured's provider, and the health care facility rendering the 59834
health care service, including the following: 59835

(i) The insured's medical records; 59836

(ii) The standards, criteria, and clinical rationale used by 59837
the insurer to make its decision. 59838

(b) Findings, studies, research, and other relevant documents 59839
of government agencies and nationally recognized organizations, 59840
including the national institutes of health or any board 59841
recognized by the national institutes of health, the national 59842
cancer institute, the national academy of sciences, the United 59843
States food and drug administration, the health care financing 59844
administration of the United States department of health and human 59845
services, and the agency for health care policy and research; 59846

(c) Relevant findings in peer-reviewed medical or scientific literature, published opinions of nationally recognized medical experts, and clinical guidelines adopted by relevant national medical societies.

(9)(a) In the case of an expedited review, the independent review organization shall issue a written decision not later than seven days after the filing of the request for review. In all other cases, the independent review organization shall issue a written decision not later than thirty days after the filing of the request. The independent review organization shall send a copy of its decision to the insurer and the insured. If the insured's provider or the health care facility rendering health care services to the insured requested the review, the independent review organization shall also send a copy of its decision to the insured's provider or the health care facility.

(b) The independent review organization's decision shall include a description of the insured's condition and the principal reasons for the decision and an explanation of the clinical rationale for the decision.

(E) The independent review organization shall base its decision on the information submitted under division (D)(8) of this section. In making its decision, the independent review organization shall consider safety, efficacy, appropriateness, and cost-effectiveness.

(F) The insurer shall provide any coverage determined by the independent review organization's decision to be medically necessary, subject to the other terms, limitations, and conditions of the insured's policy or certificate.

Sec. 3923.68. (A) Each insurer shall establish a reasonable external, independent review process to examine the insurer's coverage decisions for insureds who meet all of the following

criteria: 59878

(1) The insured has a terminal condition that, according to 59879
the current diagnosis of the insured's physician, has a high 59880
probability of causing death within two years. 59881

(2) The insured requests a review not later than ~~sixty one~~ sixty one 59882
hundred eighty days after receipt by the insured of notice from 59883
the ~~superintendent of insurance under section 3923.66 of the~~ 59884
~~Revised Code that making a determination requires resolution of a~~ 59885
~~medical issue~~ insurer of the adverse decision. 59886

(3) The insured's physician certifies that the insured has 59887
the condition described in division (A)(1) of this section and any 59888
of the following situations are applicable: 59889

(a) Standard therapies have not been effective in improving 59890
the condition of the insured. 59891

(b) Standard therapies are not medically appropriate for the 59892
insured. 59893

(c) There is no standard therapy covered by the insurer that 59894
is more beneficial than therapy described in division (A)(4) of 59895
this section. 59896

(4) The insured's physician has recommended a drug, device, 59897
procedure, or other therapy that the physician certifies, in 59898
writing, is likely to be more beneficial to the insured, in the 59899
physician's opinion, than standard therapies, or the insured has 59900
requested a therapy that has been found in a preponderance of 59901
peer-reviewed published studies to be associated with effective 59902
clinical outcomes for the same condition. 59903

(5) The insured has been denied coverage by the insurer for a 59904
drug, device, procedure, or other therapy recommended or requested 59905
pursuant to division (A)(4) of this section, and has exhausted the 59906
insurer's internal review process. 59907

(6) The drug, device, procedure, or other therapy, for which 59908
coverage has been denied, would be a covered health care service 59909
except for the insurer's determination that the drug, device, 59910
procedure, or other therapy is experimental or investigational. 59911

(B) A review shall be requested in writing, except that if 59912
the insured's physician determines that a therapy would be 59913
significantly less effective if not promptly initiated, the review 59914
may be requested orally or by electronic means. When an oral or 59915
electronic request for review is made, written confirmation of the 59916
request shall be submitted to the insurer not later than five days 59917
after the oral or written request is submitted. 59918

(C) The external, independent review process established by 59919
an insurer shall meet all of the following criteria: 59920

(1) Except as provided in division (E) of this section, the 59921
process shall afford all insureds who meet the criteria set forth 59922
in division (A) of this section the opportunity to have the 59923
insurer's decision to deny coverage of the recommended or 59924
requested therapy reviewed under the process. Each eligible 59925
insured shall be notified of that opportunity within thirty 59926
business days after the insurer denies coverage. 59927

(2) The review shall be conducted by an independent review 59928
organization assigned by the superintendent of insurance under 59929
section 3901.80 of the Revised Code. 59930

The independent review organization shall select a panel to 59931
conduct the review, which panel shall be composed of at least 59932
three physicians or other providers who, through clinical 59933
experience in the past three years, are experts in the treatment 59934
of the insured's medical condition and knowledgeable about the 59935
recommended or requested therapy. 59936

In either of the following circumstances, an exception may be 59937
made to the requirement that the review be conducted by an expert 59938

panel composed of a minimum of three physicians or other providers: 59939
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(a) A review may be conducted by an expert panel composed of only two physicians or other providers if an insured has consented in writing to a review by the smaller panel. 59941
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(b) A review may be conducted by a single expert physician or other provider if only the expert physician or other provider is available for the review. 59944
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(3) Neither the insurer nor the insured shall choose, or control the choice of, the physician or other provider experts. 59947
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(4) The selected experts, any health care facility with which an expert is affiliated, and the independent review organization arranging for the experts' review shall not have any professional, familial, or financial affiliation with any of the following: 59949
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(a) The insurer or any officer, director, or managerial employee of the insurer; 59953
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(b) The insured, the insured's physician, ~~of~~ or the practice group of the insured's physician; 59955
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(c) The health care facility at which the recommended or requested therapy would be provided; 59957
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(d) The development or manufacture of the principal drug, device, procedure, or therapy involved in the recommended or requested therapy. 59959
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However, experts affiliated with academic medical centers who provide health care services to insureds of the insurer may serve as experts on the review panel. Further, experts with staff privileges at a health care facility that provides health care services to insureds of the insurer, as well as experts who have a contractual relationship with the insurer, but who were not involved with the insurer's denial of coverage for the therapy 59962
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under review, may serve as experts on the review panel. These 59969
nonaffiliation provisions do not preclude an insurer from paying 59970
for the experts' review, as specified in division (C)(5) of this 59971
section. 59972

(5) Insureds shall not be required to pay for any part of the 59973
cost of the review. The cost of the review shall be borne by the 59974
insurer. 59975

(6) The insurer shall provide to the independent review 59976
organization arranging for the experts' review a copy of those 59977
records in the insurer's possession that are relevant to the 59978
insured's medical condition and the review. The records shall be 59979
disclosed solely to the expert reviewers and shall be used solely 59980
for the purpose of this section. At the request of the expert 59981
reviewers, the insurer or the physician requesting the therapy 59982
shall provide any additional information that the expert reviewers 59983
request to complete the review. An expert reviewer is not required 59984
to render an opinion if the reviewer has not received any 59985
requested information that the reviewer considers necessary to 59986
complete the review. 59987

(7)(a) In the case of an expedited review, the independent 59988
review organization shall issue a written decision not later than 59989
seven days after the filing of the request for review. In all 59990
other cases, the independent review organization shall issue a 59991
written decision not later than thirty days after the filing of 59992
the request. The independent review organization shall send a copy 59993
of its decision to the insurer and the insured. If the insured's 59994
provider or the health care facility rendering health care 59995
services to the insured requested the review, the independent 59996
review organization shall also send a copy of its decision to the 59997
insured's provider or the health care facility. 59998

(b) In conducting the review, the experts on the panel shall 59999
take into account all of the following: 60000

(i) Information submitted by the insurer, the insured, and the insured's physician, including the insured's medical records and the standards, criteria, and clinical rationale used by the insurer to reach its coverage decision;	60001 60002 60003 60004
(ii) Findings, studies, research, and other relevant documents of government agencies and nationally recognized organizations;	60005 60006 60007
(iii) Relevant findings in peer-reviewed medical or scientific literature and published opinions of nationally recognized medical experts;	60008 60009 60010
(iv) Clinical guidelines adopted by relevant national medical societies;	60011 60012
(v) Safety, efficacy, appropriateness, and cost effectiveness.	60013 60014
(8) Each expert on the panel shall provide the independent review organization with a professional opinion as to whether there is sufficient evidence to demonstrate that the recommended or requested therapy is likely to be more beneficial to the insured than standard therapies.	60015 60016 60017 60018 60019
(9) Each expert's opinion shall be presented in written form and shall include the following information:	60020 60021
(a) A description of the insured's condition;	60022
(b) A description of the indicators relevant to determining whether there is sufficient evidence to demonstrate that the recommended or requested therapy is more likely than not to be more beneficial to the insured than standard therapies;	60023 60024 60025 60026
(c) A description and analysis of any relevant findings published in peer-reviewed medical or scientific literature or the published opinions of medical experts or specialty societies;	60027 60028 60029
(d) A description of the insured's suitability to receive the	60030

recommended or requested therapy according to a treatment protocol 60031
in a clinical trial, if applicable. 60032

(10) The independent review organization shall provide the 60033
insurer with the opinions of the experts. The insurer shall make 60034
the experts' opinions available to the insured and the insured's 60035
physician, upon request. 60036

(11) The opinion of the majority of the experts on the panel, 60037
rendered pursuant to division (C)(8) of this section, is binding 60038
on the insurer with respect to that insured. If the opinions of 60039
the experts on the panel are evenly divided as to whether the 60040
therapy should be covered, the insurer's final decision shall be 60041
in favor of coverage. If less than a majority of the experts on 60042
the panel recommend coverage of the therapy, the insurer may, in 60043
its discretion, cover the therapy. However, any coverage provided 60044
pursuant to division (C)(11) of this section is subject to the 60045
terms, limitations, and conditions of the insured's policy or 60046
certificate with the insurer. 60047

(12) The insurer shall have written policies describing the 60048
external, independent review process. 60049

(D) If an insurer's initial denial of coverage for a therapy 60050
recommended or requested pursuant to division (A)(3) of this 60051
section is based upon an external, independent review of that 60052
therapy meeting the requirements of division (C) of this section, 60053
this section shall not be a basis for requiring a second external, 60054
independent review of the recommended or requested therapy. 60055

(E) At any time during the external, independent review 60056
process, the insurer may elect to cover the recommended or 60057
requested health care service and terminate the review. The 60058
insurer shall notify the insured and all other parties involved by 60059
mail or, with consent or approval of the insured, by electronic 60060
means. 60061

(F) The insurer shall annually file a certificate with the superintendent of insurance certifying its compliance with the requirements of this section.

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Sec. 3923.75. (A) As used in sections 3923.75 to 3923.79 of the Revised Code:

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(1) "Clinical peer" and "physician" have the same meanings as in section 1751.77 of the Revised Code.

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(2) "Authorized person" means a parent, guardian, or other person authorized to act on behalf of a plan member with respect to health care decisions.

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(B) Sections 3923.75 to 3923.79 of the Revised Code do not apply to any public employee benefit plan covering only accident, credit, dental, disability income, long-term care, hospital indemnity, medicare supplement, medicare, tricare, specified disease, or vision care; coverage issued as a supplement to liability insurance; insurance arising out of workers' compensation or similar law; automobile medical payment insurance; or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

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(C) The superintendent of insurance shall establish and maintain a system for receiving and reviewing requests for review from plan members who have been denied coverage of a health care service on the grounds that the service is not a service covered under the terms of the public employee benefit plan.

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On receipt of a written request from a plan member or authorized person, the superintendent shall consider whether the health care service is a service covered under the terms of the plan, except that the superintendent shall not conduct a review under this section unless the plan member has exhausted the plan's

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internal review process. The plan and the plan member or 60092
authorized person shall provide the superintendent with any 60093
information required by the superintendent that is in their 60094
possession and is germane to the review. 60095

Unless the superintendent is not able to do so because making 60096
the determination requires resolution of a medical issue, the 60097
superintendent shall determine whether the health care service at 60098
issue is a service covered under the terms of the plan. The 60099
superintendent shall notify the plan member, or authorized person, 60100
and the plan of its determination or that it is not able to make a 60101
determination because the determination requires the resolution of 60102
a medical issue. 60103

If the superintendent notifies the plan that making the 60104
determination requires the resolution of a medical issue, the plan 60105
shall ~~afford the plan member~~ initiate an ~~opportunity for~~ external 60106
review under section 3923.76 or 3923.77 of the Revised Code. If 60107
the superintendent notifies the plan that the health care service 60108
is not a covered service, the plan is not required to cover the 60109
service or afford the plan member an external review. 60110

Sec. 3923.76. (A) Except as provided in divisions (B) and (C) 60111
of this section, a public employee benefit plan shall afford a 60112
plan member an opportunity for an external review of a coverage 60113
denial when requested by the plan member or authorized person, if 60114
both of the following are the case: 60115

(1) The plan has denied, reduced, or terminated coverage for 60116
what would be a covered health care service except that the plan 60117
has determined that the health care service is not medically 60118
necessary. 60119

(2) Except in the case of expedited review, the proposed 60120
service, plus any ancillary services and follow-up care, will cost 60121
the plan member more than five hundred dollars if the proposed 60122

service is not covered by the plan. 60123

External review shall be conducted in accordance with this 60124
section, except that if a plan member with a terminal condition 60125
meets all of the criteria of division (A) of section 3923.77 of 60126
the Revised Code, an external review shall be conducted under that 60127
section. 60128

(B) A plan member need not be afforded a review under this 60129
section in any of the following circumstances: 60130

(1) The superintendent of insurance has determined under 60131
section 3923.75 of the Revised Code that the health care service 60132
is not a service covered under the terms of the plan. 60133

(2) The plan member has failed to exhaust the plan's internal 60134
review process. 60135

(3) The plan member has previously been afforded an external 60136
review for the same denial of coverage, and no new clinical 60137
information has been submitted to the plan. 60138

(C)(1) A plan may deny a request from a plan member for an 60139
external review of an adverse decision from the plan's internal 60140
appeal process if it is requested later than ~~sixty~~ one hundred 60141
eighty days after receipt by the plan member of notice from the 60142
~~superintendent of insurance under section 3923.75 of the Revised~~ 60143
~~Code that making the determination requires the resolution of a~~ 60144
~~medical issue~~ plan of the adverse decision. An external review may 60145
be requested by the plan member, an authorized person, the plan 60146
member's provider, or a health care facility rendering health care 60147
service to the plan member. The plan member may request a review 60148
without the approval of the provider or the health care facility 60149
rendering the health care service. The provider or health care 60150
facility may not request a review without the prior consent of the 60151
plan member. 60152

(2) An external review must be requested in writing, except 60153

that if the plan member has a condition that requires expedited review, the review may be requested orally or by electronic means. When an oral or electronic request for review is made, written confirmation of the request must be submitted to the plan not later than five days after the request is made.

Except in the case of an expedited review, a request for an external review must be accompanied by written certification from the plan member's provider or the health care facility rendering the health care service to the plan member that the proposed service, plus any ancillary services and follow-up care, will cost the plan member more than five hundred dollars if the proposed service is not covered by the plan.

(3) For an expedited review, the plan member's provider must certify that the plan member's condition could, in the absence of immediate medical attention, result in any of the following:

(a) Placing the health of the plan member or, with respect to a pregnant woman, the health of the plan member or the unborn child, in serious jeopardy;

(b) Serious impairment to bodily functions;

(c) Serious dysfunction of any bodily organ or part.

(D) The procedures used in conducting an external review shall include all of the following:

(1) The review shall be conducted by an independent review organization assigned by the superintendent of insurance under section 3901.80 of the Revised Code.

(2) Except as provided in divisions (D)(3) and (4) of this section, neither the clinical peer nor any health care facility with which the clinical peer is affiliated shall have any professional, familial, or financial affiliation with any of the following:

(a) The plan or any officer, director, or managerial employee of the plan;	60184 60185
(b) The plan member, the plan member's provider, or the practice group of the plan member's provider;	60186 60187
(c) The health care facility at which the health care service requested by the plan member would be provided+;	60188 60189
(d) The development or manufacture of the principal drug, device, procedure, or therapy proposed for the plan member.	60190 60191
(3) Division (D)(2) of this section does not prohibit a clinical peer from conducting a review under any of the following circumstances:	60192 60193 60194
(a) The clinical peer is affiliated with an academic medical center that provides health care services to members of the plan.	60195 60196
(b) The clinical peer has staff privileges at a health care facility that provides health care services to members of the plan.	60197 60198 60199
(c) The clinical peer has <u>a</u> contractual relationship with the plan but was not involved with the plan's coverage decision.	60200 60201
(4) Division (D)(2) of this section does not prohibit the plan from paying the independent review organization for the conduct of the review.	60202 60203 60204
(5) A plan member shall not be required to pay for any part of the cost of the review. The cost of the review shall be borne by the plan.	60205 60206 60207
(6)(a) The plan shall provide to the independent review organization conducting the review a copy of those records in its possession that are relevant to the plan member's medical condition and the review.	60208 60209 60210 60211
Records shall be used solely for the purpose of this division. At the request of the independent review organization,	60212 60213

the plan, plan member, provider, or health care facility rendering 60214
health care services to the plan member shall provide any 60215
additional information the independent review organization 60216
requests to complete the review. A request for additional 60217
information may be made in writing, orally, or by electronic 60218
means. The independent review organization shall submit the 60219
request to the plan member and the plan. If a request is submitted 60220
orally or by electronic means to a plan member or plan, not later 60221
than five days after the request is submitted, the independent 60222
review organization shall provide written confirmation of the 60223
request. If the review was initiated by a provider or health care 60224
facility, a copy of the request shall be submitted to the provider 60225
or health care facility. 60226

(b) An independent review organization is not required to 60227
make a decision if it has not received any requested information 60228
that it considers necessary to complete a review. An independent 60229
review organization that does not make a decision for this reason 60230
shall notify the plan member and the plan that a decision is not 60231
being made. The notice may be made in writing, orally, or by 60232
electronic means. An oral or electronic notice shall be confirmed 60233
in writing not later than five days after the oral or electronic 60234
notice is made. If the review was initiated by a provider or 60235
health care facility, a copy of the notice shall be submitted to 60236
the provider or health care facility. 60237

(7) The plan may elect to cover the service requested and 60238
terminate the review. The plan shall notify the plan member and 60239
all other parties involved with the decision by mail, or with the 60240
consent or approval of the plan member, by electronic means. 60241

(8) In making its decision, an independent review 60242
organization conducting the review shall take into account all of 60243
the following: 60244

(a) Information submitted by the plan, the plan member, the 60245

plan member's provider, and the health care facility rendering the health care service, including the following:

(i) The plan member's medical records;

(ii) The standards, criteria, and clinical rationale used by the plan to make its decision.

(b) Findings, studies, research, and other relevant documents of government agencies and nationally recognized organizations, including the national institutes of health or any board recognized by the national institutes of health, the national cancer institute, the national academy of sciences, the United States food and drug administration, the health care financing administration of the United States department of health and human services, and the agency for health care policy and research;

(c) Relevant findings in peer-reviewed medical or scientific literature, published opinions of nationally recognized medical experts, and clinical guidelines adopted by relevant national medical societies.

(9)(a) In the case of an expedited review, the independent review organization shall issue a written decision not later than seven days after the filing of the request for review. In all other cases, the independent review organization shall issue a written decision not later than thirty days after the filing of the request. The independent review organization shall send a copy of its decision to the plan and the plan member. If the plan member's provider or the health care facility rendering health care services to the plan member requested the review, the independent review organization shall also send a copy of its decision to the plan member's provider or the health care facility.

(b) The independent review organization's decision shall include a description of the plan member's condition and the

principal reasons for the decision and an explanation of the 60277
clinical rationale for the decision. 60278

(E) The independent review organization shall base its 60279
decision on the information submitted under division (D)(8) of 60280
this section. In making its decision, the independent review 60281
organization shall consider safety, efficacy, appropriateness, and 60282
cost-effectiveness. 60283

(F) The plan shall provide any coverage determined by the 60284
independent review organization's decision to be medically 60285
necessary, subject to the other terms, limitations, and conditions 60286
of the plan. 60287

Sec. 3923.77. (A) Each public employee benefit plan shall 60288
establish a reasonable external review process to examine the 60289
plan's coverage decisions for plan members who meet all of the 60290
following criteria: 60291

(1) The plan member has a terminal condition that, according 60292
to the current diagnosis of the plan member's physician, has a 60293
high probability of causing death within two years. 60294

(2) The plan member requests a review not later than ~~sixty~~ 60295
one hundred eighty days after receipt by the plan member of notice 60296
from the ~~superintendent of insurance under section 3923.75 of the~~ 60297
~~Revised Code that making a determination requires resolution of a~~ 60298
medical issue plan of the adverse decision. 60299

(3) The plan member's physician certifies that the plan 60300
member has the condition described in division (A)(1) of this 60301
section and any of the following situations are applicable: 60302

(a) Standard therapies have not been effective in improving 60303
the condition of the plan member. 60304

(b) Standard therapies are not medically appropriate for the 60305
plan member. 60306

(c) There is no standard therapy covered by the plan that is more beneficial than therapy described in division (A)(4) of this section. 60307
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(4) The plan member's physician has recommended a drug, device, procedure, or other therapy that the physician certifies, in writing, is likely to be more beneficial to the plan member, in the physician's opinion, than standard therapies, or the plan member has requested a therapy that has been found in a preponderance of peer-reviewed published studies to be associated with effective clinical outcomes for the same condition. 60310
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(5) The plan member has been denied coverage by the plan for a drug, device, procedure, or other therapy recommended or requested pursuant to division (A)(4) of this section, and has exhausted all internal appeals. 60317
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(6) The drug, device, procedure, or other therapy, for which coverage has been denied, would be a covered health care service except for the plan's determination that the drug, device, procedure, or other therapy is experimental or investigational. 60321
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(B) A review shall be requested in writing, except that if the plan member's physician determines that a therapy would be significantly less effective if not promptly initiated, the review may be requested orally or by electronic means. When an oral or electronic request for review is made, written confirmation of the request shall be submitted to the plan not later than five days after the oral or written request is submitted. For an expedited review, the plan member's provider must certify that the requested or recommended therapy would be significantly less effective if not promptly initiated. 60325
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(C) The external review process established by a plan shall meet all of the following criteria: 60335
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(1) Except as provided in division (E) of this section, the 60337

process shall afford all plan members who meet the criteria set 60338
forth in division (A) of this section the opportunity to have the 60339
plan's decision to deny coverage of the recommended or requested 60340
therapy reviewed under the process. Each eligible plan member 60341
shall be notified of that opportunity within thirty business days 60342
after the plan denies coverage. 60343

(2) The review shall be conducted by an independent review 60344
organization assigned by the superintendent of insurance under 60345
section 3901.80 of the Revised Code. The independent review 60346
organization shall select a panel to conduct the review, which 60347
panel shall be composed of at least three physicians or other 60348
providers who, through clinical experience in the past three 60349
years, are experts in the treatment of the plan member's medical 60350
condition and knowledgeable about the recommended or requested 60351
therapy. If the independent review organization retained by the 60352
plan is an academic medical center, the panel may include experts 60353
affiliated with or employed by the academic medical center. 60354

In either of the following circumstances, an exception may be 60355
made to the requirement that the review be conducted by an expert 60356
panel composed of a minimum of three physicians or other 60357
providers: 60358

(a) A review may be conducted by an expert panel composed of 60359
only two physicians or other providers if a plan member has 60360
consented in writing to a review by the smaller panel. 60361

(b) A review may be conducted by a single expert physician or 60362
other provider if only the expert physician or other provider is 60363
available for the review. 60364

(3) Neither the plan nor the plan member shall choose, or 60365
control the choice of, the physician or other provider experts. 60366

(4) The selected experts, any health care facility with which 60367
an expert is affiliated, and the independent review organization 60368

arranging for the experts' review shall not have any professional, 60369
familial, or financial affiliation with any of the following: 60370

(a) The plan or any officer, director, or managerial employee 60371
of the plan; 60372

(b) The plan member, the plan member's physician, or the 60373
practice group of the plan member's physician; 60374

(c) The health care facility at which the recommended or 60375
requested therapy would be provided; 60376

(d) The development or manufacture of the principal drug, 60377
device, procedure, or therapy involved in the recommended or 60378
requested therapy. However, experts affiliated with academic 60379
medical centers who provide health care services to members of the 60380
plan may serve as experts on the review panel. Further, experts 60381
with staff privileges at a health care facility that provides 60382
health care services to members of the plan, as well as experts 60383
who have a contractual relationship with the plan, but who were 60384
not involved with the plan's denial of coverage for the therapy 60385
under review, may serve as experts on the review panel. These 60386
nonaffiliation provisions do not preclude a plan from paying for 60387
the experts' review, as specified in division (C)(5) of this 60388
section. 60389

(5) Plan members shall not be required to pay for any part of 60390
the cost of the review. The cost of the review shall be borne by 60391
the plan. 60392

(6) The plan shall provide to the independent review 60393
organization arranging for the experts' review a copy of those 60394
records in the plan's possession that are relevant to the plan 60395
member's medical condition and the review. The records shall be 60396
disclosed solely to the expert reviewers and shall be used solely 60397
for the purpose of this section. At the request of the expert 60398
reviewers, the plan or the physician requesting the therapy shall 60399

provide any additional information that the expert reviewers 60400
request to complete the review. An expert reviewer is not required 60401
to render an opinion if the reviewer has not received any 60402
requested information that the reviewer considers necessary to 60403
complete the review. 60404

(7)(a) In the case of an expedited review, the independent 60405
review organization shall issue a written decision not later than 60406
seven days after the filing of the request for review. In all 60407
other cases, the independent review organization shall issue a 60408
written decision not later than thirty days after the filing of 60409
the request. The independent review organization shall send a copy 60410
of its decision to the plan and the plan member. If the plan 60411
member's provider or the health care facility rendering health 60412
care services to the plan member requested the review, the 60413
independent review organization shall also send a copy of its 60414
decision to the plan member's provider or the health care 60415
facility. 60416

(b) In conducting the review, the experts on the panel shall 60417
take into account all of the following: 60418

(i) Information submitted by the plan, the plan member, and 60419
the plan member's physician, including the plan member's medical 60420
records and the standards, criteria, and clinical rationale used 60421
by the plan to reach its coverage decision; 60422

(ii) Findings, studies, research, and other relevant 60423
documents of government agencies and nationally recognized 60424
organizations; 60425

(iii) Relevant findings in peer-reviewed medical or 60426
scientific literature and published opinions of nationally 60427
recognized medical experts; 60428

(iv) Clinical guidelines adopted by relevant national medical 60429
societies; 60430

(v) Safety, efficacy, appropriateness, and 60431
cost_effectiveness. 60432

(8) Each expert on the panel shall provide the independent 60433
review organization with a professional opinion as to whether 60434
there is sufficient evidence to demonstrate that the recommended 60435
or requested therapy is likely to be more beneficial to the plan 60436
member than standard therapies. 60437

(9) Each expert's opinion shall be presented in written form 60438
and shall include the following information: 60439

(a) A description of the plan member's condition; 60440

(b) A description of the indicators relevant to determining 60441
whether there is sufficient evidence to demonstrate that the 60442
recommended or requested therapy is more likely than not to be 60443
more beneficial to the plan member than standard therapies; 60444

(c) A description and analysis of any relevant findings 60445
published in peer-reviewed medical or scientific literature or the 60446
published opinions of medical experts or specialty societies; 60447

(d) A description of the plan member's suitability to receive 60448
the recommended or requested therapy according to a treatment 60449
protocol in a clinical trial, if applicable. 60450

(10) The independent review organization shall provide the 60451
plan with the opinions of the experts. The plan shall make the 60452
experts' opinions available to the plan member and the plan 60453
member's physician, upon request. 60454

(11) The opinion of the majority of the experts on the panel, 60455
rendered pursuant to division (C)(8) of this section, is binding 60456
on the plan with respect to that plan member. If the opinions of 60457
the experts on the panel are evenly divided as to whether the 60458
therapy should be covered, the plan's final decision shall be in 60459
favor of coverage. If less than a majority of the experts on the 60460

panel recommend coverage of the therapy, the plan may, in its discretion, cover the therapy. However, any coverage provided pursuant to division (C)(11) of this section is subject to the terms, limitations, and conditions of the plan.

(12) The plan shall have written policies describing the external review process.

(D) If a plan's initial denial of coverage for a therapy recommended or requested pursuant to division (A)(3) of this section is based upon an external review of that therapy meeting the requirements of division (C) of this section, this section shall not be a basis for requiring a second external review of the recommended or requested therapy.

(E) At any time during the external review process, the plan may elect to cover the recommended or requested health care service and terminate the review. The plan shall notify the plan member and all other parties involved by mail or, with consent or approval of the plan member, by electronic means.

(F) The plan shall annually file a certificate with the superintendent of insurance certifying its compliance with the requirements of this section.

Sec. 3923.90. (A) There is hereby created the health care coverage and quality council to advise the governor, general assembly, entities in the public and private sectors, and consumers on strategies to expand affordable health insurance coverage to more individuals and to improve the cost and quality of the state's health insurance system and health care system.

(B) The council shall consist of the following members:

(1) The superintendent of insurance or the superintendent's designee;

(2) The director of the executive medicaid management

<u>administration;</u>	60491
<u>(3) The director of medicaid;</u>	60492
<u>(4) The director of health;</u>	60493
<u>(5) The benefits administrator of the office of benefits</u>	60494
<u>administration within the department of administrative services;</u>	60495
<u>(6) Two members of the house of representatives, one member</u>	60496
<u>appointed by the speaker of the house of representatives and one</u>	60497
<u>member appointed by the minority leader of the house of</u>	60498
<u>representatives;</u>	60499
<u>(7) Two members of the senate, one member appointed by the</u>	60500
<u>president of the senate and one member appointed by the minority</u>	60501
<u>leader of the senate;</u>	60502
<u>(8) The following members appointed by the governor, with the</u>	60503
<u>advice and consent of the senate:</u>	60504
<u>(a) Two representatives of consumers of health care services;</u>	60505
<u>(b) Two representatives of employers that provide health care</u>	60506
<u>coverage to their employees;</u>	60507
<u>(c) Two representatives of medical facilities, at least one</u>	60508
<u>of whom is a representative of a research and academic medical</u>	60509
<u>center;</u>	60510
<u>(d) Two individuals authorized under Chapter 4731. of the</u>	60511
<u>Revised Code to practice medicine and surgery or osteopathic</u>	60512
<u>medicine and surgery;</u>	60513
<u>(e) Two individuals or representatives of individuals</u>	60514
<u>authorized to practice any of the following:</u>	60515
<u>(i) Dentistry under Chapter 4715. of the Revised Code;</u>	60516
<u>(ii) Optometry under Chapter 4725. of the Revised Code;</u>	60517
<u>(iii) Podiatry under Chapter 4731. of the Revised Code;</u>	60518

<u>(iv) Chiropractic under Chapter 4734. of the Revised Code.</u>	60519
<u>(f) Two representatives of companies authorized under Chapter 3923. of the Revised Code to do the business of sickness and accident insurance in this state or of health insuring corporations holding certificates of authority under Chapter 1751. of the Revised Code;</u>	60520 60521 60522 60523 60524
<u>(g) Two representatives of organized labor;</u>	60525
<u>(h) One representative of a nonprofit organization experienced in health care data collection and analysis;</u>	60526 60527
<u>(i) One individual with expertise in health information technology and exchange;</u>	60528 60529
<u>(j) One representative of a state retirement system;</u>	60530
<u>(k) One public health professional.</u>	60531
<u>(9) Other members appointed by the superintendent of insurance.</u>	60532 60533
<u>(C) Not later than thirty days after the effective date of this section, initial appointments shall be made to the council. The initial legislative members shall be appointed for terms ending three years from the date of appointment. The initial members appointed by the governor and the superintendent of insurance shall serve staggered terms of one, two, or three years, as selected by the governor or superintendent when making their respective appointments. Thereafter, terms of office for all appointed members shall be three years, with each term ending on the same day of the same month as the term it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed, except that a legislative member ceases to be a member of the council on ceasing to be a member of the general assembly. Members may be reappointed.</u>	60534 60535 60536 60537 60538 60539 60540 60541 60542 60543 60544 60545 60546 60547 60548

Vacancies shall be filled in the same manner as original 60549
appointments. Any member appointed to fill a vacancy occurring 60550
prior to the expiration of the term for which the member's 60551
predecessor was appointed shall hold office for the remainder of 60552
that term. A member shall continue in office subsequent to the 60553
expiration date of the member's term until the member's successor 60554
takes office or until a period of sixty days has elapsed, 60555
whichever occurs first. 60556

(D) The superintendent or the superintendent's designee shall 60557
serve as chairperson of the council. The council shall meet at the 60558
call of the chair. A majority of the members of the council 60559
constitutes a quorum. 60560

(E) Members shall serve without compensation, except to the 60561
extent that serving on the council is considered part of their 60562
regular employment duties. 60563

(F) The superintendent may provide staff and other 60564
administrative support for the council to carry out its duties. In 60565
making staffing decisions, the superintendent may consider any 60566
recommendations made by the council. 60567

(G) Sections 101.82 to 101.87 of the Revised Code do not 60568
apply to the health care coverage and quality council. 60569

Sec. 3923.91. (A) The health care coverage and quality 60570
council shall do all of the following: 60571

(1) Advise the governor and general assembly on strategies to 60572
improve health care programs and health insurance policies and 60573
benefit plans; 60574

(2) Monitor and evaluate implementation of strategies for 60575
improving access to health insurance coverage and improving the 60576
quality of the state's health care system, identify barriers to 60577
implementing those strategies, and identify methods for overcoming 60578

the barriers; 60579

(3) Catalog existing health care data reporting efforts and 60580
make recommendations to improve data reporting in a manner that 60581
increases transparency and consistency in the health care and 60582
insurance coverage systems; 60583

(4) Study health care financing alternatives that will 60584
increase access to health insurance coverage, promote disease 60585
prevention and injury prevention, contain costs, and improve 60586
quality; 60587

(5) Evaluate the systems that individuals use to obtain or 60588
otherwise become connected with health insurance and recommend 60589
improvements to those systems or the use of alternative systems; 60590

(6) Recommend minimum coverage standards for basic and 60591
standard health insurance plans offered by insurance carriers; 60592

(7) Recommend strategies, such as subsidies, to assist 60593
individuals in being able to afford health insurance coverage; 60594

(8) Recommend strategies to implement health information 60595
technology to support improved access and quality and reduced 60596
costs in the state's health care system; 60597

(9) Perform any other duties specified in rules adopted by 60598
the superintendent of insurance. 60599

(B) The council shall prepare and issue an annual report, 60600
which may include recommendations, on or before the thirty-first 60601
day of December of each year. The council may prepare and issue 60602
other reports and recommendations at other times that the council 60603
finds appropriate. 60604

(C) The superintendent may adopt rules as necessary for the 60605
council to carry out its duties. The rules shall be adopted under 60606
Chapter 119. of the Revised Code. In adopting the rules, the 60607
superintendent may consider any recommendations made by the 60608

council. 60609

Sec. 3924.06. (A) Compliance with the underwriting and rating 60610
requirements contained in sections 3924.01 to 3924.14 of the 60611
Revised Code shall be demonstrated through actuarial 60612
certification. Carriers offering health benefit plans to small 60613
employers shall file annually with the superintendent of insurance 60614
an actuarial certification stating that the underwriting and 60615
rating methods of the carrier do all of the following: 60616

(1) Comply with accepted actuarial practices; 60617

(2) Are uniformly applied to health benefit plans covering 60618
small employers; 60619

(3) Comply with the applicable provisions of sections 3924.01 60620
to 3924.14 of the Revised Code. 60621

(B) If a carrier has established a separate class of business 60622
for one or more small employer health care alliances in accordance 60623
with section 1731.09 of the Revised Code, this section shall apply 60624
in accordance with section 1731.09 of the Revised Code. 60625

(C) Carriers offering health benefit plans to small employers 60626
shall file premium rates with the superintendent in accordance 60627
with section 3923.02 of the Revised Code with respect to the 60628
carrier's sickness and accident insurance policies sold to small 60629
employers and in accordance with section 1751.12 of the Revised 60630
Code with respect to the carrier's health insuring corporation 60631
policies sold to small employers. 60632

Sec. 3929.43. (A) The Ohio fair plan underwriting association 60633
is hereby created consisting of all insurers authorized to write 60634
within this state, on a direct basis, basic property insurance or 60635
any component thereof in multi-peril policies, to assist 60636
applicants in urban areas to secure basic property insurance or 60637
homeowners insurance, and to formulate and administer a program 60638

for the equitable apportionment of basic property insurance or 60639
homeowners insurance which cannot be obtained in the normal 60640
market. Every such insurer shall be a member of the association 60641
and shall remain a member as a condition of its authority to write 60642
any of such insurance in this state. 60643

(B) The association, pursuant to sections 3929.41 to 3929.49 60644
of the Revised Code, and the plan of operation, with respect to 60645
basic property insurance or homeowners insurance, may assume and 60646
cede reinsurance on insurable risks written by its members. 60647

(C) The board of governors of the association shall submit to 60648
the superintendent of insurance, for ~~his~~ approval, a proposed plan 60649
of operation which shall provide for economical, fair, and 60650
nondiscriminatory administration of a program for the equitable 60651
apportionment among members of basic property insurance or 60652
homeowners insurance which may be afforded in urban areas to 60653
applicants whose property is insurable in accordance with 60654
reasonable underwriting standards, but who are unable to procure 60655
such insurance through normal channels. The association is under 60656
no obligation to issue basic property insurance or homeowners 60657
insurance to any person, unless that person and ~~his~~ that person's 60658
property would be insurable in the normal insurance market, and 60659
such property, except for its location, would constitute an 60660
insurable risk in accordance with reasonable underwriting 60661
standards. The plan of operation shall provide that the 60662
association, in determining whether the property is insurable, 60663
shall give no consideration to the condition of surrounding 60664
property or properties, where such condition is not within the 60665
control of the applicant. Rates for basic property insurance and 60666
homeowners insurance shall ~~not exceed those rates filed with~~ be 60667
subject to the approval of the superintendent ~~by the major rating~~ 60668
~~organization in this state, except that in the case of homeowners~~ 60669
~~insurance the association may file deviations to the rating plan~~ 60670

~~previously filed by such rating organization, and such deviations~~ 60671
~~shall be subject to the approval of the superintendent in the same~~ 60672
~~manner as other deviations under Chapter 3935. of the Revised~~ 60673
Code. The plan of operation may also provide for assessment of all 60674
members in amounts sufficient to operate the association, maximum 60675
limits of liability per location to be placed through the program, 60676
reasonable underwriting standards for determining insurability of 60677
a risk, and the commission to be paid to the licensed producer 60678
designated by the applicant. The superintendent shall adopt such 60679
plan and all amendments thereto pursuant to Chapter 119. of the 60680
Revised Code. 60681

If the superintendent disapproves the proposed plan of 60682
operation, the board of governors shall, within fifteen days, 60683
submit for approval an appropriately revised plan of operation and 60684
if the board of governors fails to do so, or if the revised plan 60685
submitted is unacceptable, the superintendent shall promulgate a 60686
plan of operation. 60687

If amendment of the plan of operation is requested by the 60688
superintendent or the board of governors, the board of governors 60689
shall submit to the superintendent, for ~~his~~ approval, such 60690
amendments. If such amendments are not approved by the 60691
superintendent, the board of governors shall, within fifteen days, 60692
submit for approval an appropriately revised amendment. If the 60693
board of governors fails to do so, or if the amendment is not 60694
approved by the superintendent, the superintendent shall 60695
promulgate such amendment as ~~he~~ the superintendent finds 60696
necessary. 60697

(D)(1) The plan of operation may provide for periodic advance 60698
assessments against member insurers in amounts considered 60699
necessary to cover any deficit or projected deficit arising out of 60700
the operation of the association. Any provision in the plan for 60701
implementation of such advance assessments shall be approved by 60702

the superintendent. Any such provision in the plan shall also 60703
provide for quarterly or other periodic installment payment of 60704
such assessments. 60705

(2) Such plan shall provide a method whereby member insurers 60706
may recoup assessments levied by the association. In order to 60707
recoup such assessments the plan may also provide for the 60708
calculation and use of rates or rating factors to be applied to 60709
direct premiums for basic property insurance and homeowners 60710
insurance located in this state. Such a provision is subject to 60711
the approval of the superintendent. Member insurers of the 60712
association implementing a change in rates pursuant to this 60713
section shall file such changes with the superintendent. Such 60714
changes shall not increase rates more than the amount authorized 60715
by the association and approved by the superintendent pursuant to 60716
the plan. The association may consult with member insurers or 60717
licensed rating bureaus in connection with the establishment and 60718
operation of any such provision. 60719

(E) Any insurer which is a member of the association shall 60720
participate in the writings, expenses, profits, and losses of the 60721
association in the proportion that its premiums written bear to 60722
the aggregate premiums written by all members of the association, 60723
except that this division shall not be construed to preclude the 60724
board of governors from taking action to adjust assessments in 60725
accordance with a program adopted pursuant to division (I) of this 60726
section. 60727

(F) Such plan shall require the issuance of a binder 60728
providing coverage for which the applicant tenders an amount equal 60729
to the annual premium as estimated by the association, ~~such or an~~ 60730
appropriate percentage of that annual premium as determined by the 60731
association. The binder taking shall take effect fifteen days 60732
following the date of the day after the association receives the 60733
application, provided that the application meets the underwriting 60734

standards of the association, for such term, and under such 60735
conditions as are determined by the superintendent ~~of insurance.~~ 60736
The superintendent may alter such time requirement on a specific 60737
risk under such conditions as ~~he~~ the superintendent finds 60738
appropriate. 60739

(G) The association shall be governed by a board of governors 60740
consisting of twelve members, four of whom shall be appointed by 60741
the governor with the advice and consent of the senate. One of 60742
such members shall be a licensed agent writing basic property 60743
insurance for more than one insurer. None of the other three such 60744
members shall be a director, officer, salaried employee, agent, or 60745
substantial shareholder of any insurance company and not more than 60746
two of these three members shall be members of the same political 60747
party. Terms of office of members appointed by the governor shall 60748
be for two years, commencing on the nineteenth day of September 60749
and ending on the eighteenth day of September. Each member shall 60750
hold office from the date of ~~his~~ appointment until the end of the 60751
term for which ~~he~~ the member was appointed. Any member appointed 60752
to fill a vacancy occurring prior to the expiration of the term 60753
for which ~~his~~ the member's predecessor was appointed shall hold 60754
office for the remainder of such term. Any appointed member shall 60755
continue in office subsequent to the expiration date of ~~his~~ the 60756
member's term until ~~his~~ the member's successor takes office, or 60757
until a period of sixty days has elapsed, whichever occurs first. 60758
The remaining eight members shall be representatives from member 60759
companies, at least five of whom shall be Ohio domiciled members, 60760
elected annually by accumulated voting by members of the 60761
association whose votes shall be weighed in accordance with each 60762
member's premiums written during the second preceding calendar 60763
year. Not more than one insurer in a group under the same 60764
management or ownership shall serve on the board of governors at 60765
the same time. The eight representatives of member companies shall 60766
be elected at a meeting of the members or their authorized 60767

representatives, which shall be held at a time and place 60768
designated by the superintendent. 60769

(H) The plan shall be administered under the supervision of 60770
the superintendent. 60771

(I) The board of governors shall adopt a written program for 60772
decreasing the overall utilization of the association as a source 60773
of insurance. The program shall set forth actions that the board 60774
shall take to decrease such utilization, including actions 60775
intended to reduce the number of policies issued, the number of 60776
persons whose properties are insured, and the total amount and 60777
kinds of insurance written by the association, provided this 60778
division does not authorize the board to take action intended to 60779
decrease utilization of the association as a source of insurance 60780
if such action would substantially conflict with the purposes set 60781
forth in divisions (A), (B), and (D) of section 3929.41 of the 60782
Revised Code or the plan of operation of the association. 60783

Sec. 3937.41. (A) As used in this section: 60784

(1) "Ambulance" has the same meaning as in section 4765.01 of 60785
the Revised Code and also includes private ambulance companies 60786
under contract to a municipal corporation, township, or county. 60787

(2) "Emergency vehicle" means any of the following: 60788

(a) Any vehicle, as defined in section 4511.01 of the Revised 60789
Code, that is an emergency vehicle of a municipal, township, or 60790
county department or public utility corporation and that is 60791
identified as such as required by law, the director of public 60792
safety, or local authorities; 60793

(b) Any motor vehicle, as defined in section 4511.01 of the 60794
Revised Code, when commandeered by a police officer; 60795

(c) Any vehicle, as defined in section 4511.01 of the Revised 60796
Code, that is an emergency vehicle of a qualified nonprofit 60797

corporation police department established pursuant to section 60798
1702.80 of the Revised Code and that is identified as an emergency 60799
vehicle; 60800

(d) Any vehicle, as defined in section 4511.01 of the Revised 60801
Code, that is an emergency vehicle of a proprietary police 60802
department or security department of a hospital operated by a 60803
public hospital agency or a nonprofit hospital agency that employs 60804
police officers under section 4973.17 of the Revised Code, and 60805
that is identified as an emergency vehicle. 60806

(3) "Firefighter" means any regular, paid, member of a 60807
lawfully constituted fire department of a municipal corporation or 60808
township. 60809

(4) "Law enforcement officer" means a any of the following: 60810

(a) A sheriff, deputy sheriff, constable, marshal, deputy 60811
marshal, municipal ~~or~~ police officer, police officer of a township 60812
or joint township police officer district, state highway patrol 60813
trooper, or member of a police force employed by a metropolitan 60814
housing authority under division (D) of section 3735.31 of the 60815
Revised Code; 60816

(b) A police officer employed by a qualified nonprofit police 60817
department pursuant to section 1702.80 of the Revised Code, or 60818
police officer employed by a proprietary police department or 60819
security department of a hospital operated by a public hospital 60820
agency or nonprofit hospital agency pursuant to section 4973.17 of 60821
the Revised Code; 60822

(c) An officer, agent, or employee of the state or any of its 60823
agencies, instrumentalities, or political subdivisions, upon whom, 60824
by statute, a duty to conserve the peace or to enforce all or 60825
certain laws is imposed and the authority to arrest violators is 60826
conferred, within the limits of that statutory duty and authority; 60827

(d) A veterans' home police officer appointed under section 60828

<u>5907.02 of the Revised Code;</u>	60829
<u>(e) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code.</u>	60830 60831 60832
(5) "Motor vehicle accident" means any accident involving a motor vehicle which results in bodily injury to any person, or damage to the property of any person.	60833 60834 60835
<u>(6) "Investigator" means an investigator of the bureau of criminal identification and investigation as defined in section 2903.11 of the Revised Code.</u>	60836 60837 60838
(B) No insurer shall consider the circumstance that an applicant or policyholder has been involved in a motor vehicle accident while in the pursuit of the applicant's or policyholder's official duties as a law enforcement officer, firefighter, <u>investigator</u> , or operator of an emergency vehicle or ambulance, while operating a vehicle engaged in mowing or snow and ice removal as a county, township, or department of transportation employee, or while operating a vehicle while engaged in the pursuit of the applicant's or policyholder's official duties as a member of the motor carrier enforcement unit of the state highway patrol under section 5503.34 of the Revised Code, as a basis for doing either of the following:	60839 60840 60841 60842 60843 60844 60845 60846 60847 60848 60849 60850
(1) Refusing to issue or deliver a policy of insurance upon a private automobile, or increasing the rate to be charged for such a policy;	60851 60852 60853
(2) Increasing the premium rate, canceling, or failing to renew an existing policy of insurance upon a private automobile.	60854 60855
(C) Any applicant or policyholder affected by an action of an insurer in violation of this section may appeal to the superintendent of insurance. After a hearing held upon not less than ten days' notice to the applicant or policyholder and to the	60856 60857 60858 60859

insurer and if the superintendent determines that the insurer has 60860
violated this section, the superintendent may direct the issuance 60861
of a policy, decrease the premium rate on a policy, or reinstate 60862
insurance coverage. 60863

(D) The employer of the law enforcement officer, firefighter, 60864
investigator, or operator of an emergency vehicle or ambulance, 60865
operator of a vehicle engaged in mowing or snow and ice removal, 60866
or operator of a vehicle who is a member of the motor carrier 60867
enforcement unit, except as otherwise provided in division (F) of 60868
this section, shall certify to the state highway patrol or law 60869
enforcement agency that investigates the accident whether the 60870
officer, firefighter, investigator, or operator of an emergency 60871
vehicle or ambulance, operator of a vehicle engaged in mowing or 60872
snow and ice removal, or operator of a vehicle who is a member of 60873
the motor carrier enforcement unit, was engaged in the performance 60874
of the person's official duties as such employee at the time of 60875
the accident. The employer shall designate an official authorized 60876
to make the certifications. The state highway patrol or law 60877
enforcement agency shall include the certification in any report 60878
of the accident forwarded to the department of public safety 60879
pursuant to sections 5502.11 and 5502.12 of the Revised Code and 60880
shall forward the certification to the department if received 60881
after the report of the accident has been forwarded to the 60882
department. The registrar of motor vehicles shall not include an 60883
accident in a certified abstract of information under division (A) 60884
of section 4509.05 of the Revised Code, if the person involved has 60885
been so certified as having been engaged in the performance of the 60886
person's official duties at the time of the accident. 60887

(E) Division (B) of this section does not apply to an insurer 60888
whose policy covers the motor vehicle at the time the motor 60889
vehicle is involved in an accident described in division (B) of 60890
this section. 60891

(F) Division (B) of this section does not apply if an applicant or policyholder, on the basis of the applicant's or policyholder's involvement in an accident described in that division, is convicted of or pleads guilty or no contest to a violation of section 4511.19 of the Revised Code or a municipal OVI ordinance as defined in section 4511.181 of the Revised Code.

Sec. 3953.231. (A)(1) Each title insurance agent or title insurance company shall establish and maintain an interest-bearing trust account for the deposit of all non-directed escrow funds that meet the requirements of sections 1349.20 to 1349.22 of the Revised Code and are received by the agent to effect an escrow transaction.

(2) The account shall be established and maintained in any federally insured bank, savings and loan association, credit union, or savings bank that is authorized to transact business in this state.

(3) The account shall be in the name of the title insurance agent or company, and shall be identified as an "interest on trust account" or "IOTA." The name of the account may contain additional identifying information to distinguish it from other accounts.

(4) The title insurance agent or company establishing the account shall submit, in writing, to the superintendent of insurance the name, account number, and location of the bank, savings and loan association, credit union, or savings bank in which the trust account is maintained.

(B) Each title insurance agent or company shall deposit all non-directed escrow funds that are nominal in amount or are to be held for a short period of time into the account established under division (A) of this section no later than the next business day after receipt.

(C) Each account established under division (A) of this section shall comply with all of the following:

(1) All funds in the account shall be subject to withdrawal or transfer upon request and without delay, or as soon as permitted by law;

(2) The rate of interest payable on the account shall not be less than the rate paid by the bank, savings and loan, credit union, or savings bank to its regular depositors. The rate may be higher if there is no impairment of the right to the immediate withdrawal or transfer of the principal;

(3) All interest earned on the account, net of service charges and other related charges, shall be transmitted to the treasurer of state for deposit in the legal aid fund established under section 120.52 of the Revised Code. No part of the interest earned shall be paid to the title insurance agent or company.

(D) The title insurance agent or company establishing an account under division (A) of this section shall direct the bank, savings and loan association, credit union, or savings bank to do both of the following:

(1) Remit interest or dividends on the average monthly balance in the account, or as otherwise computed in accordance with the standard accounting practice of the bank, savings and loan association, credit union, or savings bank, less reasonable service charges and other related charges, to the treasurer of state at least quarterly for deposit in the legal aid fund established under section 120.52 of the Revised Code;

(2) At the time of each remittance, transmit to the treasurer of state, and if requested, to the Ohio legal assistance foundation, and the title insurance agent or company, a statement showing the name of the title insurance agent or company for whom the remittance is sent, the rate of interest applied, the

accounting period, the net amount remitted to the treasurer of 60953
state for each account, the total remitted, the average account 60954
balance for each month of the period for which the report is made, 60955
and the amount deducted for service charges and other related 60956
charges. 60957

(E) The statements and reports submitted by the bank, savings 60958
and loan association, credit union, or savings bank under this 60959
section, are not public records subject to section 149.43 of the 60960
Revised Code and shall be used only to administer the legal aid 60961
fund. 60962

(F) No funds belonging to a title insurance agent or company 60963
shall be deposited into an account established under division (A) 60964
of this section except funds necessary to pay service charges and 60965
other related charges of the bank, savings and loan association, 60966
credit union, or savings bank that are in excess of earnings on 60967
the account. 60968

(G) No liability arising out of any negligent act or omission 60969
of any title insurance agent or company with respect to any 60970
account established under division (A) of this section shall be 60971
imputed to the bank, savings and loan association, credit union, 60972
or savings bank. 60973

(H) No liability or responsibility arising out of any 60974
negligent act or omission of any title insurance agent with 60975
respect to any account established under division (A) of this 60976
section shall be imputed to a title insurance company. 60977

(I) The superintendent may adopt, in accordance with Chapter 60978
119. of the Revised Code, rules that pertain to the use of 60979
accounts established under division (A) of this section and to the 60980
enforcement of this section. 60981

(J) As used in this section, "escrow transaction" means a 60982
transaction in which a person, for the purpose of effecting and 60983

closing the sale, purchase, exchange, transfer, encumbrance, or 60984
lease of an interest in commercial or residential real property 60985
located in this state to another person, provides a written 60986
instrument or document, money, negotiable instrument, check, 60987
evidence of title to real property, or anything of value to an 60988
escrow or closing agent to be held by the agent until a specified 60989
event occurs or until the performance of a prescribed condition, 60990
at which time the agent shall deliver it to a specific person in 60991
compliance with applicable instructions by filing that written 60992
instrument or document with the appropriate public entity or by 60993
direct tender to the appropriate person. 60994

Sec. 4104.07. (A) An application for examination as an 60995
inspector of boilers and pressure vessels shall be in writing, 60996
accompanied by a fee of one hundred fifty dollars, upon a blank to 60997
be furnished by the superintendent of industrial compliance. Any 60998
moneys collected under this section shall be paid into the state 60999
treasury to the credit of the industrial compliance operating fund 61000
created in section 121.084 of the Revised Code. 61001

(B) The superintendent shall determine if an applicant meets 61002
all the requirements for examination in accordance with rules 61003
adopted by the board of building standards under section 4104.02 61004
of the Revised Code. An application shall be rejected which 61005
contains any willful falsification, or untruthful statements. 61006

(C) An applicant shall be examined by the superintendent, by 61007
a written examination, prescribed by the board, dealing with the 61008
construction, installation, operation, maintenance, and repair of 61009
boilers and pressure vessels and their appurtenances, and the 61010
applicant shall be accepted or rejected on the merits of the 61011
applicant's application and examination. 61012

(D) Upon a favorable report by the superintendent of the 61013
result of an examination, the superintendent shall immediately 61014

issue to the successful applicant a certificate of competency to 61015
that effect. 61016

Sec. 4104.101. (A) No person shall install or make major 61017
repairs or modifications to any boiler without first registering 61018
to do so with the division of industrial compliance. 61019

(B) No person shall make any installation or major repair or 61020
modification of any boiler without first obtaining a permit to do 61021
so from the division. The permit application form shall provide 61022
the name and address of the owner, location of the boiler, and 61023
type of repair or modification that will be made. The application 61024
permit fee shall be ~~fifty~~ one hundred dollars. 61025

(C) The superintendent of industrial compliance shall require 61026
annual registration of all contractors who install, make major 61027
repairs to, or modify any boiler. The board of building standards 61028
shall establish a reasonable fee to cover the cost of processing 61029
registrations. 61030

Sec. 4104.18. (A) The owner or user of a boiler required 61031
under section 4104.12 of the Revised Code to be inspected upon 61032
installation, and the owner or user of a boiler for which a 61033
certificate of inspection has been issued which is replaced with 61034
an appropriate certificate of operation, shall pay to the 61035
superintendent of industrial compliance a fee in the amount of 61036
~~forty-five~~ fifty dollars for boilers subject to annual inspections 61037
under section 4104.11 of the Revised Code, ~~ninety~~ one hundred 61038
dollars for boilers subject to biennial inspection under section 61039
4104.13 of the Revised Code, one hundred ~~thirty-five~~ fifty dollars 61040
for boilers subject to triennial inspection under section 4104.11 61041
of the Revised Code, or two hundred ~~twenty-five~~ fifty dollars for 61042
boilers subject to quinquennial inspection under section 4104.13 61043
of the Revised Code. 61044

~~A renewal fee in the amount of forty five dollars shall be
paid to the treasurer of state before the renewal of any
certificate of operation.~~

(B) The fee for complete inspection during construction by a
general inspector on boilers and pressure vessels manufactured
within the state shall be thirty-five dollars per hour. Boiler and
pressure vessel manufacturers other than those located in the
state may secure inspection by a general inspector on work during
construction, upon application to the superintendent, and upon
payment of a fee of thirty-five dollars per hour, plus the
necessary traveling and hotel expenses incurred by the inspector.

(C) The application fee for applicants for steam engineer,
high pressure boiler operator, or low pressure boiler operator
licenses is ~~fifty~~ seventy-five dollars. The fee for each original
or renewal steam engineer, high pressure boiler operator, or low
pressure boiler operator license is ~~thirty-five~~ fifty dollars.

(D) The director of commerce, subject to the approval of the
controlling board, may establish fees in excess of the fees
provided in divisions (A), (B), and (C) of this section. Any
moneys collected under this section shall be paid into the state
treasury to the credit of the industrial compliance operating fund
created in section 121.084 of the Revised Code.

(E) Any person who fails to pay an invoiced renewal fee or an
invoiced inspection fee required for any inspection conducted by
the division of industrial compliance pursuant to this chapter
within forty-five days of the invoice date shall pay a late
payment fee equal to twenty-five per cent of the invoiced fee.

(F) In addition to the fees assessed in divisions (A) and (B)
of this section, the board of building standards shall assess the
owner or user a fee of three dollars and twenty-five cents for
each certificate of operation or renewal thereof issued under

division (A) of this section and for each inspection conducted 61076
under division (B) of this section. The board shall adopt rules, 61077
in accordance with Chapter 119. of the Revised Code, specifying 61078
the manner by which the superintendent shall collect and remit to 61079
the board the fees assessed under this division and requiring that 61080
remittance of the fees be made at least quarterly. 61081

Sec. 4105.17. (A) The fee for each inspection, or attempted 61082
inspection that, due to no fault of a general inspector or the 61083
division of industrial compliance, is not successfully completed, 61084
by a general inspector before the operation of a permanent new 61085
elevator prior to the issuance of a certificate of operation, 61086
before operation of an elevator being put back into service after 61087
a repair or after an adjudication under section 4105.11 of the 61088
Revised Code, or as a result of the operation of section 4105.08 61089
of the Revised Code and is an elevator required to be inspected 61090
under this chapter is one hundred twenty dollars plus ten dollars 61091
for each floor where the elevator stops. The superintendent of 61092
industrial compliance may assess an additional fee of one hundred 61093
~~twenty five~~ twenty dollars plus ~~five ten~~ dollars for each floor 61094
where an elevator stops for the reinspection of an elevator when a 61095
previous attempt to inspect that elevator has been unsuccessful 61096
through no fault of a general inspector or the division of 61097
industrial compliance. 61098

(B) The fee for each inspection, or attempted inspection, 61099
that due to no fault of the general inspector or the division of 61100
industrial compliance, is not successfully completed by a general 61101
inspector before operation of a permanent new escalator or moving 61102
walk prior to the issuance of a certificate of operation, before 61103
operation of an escalator or moving walk being put back in service 61104
after a repair, or as a result of the operation of section 4105.08 61105
of the Revised Code is three hundred dollars. The superintendent 61106
of the division of industrial compliance may assess an additional 61107

fee of one hundred fifty dollars for the reinspection of an 61108
escalator or moving walk when a previous attempt to inspect that 61109
escalator or moving walk has been unsuccessful through no fault of 61110
the general inspector or the division of industrial compliance. 61111

(C) The fee for issuing or renewing a certificate of 61112
operation under section 4105.15 of the Revised Code for an 61113
elevator that is inspected every six months in accordance with 61114
division (A) of section 4105.10 of the Revised Code is two hundred 61115
twenty dollars plus ~~ten~~ twelve dollars for each floor where the 61116
elevator stops, except where the elevator has been inspected by a 61117
special inspector in accordance with section 4105.07 of the 61118
Revised Code. 61119

(D) The fee for issuing or renewing a certificate of 61120
operation under section 4105.05 of the Revised Code for an 61121
elevator that is inspected every twelve months in accordance with 61122
division (A) of section 4105.10 of the Revised Code is fifty-five 61123
dollars plus ten dollars for each floor where the elevator stops, 61124
except where the elevator has been inspected by a special 61125
inspector in accordance with section 4105.07 of the Revised Code. 61126

(E) The fee for issuing or renewing a certificate of 61127
operation under section 4105.15 of the Revised Code for an 61128
escalator or moving walk is three hundred dollars, except where 61129
the escalator or moving walk has been inspected by a special 61130
inspector in accordance section 4105.07 of the Revised Code. 61131

(F) All other fees to be charged for any examination given or 61132
other service performed by the division of industrial compliance 61133
pursuant to this chapter shall be prescribed by the director of 61134
commerce. The fees shall be reasonably related to the costs of 61135
such examination or other service. 61136

(G) The director of commerce, subject to the approval of the 61137
controlling board, may establish fees in excess of the fees 61138

provided in divisions (A), (B), (C), (D), and (E) of this section. 61139
Any moneys collected under this section shall be paid into the 61140
state treasury to the credit of the industrial compliance 61141
operating fund created in section 121.084 of the Revised Code. 61142

(H) Any person who fails to pay an inspection fee required 61143
for any inspection conducted by the division pursuant to this 61144
chapter within forty-five days after the inspection is conducted 61145
shall pay a late payment fee equal to twenty-five per cent of the 61146
inspection fee. 61147

(I) In addition to the fees assessed in divisions (A), (B), 61148
(C), (D), and (E) of this section, the board of building standards 61149
shall assess a fee of three dollars and twenty-five cents for each 61150
certificate of operation or renewal thereof issued under divisions 61151
(A), (B), (C), (D), or (E) of this section and for each permit 61152
issued under section 4105.16 of the Revised Code. The board shall 61153
adopt rules, in accordance with Chapter 119. of the Revised Code, 61154
specifying the manner by which the superintendent of industrial 61155
compliance shall collect and remit to the board the fees assessed 61156
under this division and requiring that remittance of the fees be 61157
made at least quarterly. 61158

(J) For purposes of this section: 61159

(1) "Escalator" means a power driven, inclined, continuous 61160
stairway used for raising or lowering passengers. 61161

(2) "Moving walk" means a passenger carrying device on which 61162
passengers stand or walk, with a passenger carrying surface that 61163
is uninterrupted and remains parallel to its direction of motion. 61164

Sec. 4115.04. (A)(1) Every public authority authorized to 61165
contract for or construct with its own forces a public 61166
improvement, before advertising for bids or undertaking such 61167
construction with its own forces, shall have the director of 61168

commerce determine the prevailing rates of wages of mechanics and 61169
laborers in accordance with section 4115.05 of the Revised Code 61170
for the class of work called for by the public improvement, in the 61171
locality where the work is to be performed. Except as provided in 61172
division (A)(2) of this section, that schedule of wages shall be 61173
attached to and made part of the specifications for the work, and 61174
shall be printed on the bidding blanks where the work is done by 61175
contract. A copy of the bidding blank shall be filed with the 61176
director before the contract is awarded. A minimum rate of wages 61177
for common laborers, on work coming under the jurisdiction of the 61178
department of transportation, shall be fixed in each county of the 61179
state by the department of transportation, in accordance with 61180
section 4115.05 of the Revised Code. 61181

~~(2) In the case of contracts that are administered by the~~ 61182
~~department of natural resources, the director of natural resources~~ 61183
~~or the director's designee shall~~ A public authority may include 61184
language in the contracts requiring wage rate determinations and 61185
updates to be obtained directly from the department of commerce 61186
through electronic or other means as appropriate. Contracts that 61187
include this requirement are exempt from the requirements 61188
established in division (A)(1) of this section that involve 61189
attaching the schedule of wages to the specifications for the 61190
work, making the schedule part of those specifications, and 61191
printing the schedule on the bidding blanks where the work is done 61192
by contract. 61193

(B) Sections 4115.03 to 4115.16 of the Revised Code do not 61194
apply to: 61195

(1) Public improvements in any case where the federal 61196
government or any of its agencies furnishes by loan or grant all 61197
or any part of the funds used in constructing such improvements, 61198
provided that the federal government or any of its agencies 61199
prescribes predetermined minimum wages to be paid to mechanics and 61200

laborers employed in the construction of such improvements; 61201

(2) A participant in a work activity, developmental activity, 61202
or an alternative work activity under sections 5107.40 to 5107.69 61203
of the Revised Code when a public authority directly uses the 61204
labor of the participant to construct a public improvement if the 61205
participant is not engaged in paid employment or subsidized 61206
employment pursuant to the activity; 61207

(3) Public improvements undertaken by, or under contract for, 61208
the board of education of any school district or the governing 61209
board of any educational service center; 61210

(4) Public improvements undertaken by, or under contract for, 61211
a county hospital operated pursuant to Chapter 339. of the Revised 61212
Code or a municipal hospital operated pursuant to Chapter 749. of 61213
the Revised Code if none of the funds used in constructing the 61214
improvements are the proceeds of bonds or other obligations that 61215
are secured by the full faith and credit of the state, a county, a 61216
township, or a municipal corporation and none of the funds used in 61217
constructing the improvements, including funds used to repay any 61218
amounts borrowed to construct the improvements, are funds that 61219
have been appropriated for that purpose by the state, a board of 61220
county commissioners, a township, or a municipal corporation from 61221
funds generated by the levy of a tax, provided that a county 61222
hospital or municipal hospital may elect to apply sections 4115.03 61223
to 4115.16 of the Revised Code to a public improvement undertaken 61224
by, or under contract for, the hospital; 61225

(5) Any project described in divisions (D)(1)(a) to (D)(1)(e) 61226
of section 176.05 of the Revised Code. 61227

Sec. 4117.01. As used in this chapter: 61228

(A) "Person," in addition to those included in division (C) 61229
of section 1.59 of the Revised Code, includes employee 61230

organizations, public employees, and public employers. 61231

(B) "Public employer" means the state or any political 61232
subdivision of the state located entirely within the state, 61233
including, without limitation, any municipal corporation with a 61234
population of at least five thousand according to the most recent 61235
federal decennial census; county; township with a population of at 61236
least five thousand in the unincorporated area of the township 61237
according to the most recent federal decennial census; school 61238
district; governing authority of a community school established 61239
under Chapter 3314. of the Revised Code; state institution of 61240
higher learning; public or special district; state agency, 61241
authority, commission, or board; or other branch of public 61242
employment. 61243

(C) "Public employee" means any person holding a position by 61244
appointment or employment in the service of a public employer, 61245
including any person working pursuant to a contract between a 61246
public employer and a private employer and over whom the national 61247
labor relations board has declined jurisdiction on the basis that 61248
the involved employees are employees of a public employer, except: 61249

(1) Persons holding elective office; 61250

(2) Employees of the general assembly and employees of any 61251
other legislative body of the public employer whose principal 61252
duties are directly related to the legislative functions of the 61253
body; 61254

(3) Employees on the staff of the governor or the chief 61255
executive of the public employer whose principal duties are 61256
directly related to the performance of the executive functions of 61257
the governor or the chief executive; 61258

(4) Persons who are members of the Ohio organized militia, 61259
while training or performing duty under section 5919.29 or 5923.12 61260
of the Revised Code; 61261

(5) Employees of the state employment relations board,	61262
<u>including those employees of the state employment relations board</u>	61263
<u>utilized by the state personnel board of review in the exercise of</u>	61264
<u>the powers and the performance of the duties and functions of the</u>	61265
<u>state personnel board of review;</u>	61266
(6) Confidential employees;	61267
(7) Management level employees;	61268
(8) Employees and officers of the courts, assistants to the	61269
attorney general, assistant prosecuting attorneys, and employees	61270
of the clerks of courts who perform a judicial function;	61271
(9) Employees of a public official who act in a fiduciary	61272
capacity, appointed pursuant to section 124.11 of the Revised	61273
Code;	61274
(10) Supervisors;	61275
(11) Students whose primary purpose is educational training,	61276
including graduate assistants or associates, residents, interns,	61277
or other students working as part-time public employees less than	61278
fifty per cent of the normal year in the employee's bargaining	61279
unit;	61280
(12) Employees of county boards of election;	61281
(13) Seasonal and casual employees as determined by the state	61282
employment relations board;	61283
(14) Part-time faculty members of an institution of higher	61284
education;	61285
(15) Employees of the state personnel board of review;	61286
(16) Participants in a work activity, developmental activity,	61287
or alternative work activity under sections 5107.40 to 5107.69 of	61288
the Revised Code who perform a service for a public employer that	61289
the public employer needs but is not performed by an employee of	61290
the public employer if the participant is not engaged in paid	61291

employment or subsidized employment pursuant to the activity;	61292
(17) (16) Employees included in the career professional	61293
service of the department of transportation under section 5501.20	61294
of the Revised Code;	61295
(18) (17) Employees of community-based correctional facilities	61296
and district community-based correctional facilities created under	61297
sections 2301.51 to 2301.58 of the Revised Code who are not	61298
subject to a collective bargaining agreement on June 1, 2005;	61299
<u>(18) Members and employees of the capitol square review and</u>	61300
<u>advisory board.</u>	61301
(D) "Employee organization" means any labor or bona fide	61302
organization in which public employees participate and that exists	61303
for the purpose, in whole or in part, of dealing with public	61304
employers concerning grievances, labor disputes, wages, hours,	61305
terms, and other conditions of employment.	61306
(E) "Exclusive representative" means the employee	61307
organization certified or recognized as an exclusive	61308
representative under section 4117.05 of the Revised Code.	61309
(F) "Supervisor" means any individual who has authority, in	61310
the interest of the public employer, to hire, transfer, suspend,	61311
lay off, recall, promote, discharge, assign, reward, or discipline	61312
other public employees; to responsibly direct them; to adjust	61313
their grievances; or to effectively recommend such action, if the	61314
exercise of that authority is not of a merely routine or clerical	61315
nature, but requires the use of independent judgment, provided	61316
that:	61317
(1) Employees of school districts who are department	61318
chairpersons or consulting teachers shall not be deemed	61319
supervisors;	61320
(2) With respect to members of a police or fire department,	61321

no person shall be deemed a supervisor except the chief of the 61322
department or those individuals who, in the absence of the chief, 61323
are authorized to exercise the authority and perform the duties of 61324
the chief of the department. Where prior to June 1, 1982, a public 61325
employer pursuant to a judicial decision, rendered in litigation 61326
to which the public employer was a party, has declined to engage 61327
in collective bargaining with members of a police or fire 61328
department on the basis that those members are supervisors, those 61329
members of a police or fire department do not have the rights 61330
specified in this chapter for the purposes of future collective 61331
bargaining. The state employment relations board shall decide all 61332
disputes concerning the application of division (F)(2) of this 61333
section. 61334

(3) With respect to faculty members of a state institution of 61335
higher education, heads of departments or divisions are 61336
supervisors; however, no other faculty member or group of faculty 61337
members is a supervisor solely because the faculty member or group 61338
of faculty members participate in decisions with respect to 61339
courses, curriculum, personnel, or other matters of academic 61340
policy; 61341

(4) No teacher as defined in section 3319.09 of the Revised 61342
Code shall be designated as a supervisor or a management level 61343
employee unless the teacher is employed under a contract governed 61344
by section 3319.01, 3319.011, or 3319.02 of the Revised Code and 61345
is assigned to a position for which a license deemed to be for 61346
administrators under state board rules is required pursuant to 61347
section 3319.22 of the Revised Code. 61348

(G) "To bargain collectively" means to perform the mutual 61349
obligation of the public employer, by its representatives, and the 61350
representatives of its employees to negotiate in good faith at 61351
reasonable times and places with respect to wages, hours, terms, 61352
and other conditions of employment and the continuation, 61353

modification, or deletion of an existing provision of a collective bargaining agreement, with the intention of reaching an agreement, or to resolve questions arising under the agreement. "To bargain collectively" includes executing a written contract incorporating the terms of any agreement reached. The obligation to bargain collectively does not mean that either party is compelled to agree to a proposal nor does it require the making of a concession.

(H) "Strike" means continuous concerted action in failing to report to duty; willful absence from one's position; or stoppage of work in whole from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment. "Strike" does not include a stoppage of work by employees in good faith because of dangerous or unhealthful working conditions at the place of employment that are abnormal to the place of employment.

(I) "Unauthorized strike" includes, but is not limited to, concerted action during the term or extended term of a collective bargaining agreement or during the pendency of the settlement procedures set forth in section 4117.14 of the Revised Code in failing to report to duty; willful absence from one's position; stoppage of work; slowdown, or abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment. "Unauthorized strike" includes any such action, absence, stoppage, slowdown, or abstinence when done partially or intermittently, whether during or after the expiration of the term or extended term of a collective bargaining agreement or during or after the pendency of the settlement procedures set forth in section 4117.14 of the Revised Code.

(J) "Professional employee" means any employee engaged in

work that is predominantly intellectual, involving the consistent 61386
exercise of discretion and judgment in its performance and 61387
requiring knowledge of an advanced type in a field of science or 61388
learning customarily acquired by a prolonged course in an 61389
institution of higher learning or a hospital, as distinguished 61390
from a general academic education or from an apprenticeship; or an 61391
employee who has completed the courses of specialized intellectual 61392
instruction and is performing related work under the supervision 61393
of a professional person to become qualified as a professional 61394
employee. 61395

(K) "Confidential employee" means any employee who works in 61396
the personnel offices of a public employer and deals with 61397
information to be used by the public employer in collective 61398
bargaining; or any employee who works in a close continuing 61399
relationship with public officers or representatives directly 61400
participating in collective bargaining on behalf of the employer. 61401

(L) "Management level employee" means an individual who 61402
formulates policy on behalf of the public employer, who 61403
responsibly directs the implementation of policy, or who may 61404
reasonably be required on behalf of the public employer to assist 61405
in the preparation for the conduct of collective negotiations, 61406
administer collectively negotiated agreements, or have a major 61407
role in personnel administration. Assistant superintendents, 61408
principals, and assistant principals whose employment is governed 61409
by section 3319.02 of the Revised Code are management level 61410
employees. With respect to members of a faculty of a state 61411
institution of higher education, no person is a management level 61412
employee because of the person's involvement in the formulation or 61413
implementation of academic or institution policy. 61414

(M) "Wages" means hourly rates of pay, salaries, or other 61415
forms of compensation for services rendered. 61416

(N) "Member of a police department" means a person who is in 61417

the employ of a police department of a municipal corporation as a 61418
full-time regular police officer as the result of an appointment 61419
from a duly established civil service eligibility list or under 61420
section 737.15 or 737.16 of the Revised Code, a full-time deputy 61421
sheriff appointed under section 311.04 of the Revised Code, a 61422
township constable appointed under section 509.01 of the Revised 61423
Code, or a member of a township police district police department 61424
appointed under section 505.49 of the Revised Code. 61425

(O) "Members of the state highway patrol" means highway 61426
patrol troopers and radio operators appointed under section 61427
5503.01 of the Revised Code. 61428

(P) "Member of a fire department" means a person who is in 61429
the employ of a fire department of a municipal corporation or a 61430
township as a fire cadet, full-time regular firefighter, or 61431
promoted rank as the result of an appointment from a duly 61432
established civil service eligibility list or under section 61433
505.38, 709.012, or 737.22 of the Revised Code. 61434

(Q) "Day" means calendar day. 61435

Sec. 4117.02. (A) There is hereby created the state 61436
employment relations board, consisting of three members to be 61437
appointed by the governor with the advice and consent of the 61438
senate. Members shall be knowledgeable about labor relations or 61439
personnel practices. No more than two of the three members shall 61440
belong to the same political party. A member of the state 61441
employment relations board during the member's period of service 61442
shall hold no other public office or public or private employment 61443
and shall allow no other responsibilities to interfere or conflict 61444
with the member's duties as a full-time state employment relations 61445
board member. Of the initial appointments made to the state 61446
employment relations board, one shall be for a term ending October 61447
6, 1984, one shall be for a term ending October 6, 1985, and one 61448

shall be for a term ending October 6, 1986. Thereafter, terms of 61449
office shall be for six years, each term ending on the same day of 61450
the same month of the year as did the term that it succeeds. Each 61451
member shall hold office from the date of the member's appointment 61452
until the end of the term for which the member is appointed. Any 61453
member appointed to fill a vacancy occurring prior to the 61454
expiration of the term for which the member's predecessor was 61455
appointed shall hold office for the remainder of the term. Any 61456
member shall continue in office subsequent to the expiration of 61457
the member's term until the member's successor takes office or 61458
until a period of sixty days has elapsed, whichever occurs first. 61459
The governor may remove any member of the state employment 61460
relations board, upon notice and public hearing, for neglect of 61461
duty or malfeasance in office, but for no other cause. 61462

(B)(1) The governor shall designate one member of the state 61463
employment relations board to serve as chairperson of the state 61464
employment relations board. The chairperson is the head of the 61465
state employment relations board and its chief executive officer. 61466

(2) The chairperson shall exercise all administrative powers 61467
and duties conferred upon the state employment relations board 61468
under this chapter and shall do all of the following: 61469

(a) ~~Except as provided in division (F)(2) of this section,~~ 61470
~~employ~~ Employ, promote, supervise, and remove all employees of the 61471
state employment relations board, and establish, change, or 61472
abolish positions and assign or reassign the duties of those 61473
employees as the chairperson determines necessary to achieve the 61474
most efficient performance of the ~~board's~~ duties of the state 61475
employment relations board under this chapter; 61476

(b) Determine the utilization by the state personnel board of 61477
review of employees of the state employment relations board as 61478
necessary for the state personnel board of review to exercise the 61479
powers and perform the duties of the state personnel board of 61480

review. 61481

(c) Maintain the office of the state employment relations 61482
board in Columbus and manage the office's daily operations, 61483
including securing offices, facilities, equipment, and supplies 61484
necessary to house the state employment relations board, employees 61485
of the state employment relations board, the state personnel board 61486
of review, and files and records under the ~~board's~~ control of the 61487
state employment relations board and under the control of the 61488
state personnel board of review; 61489

~~(e)~~(d) Prepare and submit to the office of budget and 61490
management a budget for each biennium according to section 107.03 61491
of the Revised Code, and include in the budget the costs of the 61492
state employment relations board and its staff and the ~~board's~~ 61493
costs of the state employment relations board in discharging any 61494
duty imposed by law upon the state employment relations board, the 61495
chairperson, or any of the ~~board's~~ employees or agents of the 61496
state employment relations board, and the costs of the state 61497
personnel board of review in discharging any duty imposed by law 61498
on the state personnel board of review or an agent of the state 61499
personnel board of review. 61500

(C) The vacancy on the state employment relations board does 61501
not impair the right of the remaining members to exercise all the 61502
powers of the state employment relations board, and two members of 61503
the state employment relations board, at all times, constitute a 61504
quorum. The state employment relations board shall have an 61505
official seal of which courts shall take judicial notice. 61506

(D) The state employment relations board shall make an annual 61507
report in writing to the governor and to the general assembly, 61508
stating in detail the work it has done. 61509

(E) Compensation of the chairperson and members shall be in 61510
accordance with division (J) of section 124.15 of the Revised 61511

Code. The chairperson and the members are eligible for 61512
reappointment. In addition to such compensation, all members shall 61513
be reimbursed for their necessary expenses incurred in the 61514
performance of their work as members. 61515

(F)(1) The chairperson, after consulting with the other state 61516
employment relations board members and receiving the consent of at 61517
least one other board member, shall appoint an executive director. 61518
The chairperson also shall appoint attorneys and ~~attorney trial~~ 61519
~~examiners~~ shall appoint an assistant executive director who shall 61520
be an attorney admitted to practice law in this state and who 61521
shall serve as a liaison to the attorney general on legal matters 61522
before the state employment relations board. 61523

(2) The state employment relations board shall appoint 61524
~~mediators, arbitrators,~~ members of fact-finding panels, ~~and~~ 61525
~~directors for local areas,~~ and shall prescribe their job duties. 61526

(G)(1) The executive director shall serve at the pleasure of 61527
the chairperson. The executive director, under the direction of 61528
the chairperson, shall do all of the following: 61529

(a) Act as chief administrative officer for the state 61530
employment relations board; 61531

(b) Ensure that all employees of the state employment 61532
relations board comply with the rules of the state employment 61533
relations board; 61534

(c) Do all things necessary for the efficient and effective 61535
implementation of the duties of the state employment relations 61536
board. 61537

(2) The duties of the executive director described in 61538
division (G)(1) of this section do not relieve the chairperson 61539
from final responsibility for the proper performance of the duties 61540
described in that division. 61541

(H) The attorney general shall be the legal adviser of the state employment relations board and shall appear for and represent the state employment relations board and its agents in all legal proceedings. The state employment relations board may utilize regional, local, or other agencies, and utilize voluntary and uncompensated services as needed. The state employment relations board may contract with the federal mediation and conciliation service for the assistance of mediators, arbitrators, and other personnel the service makes available. The ~~board and the~~ chairperson, ~~respectively,~~ shall appoint all employees on the basis of training, practical experience, education, and character, notwithstanding the requirements established by section 119.09 of the Revised Code. The ~~board~~ chairperson shall give special regard to the practical training and experience that employees have for the particular position involved. ~~All full-time employees of the board excepting the~~ The executive director, the head of the bureau of mediation assistant executive director, administrative law judges, employees holding a fiduciary or administrative relation to the state employment relations board as described in division (A)(9) of section 124.11 of the Revised Code, and the personal secretaries and assistants of the state employment relations board members are in the ~~classified~~ unclassified service. All other full-time employees of the state employment relations board are in the classified service. All employees of the state employment relations board shall be paid in accordance with Chapter 124. of the Revised Code.

(I) The ~~board~~ chairperson shall select and assign ~~examiners~~ administrative law judges and other agents whose functions are to conduct hearings with due regard to their impartiality, judicial temperament, and knowledge. If in any proceeding under this chapter, any party prior to five days before the hearing thereto files with the state employment relations board a sworn statement charging that the ~~examiner~~ administrative law judge or other agent

designated to conduct the hearing is biased or partial in the 61575
proceeding, the state employment relations board may disqualify 61576
the person and designate another ~~examiner~~ administrative law judge 61577
or agent to conduct the proceeding. At least ten days before any 61578
hearing, the state employment relations board shall notify all 61579
parties to a proceeding of the name of the ~~examiner~~ administrative 61580
law judge or agent designated to conduct the hearing. 61581

(J) The principal office of the state employment relations 61582
board is in Columbus, but it may meet and exercise any or all of 61583
its powers at any other place within the state. The state 61584
employment relations board may, by one or more of its employees, 61585
or any agents or agencies it designates, conduct in any part of 61586
this state any proceeding, hearing, investigation, inquiry, or 61587
election necessary to the performance of its functions; provided, 61588
that no person so designated may later sit in determination of an 61589
appeal of the decision of that cause or matter. 61590

(K) In addition to the powers and functions provided in other 61591
sections of this chapter, the state employment relations board 61592
shall do all of the following: 61593

(1) Create a bureau of mediation within the state employment 61594
relations board, to perform the functions provided in section 61595
4117.14 of the Revised Code. This bureau shall also establish, 61596
after consulting representatives of employee organizations and 61597
public employers, panels of qualified persons to be available to 61598
serve as members of fact-finding panels and arbitrators. 61599

(2) Conduct studies of problems involved in representation 61600
and negotiation and make recommendations for legislation; 61601

(3) Hold hearings pursuant to this chapter and, for the 61602
purpose of the hearings and inquiries, administer oaths and 61603
affirmations, examine witnesses and documents, take testimony and 61604
receive evidence, compel the attendance of witnesses and the 61605

production of documents by the issuance of subpoenas, and delegate 61606
these powers to any members of the state employment relations 61607
board or any ~~attorney trial examiner appointed~~ administrative law 61608
judge employed by the state employment relations board for the 61609
performance of its functions; 61610

(4) Train representatives of employee organizations and 61611
public employers in the rules and techniques of collective 61612
bargaining procedures; 61613

(5) Make studies and analyses of, and act as a clearinghouse 61614
of information relating to, conditions of employment of public 61615
employees throughout the state and request assistance, services, 61616
and data from any public employee organization, public employer, 61617
or governmental unit. Public employee organizations, public 61618
employers, and governmental units shall provide such assistance, 61619
services, and data as will enable the state employment relations 61620
board to carry out its functions and powers. 61621

(6) Make available to employee organizations, public 61622
employers, mediators, fact-finding panels, arbitrators, and joint 61623
study committees statistical data relating to wages, benefits, and 61624
employment practices in public and private employment applicable 61625
to various localities and occupations to assist them to resolve 61626
issues in negotiations; 61627

(7) Notwithstanding section 119.13 of the Revised Code, 61628
establish standards of persons who practice before it; 61629

(8) Adopt, amend, and rescind rules and procedures and 61630
exercise other powers appropriate to carry out this chapter. 61631
Before the adoption, amendment, or rescission of rules and 61632
procedures under this section, the state employment relations 61633
board shall do all of the following: 61634

(a) Maintain a list of interested public employers and 61635
employee organizations and mail notice to such groups of any 61636

proposed rule or procedure, amendment thereto, or rescission 61637
thereof at least thirty days before any public hearing thereon; 61638

(b) Mail a copy of each proposed rule or procedure, amendment 61639
thereto, or rescission thereof to any person who requests a copy 61640
within five days after receipt of the request therefor; 61641

(c) Consult with appropriate statewide organizations 61642
representing public employers or employees who would be affected 61643
by the proposed rule or procedure. 61644

Although the state employment relations board is expected to 61645
discharge these duties diligently, failure to mail any notice or 61646
copy, or to so consult with any person, is not jurisdictional and 61647
shall not be construed to invalidate any proceeding or action of 61648
the state employment relations board. 61649

(L) In case of neglect or refusal to obey a subpoena issued 61650
to any person, the court of common pleas of the county in which 61651
the investigation or the public hearing occurs, upon application 61652
by the state employment relations board, may issue an order 61653
requiring the person to appear before the state employment 61654
relations board and give testimony about the matter under 61655
investigation. The court may punish a failure to obey the order as 61656
contempt. 61657

(M) Any subpoena, notice of hearing, or other process or 61658
notice of the state employment relations board issued under this 61659
section may be served personally, by certified mail, or by leaving 61660
a copy at the principal office or personal residence of the 61661
respondent required to be served. A return, made and verified by 61662
the individual making the service and setting forth the manner of 61663
service, is proof of service, and a return post office receipt, 61664
when certified mail is used, is proof of service. All process in 61665
any court to which application is made under this chapter may be 61666
served in the county wherein the persons required to be served 61667

reside or are found. 61668

(N) All expenses of the state employment relations board, 61669
including all necessary traveling and subsistence expenses 61670
incurred by the members or employees of the state employment 61671
relations board under its orders, shall be paid pursuant to 61672
itemized vouchers approved by the chairperson of the state 61673
employment relations board, the executive director, or both, or 61674
such other person as the chairperson designates for that purpose. 61675

(O) Whenever the state employment relations board determines 61676
that a substantial controversy exists with respect to the 61677
application or interpretation of this chapter and the matter is of 61678
public or great general interest, the state employment relations 61679
board shall certify its final order directly to the court of 61680
appeals having jurisdiction over the area in which the principal 61681
office of the public employer directly affected by the application 61682
or interpretation is located. The chairperson shall file with the 61683
clerk of the court a certified copy of the transcript of the 61684
proceedings before the state employment relations board pertaining 61685
to the final order. If upon hearing and consideration the court 61686
decides that the final order of the state employment relations 61687
board is unlawful or is not supported by substantial evidence on 61688
the record as a whole, the court shall reverse and vacate the 61689
final order or modify it and enter final judgment in accordance 61690
with the modification; otherwise, the court shall affirm the final 61691
order. The notice of the final order of the state employment 61692
relations board to the interested parties shall contain a 61693
certification by the chairperson of the state employment relations 61694
board that the final order is of public or great general interest 61695
and that a certified transcript of the record of the proceedings 61696
before the state employment relations board had been filed with 61697
the clerk of the court as an appeal to the court. For the purposes 61698
of this division, the state employment relations board has 61699

standing to bring its final order properly before the court of 61700
appeals. 61701

(P) Except as otherwise specifically provided in this 61702
section, the state employment relations board is subject to 61703
Chapter 119. of the Revised Code, including the procedure for 61704
submission of proposed rules to the general assembly for 61705
legislative review under division (H) of section 119.03 of the 61706
Revised Code. 61707

Sec. 4117.07. (A) When a petition is filed, in accordance 61708
with rules prescribed by the state employment relations board: 61709

(1) By any employee or group of employees, or any individual 61710
or employee organization acting in their behalf, alleging that at 61711
least thirty per cent of the employees in an appropriate unit wish 61712
to be represented for collective bargaining by an exclusive 61713
representative, or asserting that the designated exclusive 61714
representative is no longer the representative of the majority of 61715
employees in the unit, the board shall investigate the petition, 61716
and if it has reasonable cause to believe that a question of 61717
representation exists, provide for an appropriate hearing upon due 61718
notice to the parties; 61719

(2) By the employer alleging that one or more employee 61720
organizations has presented to it a claim to be recognized as the 61721
exclusive representative in an appropriate unit, the board shall 61722
investigate the petition, and if it has reasonable cause to 61723
believe that a question of representation exists, provide for an 61724
appropriate hearing upon due notice to the parties. 61725

If the board finds upon the record of a hearing that a 61726
question of representation exists, it shall direct an election and 61727
certify the results thereof. No one may vote in an election by 61728
~~mail or~~ proxy. The board may also certify an employee organization 61729
as an exclusive representative if it determines that a free and 61730

untrammelled election cannot be conducted because of the 61731
employer's unfair labor practices and that at one time the 61732
employee organization had the support of the majority of the 61733
employees in the unit. 61734

(B) Only the names of those employee organizations designated 61735
by more than ten per cent of the employees in the unit found to be 61736
appropriate may be placed on the ballot. Nothing in this section 61737
shall be construed to prohibit the waiving of hearings by 61738
stipulation, in conformity with the rules of the board, for the 61739
purpose of a consent election. 61740

(C) The board shall conduct representation elections by 61741
secret ballot cast, at the board's discretion, by mail or 61742
electronically or in person, and at times and places selected by 61743
the board subject to the following: 61744

(1) The board shall give no less than ten days' notice of the 61745
time and place of an election; 61746

(2) The board shall establish rules concerning the conduct of 61747
any election including, but not limited to, rules to guarantee the 61748
secrecy of the ballot; 61749

(3) The board may not certify a representative unless the 61750
representative receives a majority of the valid ballots cast; 61751

(4) Except as provided in this section, the board shall 61752
include on the ballot a choice of "no representative"; 61753

(5) In an election where none of the choices on the ballot 61754
receives a majority, the board shall conduct a runoff election. In 61755
that case, the ballot shall provide for a selection between the 61756
two choices or parties receiving the highest and the second 61757
highest number of ballots cast in the election. 61758

(6) The board may not conduct an election under this section 61759
in any appropriate bargaining unit within which a board-conducted 61760

election was held in the preceding twelve-month period, nor during 61761
the term of any lawful collective bargaining agreement between a 61762
public employer and an exclusive representative. 61763

Petitions for elections may be filed with the board no sooner 61764
than one hundred twenty days or later than ninety days before the 61765
expiration date of any collective bargaining agreement, or after 61766
the expiration date, until the public employer and exclusive 61767
representative enter into a new written agreement. 61768

For the purposes of this section, extensions of agreements do 61769
not affect the expiration date of the original agreement. 61770

Sec. 4117.12. (A) Whoever violates section 4117.11 of the 61771
Revised Code is guilty of an unfair labor practice remediable by 61772
the state employment relations board as specified in this section. 61773

(B) When anyone files a charge with the board alleging that 61774
an unfair labor practice has been committed, the board or its 61775
designated agent shall investigate the charge. If the board has 61776
probable cause for believing that a violation has occurred, the 61777
board shall issue a complaint and shall conduct a hearing 61778
concerning the charge. The board shall cause the complaint to be 61779
served upon the charged party which shall contain a notice of the 61780
time at which the hearing on the complaint will be held either 61781
before the board, a board member, or ~~a hearing officer~~ an 61782
administrative law judge. The board may not issue a notice of 61783
hearing based upon any unfair labor practice occurring more than 61784
ninety days prior to the filing of the charge with the board, 61785
unless the person aggrieved thereby is prevented from filing the 61786
charge by reason of service in the armed forces, in which event 61787
the ninety-day period shall be computed from the day of ~~his~~ the 61788
person's discharge. If the board dismisses a complaint as 61789
frivolous, it shall assess costs to the complainant pursuant to 61790
its standards governing such matters, and for that purpose, the 61791

board shall adopt a rule defining the standards by which the board 61792
will declare a complaint to be frivolous and the costs that will 61793
be assessed accordingly. 61794

(1) The board, board member, or ~~hearing officer~~ 61795
administrative law judge shall hold a hearing on the charge within 61796
ten days after service of the complaint. The board may amend a 61797
complaint, upon receipt of a notice from the charging party, at 61798
any time prior to the close of the hearing, and the charged party 61799
shall within ten days from receipt of the complaint or amendment 61800
to the complaint, file an answer to the complaint or amendment to 61801
the complaint. The charged party may file an answer to an original 61802
or amended complaint. The agents of the board and the person 61803
charged are parties and may appear or otherwise give evidence at 61804
the hearing. At the discretion of the board, board member, or 61805
~~hearing officer~~ administrative law judge, any interested party may 61806
intervene and present evidence at the hearing. The board, board 61807
member, or ~~hearing officer~~ administrative law judge is not bound 61808
by the rules of evidence prevailing in the courts. 61809

(2) A board member or ~~hearing officer~~ administrative law 61810
judge who conducts the hearing shall reduce the evidence taken to 61811
writing and file it with the board. The board member or the 61812
~~hearing officer~~ administrative law judge may thereafter take 61813
further evidence or hear further argument if notice is given to 61814
all interested parties. The ~~hearing officer~~ administrative law 61815
judge or board member shall issue to the parties a proposed 61816
decision, together with a recommended order and file it with the 61817
board. If the parties file no exceptions within twenty days after 61818
service thereof, the recommended order becomes the order of the 61819
board effective as therein prescribed. If the parties file 61820
exceptions to the proposed report, the board shall determine 61821
whether substantial issues have been raised. The board may rescind 61822
or modify the proposed order of the board member or ~~hearing~~ 61823

~~officer~~ administrative law judge; however, if the board determines 61824
that the exceptions do not raise substantial issues of fact or 61825
law, it may refuse to grant review, and the recommended order 61826
becomes effective as therein prescribed. 61827

(3) If upon the preponderance of the evidence taken, the 61828
board believes that any person named in the complaint has engaged 61829
in any unfair labor practice, the board shall state its findings 61830
of fact and issue and cause to be served on the person an order 61831
requiring that ~~he~~ the person cease and desist from these unfair 61832
labor practices, and take such affirmative action, including 61833
reinstatement of employees with or without back pay, as will 61834
effectuate the policies of Chapter 4117. of the Revised Code. If 61835
upon a preponderance of the evidence taken, the board believes 61836
that the person named in the complaint has not engaged in an 61837
unfair labor practice it shall state its findings of fact and 61838
issue an order dismissing the complaint. 61839

(4) The board may order the public employer to reinstate the 61840
public employee and further may order either the public employer 61841
or the employee organization, depending on who was responsible for 61842
the discrimination suffered by the public employee, to make such 61843
payment of back pay to the public employee as the board 61844
determines. No order of the board shall require the reinstatement 61845
of any individual as an employee who has been suspended or 61846
discharged, or require the payment to ~~him~~ the employee of any back 61847
pay, if the suspension or discharge was for just cause not related 61848
to rights provided in section 4117.03 of the Revised Code and the 61849
procedure contained in the collective bargaining agreement 61850
governing suspension or discharge was followed. The order of the 61851
board may require the party against whom the order is issued to 61852
make periodic reports showing the extent to which ~~he~~ the party has 61853
complied with the order. 61854

(C) Whenever a complaint alleges that a person has engaged in 61855

an unfair labor practice and that the complainant will suffer 61856
substantial and irreparable injury if not granted temporary 61857
relief, the board may petition the court of common pleas for any 61858
county wherein the alleged unfair labor practice in question 61859
occurs, or wherein any person charged with the commission of any 61860
unfair labor practice resides or transacts business for 61861
appropriate injunctive relief, pending the final adjudication by 61862
the board with respect to the matter. Upon the filing of any 61863
petition, the court shall cause notice thereof to be served upon 61864
the parties, and thereupon has jurisdiction to grant the temporary 61865
relief or restraining order it considers just and proper. 61866

(D) Until the record in a case is filed in a court, as 61867
specified in Chapter 4117. of the Revised Code, the board may at 61868
any time upon reasonable notice and in a manner it considers 61869
proper, modify or set aside, in whole or in part, any finding or 61870
order made or issued by it. 61871

Sec. 4117.24. (A) The training, publications, and grants fund 61872
is hereby created in the state treasury. The state employment 61873
relations board shall deposit into the training, publications, and 61874
grants fund all moneys received from the following sources: 61875

~~(A)~~(1) Payments received by the state employment relations 61876
board for copies of documents, rulebooks, and other publications; 61877

~~(B)~~(2) Fees received from seminar participants; 61878

~~(C)~~(3) Receipts from the sale of clearinghouse data; 61879

~~(D)~~(4) Moneys received from grants, donations, awards, 61880
bequests, gifts, reimbursements, and similar funds; 61881

~~(E)~~(5) Reimbursement received for professional services and 61882
expenses related to professional services; 61883

~~(F)~~(6) Funds received to support the development of labor 61884
relations services and programs. ~~The~~ 61885

<u>(7) Moneys received by the state personnel board of review</u>	61886
<u>pursuant to division (C) of section 124.03 of the Revised Code.</u>	61887
<u>(B) The</u> state employment relations board shall use all moneys	61888
deposited into the training, publications, and grants fund to	61889
defray the <u>all of the following:</u>	61890
<u>(1) The</u> costs of furnishing and making available copies of	61891
documents, rulebooks, and other publications; the	61892
<u>(2) The</u> costs of planning, organizing, and conducting	61893
training seminars; the	61894
<u>(3) The</u> costs associated with grant projects, innovative	61895
labor-management cooperation programs, research projects related	61896
to these grants and programs, and the advancement in	61897
professionalism of public sector relations; the	61898
<u>(4) The</u> professional development of <u>state employment</u>	61899
<u>relations</u> board employees; and the	61900
<u>(5) The</u> costs of compiling clearinghouse data;	61901
<u>(6) The cost of producing the administrative record of the</u>	61902
<u>state personnel board of review.</u>	61903
The <u>state employment relations</u> board may seek, solicit, apply	61904
for, receive, and accept grants, gifts, and contributions of	61905
money, property, labor, and other things of value to be held for,	61906
used for, and applied to only the purpose for which the grants,	61907
gifts, and contributions are made, from individuals, private and	61908
public corporations, the United States or any agency thereof, the	61909
state or any agency thereof, and any political subdivision of the	61910
state, and may enter into any contract with any such public or	61911
private source in connection therewith to be held for, used for,	61912
and applied to only the purposes for which such grants are made	61913
and contracts are entered into, all subject to and in accordance	61914
with the purposes of this chapter. Any money received from the	61915

grants, gifts, contributions, or contracts shall be deposited into 61916
the training, publications, and grants fund. 61917

Sec. 4141.08. (A) There is hereby created an unemployment 61918
compensation advisory council appointed as follows: 61919

(1) Three members who on account of their vocation, 61920
employment, or affiliations can be classed as representative of 61921
employers and three members who on account of their vocation, 61922
employment, or affiliation can be classed as representatives of 61923
employees appointed by the governor with the advice and consent of 61924
the senate. All appointees shall be persons whose training and 61925
experience qualify them to deal with the difficult problems of 61926
unemployment compensation, particularly with respect to the legal, 61927
accounting, actuarial, economic, and social aspects of 61928
unemployment compensation; 61929

(2) The chairpersons of the standing committees of the senate 61930
and the house of representatives to which legislation pertaining 61931
to Chapter 4141. of the Revised Code is customarily referred; 61932

(3) Two members of the senate appointed by the president of 61933
the senate; and 61934

(4) Two members of the house of representatives appointed by 61935
the speaker of the house of representatives. 61936

The speaker and the president shall arrange that of the six 61937
legislative members appointed to the council, not more than three 61938
are members of the same political party. 61939

(B) Members appointed by the governor shall serve for a term 61940
of four years, each term ending on the same day as the date of 61941
their original appointment. Legislative members shall serve during 61942
the session of the general assembly to which they are elected and 61943
for as long as they are members of the general assembly. Vacancies 61944
shall be filled in the same manner as the original appointment but 61945

only for the unexpired part of a term. 61946

(C) Members of the council shall serve without salary but, 61947
notwithstanding section 101.26 of the Revised Code, shall be paid 61948
a meeting stipend of fifty dollars per day each and their actual 61949
and necessary expenses while engaged in the performance of their 61950
duties as members of the council which shall be paid from funds 61951
allocated to pay the expenses of the council pursuant to this 61952
section. 61953

(D) The council shall organize itself and select a 61954
chairperson or co-chairpersons and other officers and committees 61955
as it considers necessary. Seven members constitute a quorum and 61956
the council may act only upon the affirmative vote of seven 61957
members. The council shall meet at least once each calendar 61958
quarter but it may meet more often as the council considers 61959
necessary or at the request of the chairperson. 61960

(E) The council may employ professional and clerical 61961
assistance as it considers necessary and may request of the 61962
director of job and family services assistance as it considers 61963
necessary. The director shall furnish the council with office and 61964
meeting space as requested by the council. 61965

(F) The director shall pay the operating expenses of the 61966
council as determined by the council from moneys in the 61967
unemployment compensation special administrative fund established 61968
in section 4141.11 of the Revised Code. 61969

(G) The council shall have access to only the records of the 61970
department of job and family services that are necessary for the 61971
administration of this chapter and to the reasonable services of 61972
the employees of the department. It may request the director, or 61973
any of the employees appointed by the director, or any employer or 61974
employee subject to this chapter, to appear before it and to 61975
testify relative to the functioning of this chapter and to other 61976

relevant matters. The council may conduct research of its own, 61977
make and publish reports, and recommend to the director, the 61978
unemployment compensation review commission, the governor, or the 61979
general assembly needed changes in this chapter, or in the rules 61980
of the department as it considers necessary. 61981

Sec. 4141.162. (A) The director of job and family services 61982
shall establish an income and eligibility verification system that 61983
complies with section 1137 of the "Social Security Act." The 61984
programs included in the system are all of the following: 61985

(1) Unemployment compensation pursuant to section 3304 of the 61986
"Internal Revenue Code of 1954"; 61987

(2) The state programs funded in part under part A of Title 61988
IV of the "Social Security Act" and administered under Chapters 61989
5107. and 5108. of the Revised Code; 61990

(3) Medicaid pursuant to Title XIX of the "Social Security 61991
Act"; 61992

(4) ~~Food stamps~~ The supplemental nutrition assistance program 61993
pursuant to the "Food Stamp and Nutrition Act of 1977," 91 Stat. 61994
958, 2008 (7 U.S.C.A. 2011, as amended et seq.; 61995

(5) Any Ohio program under a plan approved under Title I, X, 61996
XIV, or XVI of the "Social Security Act." 61997

Wage information provided by employers to the director shall 61998
be furnished to the income and eligibility verification system. 61999
Such information shall be used by the director to determine 62000
eligibility of individuals for unemployment compensation benefits 62001
and the amount of those benefits and used by the agencies that 62002
administer the programs identified in divisions (A)(2) to (5) of 62003
this section to determine or verify eligibility for or the amount 62004
of benefits under those programs. 62005

The director shall fully implement the use of wage 62006

information to determine eligibility for and the amount of 62007
unemployment compensation benefits by September 30, 1988. 62008

Information furnished under the system shall also be made 62009
available to the appropriate state or local child support 62010
enforcement agency for the purposes of an approved plan under 62011
Title IV-D of the "Social Security Act" and to the appropriate 62012
federal agency for the purposes of Titles II and XVI of the 62013
"Social Security Act." 62014

(B) The director shall adopt rules as necessary under which 62015
the department of job and family services and other state agencies 62016
that the director determines must participate in order to ensure 62017
compliance with section 1137 of the "Social Security Act" exchange 62018
information with each other or authorized federal agencies about 62019
individuals who are applicants for or recipients of benefits under 62020
any of the programs enumerated in division (A) of this section. 62021
The rules shall extend to all of the following: 62022

(1) A requirement for standardized formats and procedures for 62023
a participating agency to request and receive information about an 62024
individual, which information shall include the individual's 62025
social security number; 62026

(2) A requirement that all applicants for and recipients of 62027
benefits under any program enumerated in division (A) of this 62028
section be notified at the time of application, and periodically 62029
thereafter, that information available through the system may be 62030
shared with agencies that administer other benefit programs and 62031
utilized in establishing or verifying eligibility or benefit 62032
amounts under the other programs enumerated in division (A) of 62033
this section; 62034

(3) A requirement that information is made available only to 62035
the extent necessary to assist in the valid administrative needs 62036
of the program receiving the information and is targeted for use 62037

in ways which are most likely to be productive in identifying and 62038
preventing ineligibility and incorrect payments; 62039

(4) A requirement that information is adequately protected 62040
against unauthorized disclosures for purposes other than to 62041
establish or verify eligibility or benefit amounts under the 62042
programs enumerated in division (A) of this section; 62043

(5) A requirement that a program providing information is 62044
reimbursed by the program using the information for the actual 62045
costs of furnishing the information and that the director be 62046
reimbursed by the participating programs for any actual costs 62047
incurred in operating the system; 62048

(6) Requirements for any other matters necessary to ensure 62049
the effective, efficient, and timely exchange of necessary 62050
information or that the director determines must be addressed in 62051
order to ensure compliance with the requirements of section 1137 62052
of the "Social Security Act." 62053

(C) Each participating agency shall furnish to the income and 62054
eligibility verification system established in division (A) of 62055
this section that information, which the director, by rule, 62056
determines is necessary in order to comply with section 1137 of 62057
the "Social Security Act." 62058

(D) Notwithstanding the information disclosure requirements 62059
of this section and section 4141.21 and division (A) of section 62060
4141.284 of the Revised Code, the director shall administer those 62061
provisions of law so as to comply with section 1137 of the "Social 62062
Security Act." 62063

(E) Requirements in section 4141.21 of the Revised Code with 62064
respect to confidentiality of information obtained in the 62065
administration of Chapter 4141. of the Revised Code and any 62066
sanctions imposed for improper disclosure of such information 62067
shall apply to the redisclosure of information disclosed under 62068

this section. 62069

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 62070
the Revised Code: 62071

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 62072
fluid ounces. 62073

(2) "Sale" or "sell" includes exchange, barter, gift, 62074
distribution, and, except with respect to A-4 permit holders, 62075
offer for sale. 62076

(B) For the purposes of providing revenues for the support of 62077
the state and encouraging the grape industries in the state, a tax 62078
is hereby levied on the sale or distribution of wine in Ohio, 62079
except for known sacramental purposes, at the rate of thirty cents 62080
per wine gallon for wine containing not less than four per cent of 62081
alcohol by volume and not more than fourteen per cent of alcohol 62082
by volume, ninety-eight cents per wine gallon for wine containing 62083
more than fourteen per cent but not more than twenty-one per cent 62084
of alcohol by volume, one dollar and eight cents per wine gallon 62085
for vermouth, and one dollar and forty-eight cents per wine gallon 62086
for sparkling and carbonated wine and champagne, the tax to be 62087
paid by the holders of A-2 and B-5 permits or by any other person 62088
selling or distributing wine upon which no tax has been paid. From 62089
the tax paid under this section on wine, vermouth, and sparkling 62090
and carbonated wine and champagne, the treasurer of state shall 62091
credit to the Ohio grape industries fund created under section 62092
924.54 of the Revised Code a sum equal to one cent per gallon for 62093
each gallon upon which the tax is paid. 62094

(C) For the purpose of providing revenues for the support of 62095
the state, there is hereby levied a tax on prepared and bottled 62096
highballs, cocktails, cordials, and other mixed beverages at the 62097
rate of one dollar and twenty cents per wine gallon to be paid by 62098
holders of A-4 permits or by any other person selling or 62099

distributing those products upon which no tax has been paid. Only 62100
one sale of the same article shall be used in computing the amount 62101
of tax due. The tax on mixed beverages to be paid by holders of 62102
A-4 permits under this section shall not attach until the 62103
ownership of the mixed beverage is transferred for valuable 62104
consideration to a wholesaler or retailer, and no payment of the 62105
tax shall be required prior to that time. 62106

(D) During the period of July 1, ~~2007~~ 2009, through June 30, 62107
~~2009~~ 2011, from the tax paid under this section on wine, vermouth, 62108
and sparkling and carbonated wine and champagne, the treasurer of 62109
state shall credit to the Ohio grape industries fund created under 62110
section 924.54 of the Revised Code a sum equal to two cents per 62111
gallon upon which the tax is paid. The amount credited under this 62112
division is in addition to the amount credited to the Ohio grape 62113
industries fund under division (B) of this section. 62114

(E) For the purpose of providing revenues for the support of 62115
the state, there is hereby levied a tax on cider at the rate of 62116
twenty-four cents per wine gallon to be paid by the holders of A-2 62117
and B-5 permits or by any other person selling or distributing 62118
cider upon which no tax has been paid. Only one sale of the same 62119
article shall be used in computing the amount of the tax due. 62120

Sec. 4301.85. (A) The serving or consumption of beer or 62121
intoxicating liquor shall not be prohibited in a facility that is 62122
owned or leased by the state and that is used by visiting foreign 62123
military units for training. 62124

(B) As used in this section, "beer" and "intoxicating liquor" 62125
have the same meanings as in section 4301.01 of the Revised Code. 62126

Sec. 4303.181. (A) Permit D-5a may be issued either to the 62127
owner or operator of a hotel or motel that is required to be 62128
licensed under section 3731.03 of the Revised Code, that contains 62129

at least fifty rooms for registered transient guests or is owned 62130
by a state institution of higher education as defined in section 62131
3345.011 of the Revised Code or a private college or university, 62132
and that qualifies under the other requirements of this section, 62133
or to the owner or operator of a restaurant specified under this 62134
section, to sell beer and any intoxicating liquor at retail, only 62135
by the individual drink in glass and from the container, for 62136
consumption on the premises where sold, and to registered guests 62137
in their rooms, which may be sold by means of a controlled access 62138
alcohol and beverage cabinet in accordance with division (B) of 62139
section 4301.21 of the Revised Code; and to sell the same products 62140
in the same manner and amounts not for consumption on the premises 62141
as may be sold by holders of D-1 and D-2 permits. The premises of 62142
the hotel or motel shall include a retail food establishment or a 62143
food service operation licensed pursuant to Chapter 3717. of the 62144
Revised Code that operates as a restaurant for purposes of this 62145
chapter and that is affiliated with the hotel or motel and within 62146
or contiguous to the hotel or motel, and that serves food within 62147
the hotel or motel, but the principal business of the owner or 62148
operator of the hotel or motel shall be the accommodation of 62149
transient guests. In addition to the privileges authorized in this 62150
division, the holder of a D-5a permit may exercise the same 62151
privileges as the holder of a D-5 permit. 62152

The owner or operator of a hotel, motel, or restaurant who 62153
qualified for and held a D-5a permit on August 4, 1976, may, if 62154
the owner or operator held another permit before holding a D-5a 62155
permit, either retain a D-5a permit or apply for the permit 62156
formerly held, and the division of liquor control shall issue the 62157
permit for which the owner or operator applies and formerly held, 62158
notwithstanding any quota. 62159

A D-5a permit shall not be transferred to another location. 62160
No quota restriction shall be placed on the number of D-5a permits 62161

that may be issued. 62162

The fee for this permit is two thousand three hundred 62163
forty-four dollars. 62164

(B) Permit D-5b may be issued to the owner, operator, tenant, 62165
lessee, or occupant of an enclosed shopping center to sell beer 62166
and intoxicating liquor at retail, only by the individual drink in 62167
glass and from the container, for consumption on the premises 62168
where sold; and to sell the same products in the same manner and 62169
amount not for consumption on the premises as may be sold by 62170
holders of D-1 and D-2 permits. In addition to the privileges 62171
authorized in this division, the holder of a D-5b permit may 62172
exercise the same privileges as a holder of a D-5 permit. 62173

A D-5b permit shall not be transferred to another location. 62174

One D-5b permit may be issued at an enclosed shopping center 62175
containing at least two hundred twenty-five thousand, but less 62176
than four hundred thousand, square feet of floor area. 62177

Two D-5b permits may be issued at an enclosed shopping center 62178
containing at least four hundred thousand square feet of floor 62179
area. No more than one D-5b permit may be issued at an enclosed 62180
shopping center for each additional two hundred thousand square 62181
feet of floor area or fraction of that floor area, up to a maximum 62182
of five D-5b permits for each enclosed shopping center. The number 62183
of D-5b permits that may be issued at an enclosed shopping center 62184
shall be determined by subtracting the number of D-3 and D-5 62185
permits issued in the enclosed shopping center from the number of 62186
D-5b permits that otherwise may be issued at the enclosed shopping 62187
center under the formulas provided in this division. Except as 62188
provided in this section, no quota shall be placed on the number 62189
of D-5b permits that may be issued. Notwithstanding any quota 62190
provided in this section, the holder of any D-5b permit first 62191
issued in accordance with this section is entitled to its renewal 62192

in accordance with section 4303.271 of the Revised Code. 62193

The holder of a D-5b permit issued before April 4, 1984, 62194
whose tenancy is terminated for a cause other than nonpayment of 62195
rent, may return the D-5b permit to the division of liquor 62196
control, and the division shall cancel that permit. Upon 62197
cancellation of that permit and upon the permit holder's payment 62198
of taxes, contributions, premiums, assessments, and other debts 62199
owing or accrued upon the date of cancellation to this state and 62200
its political subdivisions and a filing with the division of a 62201
certification of that payment, the division shall issue to that 62202
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 62203
that person requests. The division shall issue the D-5 permit, or 62204
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 62205
D-3, or D-5 permits currently issued in the municipal corporation 62206
or in the unincorporated area of the township where that person's 62207
proposed premises is located equals or exceeds the maximum number 62208
of such permits that can be issued in that municipal corporation 62209
or in the unincorporated area of that township under the 62210
population quota restrictions contained in section 4303.29 of the 62211
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 62212
be transferred to another location. If a D-5b permit is canceled 62213
under the provisions of this paragraph, the number of D-5b permits 62214
that may be issued at the enclosed shopping center for which the 62215
D-5b permit was issued, under the formula provided in this 62216
division, shall be reduced by one if the enclosed shopping center 62217
was entitled to more than one D-5b permit under the formula. 62218

The fee for this permit is two thousand three hundred 62219
forty-four dollars. 62220

(C) Permit D-5c may be issued to the owner or operator of a 62221
retail food establishment or a food service operation licensed 62222
pursuant to Chapter 3717. of the Revised Code that operates as a 62223
restaurant for purposes of this chapter and that qualifies under 62224

the other requirements of this section to sell beer and any 62225
intoxicating liquor at retail, only by the individual drink in 62226
glass and from the container, for consumption on the premises 62227
where sold, and to sell the same products in the same manner and 62228
amounts not for consumption on the premises as may be sold by 62229
holders of D-1 and D-2 permits. In addition to the privileges 62230
authorized in this division, the holder of a D-5c permit may 62231
exercise the same privileges as the holder of a D-5 permit. 62232

To qualify for a D-5c permit, the owner or operator of a 62233
retail food establishment or a food service operation licensed 62234
pursuant to Chapter 3717. of the Revised Code that operates as a 62235
restaurant for purposes of this chapter, shall have operated the 62236
restaurant at the proposed premises for not less than twenty-four 62237
consecutive months immediately preceding the filing of the 62238
application for the permit, have applied for a D-5 permit no later 62239
than December 31, 1988, and appear on the division's quota waiting 62240
list for not less than six months immediately preceding the filing 62241
of the application for the permit. In addition to these 62242
requirements, the proposed D-5c permit premises shall be located 62243
within a municipal corporation and further within an election 62244
precinct that, at the time of the application, has no more than 62245
twenty-five per cent of its total land area zoned for residential 62246
use. 62247

A D-5c permit shall not be transferred to another location. 62248
No quota restriction shall be placed on the number of such permits 62249
that may be issued. 62250

Any person who has held a D-5c permit for at least two years 62251
may apply for a D-5 permit, and the division of liquor control 62252
shall issue the D-5 permit notwithstanding the quota restrictions 62253
contained in section 4303.29 of the Revised Code or in any rule of 62254
the liquor control commission. 62255

The fee for this permit is one thousand five hundred 62256

sixty-three dollars. 62257

(D) Permit D-5d may be issued to the owner or operator of a 62258
retail food establishment or a food service operation licensed 62259
pursuant to Chapter 3717. of the Revised Code that operates as a 62260
restaurant for purposes of this chapter and that is located at an 62261
airport operated by a board of county commissioners pursuant to 62262
section 307.20 of the Revised Code, at an airport operated by a 62263
port authority pursuant to Chapter 4582. of the Revised Code, or 62264
at an airport operated by a regional airport authority pursuant to 62265
Chapter 308. of the Revised Code. The holder of a D-5d permit may 62266
sell beer and any intoxicating liquor at retail, only by the 62267
individual drink in glass and from the container, for consumption 62268
on the premises where sold, and may sell the same products in the 62269
same manner and amounts not for consumption on the premises where 62270
sold as may be sold by the holders of D-1 and D-2 permits. In 62271
addition to the privileges authorized in this division, the holder 62272
of a D-5d permit may exercise the same privileges as the holder of 62273
a D-5 permit. 62274

A D-5d permit shall not be transferred to another location. 62275
No quota restrictions shall be placed on the number of such 62276
permits that may be issued. 62277

The fee for this permit is two thousand three hundred 62278
forty-four dollars. 62279

(E) Permit D-5e may be issued to any nonprofit organization 62280
that is exempt from federal income taxation under the "Internal 62281
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 62282
amended, or that is a charitable organization under any chapter of 62283
the Revised Code, and that owns or operates a riverboat that meets 62284
all of the following: 62285

(1) Is permanently docked at one location; 62286

(2) Is designated as an historical riverboat by the Ohio 62287

historical society;	62288
(3) Contains not less than fifteen hundred square feet of floor area;	62289 62290
(4) Has a seating capacity of fifty or more persons.	62291
The holder of a D-5e permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold.	62292 62293 62294
A D-5e permit shall not be transferred to another location. No quota restriction shall be placed on the number of such permits that may be issued. The population quota restrictions contained in section 4303.29 of the Revised Code or in any rule of the liquor control commission shall not apply to this division, and the division shall issue a D-5e permit to any applicant who meets the requirements of this division. However, the division shall not issue a D-5e permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited.	62295 62296 62297 62298 62299 62300 62301 62302 62303 62304
The fee for this permit is one thousand two hundred nineteen dollars.	62305 62306
(F) Permit D-5f may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following:	62307 62308 62309 62310 62311
(1) It contains not less than twenty-five hundred square feet of floor area.	62312 62313
(2) It is located on or in, or immediately adjacent to, the shoreline of, a navigable river.	62314 62315
(3) It provides docking space for twenty-five boats.	62316
(4) It provides entertainment and recreation, provided that	62317

not less than fifty per cent of the business on the permit 62318
premises shall be preparing and serving meals for a consideration. 62319

In addition, each application for a D-5f permit shall be 62320
accompanied by a certification from the local legislative 62321
authority that the issuance of the D-5f permit is not inconsistent 62322
with that political subdivision's comprehensive development plan 62323
or other economic development goal as officially established by 62324
the local legislative authority. 62325

The holder of a D-5f permit may sell beer and intoxicating 62326
liquor at retail, only by the individual drink in glass and from 62327
the container, for consumption on the premises where sold. 62328

A D-5f permit shall not be transferred to another location. 62329

The division of liquor control shall not issue a D-5f permit 62330
if the permit premises or proposed permit premises are located 62331
within an area in which the sale of spirituous liquor by the glass 62332
is prohibited. 62333

A fee for this permit is two thousand three hundred 62334
forty-four dollars. 62335

As used in this division, "navigable river" means a river 62336
that is also a "navigable water" as defined in the "Federal Power 62337
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 62338

(G) Permit D-5g may be issued to a nonprofit corporation that 62339
is either the owner or the operator of a national professional 62340
sports museum. The holder of a D-5g permit may sell beer and any 62341
intoxicating liquor at retail, only by the individual drink in 62342
glass and from the container, for consumption on the premises 62343
where sold. The holder of a D-5g permit shall sell no beer or 62344
intoxicating liquor for consumption on the premises where sold 62345
after one a.m. A D-5g permit shall not be transferred to another 62346
location. No quota restrictions shall be placed on the number of 62347
D-5g permits that may be issued. The fee for this permit is one 62348

thousand eight hundred seventy-five dollars. 62349

(H)(1) Permit D-5h may be issued to any nonprofit 62350
organization that is exempt from federal income taxation under the 62351
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 62352
501(c)(3), as amended, that owns or operates any of the following: 62353

(a) A fine arts museum, provided that the nonprofit 62354
organization has no less than one thousand five hundred bona fide 62355
members possessing full membership privileges; 62356

(b) A community arts center. As used in division (H)(1)(b) of 62357
this section, "community arts center" means a facility that 62358
provides arts programming to the community in more than one arts 62359
discipline, including, but not limited to, exhibits of works of 62360
art and performances by both professional and amateur artists. 62361

(c) A community theater, provided that the nonprofit 62362
organization is a member of the Ohio arts council and the American 62363
community theatre association and has been in existence for not 62364
less than ten years. As used in division (H)(1)(c) of this 62365
section, "community theater" means a facility that contains at 62366
least one hundred fifty seats and has a primary function of 62367
presenting live theatrical performances and providing recreational 62368
opportunities to the community. 62369

(2) The holder of a D-5h permit may sell beer and any 62370
intoxicating liquor at retail, only by the individual drink in 62371
glass and from the container, for consumption on the premises 62372
where sold. The holder of a D-5h permit shall sell no beer or 62373
intoxicating liquor for consumption on the premises where sold 62374
after one a.m. A D-5h permit shall not be transferred to another 62375
location. No quota restrictions shall be placed on the number of 62376
D-5h permits that may be issued. 62377

(3) The fee for a D-5h permit is one thousand eight hundred 62378
seventy-five dollars. 62379

(I) Permit D-5i may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following requirements:

(1) It is located in a municipal corporation or a township with a population of one hundred thousand or less.

(2) It has inside seating capacity for at least one hundred forty persons.

(3) It has at least four thousand square feet of floor area.

(4) It offers full-course meals, appetizers, and sandwiches.

(5) Its receipts from beer and liquor sales, excluding wine sales, do not exceed twenty-five per cent of its total gross receipts.

(6) It has at least one of the following characteristics:

(a) The value of its real and personal property exceeds seven hundred twenty-five thousand dollars.

(b) It is located on property that is owned or leased by the state or a state agency, and its owner or operator has authorization from the state or the state agency that owns or leases the property to obtain a D-5i permit.

The holder of a D-5i permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. The holder of a D-5i permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after two-thirty a.m. In addition to the privileges authorized in this division, the holder of a D-5i

permit may exercise the same privileges as the holder of a D-5 62410
permit. 62411

A D-5i permit shall not be transferred to another location. 62412
The division of liquor control shall not renew a D-5i permit 62413
unless the retail food establishment or food service operation for 62414
which it is issued continues to meet the requirements described in 62415
divisions (I)(1) to (6) of this section. No quota restrictions 62416
shall be placed on the number of D-5i permits that may be issued. 62417
The fee for the D-5i permit is two thousand three hundred 62418
forty-four dollars. 62419

(J)(1) Permit D-5j may be issued to the owner or the operator 62420
of a retail food establishment or a food service operation 62421
licensed under Chapter 3717. of the Revised Code to sell beer and 62422
intoxicating liquor at retail, only by the individual drink in 62423
glass and from the container, for consumption on the premises 62424
where sold and to sell beer and intoxicating liquor in the same 62425
manner and amounts not for consumption on the premises where sold 62426
as may be sold by the holders of D-1 and D-2 permits. The holder 62427
of a D-5j permit may exercise the same privileges, and shall 62428
observe the same hours of operation, as the holder of a D-5 62429
permit. 62430

(2) The D-5j permit shall be issued only within a community 62431
entertainment district that is designated under section 4301.80 of 62432
the Revised Code and that meets one of the following 62433
qualifications: 62434

(a) It is located in a municipal corporation with a 62435
population of at least one hundred thousand. 62436

(b) It is located in a municipal corporation with a 62437
population of at least twenty thousand, and either of the 62438
following applies: 62439

(i) It contains an amusement park the rides of which have 62440

been issued a permit by the department of agriculture under Chapter 1711. of the Revised Code. (ii) Not less than fifty million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation. (c) It is located in a township with a population of at least forty thousand. (d) It is located in a municipal corporation with a population of at least ten thousand, and not less than seventy million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation. (e) It is located in a municipal corporation with a population of at least five thousand, and not less than one hundred million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation. (3) The location of a D-5j permit may be transferred only within the geographic boundaries of the community entertainment district in which it was issued and shall not be transferred outside the geographic boundaries of that district. (4) Not more than one D-5j permit shall be issued within each community entertainment district for each five acres of land located within the district. Not more than fifteen D-5j permits may be issued within a single community entertainment district. Except as otherwise provided in division (J)(4) of this section, no quota restrictions shall be placed upon the number of D-5j permits that may be issued. (5) The fee for a D-5j permit is two thousand three hundred forty-four dollars.

(K)(1) Permit D-5k may be issued to any nonprofit organization that is exempt from federal income taxation under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as amended, that is the owner or operator of a botanical garden recognized by the American association of botanical gardens and arboreta, and that has not less than twenty-five hundred bona fide members.

(2) The holder of a D-5k permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, on the premises where sold.

(3) The holder of a D-5k permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after one a.m.

(4) A D-5k permit shall not be transferred to another location.

(5) No quota restrictions shall be placed on the number of D-5k permits that may be issued.

(6) The fee for the D-5k permit is one thousand eight hundred seventy-five dollars.

(L)(1) Permit D-5l may be issued to the owner or the operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code to sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold and to sell beer and intoxicating liquor in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. The holder of a D-5l permit may exercise the same privileges, and shall observe the same hours of operation, as the holder of a D-5 permit.

(2) The D-5l permit shall be issued only to a premises that

has gross annual receipts from the sale of food and meals that 62502
constitute not less than seventy-five per cent of its total gross 62503
annual receipts, that is located within a revitalization district 62504
that is designated under section 4301.81 of the Revised Code, that 62505
is located in a municipal corporation or township in which the 62506
number of D-5 permits issued equals or exceeds the number of those 62507
permits that may be issued in that municipal corporation or 62508
township under section 4303.29 of the Revised Code, and that is 62509
located in a county with a population of one hundred twenty-five 62510
thousand or less according to the population estimates certified 62511
by the department of development for calendar year 2006. 62512

62513

(3) The location of a D-51 permit may be transferred only 62514
within the geographic boundaries of the revitalization district in 62515
which it was issued and shall not be transferred outside the 62516
geographic boundaries of that district. 62517

(4) Not more than one D-51 permit shall be issued within each 62518
revitalization district for each five acres of land located within 62519
the district. Not more than five D-51 permits may be issued within 62520
a single revitalization district. Except as otherwise provided in 62521
division (L)(4) of this section, no quota restrictions shall be 62522
placed upon the number of D-51 permits that may be issued. 62523

(5) The fee for a D-51 permit is two thousand three hundred 62524
forty-four dollars. 62525

(M) Permit D-5m may be issued to either the owner or the 62526
operator of a retail food establishment or food service operation 62527
licensed under Chapter 3717. of the Revised Code that operates as 62528
a restaurant for purposes of this chapter and that is located in, 62529
or affiliated with, a center for the preservation of wild animals 62530
as defined in section 4301.404 of the Revised Code, to sell beer 62531
and any intoxicating liquor at retail, only by the glass and from 62532
the container, for consumption on the premises where sold, and to 62533

sell the same products in the same manner and amounts not for 62534
consumption on the premises as may be sold by the holders of D-1 62535
and D-2 permits. In addition to the privileges authorized by this 62536
division, the holder of a D-5m permit may exercise the same 62537
privileges as the holder of a D-5 permit. 62538

A D-5m permit shall not be transferred to another location. 62539
No quota restrictions shall be placed on the number of D-5m 62540
permits that may be issued. The fee for a permit D-5m is two 62541
thousand three hundred forty-four dollars. 62542

Sec. 4303.182. (A) Except as otherwise provided in divisions 62543
(B) to (J) of this section, permit D-6 shall be issued to the 62544
holder of an A-1-A, A-2, A-3a, C-2, D-2, D-3, D-3a, D-4, D-4a, 62545
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 62546
D-5k, D-5l, D-5m, or D-7 permit to allow sale under that permit 62547
between the hours of ten a.m. and midnight, or between the hours 62548
of one p.m. and midnight, on Sunday, as applicable, if that sale 62549
has been authorized under section 4301.361, 4301.364, 4301.365, or 62550
4301.366 of the Revised Code and under the restrictions of that 62551
authorization. 62552

(B) Permit D-6 shall be issued to the holder of any permit, 62553
including a D-4a and D-5d permit, authorizing the sale of 62554
intoxicating liquor issued for a premises located at any publicly 62555
owned airport, as defined in section 4563.01 of the Revised Code, 62556
at which commercial airline companies operate regularly scheduled 62557
flights on which space is available to the public, to allow sale 62558
under such permit between the hours of ten a.m. and midnight on 62559
Sunday, whether or not that sale has been authorized under section 62560
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 62561

(C) Permit D-6 shall be issued to the holder of a D-5a 62562
permit, and to the holder of a D-3 or D-3a permit who is the owner 62563
or operator of a hotel or motel that is required to be licensed 62564

under section 3731.03 of the Revised Code, that contains at least 62565
fifty rooms for registered transient guests, and that has on its 62566
premises a retail food establishment or a food service operation 62567
licensed pursuant to Chapter 3717. of the Revised Code that 62568
operates as a restaurant for purposes of this chapter and is 62569
affiliated with the hotel or motel and within or contiguous to the 62570
hotel or motel and serving food within the hotel or motel, to 62571
allow sale under such permit between the hours of ten a.m. and 62572
midnight on Sunday, whether or not that sale has been authorized 62573
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 62574
Revised Code. 62575

(D) The holder of a D-6 permit that is issued to a sports 62576
facility may make sales under the permit between the hours of 62577
eleven a.m. and midnight on any Sunday on which a professional 62578
baseball, basketball, football, hockey, or soccer game is being 62579
played at the sports facility. As used in this division, "sports 62580
facility" means a stadium or arena that has a seating capacity of 62581
at least four thousand and that is owned or leased by a 62582
professional baseball, basketball, football, hockey, or soccer 62583
franchise or any combination of those franchises. 62584

(E) Permit D-6 shall be issued to the holder of any permit 62585
that authorizes the sale of beer or intoxicating liquor and that 62586
is issued to a premises located in or at the Ohio historical 62587
society area or the state fairgrounds, as defined in division (B) 62588
of section 4301.40 of the Revised Code, to allow sale under that 62589
permit between the hours of ten a.m. and midnight on Sunday, 62590
whether or not that sale has been authorized under section 62591
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 62592

(F) Permit D-6 shall be issued to the holder of any permit 62593
that authorizes the sale of intoxicating liquor and that is issued 62594
to an outdoor performing arts center to allow sale under that 62595
permit between the hours of one p.m. and midnight on Sunday, 62596

whether or not that sale has been authorized under section 62597
4301.361 of the Revised Code. A D-6 permit issued under this 62598
division is subject to the results of an election, held after the 62599
D-6 permit is issued, on question (B)(4) as set forth in section 62600
4301.351 of the Revised Code. Following the end of the period 62601
during which an election may be held on question (B)(4) as set 62602
forth in that section, sales of intoxicating liquor may continue 62603
at an outdoor performing arts center under a D-6 permit issued 62604
under this division, unless an election on that question is held 62605
during the permitted period and a majority of the voters voting in 62606
the precinct on that question vote "no." 62607

As used in this division, "outdoor performing arts center" 62608
means an outdoor performing arts center that is located on not 62609
less than eight hundred acres of land and that is open for 62610
performances from the first day of April to the last day of 62611
October of each year. 62612

(G) Permit D-6 shall be issued to the holder of any permit 62613
that authorizes the sale of beer or intoxicating liquor and that 62614
is issued to a golf course owned by the state, a conservancy 62615
district, a park district created under Chapter 1545. of the 62616
Revised Code, or another political subdivision to allow sale under 62617
that permit between the hours of ten a.m. and midnight on Sunday, 62618
whether or not that sale has been authorized under section 62619
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 62620

(H) Permit D-6 shall be issued to the holder of a D-5g permit 62621
to allow sale under that permit between the hours of ten a.m. and 62622
midnight on Sunday, whether or not that sale has been authorized 62623
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 62624
Revised Code. 62625

(I) Permit D-6 shall be issued to the holder of any D permit 62626
for a premises that is licensed under Chapter 3717. of the Revised 62627
Code and that is located at a ski area to allow sale under the D-6 62628

permit between the hours of ten a.m. and midnight on Sunday, 62629
whether or not that sale has been authorized under section 62630
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 62631

As used in this division, "ski area" means a ski area as 62632
defined in section 4169.01 of the Revised Code, provided that the 62633
passenger tramway operator at that area is registered under 62634
section 4169.03 of the Revised Code. 62635

(J) Permit D-6 shall be issued to the holder of a ~~D-5~~ any 62636
permit that is described in division (A) of this section for a 62637
permit premises that is located in a community entertainment 62638
district, as defined in section 4301.80 of the Revised Code, that 62639
was approved by the legislative authority of a municipal 62640
corporation under that section between October 1 and October 15, 62641
2005, to allow sale under the permit between the hours of ten a.m. 62642
and midnight on Sunday, whether or not that sale has been 62643
authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 62644
of the Revised Code. 62645

(K) If the restriction to licensed premises where the sale of 62646
food and other goods and services exceeds fifty per cent of the 62647
total gross receipts of the permit holder at the premises is 62648
applicable, the division of liquor control may accept an affidavit 62649
from the permit holder to show the proportion of the permit 62650
holder's gross receipts derived from the sale of food and other 62651
goods and services. If the liquor control commission determines 62652
that affidavit to have been false, it shall revoke the permits of 62653
the permit holder at the premises concerned. 62654

(L) The fee for the D-6 permit is five hundred dollars when 62655
it is issued to the holder of an A-1-A, A-2, A-3a, D-2, D-3, D-3a, 62656
D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, 62657
D-5i, D-5j, D-5k, D-5l, D-5m, or D-7 permit. The fee for the D-6 62658
permit is four hundred dollars when it is issued to the holder of 62659
a C-2 permit. 62660

Sec. 4303.331. No permit holder shall purchase and import 62661
into this state any beer from any manufacturer, bottler, importer, 62662
wholesale dealer, or broker outside this state and within the 62663
United States unless and until such manufacturer, bottler, 62664
importer, wholesale dealer, or broker registers with the tax 62665
commissioner and supplies such information as the commissioner may 62666
require. 62667

The commissioner may, by rule, require any registrant to file 62668
with the commissioner a bond payable to the state in such form and 62669
amount as the commissioner prescribes with surety to the 62670
satisfaction of the tax commissioner conditioned upon the making 62671
of the report to be made to the tax commissioner and the payment 62672
to the tax commissioner of taxes levied by sections 4301.42 and 62673
4305.01 of the Revised Code, all as provided in section 4303.33 of 62674
the Revised Code. 62675

Any such manufacturer, bottler, importer, wholesale dealer, 62676
or broker shall, as a part of such registration, make the 62677
secretary of state its agent for the service of process or notice 62678
of any assessment, action, or proceedings instituted in the state 62679
against such person under sections 4303.33, 4301.42, and 4305.01 62680
of the Revised Code. 62681

Such process or notice shall be served, ~~by the officer to~~ 62682
~~whom it is directed or by the tax commissioner, or by the sheriff~~ 62683
~~of Franklin county, who may be deputized for such purpose by the~~ 62684
~~officer to whom the service is directed, upon the secretary of~~ 62685
~~state by leaving at the office of the secretary of state, at least~~ 62686
~~fifteen days before the return day of such process or notice, a~~ 62687
~~true and attested copy thereof, and by sending to the defendant by~~ 62688
~~certified mail, postage prepaid, a like and true attested copy,~~ 62689
~~with an endorsement thereon of the service upon the secretary of~~ 62690
~~state, addressed to such defendant at the address listed in the~~ 62691

~~registration or at the defendant's last known address in~~ 62692
~~accordance with section 5703.37 of the Revised Code.~~ 62693

Any B-1 permit holder who purchases beer from any 62694
manufacturer, bottler, importer, wholesale dealer, or broker 62695
outside this state and within the United States who has not 62696
registered with the tax commissioner and filed a bond as provided 62697
in this section shall be liable for any tax due on any beer 62698
purchased from such unregistered manufacturer, bottler, importer, 62699
wholesale dealer, or broker and shall be subject to any penalties 62700
provided in Chapters 4301., 4303., 4305., and 4307. of the Revised 62701
Code. 62702

Any B-1 permit holder who purchases beer from any 62703
manufacturer, bottler, importer, wholesale dealer, or broker 62704
outside this state and within the United States who has complied 62705
with this section shall not be liable for any tax due to the state 62706
on any beer purchased from any such manufacturer, bottler, 62707
importer, wholesale dealer, or broker. 62708

All money collected by the tax commissioner under this 62709
section shall be paid to the treasurer of state as revenue arising 62710
from the taxes levied by sections 4301.42, 4301.43, 4301.432, and 62711
4305.01 of the Revised Code. 62712

Sec. 4501.06. The taxes, fees, and fines levied, charged, or 62713
referred to in division (O) of section 4503.04, division (E) of 62714
section 4503.042, division (B) of section 4503.07, division (C)(1) 62715
of section 4503.10, division (D) of section 4503.182, division (A) 62716
of section 4503.19, division (D)(2) of section 4507.24, division 62717
(A) of section 4508.06, and sections 4503.40, 4503.42, 4505.11, 62718
4505.111, 4506.08, 4506.09, 4507.23, 4508.05, 4923.12, and 5502.12 62719
of the Revised Code, and the taxes charged in section 4503.65 that 62720
are distributed in accordance with division (A)(2) of section 62721
4501.044 of the Revised Code unless otherwise designated by law, 62722

shall be deposited in the state treasury to the credit of the 62723
state highway safety fund, which is hereby created, and shall, 62724
after receipt of certifications from the commissioners of the 62725
sinking fund certifying, as required by sections 5528.15 and 62726
5528.35 of the Revised Code, that there are sufficient moneys to 62727
the credit of the highway improvement bond retirement fund created 62728
by section 5528.12 of the Revised Code to meet in full all 62729
payments of interest, principal, and charges for the retirement of 62730
bonds and other obligations issued pursuant to Section 2g of 62731
Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 62732
of the Revised Code due and payable during the current calendar 62733
year, and that there are sufficient moneys to the credit of the 62734
highway obligations bond retirement fund created by section 62735
5528.32 of the Revised Code to meet in full all payments of 62736
interest, principal, and charges for the retirement of highway 62737
obligations issued pursuant to Section 2i of Article VIII, Ohio 62738
Constitution, and sections 5528.30 and 5528.31 of the Revised Code 62739
due and payable during the current calendar year, be used for the 62740
purpose of enforcing and paying the expenses of administering the 62741
law relative to the registration and operation of motor vehicles 62742
on the public roads or highways. Amounts credited to the fund may 62743
also be used to pay the expenses of administering and enforcing 62744
the laws under which such fees were collected. All investment 62745
earnings of the state highway safety fund shall be credited to the 62746
fund. 62747

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Sec. 4501.243. There is hereby created in the state treasury 62749
the Ohio nature preserves fund. The fund shall consist of the 62750
contributions that are paid to the registrar of motor vehicles by 62751
applicants who obtain Ohio nature preserves license plates 62752
pursuant to section 4503.563 of the Revised Code. All investment 62753
earnings of the fund shall be credited to the fund. 62754

The department of natural resources shall use the money in the fund to help finance nature preserve education, nature preserve clean-up projects, and nature preserve maintenance, protection, and restoration.

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Sec. 4501.271. (A)(1) A peace officer, correctional employee, or youth services employee may file a written request with the bureau of motor vehicles to do either or both of the following:

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(a) Prohibit disclosure of the officer's or employee's residence address as contained in motor vehicle records of the bureau;

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(b) Provide a business address to be displayed on the officer's or employee's driver's license or certificate of registration, or both.

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(2) The officer or employee shall file the request described in division (A)(1) of this section on a form provided by the registrar of motor vehicles and shall provide any documentary evidence verifying the person's status as a peace officer, correctional employee, or youth services employee and the officer's or employee's business address that the registrar requires pursuant to division (G) of this section.

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(B)(1) Except as provided in division (C) of this section, if a peace officer, correctional employee, or youth services employee has filed a request under division (A) of this section, neither the registrar nor an employee or contractor of the bureau of motor vehicles shall knowingly disclose the residence address of the officer or employee that the bureau obtained in connection with a motor vehicle record.

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(2) In accordance with section 149.43 of the Revised Code, the registrar or an employee or contractor of the bureau shall

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make available for inspection or copying a motor vehicle record of 62785
a peace officer, correctional employee, or youth services employee 62786
who has filed a request under division (A) of this section if the 62787
record is a public record under that section, but shall obliterate 62788
the residence address of the officer or employee from the record 62789
before making the record available for inspection or copying. The 62790
business address of the officer or employee may be made available 62791
in response to a valid request under section 149.43 of the Revised 62792
Code. 62793

(C) Notwithstanding division (B)(2) of section 4501.27 of the 62794
Revised Code, the registrar or an employee or contractor of the 62795
bureau may disclose the residence address of a peace officer, 62796
correctional employee, or youth services employee who files a 62797
request under division (A) of this section only in accordance with 62798
division (B)(1) of section 4501.27 of the Revised Code or pursuant 62799
to a court order. 62800

(D) If a peace officer, correctional employee, or youth 62801
services employee files a request under division (A)(1)(b) of this 62802
section, the officer shall still provide a residence address in 62803
any application for a driver's license or license renewal and in 62804
any application for a motor vehicle registration or registration 62805
renewal. In accordance with sections 4503.101 and 4507.09 of the 62806
Revised Code, an officer or employee shall notify the registrar of 62807
any change in the officer's or employee's residence within ten 62808
days after the change occurs. 62809

(E) A certificate of registration issued to a peace officer, 62810
correctional employee, or youth services employee who files a 62811
request under division (A)(1)(b) of this section shall display the 62812
business address of the officer. Notwithstanding section 4507.13 62813
of the Revised Code, a driver's license issued to an officer or 62814
employee who files a request under division (A)(1)(b) of this 62815
section shall display the business address of the officer or 62816

employee. 62817

(F) The registrar may utilize the residence address of a 62818
peace officer, correctional employee, or youth services employee 62819
who files a request under division (A)(1)(b) of this section in 62820
carrying out the functions of the bureau of motor vehicles, 62821
including determining the district of registration for any 62822
applicable motor vehicle tax levied under Chapter 4504. of the 62823
Revised Code, determining whether tailpipe emissions inspections 62824
are required, and financial responsibility verification. 62825

(G) The registrar shall adopt rules governing a request for 62826
confidentiality of a peace officer's, correctional employee's, or 62827
youth services employee's residence address or use of a business 62828
address, including the documentary evidence required to verify the 62829
person's status as a peace officer, correctional employee, or 62830
youth services employee, the length of time that the request will 62831
be valid, procedures for ensuring that the bureau of motor 62832
vehicles receives notice of any change in a person's status as a 62833
peace officer, correctional employee, or youth services employee, 62834
and any other procedures the registrar considers necessary. The 62835
rules of the registrar may require an officer or employee to 62836
surrender any certificate of registration and any driver's license 62837
bearing the business address of the officer or employee and, upon 62838
payment of any applicable fees, to receive a certificate of 62839
registration and license bearing the officer's or employee's 62840
residence address, whenever the officer or employee no longer is 62841
associated with that business address. 62842

(H) As used in this section: 62843

(1) "Motor vehicle record" has the same meaning as in section 62844
4501.27 of the Revised Code. 62845

(2) "Peace officer" means those persons described in division 62846
(A)(1), (2), (4), (5), (6), (9), (10), (12), ~~or (13)~~, or (15) of 62847

section 109.71 of the Revised Code, an officer, agent, or employee 62848
of the state or any of its agencies, instrumentalities, or 62849
political subdivisions, upon whom, by statute, a duty to conserve 62850
the peace or to enforce all or certain laws is imposed and the 62851
authority to arrest violators is conferred, within the limits of 62852
that statutory duty and authority, an investigator of the bureau 62853
of criminal identification and investigation as defined in section 62854
2903.11 of the Revised Code, the house sergeant at arms appointed 62855
under division (B)(1) of section 101.311 of the Revised Code, and 62856
any assistant sergeant at arms appointed under division (C)(1) of 62857
section 101.311 of the Revised Code. "Peace officer" includes 62858
state highway patrol troopers but does not include the sheriff of 62859
a county or a supervisory employee who, in the absence of the 62860
sheriff, is authorized to stand in for, exercise the authority of, 62861
and perform the duties of the sheriff. 62862

(3) "Correctional employee" and "youth services employee" 62863
have the same meanings as in section 149.43 of the Revised Code. 62864

Sec. 4501.29. The department of administrative services shall 62865
collect user fees from participants in the multi-agency radio 62866
communications system (MARCS). The director of administrative 62867
services, with the advice of the MARCS steering committee and the 62868
consent of the director of budget and management, shall determine 62869
the amount of the user fees and the manner by which the fees shall 62870
be collected. All moneys from user fees shall be deposited in the 62871
MARCS administration fund, which is hereby created in the state 62872
treasury. All investment earnings on moneys in the fund shall be 62873
credited to the fund. 62874

Sec. 4503.068. On or before the second Monday in September of 62875
each year, the county treasurer shall total the amount by which 62876
the manufactured home taxes levied in that year were reduced 62877
pursuant to section 4503.065 of the Revised Code, and certify that 62878

amount to the tax commissioner. Within ninety days of the receipt 62879
of the certification, the commissioner shall ~~certify that amount~~ 62880
~~to the director of budget and management and the director shall~~ 62881
~~make two payments from the general revenue fund in favor of the~~ 62882
~~county treasurer. One shall be in the full amount by which taxes~~ 62883
~~were reduced. The other shall be in an amount equal to two per~~ 62884
~~cent of such amount and shall be a payment~~ provide for payment to 62885
the county treasurer, from the general revenue fund, of the amount 62886
certified, which shall be credited upon receipt to the county's 62887
undivided income tax fund, and an amount equal to two per cent of 62888
the amount by which taxes were reduced, which shall be credited 62889
upon receipt to the county general fund as a payment, in addition 62890
to the fees and charges authorized by sections 319.54 and 321.26 62891
of the Revised Code, to the county auditor and county treasurer 62892
for the costs of administering sections 4503.064 to 4503.069 of 62893
the Revised Code. 62894

Immediately upon receipt of ~~the payment in the full amount by~~ 62895
~~which taxes were reduced, the full amount of the payment shall be~~ 62896
~~distributed~~ funds into the county undivided income tax fund under 62897
this section, the county auditor shall distribute the full amount 62898
thereof among the taxing districts in the county as though it had 62899
been received as taxes under section 4503.06 of the Revised Code 62900
from each person for whom taxes were reduced under section 62901
4503.065 of the Revised Code. 62902

Sec. 4503.10. (A) The owner of every snowmobile, off-highway 62903
motorcycle, and all-purpose vehicle required to be registered 62904
under section 4519.02 of the Revised Code shall file an 62905
application for registration under section 4519.03 of the Revised 62906
Code. The owner of a motor vehicle, other than a snowmobile, 62907
off-highway motorcycle, or all-purpose vehicle, that is not 62908
designed and constructed by the manufacturer for operation on a 62909
street or highway may not register it under this chapter except 62910

upon certification of inspection pursuant to section 4513.02 of 62911
the Revised Code by the sheriff, or the chief of police of the 62912
municipal corporation or township, with jurisdiction over the 62913
political subdivision in which the owner of the motor vehicle 62914
resides. Except as provided in section 4503.103 of the Revised 62915
Code, every owner of every other motor vehicle not previously 62916
described in this section and every person mentioned as owner in 62917
the last certificate of title of a motor vehicle that is operated 62918
or driven upon the public roads or highways shall cause to be 62919
filed each year, by mail or otherwise, in the office of the 62920
registrar of motor vehicles or a deputy registrar, a written or 62921
electronic application or a preprinted registration renewal notice 62922
issued under section 4503.102 of the Revised Code, the form of 62923
which shall be prescribed by the registrar, for registration for 62924
the following registration year, which shall begin on the first 62925
day of January of every calendar year and end on the thirty-first 62926
day of December in the same year. Applications for registration 62927
and registration renewal notices shall be filed at the times 62928
established by the registrar pursuant to section 4503.101 of the 62929
Revised Code. A motor vehicle owner also may elect to apply for or 62930
renew a motor vehicle registration by electronic means using 62931
electronic signature in accordance with rules adopted by the 62932
registrar. Except as provided in division (J) of this section, 62933
applications for registration shall be made on blanks furnished by 62934
the registrar for that purpose, containing the following 62935
information: 62936

(1) A brief description of the motor vehicle to be 62937
registered, including the year, make, model, and vehicle 62938
identification number, and, in the case of commercial cars, the 62939
gross weight of the vehicle fully equipped computed in the manner 62940
prescribed in section 4503.08 of the Revised Code; 62941

(2) The name and residence address of the owner, and the 62942

township and municipal corporation in which the owner resides; 62943

(3) The district of registration, which shall be determined 62944
as follows: 62945

(a) In case the motor vehicle to be registered is used for 62946
hire or principally in connection with any established business or 62947
branch business, conducted at a particular place, the district of 62948
registration is the municipal corporation in which that place is 62949
located or, if not located in any municipal corporation, the 62950
county and township in which that place is located. 62951

(b) In case the vehicle is not so used, the district of 62952
registration is the municipal corporation or county in which the 62953
owner resides at the time of making the application. 62954

(4) Whether the motor vehicle is a new or used motor vehicle; 62955

(5) The date of purchase of the motor vehicle; 62956

(6) Whether the fees required to be paid for the registration 62957
or transfer of the motor vehicle, during the preceding 62958
registration year and during the preceding period of the current 62959
registration year, have been paid. Each application for 62960
registration shall be signed by the owner, either manually or by 62961
electronic signature, or pursuant to obtaining a limited power of 62962
attorney authorized by the registrar for registration, or other 62963
document authorizing such signature. If the owner elects to apply 62964
for or renew the motor vehicle registration with the registrar by 62965
electronic means, the owner's manual signature is not required. 62966

(7) The owner's social security number, driver's license 62967
number, or state identification number, or, where a motor vehicle 62968
to be registered is used for hire or principally in connection 62969
with any established business, the owner's federal taxpayer 62970
identification number. The bureau of motor vehicles shall retain 62971
in its records all social security numbers provided under this 62972
section, but the bureau shall not place social security numbers on 62973

motor vehicle certificates of registration. 62974

(B) Except as otherwise provided in this division, each time 62975
an applicant first registers a motor vehicle in the applicant's 62976
name, the applicant shall present for inspection a physical 62977
certificate of title or memorandum certificate showing title to 62978
the motor vehicle to be registered in the name of the applicant if 62979
a physical certificate of title or memorandum certificate has been 62980
issued by a clerk of a court of common pleas. If, under sections 62981
4505.021, 4505.06, and 4505.08 of the Revised Code, a clerk 62982
instead has issued an electronic certificate of title for the 62983
applicant's motor vehicle, that certificate may be presented for 62984
inspection at the time of first registration in a manner 62985
prescribed by rules adopted by the registrar. An applicant is not 62986
required to present a certificate of title to an electronic motor 62987
vehicle dealer acting as a limited authority deputy registrar in 62988
accordance with rules adopted by the registrar. When a motor 62989
vehicle inspection and maintenance program is in effect under 62990
section 3704.14 of the Revised Code and rules adopted under it, 62991
each application for registration for a vehicle required to be 62992
inspected under that section and those rules shall be accompanied 62993
by an inspection certificate for the motor vehicle issued in 62994
accordance with that section. The application shall be refused if 62995
any of the following applies: 62996

(1) The application is not in proper form. 62997

(2) The application is prohibited from being accepted by 62998
division (D) of section 2935.27, division (A) of section 2937.221, 62999
division (A) of section 4503.13, division (B) of section 4510.22, 63000
or division (B)(1) of section 4521.10 of the Revised Code. 63001

(3) A certificate of title or memorandum certificate of title 63002
is required but does not accompany the application or, in the case 63003
of an electronic certificate of title, is required but is not 63004
presented in a manner prescribed by the registrar's rules. 63005

(4) All registration and transfer fees for the motor vehicle, 63006
for the preceding year or the preceding period of the current 63007
registration year, have not been paid. 63008

(5) The owner or lessee does not have an inspection 63009
certificate for the motor vehicle as provided in section 3704.14 63010
of the Revised Code, and rules adopted under it, if that section 63011
is applicable. 63012

This section does not require the payment of license or 63013
registration taxes on a motor vehicle for any preceding year, or 63014
for any preceding period of a year, if the motor vehicle was not 63015
taxable for that preceding year or period under sections 4503.02, 63016
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 63017
Revised Code. When a certificate of registration is issued upon 63018
the first registration of a motor vehicle by or on behalf of the 63019
owner, the official issuing the certificate shall indicate the 63020
issuance with a stamp on the certificate of title or memorandum 63021
certificate or, in the case of an electronic certificate of title, 63022
an electronic stamp or other notation as specified in rules 63023
adopted by the registrar, and with a stamp on the inspection 63024
certificate for the motor vehicle, if any. The official also shall 63025
indicate, by a stamp or by other means the registrar prescribes, 63026
on the registration certificate issued upon the first registration 63027
of a motor vehicle by or on behalf of the owner the odometer 63028
reading of the motor vehicle as shown in the odometer statement 63029
included in or attached to the certificate of title. Upon each 63030
subsequent registration of the motor vehicle by or on behalf of 63031
the same owner, the official also shall so indicate the odometer 63032
reading of the motor vehicle as shown on the immediately preceding 63033
certificate of registration. 63034

The registrar shall include in the permanent registration 63035
record of any vehicle required to be inspected under section 63036
3704.14 of the Revised Code the inspection certificate number from 63037

the inspection certificate that is presented at the time of 63038
registration of the vehicle as required under this division. 63039

(C)(1) Except as otherwise provided in division (C)(1) of 63040
this section, for each registration renewal with an expiration 63041
date on or after October 1, 2003, and for each initial application 63042
for registration received on and after that date, the registrar 63043
and each deputy registrar shall collect an additional fee of 63044
eleven dollars for each application for registration and 63045
registration renewal received. For vehicles specified in divisions 63046
(A)(1) to (21) of section 4503.042 of the Revised Code, commencing 63047
with each registration renewal with an expiration date on or after 63048
October 1, 2009, and for each initial application received on or 63049
after that date, the registrar and deputy registrar shall collect 63050
an additional fee of thirty dollars for each application for 63051
registration and registration renewal received. The additional fee 63052
is for the purpose of defraying the department of public safety's 63053
costs associated with the administration and enforcement of the 63054
motor vehicle and traffic laws of Ohio. Each deputy registrar 63055
shall transmit the fees collected under division (C)(1) of this 63056
section in the time and manner provided in this section. The 63057
registrar shall deposit all moneys received under division (C)(1) 63058
of this section into the state highway safety fund established in 63059
section 4501.06 of the Revised Code. 63060

(2) In addition, a charge of twenty-five cents shall be made 63062
for each reflectorized safety license plate issued, and a single 63063
charge of twenty-five cents shall be made for each county 63064
identification sticker or each set of county identification 63065
stickers issued, as the case may be, to cover the cost of 63066
producing the license plates and stickers, including material, 63067
manufacturing, and administrative costs. Those fees shall be in 63068
addition to the license tax. If the total cost of producing the 63069

plates is less than twenty-five cents per plate, or if the total 63070
cost of producing the stickers is less than twenty-five cents per 63071
sticker or per set issued, any excess moneys accruing from the 63072
fees shall be distributed in the same manner as provided by 63073
section 4501.04 of the Revised Code for the distribution of 63074
license tax moneys. If the total cost of producing the plates 63075
exceeds twenty-five cents per plate, or if the total cost of 63076
producing the stickers exceeds twenty-five cents per sticker or 63077
per set issued, the difference shall be paid from the license tax 63078
moneys collected pursuant to section 4503.02 of the Revised Code. 63079

(D) Each deputy registrar shall be allowed a fee of three 63080
dollars and fifty cents for each application for registration and 63081
registration renewal notice the deputy registrar receives, which 63082
shall be for the purpose of compensating the deputy registrar for 63083
the deputy registrar's services, and such office and rental 63084
expenses, as may be necessary for the proper discharge of the 63085
deputy registrar's duties in the receiving of applications and 63086
renewal notices and the issuing of registrations. 63087

(E) Upon the certification of the registrar, the county 63088
sheriff or local police officials shall recover license plates 63089
erroneously or fraudulently issued. 63090

(F) Each deputy registrar, upon receipt of any application 63091
for registration or registration renewal notice, together with the 63092
license fee and any local motor vehicle license tax levied 63093
pursuant to Chapter 4504. of the Revised Code, shall transmit that 63094
fee and tax, if any, in the manner provided in this section, 63095
together with the original and duplicate copy of the application, 63096
to the registrar. The registrar, subject to the approval of the 63097
director of public safety, may deposit the funds collected by 63098
those deputies in a local bank or depository to the credit of the 63099
"state of Ohio, bureau of motor vehicles." Where a local bank or 63100
depository has been designated by the registrar, each deputy 63101

registrar shall deposit all moneys collected by the deputy 63102
registrar into that bank or depository not more than one business 63103
day after their collection and shall make reports to the registrar 63104
of the amounts so deposited, together with any other information, 63105
some of which may be prescribed by the treasurer of state, as the 63106
registrar may require and as prescribed by the registrar by rule. 63107
The registrar, within three days after receipt of notification of 63108
the deposit of funds by a deputy registrar in a local bank or 63109
depository, shall draw on that account in favor of the treasurer 63110
of state. The registrar, subject to the approval of the director 63111
and the treasurer of state, may make reasonable rules necessary 63112
for the prompt transmittal of fees and for safeguarding the 63113
interests of the state and of counties, townships, municipal 63114
corporations, and transportation improvement districts levying 63115
local motor vehicle license taxes. The registrar may pay service 63116
charges usually collected by banks and depositories for such 63117
service. If deputy registrars are located in communities where 63118
banking facilities are not available, they shall transmit the fees 63119
forthwith, by money order or otherwise, as the registrar, by rule 63120
approved by the director and the treasurer of state, may 63121
prescribe. The registrar may pay the usual and customary fees for 63122
such service. 63123

(G) This section does not prevent any person from making an 63124
application for a motor vehicle license directly to the registrar 63125
by mail, by electronic means, or in person at any of the 63126
registrar's offices, upon payment of a service fee of three 63127
dollars and fifty cents for each application. 63128

(H) No person shall make a false statement as to the district 63129
of registration in an application required by division (A) of this 63130
section. Violation of this division is falsification under section 63131
2921.13 of the Revised Code and punishable as specified in that 63132
section. 63133

(I)(1) Where applicable, the requirements of division (B) of this section relating to the presentation of an inspection certificate issued under section 3704.14 of the Revised Code and rules adopted under it for a motor vehicle, the refusal of a license for failure to present an inspection certificate, and the stamping of the inspection certificate by the official issuing the certificate of registration apply to the registration of and issuance of license plates for a motor vehicle under sections 4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 4503.47, and 4503.51 of the Revised Code.

(2)(a) The registrar shall adopt rules ensuring that each owner registering a motor vehicle in a county where a motor vehicle inspection and maintenance program is in effect under section 3704.14 of the Revised Code and rules adopted under it receives information about the requirements established in that section and those rules and about the need in those counties to present an inspection certificate with an application for registration or preregistration.

(b) Upon request, the registrar shall provide the director of environmental protection, or any person that has been awarded a contract under ~~division (D)~~ of section 3704.14 of the Revised Code, an on-line computer data link to registration information for all passenger cars, noncommercial motor vehicles, and commercial cars that are subject to that section. The registrar also shall provide to the director of environmental protection a magnetic data tape containing registration information regarding passenger cars, noncommercial motor vehicles, and commercial cars for which a multi-year registration is in effect under section 4503.103 of the Revised Code or rules adopted under it, including, without limitation, the date of issuance of the multi-year registration, the registration deadline established under rules

adopted under section 4503.101 of the Revised Code that was 63166
applicable in the year in which the multi-year registration was 63167
issued, and the registration deadline for renewal of the 63168
multi-year registration. 63169

(J) ~~Application~~ Subject to division (K) of this section, 63170
application for registration under the international registration 63171
plan, as set forth in sections 4503.60 to 4503.66 of the Revised 63172
Code, shall be made to the registrar on forms furnished by the 63173
registrar. In accordance with international registration plan 63174
guidelines and pursuant to rules adopted by the registrar, the 63175
forms shall include the following: 63176

(1) A uniform mileage schedule; 63177

(2) The gross vehicle weight of the vehicle or combined gross 63178
vehicle weight of the combination vehicle as declared by the 63179
registrant; 63180

(3) Any other information the registrar requires by rule. 63181

(K) The registrar shall determine the feasibility of 63182
implementing an electronic commercial fleet licensing and 63183
management program that will enable the owners of commercial 63184
tractors, commercial trailers, and commercial semitrailers to 63185
conduct electronic transactions by July 1, 2010, or sooner. If the 63186
registrar determines that implementing such a program is feasible, 63187
the registrar shall adopt new rules under this division or amend 63188
existing rules adopted under this division as necessary in order 63189
to respond to advances in technology. 63190

If international registration plan guidelines and provisions 63191
allow member jurisdictions to permit applications for 63192
registrations under the international registration plan to be made 63193
via the internet, the rules the registrar adopts under this 63194
division shall permit such action. 63195

Sec. 4503.103. (A)(1)(a)(i) The registrar of motor vehicles 63196
may adopt rules to permit any person or lessee, other than a 63197
person receiving an apportioned license plate under the 63198
international registration plan, who owns or leases one or more 63199
motor vehicles to file a written application for registration for 63200
no more than five succeeding registration years. The rules adopted 63201
by the registrar may designate the classes of motor vehicles that 63202
are eligible for such registration. At the time of application, 63203
all annual taxes and fees shall be paid for each year for which 63204
the person is registering. 63205

(ii) Not later than October 1, 2009, the registrar shall 63206
adopt rules to permit any person or lessee who owns or leases ~~two~~ 63207
~~or more trailers~~ a trailer or ~~semitrailers~~ semitrailer that are is 63208
subject to the tax rates prescribed in section 4503.042 of the 63209
Revised Code for such trailers or semitrailers to file a written 63210
application for registration for not more than five succeeding 63211
registration years. At the time of application, all annual taxes 63212
and fees shall be paid for each year for which the person is 63213
registering. 63214

(b)(i) Except as provided in division (A)(1)(b)(ii) of this 63215
section, the registrar shall adopt rules to permit any person who 63216
owns a motor vehicle to file an application for registration for 63217
the next two succeeding registration years. At the time of 63218
application, the person shall pay the annual taxes and fees for 63219
each registration year, calculated in accordance with division (C) 63220
of section 4503.11 of the Revised Code. A person who is 63221
registering a vehicle under division (A)(1)(b) of this section 63222
shall pay for each year of registration the additional fee 63223
established under division (C)(1) of section 4503.10 of the 63224
Revised Code. The person shall also pay one and one-half times the 63225
amount of the deputy registrar service fee specified in division 63226
(D) of section 4503.10 of the Revised Code or the bureau of motor 63227

vehicles service fee specified in division (G) of that section, as applicable. 63228
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(ii) Division (A)(1)(b)(i) of this section does not apply to a person receiving an apportioned license plate under the international registration plan, or the owner of a commercial car used solely in intrastate commerce, or the owner of a bus as defined in section 4513.50 of the Revised Code. 63230
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(2) No person applying for a multi-year registration under division (A)(1) of this section is entitled to a refund of any taxes or fees paid. 63235
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(3) The registrar shall not issue to any applicant who has been issued a final, nonappealable order under division (B) of this section a multi-year registration or renewal thereof under this division or rules adopted under it for any motor vehicle that is required to be inspected under section 3704.14 of the Revised Code the district of registration of which, as determined under section 4503.10 of the Revised Code, is or is located in the county named in the order. 63238
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(B) Upon receipt from the director of environmental protection of a notice issued under rules adopted under section 3704.14 of the Revised Code indicating that an owner of a motor vehicle that is required to be inspected under that section who obtained a multi-year registration for the vehicle under division (A) of this section or rules adopted under that division has not obtained a required inspection certificate for the vehicle, the registrar in accordance with Chapter 119. of the Revised Code shall issue an order to the owner impounding the certificate of registration and identification license plates for the vehicle. The order also shall prohibit the owner from obtaining or renewing a multi-year registration for any vehicle that is required to be inspected under that section, the district of registration of which is or is located in the same county as the county named in 63246
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the order during the number of years after expiration of the 63260
current multi-year registration that equals the number of years 63261
for which the current multi-year registration was issued. 63262

An order issued under this division shall require the owner 63263
to surrender to the registrar the certificate of registration and 63264
license plates for the vehicle named in the order within five days 63265
after its issuance. If the owner fails to do so within that time, 63266
the registrar shall certify that fact to the county sheriff or 63267
local police officials who shall recover the certificate of 63268
registration and license plates for the vehicle. 63269

(C) Upon the occurrence of either of the following 63270
circumstances, the registrar in accordance with Chapter 119. of 63271
the Revised Code shall issue to the owner a modified order 63272
rescinding the provisions of the order issued under division (B) 63273
of this section impounding the certificate of registration and 63274
license plates for the vehicle named in that original order: 63275

(1) Receipt from the director of environmental protection of 63276
a subsequent notice under rules adopted under section 3704.14 of 63277
the Revised Code that the owner has obtained the inspection 63278
certificate for the vehicle as required under those rules; 63279

(2) Presentation to the registrar by the owner of the 63280
required inspection certificate for the vehicle. 63281

(D) The owner of a motor vehicle for which the certificate of 63282
registration and license plates have been impounded pursuant to an 63283
order issued under division (B) of this section, upon issuance of 63284
a modified order under division (C) of this section, may apply to 63285
the registrar for their return. A fee of two dollars and fifty 63286
cents shall be charged for the return of the certificate of 63287
registration and license plates for each vehicle named in the 63288
application. 63289

Sec. 4503.182. (A) A purchaser of a motor vehicle, upon 63290
application and proof of purchase of the vehicle, may be issued a 63291
temporary license placard or windshield sticker for the motor 63292
vehicle. 63293

The purchaser of a vehicle applying for a temporary license 63294
placard or windshield sticker under this section shall execute an 63295
affidavit stating that the purchaser has not been issued 63296
previously during the current registration year a license plate 63297
that could legally be transferred to the vehicle. 63298

Placards or windshield stickers shall be issued only for the 63299
applicant's use of the vehicle to enable the applicant to legally 63300
operate the motor vehicle while proper title, license plates, and 63301
a certificate of registration are being obtained, and shall be 63302
displayed on no other motor vehicle. 63303

Placards or windshield stickers issued under this section are 63304
valid for a period of thirty days from date of issuance and are 63305
not transferable or renewable. 63306

The fee for the placards or windshield stickers issued under 63307
this section is two dollars plus a service fee of three dollars 63308
and fifty cents. 63309

(B)(1) The registrar of motor vehicles may issue to a 63310
motorized bicycle dealer or a licensed motor vehicle dealer 63311
temporary license placards to be issued to purchasers for use on 63312
vehicles sold by the dealer, in accordance with rules prescribed 63313
by the registrar. The dealer shall notify the registrar, within 63314
forty-eight hours, of the issuance of a placard by electronic 63315
means via computer equipment purchased and maintained by the 63316
dealer or in any other manner prescribed by the registrar. 63317

(2) The fee for each placard issued by the registrar to a 63318
dealer is ~~fifteen~~ two dollars, ~~of which thirteen dollars shall be~~ 63319

~~deposited and used in accordance with division (D) of this~~ 63320
~~section.~~ The registrar shall charge an additional three dollars 63321
and fifty cents for each placard issued to a dealer who notifies 63322
the registrar of the issuance of the placards in a manner other 63323
than by approved electronic means. 63324

(3) When a dealer issues a temporary license placard to a 63325
purchaser, the dealer shall collect and retain the fees 63326
established under divisions (A) and (D) of this section. 63327

(C) The registrar of motor vehicles, at the registrar's 63328
discretion, may issue a temporary license placard. Such a placard 63329
may be issued in the case of extreme hardship encountered by a 63330
citizen from this state or another state who has attempted to 63331
comply with all registration laws, but for extreme circumstances 63332
is unable to properly register the citizen's vehicle. 63333

(D) In addition to the fees charged under divisions (A) and 63334
(B) of this section, commencing on October 1, 2003, the registrar 63335
and each deputy registrar shall collect a fee of five dollars and 63336
commencing on October 1, 2009, a fee of thirteen dollars, for each 63337
temporary license placard issued. The additional fee is for the 63338
purpose of defraying the department of public safety's costs 63339
associated with the administration and enforcement of the motor 63340
vehicle and traffic laws of Ohio. ~~Each~~ At the time and in the 63341
manner provided by section 4503.10 of the Revised Code, the deputy 63342
registrar shall transmit to the registrar the fees collected under 63343
this ~~division in the same manner as provided for transmission of~~ 63344
~~fees collected under division (A) of this~~ section. The registrar 63345
shall deposit all moneys received under this division into the 63346
state highway safety fund established in section 4501.06 of the 63347
Revised Code. 63348

(E) The registrar shall adopt rules, in accordance with 63349
division (B) of section 111.15 of the Revised Code, to specify the 63350
procedures for reporting the information from applications for 63351

temporary license placards and windshield stickers and for 63352
providing the information from these applications to law 63353
enforcement agencies. 63354

(F) Temporary license placards issued under this section 63355
shall bear a distinctive combination of seven letters, numerals, 63356
or letters and numerals, and shall incorporate a security feature 63357
that, to the greatest degree possible, prevents tampering with any 63358
of the information that is entered upon a placard when it is 63359
issued. 63360

(G) Whoever violates division (A) of this section is guilty 63361
of a misdemeanor of the fourth degree. Whoever violates division 63362
(B) of this section is guilty of a misdemeanor of the first 63363
degree. 63364

(H) As used in this section, "motorized bicycle dealer" means 63365
any person engaged in the business of selling at retail, 63366
displaying, offering for sale, or dealing in motorized bicycles 63367
who is not subject to section 4503.09 of the Revised Code. 63368

Sec. 4503.19. (A) Upon the filing of an application for 63369
registration and the payment of the tax for registration, the 63370
registrar of motor vehicles or a deputy registrar shall determine 63371
whether the owner previously has been issued license plates for 63372
the motor vehicle described in the application. If no license 63373
plates previously have been issued to the owner for that motor 63374
vehicle, the registrar or deputy registrar shall assign to the 63375
motor vehicle a distinctive number and issue and deliver to the 63376
owner in the manner that the registrar may select a certificate of 63377
registration, in the form that the registrar shall prescribe, and, 63378
except as otherwise provided in this section, two license plates, 63379
duplicates of each other, and a validation sticker, or a 63380
validation sticker alone, to be attached to the number plates as 63381
provided in section 4503.191 of the Revised Code. The registrar or 63382

deputy registrar also shall charge the owner any fees required 63383
under division (C) of section 4503.10 of the Revised Code. 63384
Trailers, manufactured homes, mobile homes, semitrailers, the 63385
manufacturer thereof, the dealer, or in transit companies therein, 63386
shall be issued one license plate only and one validation sticker, 63387
or a validation sticker alone, and the license plate and 63388
validation sticker shall be displayed only on the rear of such 63389
vehicles. A commercial tractor that does not receive an 63390
apportioned license plate under the international registration 63391
plan shall be issued two license plates and one validation 63392
sticker, and the validation sticker shall be displayed on the 63393
front of the commercial tractor. An apportioned vehicle receiving 63394
an apportioned license plate under the international registration 63395
plan shall be issued one license plate only and one validation 63396
sticker, or a validation sticker alone; the license plate shall be 63397
displayed only on the front of a semitractor and on the rear of 63398
all other vehicles. School buses shall not be issued license 63399
plates but shall bear identifying numbers in the manner prescribed 63400
by section 4511.764 of the Revised Code. The certificate of 63401
registration and license plates and validation stickers, or 63402
validation stickers alone, shall be issued and delivered to the 63403
owner in person or by mail. Chauffeured limousines shall be issued 63404
license plates, a validation sticker, and a livery sticker as 63405
provided in section 4503.24 of the Revised Code. In the event of 63406
the loss, mutilation, or destruction of any certificate of 63407
registration, or of any license plates or validation stickers, or 63408
if the owner chooses to replace license plates previously issued 63409
for a motor vehicle, or if the registration certificate and 63410
license plates have been impounded as provided by division (B)(1) 63411
of section 4507.02 and section 4507.16 of the Revised Code, the 63412
owner of a motor vehicle, or manufacturer or dealer, may obtain 63413
from the registrar, or from a deputy registrar if authorized by 63414

the registrar, a duplicate thereof or new license plates bearing a 63415
different number, if the registrar considers it advisable, upon 63416
filing an application prescribed by the registrar, and upon paying 63417
a fee of one dollar for such certificate of registration, which 63418
one dollar fee shall be deposited into the state treasury to the 63419
credit of the state bureau of motor vehicles fund created in 63420
section 4501.25 of the Revised Code. Commencing with each request 63421
made on or after October 1, 2009, or in conjunction with 63422
replacement license plates issued for renewal registrations 63423
expiring on or after October 1, 2009, a fee of seven dollars and 63424
fifty cents for each set of two license plates, or six dollars and 63425
fifty cents for each single license plate or validation sticker 63426
shall be charged and collected, of which the registrar shall 63427
deposit five dollars and fifty cents of each seven dollar and 63428
fifty cent fee or each six dollar and fifty cent fee into the 63429
state treasury to the credit of the state highway safety fund 63430
created in section 4501.06 of the Revised Code and the remaining 63431
portion of each such fee into the state treasury to the credit of 63432
the state bureau of motor vehicles fund created in section 4501.25 63433
of the Revised Code. In addition, each applicant for a replacement 63434
certificate of registration, license plate, or validation sticker 63435
shall pay the fees provided in divisions (C) and (D) of section 63436
4503.10 of the Revised Code. 63437

~~The registrar shall pay five dollars and fifty cents of the 63438
fee collected for each license plate or set of license plates 63439
issued into the state highway safety fund created in section 63440
4501.06 of the Revised Code.~~ 63441

Additionally, the registrar and each deputy registrar who 63442
either issues license plates and a validation sticker for use on 63443
any vehicle other than a commercial tractor, semitrailer, or 63444
apportioned vehicle, or who issues a validation sticker alone for 63445
use on such a vehicle and the owner has changed the owner's county 63446

of residence since the owner last was issued county identification 63447
stickers, also shall issue and deliver to the owner either one or 63448
two county identification stickers, as appropriate, which shall be 63449
attached to the license plates in a manner prescribed by the 63450
director of public safety. The county identification stickers 63451
shall identify prominently by name or number the county in which 63452
the owner of the vehicle resides at the time of registration. 63453

(B) Whoever violates this section is guilty of a minor 63454
misdemeanor. 63455

Sec. 4503.235. (A) If division (G) of section 4511.19 or 63456
division (B) of section 4511.193 of the Revised Code requires a 63457
court, as part of the sentence of an offender who is convicted of 63458
or pleads guilty to a violation of division (A) of section 4511.19 63459
of the Revised Code or as a sanction for an offender who is 63460
convicted of or pleaded guilty to a violation of a municipal OVI 63461
ordinance, to order the immobilization of a vehicle for a 63462
specified period of time, notwithstanding the requirement, the 63463
court in its discretion may determine not to order the 63464
immobilization of the vehicle if both of the following apply: 63465

(1) Prior to the issuance of the order of immobilization, a 63466
family or household member of the offender files a motion with the 63467
court identifying the vehicle and requesting that the 63468
immobilization order not be issued on the ground that the family 63469
or household member is completely dependent on the vehicle for the 63470
necessities of life and that the immobilization of the vehicle 63471
would be an undue hardship to the family or household member. 63472

(2) The court determines that the family or household member 63474
who files the motion is completely dependent on the vehicle for 63475
the necessities of life and that the immobilization of the vehicle 63476
would be an undue hardship to the family or household member. 63477

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(B) If a court pursuant to division (A) of this section
determines not to order the immobilization of a vehicle that
otherwise would be required pursuant to division (G) of section
4511.19 or division (B) of section 4511.193 of the Revised Code,
the court shall issue an order that waives the immobilization that
otherwise would be required pursuant to either of those divisions.
The immobilization waiver order shall be in effect for the period
of time for which the immobilization of the vehicle otherwise
would have been required under division (G) of section 4511.19 or
division (B) of section 4511.193 of the Revised Code if the
immobilization waiver order had not been issued, subject to
division (D) of this section. The immobilization waiver order
shall specify the period of time for which it is in effect. The
court shall provide a copy of an immobilization waiver order to
the offender and to the family or household member of the offender
who filed the motion requesting that the immobilization order not
be issued and shall place a copy of the immobilization waiver
order in the record in the case. The court shall impose an
immobilization waiver fee in the amount of fifty dollars. The
court shall determine whether the fee is to be paid by the
offender or by the family or household member. The clerk of the
court shall ~~transmit~~ deposit all of the fees collected during a
month on or before the twenty-third day of the following month ~~to~~
into the state treasury to be credited to the county or municipal
indigent drivers alcohol treatment fund under the control of that
court, as created by the county or municipal corporation under
division (F) of section 4511.191 of the Revised Code.

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(C) If a court pursuant to division (B) of this section
issues an immobilization waiver order, the order shall identify
the family or household member who requested the order and the

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vehicle to which the order applies, shall identify the family or 63510
household members who are permitted to operate the vehicle, and 63511
shall identify the offender and specify that the offender is not 63512
permitted to operate the vehicle. The immobilization waiver order 63513
shall require that the family or household member display on the 63514
vehicle to which the order applies restricted license plates that 63515
are issued under section 4503.231 of the Revised Code for the 63516
entire period for which the immobilization of the vehicle 63517
otherwise would have been required under division (G) of section 63518
4511.19 or division (B) of section 4511.193 of the Revised Code if 63519
the immobilization waiver order had not been issued. 63520

(D) A family or household member who is permitted to operate 63521
a vehicle under an immobilization waiver order issued under this 63522
section shall not permit the offender to operate the vehicle. If a 63523
family or household member who is permitted to operate a vehicle 63524
under an immobilization waiver order issued under this section 63525
permits the offender to operate the vehicle, both of the following 63526
apply: 63527

(1) The court that issued the immobilization waiver order 63528
shall terminate that order and shall issue an immobilization order 63529
in accordance with section 4503.233 of the Revised Code that 63530
applies to the vehicle, and the immobilization order shall be in 63531
effect for the remaining period of time for which the 63532
immobilization of the vehicle otherwise would have been required 63533
under division (G) of section 4511.19 or division (B) of section 63534
4511.193 of the Revised Code if the immobilization waiver order 63535
had not been issued. 63536

(2) The conduct of the family or household member in 63537
permitting the offender to operate the vehicle is a violation of 63538
section 4511.203 of the Revised Code. 63539

(E) No offender shall operate a motor vehicle subject to an 63540
immobilization waiver order. Whoever violates this division is 63541

guilty of operating a motor vehicle in violation of an 63542
immobilization waiver, a misdemeanor of the first degree. 63543

(F) "Family or household member" has the same meaning as in 63544
section 2919.25 of the Revised Code, except that the person must 63545
be currently residing with the offender. 63546

Sec. 4503.40. The For each registration renewal with an 63547
expiration date before October 1, 2009, and for each initial 63548
application for registration received before that date the 63549
registrar of motor vehicles shall be allowed a fee not to exceed 63550
ten dollars, and for each registration renewal with an expiration 63551
date on or after October 1, 2009, and for each initial application 63552
for registration received on or after that date the registrar of 63553
motor vehicles shall be allowed a fee of twenty-five dollars, for 63554
each application received by the registrar for special state 63555
reserved license plate numbers and the issuing of such licenses, 63556
and validation stickers, in the several series as the registrar 63557
may designate. The fee shall be in addition to the license tax 63558
established by this chapter and, where applicable, Chapter 4504. 63559
of the Revised Code. Seven dollars and fifty cents of the fee 63560
shall be for the purpose of compensating the bureau of motor 63561
vehicles for additional services required in the issuing of such 63562
licenses, and the remaining ~~seventeen dollars and fifty cents~~ 63563
portion of the fee shall be deposited by the registrar into the 63564
state treasury to the credit of the state highway safety fund 63565
created by section 4501.06 of the Revised Code. The types of motor 63566
vehicles for which special state reserved license plates may be 63567
issued in accordance with this section shall include at least 63568
motorcycles, buses, passenger cars, and noncommercial motor 63569
vehicles. 63570

Sec. 4503.42. The For each registration renewal with an 63571
expiration date before October 1, 2009, and for each initial 63572

application for registration received before that date the 63573
registrar of motor vehicles shall be allowed a fee not to exceed 63574
thirty-five dollars, and for each registration renewal with an 63575
expiration date on or after October 1, 2009, and for each initial 63576
application for registration received on or after that date the 63577
registrar ~~of motor vehicles~~ shall be allowed a fee of fifty 63578
dollars, which shall be in addition to the regular license fee for 63579
tags as prescribed under section 4503.04 of the Revised Code and 63580
any tax levied under section 4504.02 or 4504.06 of the Revised 63581
Code, for each application received by the registrar for special 63582
reserved license plate numbers containing more than three letters 63583
or numerals, and the issuing of such licenses and validation 63584
stickers in the several series as the registrar may designate. 63585
Five dollars of the fee shall be for the purpose of compensating 63586
the bureau of motor vehicles for additional services required in 63587
the issuing of such licenses and validation stickers, and the 63588
remaining ~~forty-five dollars~~ portion of the fee shall be deposited 63589
by the registrar into the state treasury to the credit of the 63590
state highway safety fund created by section 4501.06 of the 63591
Revised Code. 63592

This section does not apply to the issuance of reserved 63593
license plates as authorized by sections 4503.14, 4503.15, and 63594
4503.40 of the Revised Code. The types of motor vehicles for which 63595
license plate numbers containing more than three letters or 63596
numerals may be issued in accordance with this section shall 63597
include at least buses, passenger cars, and noncommercial motor 63598
vehicles. 63599

Sec. 4503.44. (A) As used in this section and in section 63600
4511.69 of the Revised Code: 63601

(1) "Person with a disability that limits or impairs the 63602
ability to walk" means any person who, as determined by a health 63603

care provider, meets any of the following criteria: 63604

(a) Cannot walk two hundred feet without stopping to rest; 63605

(b) Cannot walk without the use of, or assistance from, a 63606
brace, cane, crutch, another person, prosthetic device, 63607
wheelchair, or other assistive device; 63608

(c) Is restricted by a lung disease to such an extent that 63609
the person's forced (respiratory) expiratory volume for one 63610
second, when measured by spirometry, is less than one liter, or 63611
the arterial oxygen tension is less than sixty millimeters of 63612
mercury on room air at rest; 63613

(d) Uses portable oxygen; 63614

(e) Has a cardiac condition to the extent that the person's 63615
functional limitations are classified in severity as class III or 63616
class IV according to standards set by the American heart 63617
association; 63618

(f) Is severely limited in the ability to walk due to an 63619
arthritic, neurological, or orthopedic condition; 63620

(g) Is blind. 63621

(2) "Organization" means any private organization or 63622
corporation, or any governmental board, agency, department, 63623
division, or office, that, as part of its business or program, 63624
transports persons with disabilities that limit or impair the 63625
ability to walk on a regular basis in a motor vehicle that has not 63626
been altered for the purpose of providing it with special 63627
equipment for use by handicapped persons. This definition does not 63628
apply to division (J) of this section. 63629

(3) "Health care provider" means a physician, physician 63630
assistant, advanced practice nurse, or chiropractor as defined in 63631
this section. 63632

(4) "Physician" means a person licensed to practice medicine 63633

or surgery or osteopathic medicine and surgery under Chapter 4731. 63634
of the Revised Code. 63635

(5) "Chiropractor" means a person licensed to practice 63636
chiropractic under Chapter 4734. of the Revised Code. 63637

(6) "Advanced practice nurse" means any certified nurse 63638
practitioner, clinical nurse specialist, certified registered 63639
nurse anesthetist, or certified nurse-midwife who holds a 63640
certificate of authority issued by the board of nursing under 63641
Chapter 4723. of the Revised Code. 63642

(7) "Physician assistant" means a person who holds a 63643
certificate to practice as a physician assistant issued under 63644
Chapter 4730. of the Revised Code. 63645

(B) Any organization or person with a disability that limits 63646
or impairs the ability to walk may apply to the registrar of motor 63647
vehicles for a removable windshield placard or, if the person owns 63648
or leases a motor vehicle, the person may apply for the 63649
registration of any motor vehicle the person owns or leases. In 63650
addition to one or more sets of license plates or one placard, a 63651
person with a disability that limits or impairs the ability to 63652
walk is entitled to one additional placard, but only if the person 63653
applies separately for the additional placard, states the reasons 63654
why the additional placard is needed, and the registrar, in the 63655
registrar's discretion, determines that good and justifiable cause 63656
exists to approve the request for the additional placard. When a 63657
motor vehicle has been altered for the purpose of providing it 63658
with special equipment for a person with a disability that limits 63659
or impairs the ability to walk, but is owned or leased by someone 63660
other than such a person, the owner or lessee may apply to the 63661
registrar or a deputy registrar for registration under this 63662
section. The application for registration of a motor vehicle owned 63663
or leased by a person with a disability that limits or impairs the 63664
ability to walk shall be accompanied by a signed statement from 63665

the applicant's health care provider certifying that the applicant
meets at least one of the criteria contained in division (A)(1) of
this section and that the disability is expected to continue for
more than six consecutive months. The application for a removable
windshield placard made by a person with a disability that limits
or impairs the ability to walk shall be accompanied by a
prescription from the applicant's health care provider prescribing
such a placard for the applicant, provided that the applicant
meets at least one of the criteria contained in division (A)(1) of
this section. The health care provider shall state on the
prescription the length of time the health care provider expects
the applicant to have the disability that limits or impairs the
applicant's ability to walk. The application for a removable
windshield placard made by an organization shall be accompanied by
such documentary evidence of regular transport of persons with
disabilities that limit or impair the ability to walk by the
organization as the registrar may require by rule and shall be
completed in accordance with procedures that the registrar may
require by rule. The application for registration of a motor
vehicle that has been altered for the purpose of providing it with
special equipment for a person with a disability that limits or
impairs the ability to walk but is owned by someone other than
such a person shall be accompanied by such documentary evidence of
vehicle alterations as the registrar may require by rule.

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(C) When an organization, a person with a disability that
limits or impairs the ability to walk, or a person who does not
have a disability that limits or impairs the ability to walk but
owns a motor vehicle that has been altered for the purpose of
providing it with special equipment for a person with a disability
that limits or impairs the ability to walk first submits an
application for registration of a motor vehicle under this section
and every fifth year thereafter, the organization or person shall

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submit a signed statement from the applicant's health care provider, a completed application, and any required documentary evidence of vehicle alterations as provided in division (B) of this section, and also a power of attorney from the owner of the motor vehicle if the applicant leases the vehicle. Upon submission of these items, the registrar or deputy registrar shall issue to the applicant appropriate vehicle registration and a set of license plates and validation stickers, or validation stickers alone when required by section 4503.191 of the Revised Code. In addition to the letters and numbers ordinarily inscribed thereon, the license plates shall be imprinted with the international symbol of access. The license plates and validation stickers shall be issued upon payment of the regular license fee as prescribed under section 4503.04 of the Revised Code and any motor vehicle tax levied under Chapter 4504. of the Revised Code, and the payment of a service fee equal to the amount specified in division (D) or (G) of section 4503.10 of the Revised Code.

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(D)(1) Upon receipt of a completed and signed application for a removable windshield placard, a prescription as described in division (B) of this section, documentary evidence of regular transport of persons with disabilities that limit or impair the ability to walk, if required, and payment of a service fee equal to the amount specified in division (D) or (G) of section 4503.10 of the Revised Code, the registrar or deputy registrar shall issue to the applicant a removable windshield placard, which shall bear the date of expiration on both sides of the placard and shall be valid until expired, revoked, or surrendered. Every removable windshield placard expires as described in division (D)(2) of this section, but in no case shall a removable windshield placard be valid for a period of less than sixty days. Removable windshield placards shall be renewable upon application as provided in division (B) of this section, and a service fee equal to the

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amount specified in division (D) or (G) of section 4503.10 of the Revised Code shall be charged for the renewal of a removable windshield placard. The registrar shall provide the application form and shall determine the information to be included thereon. The registrar also shall determine the form and size of the removable windshield placard, the material of which it is to be made, and any other information to be included thereon, and shall adopt rules relating to the issuance, expiration, revocation, surrender, and proper display of such placards. Any placard issued after October 14, 1999, shall be manufactured in a manner that allows the expiration date of the placard to be indicated on it through the punching, drilling, boring, or creation by any other means of holes in the placard.

(2) At the time a removable windshield placard is issued to a person with a disability that limits or impairs the ability to walk, the registrar or deputy registrar shall enter into the records of the bureau of motor vehicles the last date on which the person will have that disability, as indicated on the accompanying prescription. Not less than thirty days prior to that date and all removable windshield placard renewal dates, the bureau shall send a renewal notice to that person at the person's last known address as shown in the records of the bureau, informing the person that the person's removable windshield placard will expire on the indicated date not to exceed five years from the date of issuance, and that the person is required to renew the placard by submitting to the registrar or a deputy registrar another prescription, as described in division (B) of this section, and by complying with the renewal provisions prescribed in division (D)(1) of this section. If such a prescription is not received by the registrar or a deputy registrar by that date, the placard issued to that person expires and no longer is valid, and this fact shall be recorded in the records of the bureau.

(3) At least once every year, on a date determined by the registrar, the bureau shall examine the records of the office of vital statistics, located within the department of health, that pertain to deceased persons, and also the bureau's records of all persons who have been issued removable windshield placards and temporary removable windshield placards. If the records of the office of vital statistics indicate that a person to whom a removable windshield placard or temporary removable windshield placard has been issued is deceased, the bureau shall cancel that placard, and note the cancellation in its records.

The office of vital statistics shall make available to the bureau all information necessary to enable the bureau to comply with division (D)(3) of this section.

(4) Nothing in this section shall be construed to require a person or organization to apply for a removable windshield placard or special license plates if the parking card or special license plates issued to the person or organization under prior law have not expired or been surrendered or revoked.

(E)(1)(a) Any person with a disability that limits or impairs the ability to walk may apply to the registrar or a deputy registrar for a temporary removable windshield placard. The application for a temporary removable windshield placard shall be accompanied by a prescription from the applicant's health care provider prescribing such a placard for the applicant, provided that the applicant meets at least one of the criteria contained in division (A)(1) of this section and that the disability is expected to continue for six consecutive months or less. The health care provider shall state on the prescription the length of time the health care provider expects the applicant to have the disability that limits or impairs the applicant's ability to walk, which cannot exceed six months from the date of the prescription. Upon receipt of an application for a temporary removable

windshield placard, presentation of the prescription from the 63796
applicant's health care provider, and payment of a service fee 63797
equal to the amount specified in division (D) or (G) of section 63798
4503.10 of the Revised Code, the registrar or deputy registrar 63799
shall issue to the applicant a temporary removable windshield 63800
placard. 63801

(b) Any active-duty member of the armed forces of the United 63802
States, including the reserve components of the armed forces and 63803
the national guard, who has an illness or injury that limits or 63804
impairs the ability to walk may apply to the registrar or a deputy 63805
registrar for a temporary removable windshield placard. With the 63806
application, the person shall present evidence of the person's 63807
active-duty status and the illness or injury. Evidence of the 63808
illness or injury may include a current department of defense 63809
convalescent leave statement, any department of defense document 63810
indicating that the person currently has an ill or injured 63811
casualty status or has limited duties, or a prescription from any 63812
health care provider prescribing the placard for the applicant. 63813
Upon receipt of the application and the necessary evidence, the 63814
registrar or deputy registrar shall issue the applicant the 63815
temporary removable windshield placard without the payment of any 63816
service fee. 63817

(2) The temporary removable windshield placard shall be of 63818
the same size and form as the removable windshield placard, shall 63819
be printed in white on a red-colored background, and shall bear 63820
the word "temporary" in letters of such size as the registrar 63821
shall prescribe. A temporary removable windshield placard also 63822
shall bear the date of expiration on the front and back of the 63823
placard, and shall be valid until expired, surrendered, or 63824
revoked, but in no case shall such a placard be valid for a period 63825
of less than sixty days. The registrar shall provide the 63826
application form and shall determine the information to be 63827

included on it, provided that the registrar shall not require a 63828
health care provider's prescription or certification for a person 63829
applying under division (E)(1)(b) of this section. The registrar 63830
also shall determine the material of which the temporary removable 63831
windshield placard is to be made and any other information to be 63832
included on the placard and shall adopt rules relating to the 63833
issuance, expiration, surrender, revocation, and proper display of 63834
those placards. Any temporary removable windshield placard issued 63835
after October 14, 1999, shall be manufactured in a manner that 63836
allows for the expiration date of the placard to be indicated on 63837
it through the punching, drilling, boring, or creation by any 63838
other means of holes in the placard. 63839

(F) If an applicant for a removable windshield placard is a 63840
veteran of the armed forces of the United States whose disability, 63841
as defined in division (A)(1) of this section, is 63842
service-connected, the registrar or deputy registrar, upon receipt 63843
of the application, presentation of a signed statement from the 63844
applicant's health care provider certifying the applicant's 63845
disability, and presentation of such documentary evidence from the 63846
department of veterans affairs that the disability of the 63847
applicant meets at least one of the criteria identified in 63848
division (A)(1) of this section and is service-connected as the 63849
registrar may require by rule, but without the payment of any 63850
service fee, shall issue the applicant a removable windshield 63851
placard that is valid until expired, surrendered, or revoked. 63852

(G) Upon a conviction of a violation of division (I), (J), or 63853
(K) of this section, the court shall report the conviction, and 63854
send the placard or parking card, if available, to the registrar, 63855
who thereupon shall revoke the privilege of using the placard or 63856
parking card and send notice in writing to the placardholder or 63857
cardholder at that holder's last known address as shown in the 63858
records of the bureau, and the placardholder or cardholder shall 63859

return the placard or card if not previously surrendered to the 63860
court, to the registrar within ten days following mailing of the 63861
notice. 63862

Whenever a person to whom a removable windshield placard or 63863
parking card has been issued moves to another state, the person 63864
shall surrender the placard or card to the registrar; and whenever 63865
an organization to which a placard or card has been issued changes 63866
its place of operation to another state, the organization shall 63867
surrender the placard or card to the registrar. 63868

(H) Subject to division (F) of section 4511.69 of the Revised 63869
Code, the operator of a motor vehicle displaying a removable 63870
windshield placard, temporary removable windshield placard, 63871
parking card, or the special license plates authorized by this 63872
section is entitled to park the motor vehicle in any special 63873
parking location reserved for persons with disabilities that limit 63874
or impair the ability to walk, also known as handicapped parking 63875
spaces or disability parking spaces. 63876

(I) No person or organization that is not eligible under 63877
division (B) or (E) of this section shall willfully and falsely 63878
represent that the person or organization is so eligible. 63879

No person or organization shall display license plates issued 63880
under this section unless the license plates have been issued for 63881
the vehicle on which they are displayed and are valid. 63882

(J) No person or organization to which a removable windshield 63883
placard or temporary removable windshield placard is issued shall 63884
do either of the following: 63885

(1) Display or permit the display of the placard on any motor 63886
vehicle when having reasonable cause to believe the motor vehicle 63887
is being used in connection with an activity that does not include 63888
providing transportation for persons with disabilities that limit 63889
or impair the ability to walk; 63890

(2) Refuse to return or surrender the placard, when required.	63891
(K)(1) No person or organization to which a parking card is issued shall do either of the following:	63892 63893
(a) Display or permit the display of the parking card on any motor vehicle when having reasonable cause to believe the motor vehicle is being used in connection with an activity that does not include providing transportation for a handicapped person;	63894 63895 63896 63897
(b) Refuse to return or surrender the parking card, when required.	63898 63899
(2) As used in division (K) of this section:	63900
(a) "Handicapped person" means any person who has lost the use of one or both legs or one or both arms, who is blind, deaf, or so severely handicapped as to be unable to move about without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary, or other handicapping condition.	63901 63902 63903 63904 63905 63906
(b) "Organization" means any private organization or corporation, or any governmental board, agency, department, division, or office, that, as part of its business or program, transports handicapped persons on a regular basis in a motor vehicle that has not been altered for the purposes of providing it with special equipment for use by handicapped persons.	63907 63908 63909 63910 63911 63912
(L) If a removable windshield placard, temporary removable windshield placard, or parking card is lost, destroyed, or mutilated, the placardholder or cardholder may obtain a duplicate by doing both of the following:	63913 63914 63915 63916
(1) Furnishing suitable proof of the loss, destruction, or mutilation to the registrar;	63917 63918
(2) Paying a service fee equal to the amount specified in division (D) or (G) of section 4503.10 of the Revised Code.	63919 63920

Any placardholder or cardholder who loses a placard or card 63921
and, after obtaining a duplicate, finds the original, immediately 63922
shall surrender the original placard or card to the registrar. 63923

(M) The registrar shall pay all fees received under this 63924
section for the issuance of removable windshield placards or 63925
temporary removable windshield placards or duplicate removable 63926
windshield placards or cards into the state treasury to the credit 63927
of the state bureau of motor vehicles fund created in section 63928
4501.25 of the Revised Code. 63929

(N) In addition to the fees collected under this section, the 63930
registrar or deputy registrar shall ask each person applying for a 63931
removable windshield placard or temporary removable windshield 63932
placard or duplicate removable windshield placard or license plate 63933
issued under this section, whether the person wishes to make a 63934
two-dollar voluntary contribution to support rehabilitation 63935
employment services. The registrar shall transmit the 63936
contributions received under this division to the treasurer of 63937
state for deposit into the rehabilitation employment fund, which 63938
is hereby created in the state treasury. A deputy registrar shall 63939
transmit the contributions received under this division to the 63940
registrar in the time and manner prescribed by the registrar. The 63941
contributions in the fund shall be used by the rehabilitation 63942
services commission to purchase services related to vocational 63943
evaluation, work adjustment, personal adjustment, job placement, 63944
job coaching, and community-based assessment from accredited 63945
community rehabilitation program facilities. 63946

(O) For purposes of enforcing this section, every peace 63947
officer is deemed to be an agent of the registrar. Any peace 63948
officer or any authorized employee of the bureau of motor vehicles 63949
who, in the performance of duties authorized by law, becomes aware 63950
of a person whose placard or parking card has been revoked 63951
pursuant to this section, may confiscate that placard or parking 63952

card and return it to the registrar. The registrar shall prescribe 63953
any forms used by law enforcement agencies in administering this 63954
section. 63955

No peace officer, law enforcement agency employing a peace 63956
officer, or political subdivision or governmental agency employing 63957
a peace officer, and no employee of the bureau is liable in a 63958
civil action for damages or loss to persons arising out of the 63959
performance of any duty required or authorized by this section. As 63960
used in this division, "peace officer" has the same meaning as in 63961
division (B) of section 2935.01 of the Revised Code. 63962

~~(O)~~(P) All applications for registration of motor vehicles, 63963
removable windshield placards, and temporary removable windshield 63964
placards issued under this section, all renewal notices for such 63965
items, and all other publications issued by the bureau that relate 63966
to this section shall set forth the criminal penalties that may be 63967
imposed upon a person who violates any provision relating to 63968
special license plates issued under this section, the parking of 63969
vehicles displaying such license plates, and the issuance, 63970
procurement, use, and display of removable windshield placards and 63971
temporary removable windshield placards issued under this section. 63972

~~(P)~~(O) Whoever violates this section is guilty of a 63973
misdemeanor of the fourth degree. 63974

Sec. 4503.548. (A) Any person who has been awarded the combat 63975
infantryman badge may apply to the registrar of motor vehicles for 63976
the registration of any passenger car, noncommercial motor 63977
vehicle, recreational vehicle, or other vehicle of a class 63978
approved by the registrar that the person owns or leases. The 63979
application shall be accompanied by such documentary evidence in 63980
support of the award as the registrar may require. The application 63981
may be combined with a request for a special reserved license 63982
plate under section 4503.40 or 4503.42 of the Revised Code. 63983

Upon receipt of an application for registration of a motor vehicle under this section and the required taxes and fees, and upon presentation of the required supporting evidence of the award of the combat infantryman badge, the registrar shall issue to the applicant the appropriate motor vehicle registration and a set of license plates and a validation sticker, or a validation sticker alone when required by section 4503.191 of the Revised Code. 63984
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In addition to the letters and numbers ordinarily inscribed on license plates, the license plates shall be inscribed with the words "combat infantryman badge" and bear a reproduction of the combat infantryman badge. The license plates shall bear county identification stickers that identify the county of registration by name or number. 63991
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The license plates and a validation sticker or, when applicable, a validation sticker alone shall be issued upon payment of the regular license tax required by section 4503.04 of the Revised Code, payment of any local motor vehicle license tax levied under Chapter 4504. of the Revised Code, payment of any applicable additional fee prescribed by section 4503.40 or 4503.42 of the Revised Code, and compliance with all other applicable laws relating to the registration of motor vehicles. 63997
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(B) No person who is not a recipient of the combat infantryman badge shall willfully and falsely represent that the person is a recipient of the combat infantryman badge for the purpose of obtaining license plates under this section. No person shall own a motor vehicle bearing license plates issued under this section unless the person is eligible to be issued those license plates. 64005
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(C) Sections 4503.77 and 4503.78 of the Revised Code do not apply to license plates issued under this section. 64012
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Sec. 4503.563. (A) The owner or lessee of any passenger car, 64014

noncommercial motor vehicle, recreational vehicle, or other 64015
vehicle of a class approved by the registrar of motor vehicles may 64016
apply to the registrar for the registration of the vehicle and 64017
issuance of Ohio nature preserves license plates. The application 64018
for Ohio nature preserves license plates may be combined with a 64019
request for a special reserved license plate under section 4503.40 64020
or 4503.42 of the Revised Code. Upon receipt of the completed 64021
application and compliance with division (B) of this section, the 64022
registrar shall issue to the applicant the appropriate vehicle 64023
registration and a set of Ohio nature preserves license plates 64024
with a validation sticker or a validation sticker alone when 64025
required by section 4503.191 of the Revised Code. 64026

In addition to the letters and numbers ordinarily inscribed 64027
thereon, Ohio nature preserves license plates shall be inscribed 64028
with identifying words or markings designed by the department of 64029
natural resources and approved by the registrar. Ohio nature 64030
preserves license plates shall bear county identification stickers 64031
that identify the county of registration by name or number. 64032

(B) The Ohio nature preserves license plates and validation 64033
sticker shall be issued upon receipt of a contribution as provided 64034
in division (C) of this section and upon payment of the regular 64035
license fees as prescribed under section 4503.04 of the Revised 64036
Code, a bureau of motor vehicles administrative fee of ten 64037
dollars, any applicable motor vehicle tax levied under Chapter 64038
4504. of the Revised Code, and compliance with all other 64039
applicable laws relating to the registration of motor vehicles. If 64040
the application for Ohio nature preserves license plates is 64041
combined with a request for a special reserved license plate under 64042
section 4503.40 or 4503.42 of the Revised Code, the license plates 64043
and validation sticker shall be issued upon payment of the 64044
contribution, fees, and taxes contained in this division and the 64045
additional fee prescribed under section 4503.40 or 4503.42 of the 64046

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(C) For each application for registration and registration renewal submitted under this section, the registrar shall collect a contribution in an amount not to exceed forty dollars as determined by the department. The registrar shall transmit this contribution to the treasurer of state for deposit in the Ohio nature preserves fund created in section 4501.243 of the Revised Code. 64048
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The registrar shall deposit the ten-dollar bureau administrative fee, the purpose of which is to compensate the bureau for additional services required in issuing Ohio nature preserves license plates, in the state bureau of motor vehicles fund created in section 4501.25 of the Revised Code. 64055
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Sec. 4505.01. (A) As used in this chapter: 64060

(1) "Lien" includes, unless the context requires a different meaning, a security interest in a motor vehicle. 64061
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(2) "Motor vehicle" includes manufactured homes, mobile homes, recreational vehicles, and trailers and semitrailers whose weight exceeds four thousand pounds. 64063
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(3) "Manufactured home" has the same meaning as section 3781.06 of the Revised Code. 64066
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(4) "Mobile home" has the same meaning as in section 4501.01 of the Revised Code. 64068
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(5) "Manufactured housing dealer," "manufactured housing broker," and "manufactured housing salesperson" have the same meanings as in section 4781.01 of the Revised Code. 64070
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(6) "Motor vehicle dealer" includes manufactured housing dealers. 64073
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(7) "Motor vehicle salesperson" includes manufactured housing 64075

salespersons. 64076

(B) The various certificates, applications, and assignments 64077
necessary to provide certificates of title for manufactured homes, 64078
mobile homes, recreational vehicles, and trailers and semitrailers 64079
whose weight exceeds four thousand pounds, shall be made upon 64080
forms prescribed by the registrar of motor vehicles. 64081

Sec. 4505.06. (A)(1) Application for a certificate of title 64082
shall be made in a form prescribed by the registrar of motor 64083
vehicles and shall be sworn to before a notary public or other 64084
officer empowered to administer oaths. The application shall be 64085
filed with the clerk of any court of common pleas. An application 64086
for a certificate of title may be filed electronically by any 64087
electronic means approved by the registrar in any county with the 64088
clerk of the court of common pleas of that county. Any payments 64089
required by this chapter shall be considered as accompanying any 64090
electronically transmitted application when payment actually is 64091
received by the clerk. Payment of any fee or taxes may be made by 64092
electronic transfer of funds. 64093

(2) The application for a certificate of title shall be 64094
accompanied by the fee prescribed in section 4505.09 of the 64095
Revised Code. The fee shall be retained by the clerk who issues 64096
the certificate of title and shall be distributed in accordance 64097
with that section. If a clerk of a court of common pleas, other 64098
than the clerk of the court of common pleas of an applicant's 64099
county of residence, issues a certificate of title to the 64100
applicant, the clerk shall transmit data related to the 64101
transaction to the automated title processing system. 64102

(3) If a certificate of title previously has been issued for 64103
a motor vehicle in this state, the application for a certificate 64104
of title also shall be accompanied by that certificate of title 64105
duly assigned, unless otherwise provided in this chapter. If a 64106

certificate of title previously has not been issued for the motor 64107
vehicle in this state, the application, unless otherwise provided 64108
in this chapter, shall be accompanied by a manufacturer's or 64109
importer's certificate or by a certificate of title of another 64110
state from which the motor vehicle was brought into this state. If 64111
the application refers to a motor vehicle last previously 64112
registered in another state, the application also shall be 64113
accompanied by the physical inspection certificate required by 64114
section 4505.061 of the Revised Code. If the application is made 64115
by two persons regarding a motor vehicle in which they wish to 64116
establish joint ownership with right of survivorship, they may do 64117
so as provided in section 2131.12 of the Revised Code. If the 64118
applicant requests a designation of the motor vehicle in 64119
beneficiary form so that upon the death of the owner of the motor 64120
vehicle, ownership of the motor vehicle will pass to a designated 64121
transfer-on-death beneficiary or beneficiaries, the applicant may 64122
do so as provided in section 2131.13 of the Revised Code. A person 64123
who establishes ownership of a motor vehicle that is transferable 64124
on death in accordance with section 2131.13 of the Revised Code 64125
may terminate that type of ownership or change the designation of 64126
the transfer-on-death beneficiary or beneficiaries by applying for 64127
a certificate of title pursuant to this section. The clerk shall 64128
retain the evidence of title presented by the applicant and on 64129
which the certificate of title is issued, except that, if an 64130
application for a certificate of title is filed electronically by 64131
an electronic motor vehicle dealer on behalf of the purchaser of a 64132
motor vehicle, the clerk shall retain the completed electronic 64133
record to which the dealer converted the certificate of title 64134
application and other required documents. The registrar, after 64135
consultation with the attorney general, shall adopt rules that 64136
govern the location at which, and the manner in which, are stored 64137
the actual application and all other documents relating to the 64138
sale of a motor vehicle when an electronic motor vehicle dealer 64139

files the application for a certificate of title electronically on 64140
behalf of the purchaser. 64141

The clerk shall use reasonable diligence in ascertaining 64142
whether or not the facts in the application for a certificate of 64143
title are true by checking the application and documents 64144
accompanying it or the electronic record to which a dealer 64145
converted the application and accompanying documents with the 64146
records of motor vehicles in the clerk's office. If the clerk is 64147
satisfied that the applicant is the owner of the motor vehicle and 64148
that the application is in the proper form, the clerk, within five 64149
business days after the application is filed and except as 64150
provided in section 4505.021 of the Revised Code, shall issue a 64151
physical certificate of title over the clerk's signature and 64152
sealed with the clerk's seal, unless the applicant specifically 64153
requests the clerk not to issue a physical certificate of title 64154
and instead to issue an electronic certificate of title. For 64155
purposes of the transfer of a certificate of title, if the clerk 64156
is satisfied that the secured party has duly discharged a lien 64157
notation but has not canceled the lien notation with a clerk, the 64158
clerk may cancel the lien notation on the automated title 64159
processing system and notify the clerk of the county of origin. 64160

(4) In the case of the sale of a motor vehicle to a general 64161
buyer or user by a dealer, by a motor vehicle leasing dealer 64162
selling the motor vehicle to the lessee or, in a case in which the 64163
leasing dealer subleased the motor vehicle, the sublessee, at the 64164
end of the lease agreement or sublease agreement, or by a 64165
manufactured ~~home~~ housing broker, the certificate of title shall 64166
be obtained in the name of the buyer by the dealer, leasing 64167
dealer, or manufactured ~~home~~ housing broker, as the case may be, 64168
upon application signed by the buyer. The certificate of title 64169
shall be issued, or the process of entering the certificate of 64170
title application information into the automated title processing 64171

system if a physical certificate of title is not to be issued 64172
shall be completed, within five business days after the 64173
application for title is filed with the clerk. If the buyer of the 64174
motor vehicle previously leased the motor vehicle and is buying 64175
the motor vehicle at the end of the lease pursuant to that lease, 64176
the certificate of title shall be obtained in the name of the 64177
buyer by the motor vehicle leasing dealer who previously leased 64178
the motor vehicle to the buyer or by the motor vehicle leasing 64179
dealer who subleased the motor vehicle to the buyer under a 64180
sublease agreement. 64181

In all other cases, except as provided in section 4505.032 64182
and division (D)(2) of section 4505.11 of the Revised Code, such 64183
certificates shall be obtained by the buyer. 64184

(5)(a)(i) If the certificate of title is being obtained in 64185
the name of the buyer by a motor vehicle dealer or motor vehicle 64186
leasing dealer and there is a security interest to be noted on the 64187
certificate of title, the dealer or leasing dealer shall submit 64188
the application for the certificate of title and payment of the 64189
applicable tax to a clerk within seven business days after the 64190
later of the delivery of the motor vehicle to the buyer or the 64191
date the dealer or leasing dealer obtains the manufacturer's or 64192
importer's certificate, or certificate of title issued in the name 64193
of the dealer or leasing dealer, for the motor vehicle. Submission 64194
of the application for the certificate of title and payment of the 64195
applicable tax within the required seven business days may be 64196
indicated by postmark or receipt by a clerk within that period. 64197

(ii) Upon receipt of the certificate of title with the 64198
security interest noted on its face, the dealer or leasing dealer 64199
shall forward the certificate of title to the secured party at the 64200
location noted in the financing documents or otherwise specified 64201
by the secured party. 64202

(iii) A motor vehicle dealer or motor vehicle leasing dealer 64203

is liable to a secured party for a late fee of ten dollars per day 64204
for each certificate of title application and payment of the 64205
applicable tax that is submitted to a clerk more than seven 64206
business days but less than twenty-one days after the later of the 64207
delivery of the motor vehicle to the buyer or the date the dealer 64208
or leasing dealer obtains the manufacturer's or importer's 64209
certificate, or certificate of title issued in the name of the 64210
dealer or leasing dealer, for the motor vehicle and, from then on, 64211
twenty-five dollars per day until the application and applicable 64212
tax are submitted to a clerk. 64213

(b) In all cases of transfer of a motor vehicle except the 64214
transfer of a manufactured home or mobile home, the application 64215
for certificate of title shall be filed within thirty days after 64216
the assignment or delivery of the motor vehicle. ~~If~~ 64217

(c) An application for a certificate of title for a new 64218
manufactured home shall be filed within thirty days after the 64219
delivery of the new manufactured home to the purchaser. The date 64220
of the delivery shall be the date on which an occupancy permit for 64221
the manufactured home is delivered to the purchaser of the home by 64222
the appropriate legal authority. 64223

(d) An application for a certificate of title for a used 64224
manufactured home or a used mobile home shall be filed as follows: 64225

(i) If a certificate of title for the used manufactured home 64226
or used mobile home was issued to the motor vehicle dealer prior 64227
to the sale of the manufactured or mobile home to the purchaser, 64228
the application for certificate of title shall be filed within 64229
thirty days after the date on which an occupancy permit for the 64230
manufactured or mobile home is delivered to the purchaser by the 64231
appropriate legal authority. 64232

(ii) If the motor vehicle dealer has been designated by a 64233
secured party to display the manufactured or mobile home for sale, 64234

or to sell the manufactured or mobile home under section 4505.20 64235
of the Revised Code, but the certificate of title has not been 64236
transferred by the secured party to the motor vehicle dealer, and 64237
the dealer has complied with the requirements of division (A) of 64238
section 4505.181 of the Revised Code, the application for 64239
certificate of title shall be filed within thirty days after the 64240
date on which the motor vehicle dealer obtains the certificate of 64241
title for the home from the secured party or the date on which an 64242
occupancy permit for the manufactured or mobile home is delivered 64243
to the purchaser by the appropriate legal authority, whichever 64244
occurs later. 64245

(6) If an application for a certificate of title is not filed 64246
within the period specified in division (A)(5)(b), (c), or (d) of 64247
this section, the clerk shall collect a fee of five dollars for 64248
the issuance of the certificate, except that no such fee shall be 64249
required from a motor vehicle salvage dealer, as defined in 64250
division (A) of section 4738.01 of the Revised Code, who 64251
immediately surrenders the certificate of title for cancellation. 64252
The fee shall be in addition to all other fees established by this 64253
chapter, and shall be retained by the clerk. The registrar shall 64254
provide, on the certificate of title form prescribed by section 64255
4505.07 of the Revised Code, language necessary to give evidence 64256
of the date on which the assignment or delivery of the motor 64257
vehicle was made. 64258

~~(6)~~(7) As used in division (A) of this section, "lease 64259
agreement," "lessee," and "sublease agreement" have the same 64260
meanings as in section 4505.04 of the Revised Code and "new 64261
manufactured home," "used manufactured home," and "used mobile 64262
home" have the same meanings as in section 5739.0210 of the 64263
Revised Code. 64264

(B)(1) The clerk, except as provided in this section, shall 64265
refuse to accept for filing any application for a certificate of 64266

title and shall refuse to issue a certificate of title unless the 64267
dealer ~~or manufactured home broker~~ or the applicant, in cases in 64268
which the certificate shall be obtained by the buyer, submits with 64269
the application payment of the tax levied by or pursuant to 64270
Chapters 5739. and 5741. of the Revised Code based on the 64271
purchaser's county of residence. Upon payment of the tax in 64272
accordance with division (E) of this section, the clerk shall 64273
issue a receipt prescribed by the registrar and agreed upon by the 64274
tax commissioner showing payment of the tax or a receipt issued by 64275
the commissioner showing the payment of the tax. When submitting 64276
payment of the tax to the clerk, a dealer shall retain any 64277
discount to which the dealer is entitled under section 5739.12 of 64278
the Revised Code. 64279

(2) For receiving and disbursing such taxes paid to the clerk 64280
by a resident of the clerk's county, the clerk may retain a 64281
poundage fee of one and one one-hundredth per cent, and the clerk 64282
shall pay the poundage fee into the certificate of title 64283
administration fund created by section 325.33 of the Revised Code. 64284
The clerk shall not retain a poundage fee from payments of taxes 64285
by persons who do not reside in the clerk's county. 64286

A clerk, however, may retain from the taxes paid to the clerk 64287
an amount equal to the poundage fees associated with certificates 64288
of title issued by other clerks of courts of common pleas to 64289
applicants who reside in the first clerk's county. The registrar, 64290
in consultation with the tax commissioner and the clerks of the 64291
courts of common pleas, shall develop a report from the automated 64292
title processing system that informs each clerk of the amount of 64293
the poundage fees that the clerk is permitted to retain from those 64294
taxes because of certificates of title issued by the clerks of 64295
other counties to applicants who reside in the first clerk's 64296
county. 64297

(3) In the case of casual sales of motor vehicles, as defined 64298

in section 4517.01 of the Revised Code, the price for the purpose 64299
of determining the tax shall be the purchase price on the assigned 64300
certificate of title executed by the seller and filed with the 64301
clerk by the buyer on a form to be prescribed by the registrar, 64302
which shall be prima-facie evidence of the amount for the 64303
determination of the tax. 64304

(4) Each county clerk shall forward to the treasurer of state 64305
all sales and use tax collections resulting from sales of motor 64306
vehicles, off-highway motorcycles, and all-purpose vehicles during 64307
a calendar week on or before the Friday following the close of 64308
that week. If, on any Friday, the offices of the clerk of courts 64309
or the state are not open for business, the tax shall be forwarded 64310
to the treasurer of state on or before the next day on which the 64311
offices are open. Every remittance of tax under division (B)(4) of 64312
this section shall be accompanied by a remittance report in such 64313
form as the tax commissioner prescribes. Upon receipt of a tax 64314
remittance and remittance report, the treasurer of state shall 64315
date stamp the report and forward it to the tax commissioner. If 64316
the tax due for any week is not remitted by a clerk of courts as 64317
required under division (B)(4) of this section, the commissioner 64318
may require the clerk to forfeit the poundage fees for the sales 64319
made during that week. The treasurer of state may require the 64320
clerks of courts to transmit tax collections and remittance 64321
reports electronically. 64322

(C)(1) If the transferor indicates on the certificate of 64323
title that the odometer reflects mileage in excess of the designed 64324
mechanical limit of the odometer, the clerk shall enter the phrase 64325
"exceeds mechanical limits" following the mileage designation. If 64326
the transferor indicates on the certificate of title that the 64327
odometer reading is not the actual mileage, the clerk shall enter 64328
the phrase "nonactual: warning - odometer discrepancy" following 64329
the mileage designation. The clerk shall use reasonable care in 64330

transferring the information supplied by the transferor, but is 64331
not liable for any errors or omissions of the clerk or those of 64332
the clerk's deputies in the performance of the clerk's duties 64333
created by this chapter. 64334

The registrar shall prescribe an affidavit in which the 64335
transferor shall swear to the true selling price and, except as 64336
provided in this division, the true odometer reading of the motor 64337
vehicle. The registrar may prescribe an affidavit in which the 64338
seller and buyer provide information pertaining to the odometer 64339
reading of the motor vehicle in addition to that required by this 64340
section, as such information may be required by the United States 64341
secretary of transportation by rule prescribed under authority of 64342
subchapter IV of the "Motor Vehicle Information and Cost Savings 64343
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 64344

(2) Division (C)(1) of this section does not require the 64345
giving of information concerning the odometer and odometer reading 64346
of a motor vehicle when ownership of a motor vehicle is being 64347
transferred as a result of a bequest, under the laws of intestate 64348
succession, to a survivor pursuant to section 2106.18, 2131.12, or 64349
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 64350
beneficiaries pursuant to section 2131.13 of the Revised Code, in 64351
connection with the creation of a security interest or for a 64352
vehicle with a gross vehicle weight rating of more than sixteen 64353
thousand pounds. 64354

(D) When the transfer to the applicant was made in some other 64355
state or in interstate commerce, the clerk, except as provided in 64356
this section, shall refuse to issue any certificate of title 64357
unless the tax imposed by or pursuant to Chapter 5741. of the 64358
Revised Code based on the purchaser's county of residence has been 64359
paid as evidenced by a receipt issued by the tax commissioner, or 64360
unless the applicant submits with the application payment of the 64361
tax. Upon payment of the tax in accordance with division (E) of 64362

this section, the clerk shall issue a receipt prescribed by the 64363
registrar and agreed upon by the tax commissioner, showing payment 64364
of the tax. 64365

For receiving and disbursing such taxes paid to the clerk by 64366
a resident of the clerk's county, the clerk may retain a poundage 64367
fee of one and one one-hundredth per cent. The clerk shall not 64368
retain a poundage fee from payments of taxes by persons who do not 64369
reside in the clerk's county. 64370

A clerk, however, may retain from the taxes paid to the clerk 64371
an amount equal to the poundage fees associated with certificates 64372
of title issued by other clerks of courts of common pleas to 64373
applicants who reside in the first clerk's county. The registrar, 64374
in consultation with the tax commissioner and the clerks of the 64375
courts of common pleas, shall develop a report from the automated 64376
title processing system that informs each clerk of the amount of 64377
the poundage fees that the clerk is permitted to retain from those 64378
taxes because of certificates of title issued by the clerks of 64379
other counties to applicants who reside in the first clerk's 64380
county. 64381

When the vendor is not regularly engaged in the business of 64382
selling motor vehicles, the vendor shall not be required to 64383
purchase a vendor's license or make reports concerning those 64384
sales. 64385

(E) The clerk shall accept any payment of a tax in cash, or 64386
by cashier's check, certified check, draft, money order, or teller 64387
check issued by any insured financial institution payable to the 64388
clerk and submitted with an application for a certificate of title 64389
under division (B) or (D) of this section. The clerk also may 64390
accept payment of the tax by corporate, business, or personal 64391
check, credit card, electronic transfer or wire transfer, debit 64392
card, or any other accepted form of payment made payable to the 64393
clerk. The clerk may require bonds, guarantees, or letters of 64394

credit to ensure the collection of corporate, business, or 64395
personal checks. Any service fee charged by a third party to a 64396
clerk for the use of any form of payment may be paid by the clerk 64397
from the certificate of title administration fund created in 64398
section 325.33 of the Revised Code, or may be assessed by the 64399
clerk upon the applicant as an additional fee. Upon collection, 64400
the additional fees shall be paid by the clerk into that 64401
certificate of title administration fund. 64402

The clerk shall make a good faith effort to collect any 64403
payment of taxes due but not made because the payment was returned 64404
or dishonored, but the clerk is not personally liable for the 64405
payment of uncollected taxes or uncollected fees. The clerk shall 64406
notify the tax commissioner of any such payment of taxes that is 64407
due but not made and shall furnish the information to the 64408
commissioner that the commissioner requires. The clerk shall 64409
deduct the amount of taxes due but not paid from the clerk's 64410
periodic remittance of tax payments, in accordance with procedures 64411
agreed upon by the tax commissioner. The commissioner may collect 64412
taxes due by assessment in the manner provided in section 5739.13 64413
of the Revised Code. 64414

Any person who presents payment that is returned or 64415
dishonored for any reason is liable to the clerk for payment of a 64416
penalty over and above the amount of the taxes due. The clerk 64417
shall determine the amount of the penalty, and the penalty shall 64418
be no greater than that amount necessary to compensate the clerk 64419
for banking charges, legal fees, or other expenses incurred by the 64420
clerk in collecting the returned or dishonored payment. The 64421
remedies and procedures provided in this section are in addition 64422
to any other available civil or criminal remedies. Subsequently 64423
collected penalties, poundage fees, and title fees, less any title 64424
fee due the state, from returned or dishonored payments collected 64425
by the clerk shall be paid into the certificate of title 64426

administration fund. Subsequently collected taxes, less poundage 64427
fees, shall be sent by the clerk to the treasurer of state at the 64428
next scheduled periodic remittance of tax payments, with 64429
information as the commissioner may require. The clerk may abate 64430
all or any part of any penalty assessed under this division. 64431

(F) In the following cases, the clerk shall accept for filing 64432
an application and shall issue a certificate of title without 64433
requiring payment or evidence of payment of the tax: 64434

(1) When the purchaser is this state or any of its political 64435
subdivisions, a church, or an organization whose purchases are 64436
exempted by section 5739.02 of the Revised Code; 64437

(2) When the transaction in this state is not a retail sale 64438
as defined by section 5739.01 of the Revised Code; 64439

(3) When the purchase is outside this state or in interstate 64440
commerce and the purpose of the purchaser is not to use, store, or 64441
consume within the meaning of section 5741.01 of the Revised Code; 64442

(4) When the purchaser is the federal government; 64443

(5) When the motor vehicle was purchased outside this state 64444
for use outside this state; 64445

(6) When the motor vehicle is purchased by a nonresident 64446
under the circumstances described in division (B)(1) of section 64447
5739.029 of the Revised Code, and upon presentation of a copy of 64448
the affidavit provided by that section, and a copy of the 64449
exemption certificate provided by section 5739.03 of the Revised 64450
Code. 64451

(G) An application, as prescribed by the registrar and agreed 64452
to by the tax commissioner, shall be filled out and sworn to by 64453
the buyer of a motor vehicle in a casual sale. The application 64454
shall contain the following notice in bold lettering: "WARNING TO 64455
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 64456

law to state the true selling price. A false statement is in 64457
violation of section 2921.13 of the Revised Code and is punishable 64458
by six months' imprisonment or a fine of up to one thousand 64459
dollars, or both. All transfers are audited by the department of 64460
taxation. The seller and buyer must provide any information 64461
requested by the department of taxation. The buyer may be assessed 64462
any additional tax found to be due." 64463

(H) For sales of manufactured homes or mobile homes occurring 64464
on or after January 1, 2000, the clerk shall accept for filing, 64465
pursuant to Chapter 5739. of the Revised Code, an application for 64466
a certificate of title for a manufactured home or mobile home 64467
without requiring payment of any tax pursuant to section 5739.02, 64468
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt 64469
issued by the tax commissioner showing payment of the tax. For 64470
sales of manufactured homes or mobile homes occurring on or after 64471
January 1, 2000, the applicant shall pay to the clerk an 64472
additional fee of five dollars for each certificate of title 64473
issued by the clerk for a manufactured or mobile home pursuant to 64474
division (H) of section 4505.11 of the Revised Code and for each 64475
certificate of title issued upon transfer of ownership of the 64476
home. The clerk shall credit the fee to the county certificate of 64477
title administration fund, and the fee shall be used to pay the 64478
expenses of archiving those certificates pursuant to division (A) 64479
of section 4505.08 and division (H)(3) of section 4505.11 of the 64480
Revised Code. The tax commissioner shall administer any tax on a 64481
manufactured or mobile home pursuant to Chapters 5739. and 5741. 64482
of the Revised Code. 64483

(I) Every clerk shall have the capability to transact by 64484
electronic means all procedures and transactions relating to the 64485
issuance of motor vehicle certificates of title that are described 64486
in the Revised Code as being accomplished by electronic means. 64487

Sec. 4505.062. Notwithstanding any general requirement in 64488
this chapter to the effect that an application for a certificate 64489
of title to a motor vehicle shall be "sworn to" or shall be "sworn 64490
to before a notary public or other officer empowered to administer 64491
oaths," that requirement shall apply only in the case of a 64492
transfer of a motor vehicle between parties in the course of a 64493
casual sale, as defined in ~~section~~ sections 4517.01 and 4781.01 of 64494
the Revised Code. 64495

Sec. 4505.09. (A)(1) The clerk of a court of common pleas 64496
shall charge and retain fees as follows: 64497

(a) Five dollars for each certificate of title that is not 64498
applied for within thirty days after the later of the assignment 64499
or delivery of the motor vehicle described in it. The entire fee 64500
shall be retained by the clerk. 64501

(b) Fifteen dollars for each certificate of title or 64502
duplicate certificate of title including the issuance of a 64503
memorandum certificate of title, or authorization to print a 64504
non-negotiable evidence of ownership described in division (G) of 64505
section 4505.08 of the Revised Code, non-negotiable evidence of 64506
ownership printed by the clerk under division (H) of that section, 64507
and notation of any lien on a certificate of title that is applied 64508
for at the same time as the certificate of title. The clerk shall 64509
retain eleven dollars and fifty cents of that fee for each 64510
certificate of title when there is a notation of a lien or 64511
security interest on the certificate of title, twelve dollars and 64512
twenty-five cents when there is no lien or security interest noted 64513
on the certificate of title, and eleven dollars and fifty cents 64514
for each duplicate certificate of title. 64515

(c) Five dollars for each certificate of title with no 64516
security interest noted that is issued to a licensed motor vehicle 64517

dealer for resale purposes. The clerk shall retain two dollars and 64518
twenty-five cents of that fee. 64519

(d) Five dollars for each memorandum certificate of title or 64520
non-negotiable evidence of ownership that is applied for 64521
separately. The clerk shall retain that entire fee. 64522

(2) The fees that are not retained by the clerk shall be paid 64523
to the registrar of motor vehicles by monthly returns, which shall 64524
be forwarded to the registrar not later than the fifth day of the 64525
month next succeeding that in which the certificate is issued or 64526
that in which the registrar is notified of a lien or cancellation 64527
of a lien. 64528

(B)(1) The registrar shall pay twenty-five cents of the 64529
amount received for each certificate of title issued to a motor 64530
vehicle dealer for resale ~~and~~, one dollar for ~~all other~~ 64531
certificates of title issued with a lien or security interest 64532
noted on the certificate of title, and twenty-five cents for each 64533
certificate of title with no lien or security interest noted on 64534
the certificate of title into the state bureau of motor vehicles 64535
fund established in section 4501.25 of the Revised Code. 64536

(2) Fifty cents of the amount received for each certificate 64537
of title shall be paid by the registrar as follows: 64538

(a) Four cents shall be paid into the state treasury to the 64539
credit of the motor vehicle dealers board fund, which is hereby 64540
created. All investment earnings of the fund shall be credited to 64541
the fund. The moneys in the motor vehicle dealers board fund shall 64542
be used by the motor vehicle dealers board created under section 64543
4517.30 of the Revised Code, together with other moneys 64544
appropriated to it, in the exercise of its powers and the 64545
performance of its duties under Chapter 4517. of the Revised Code, 64546
except that the director of budget and management may transfer 64547
excess money from the motor vehicle dealers board fund to the 64548

bureau of motor vehicles fund if the registrar determines that the amount of money in the motor vehicle dealers board fund, together with other moneys appropriated to the board, exceeds the amount required for the exercise of its powers and the performance of its duties under Chapter 4517. of the Revised Code and requests the director to make the transfer.

(b) Twenty-one cents shall be paid into the highway operating fund.

(c) Twenty-five cents shall be paid into the state treasury to the credit of the motor vehicle sales audit fund, which is hereby created. The moneys in the fund shall be used by the tax commissioner together with other funds available to the commissioner to conduct a continuing investigation of sales and use tax returns filed for motor vehicles in order to determine if sales and use tax liability has been satisfied. The commissioner shall refer cases of apparent violations of section 2921.13 of the Revised Code made in connection with the titling or sale of a motor vehicle and cases of any other apparent violations of the sales or use tax law to the appropriate county prosecutor whenever the commissioner considers it advisable.

(3) Two dollars of the amount received by the registrar for each certificate of title shall be paid into the state treasury to the credit of the automated title processing fund, which is hereby created and which shall consist of moneys collected under division (B)(3) of this section and under sections 1548.10 and 4519.59 of the Revised Code. All investment earnings of the fund shall be credited to the fund. The moneys in the fund shall be used as follows:

(a) Except for moneys collected under section 1548.10 of the Revised Code and as provided in division (B)(3)(c) of this section, moneys collected under division (B)(3) of this section shall be used to implement and maintain an automated title

processing system for the issuance of motor vehicle, off-highway 64581
motorcycle, and all-purpose vehicle certificates of title in the 64582
offices of the clerks of the courts of common pleas. 64583

(b) Moneys collected under section 1548.10 of the Revised 64584
Code shall be used to issue marine certificates of title in the 64585
offices of the clerks of the courts of common pleas as provided in 64586
Chapter 1548. of the Revised Code. 64587

(c) Moneys collected under division (B)(3) of this section 64588
shall be used in accordance with section 4505.25 of the Revised 64589
Code to implement Sub. S.B. 59 of the 124th general assembly. 64590

(C)(1) The automated title processing board is hereby created 64591
consisting of the registrar or the registrar's representative, a 64592
person selected by the registrar, the president of the Ohio clerks 64593
of court association or the president's representative, and two 64594
clerks of courts of common pleas appointed by the governor. The 64595
director of budget and management or the director's designee, the 64596
chief of the division of watercraft in the department of natural 64597
resources or the chief's designee, and the tax commissioner or the 64598
commissioner's designee shall be nonvoting members of the board. 64599
The purpose of the board is to facilitate the operation and 64600
maintenance of an automated title processing system and approve 64601
the procurement of automated title processing system equipment. 64602
Voting members of the board, excluding the registrar or the 64603
registrar's representative, shall serve without compensation, but 64604
shall be reimbursed for travel and other necessary expenses 64605
incurred in the conduct of their official duties. The registrar or 64606
the registrar's representative shall receive neither compensation 64607
nor reimbursement as a board member. 64608

(2) The automated title processing board shall determine each 64609
of the following: 64610
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(a) The automated title processing equipment and certificates of title requirements for each county; 64612
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(b) The payment of expenses that may be incurred by the counties in implementing an automated title processing system; 64614
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(c) The repayment to the counties for existing title processing equipment. 64616
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(3) The registrar shall purchase, lease, or otherwise acquire any automated title processing equipment and certificates of title that the board determines are necessary from moneys in the automated title processing fund established by division (B)(3) of this section. 64618
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(D) All counties shall conform to the requirements of the registrar regarding the operation of their automated title processing system for motor vehicle titles, certificates of title for off-highway motorcycles and all-purpose vehicles, and certificates of title for watercraft and outboard motors. 64623
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Sec. 4505.111. (A) Every motor vehicle, other than a manufactured home, a mobile home, or a motor vehicle as provided in divisions (C), (D), and (E) of section 4505.11 of the Revised Code, that is assembled from component parts by a person other than the manufacturer, shall be inspected by the state highway patrol prior to issuance of title to the motor vehicle. The inspection shall include establishing proof of ownership and an inspection of the motor number and vehicle identification number of the motor vehicle, and any items of equipment the director of public safety considers advisable and requires to be inspected by rule. A fee of forty dollars in fiscal year 1998 and fifty dollars in fiscal year 1999 and thereafter shall be assessed by the state highway patrol for each inspection made pursuant to this section, and shall be deposited in the state highway safety fund established by section 4501.06 of the Revised Code. 64628
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(B) Whoever violates this section shall be fined not more than two thousand dollars, imprisoned not more than one year, or both.

Sec. 4505.181. (A) Notwithstanding divisions (A)(2), (5), and (6) of section 4505.18 of the Revised Code, a motor vehicle dealer or person acting on behalf of a motor vehicle dealer may display, offer for sale, or sell a used motor vehicle and a manufactured housing dealer or person acting on behalf of a manufactured housing dealer may display, offer for sale, or sell a used manufactured home or used mobile home without having first obtained a certificate of title for the vehicle in the name of the dealer as required by this chapter if the dealer or person acting on behalf of the dealer complies with divisions (A)(1)(a) and (2) of this section, or divisions (A)(1)(b) and (2) of this section, as follows:

(1)(a) If the dealer has been licensed as a motor vehicle dealer or manufactured housing dealer for less than the three-year period prior to the date on which the dealer or person acting on behalf of the dealer displays, offers for sale, or sells the used motor vehicle for which the dealer has not obtained a certificate of title in the name of the dealer, or if the attorney general has paid a retail purchaser of the dealer under division (C) of this section within three years prior to such date, the dealer posts with the attorney general's office in favor of this state a bond of a surety company authorized to do business in this state, in an amount of not less than twenty-five thousand dollars, to be used solely for the purpose of compensating retail purchasers of motor vehicles, manufactured homes, or mobile homes who suffer damages due to failure of the dealer or person acting on behalf of the dealer to comply with this section. The dealer's surety shall notify the registrar and attorney general when a bond of a motor vehicle dealer is canceled and shall notify the manufactured homes

commission and the attorney general when a bond of a manufactured housing dealer is canceled. Such notification of cancellation shall include the effective date of and reason for cancellation.

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(b) If the dealer has been licensed as a motor vehicle dealer or manufactured housing dealer for longer than the three-year period prior to the date on which the dealer or person acting on behalf of the dealer displays, offers for sale, or sells the used motor vehicle, used manufactured home, or used mobile home for which the dealer has not obtained a certificate of title in the name of the dealer and the attorney general has not paid a retail purchaser of the dealer under division (C) of this section within three years prior to such date, the dealer pays one hundred fifty dollars to the attorney general for deposit into the title defect recision fund created by section 1345.52 of the Revised Code.

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(2) The dealer or person acting on behalf of the dealer possesses a bill of sale for each motor vehicle, used manufactured home, and used mobile home proposed to be displayed, offered for sale, or sold under this section and a properly executed power of attorney or other related documents from the prior owner of the motor vehicle, manufactured home, or mobile home giving the dealer or person acting on behalf of the dealer authority to have a certificate of title to the motor vehicle, manufactured home, or mobile home issued in the name of the dealer, and retains copies of all such documents in the dealer's or person's files until such time as a certificate of title in the dealer's name is issued for each such motor vehicle, manufactured home, or mobile home by the clerk of the court of common pleas. Such documents shall be available for inspection by the bureau of motor vehicles and the manufactured homes commission during normal business hours.

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(B) If a retail purchaser purchases a motor vehicle, used manufactured home, or used mobile home for which the dealer,

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pursuant to and in accordance with division (A) of this section, 64707
does not have a certificate of title issued in the name of the 64708
dealer at the time of the sale, the retail purchaser has an 64709
unconditional right to rescind the transaction and the dealer has 64710
an obligation to refund to the retail purchaser the full purchase 64711
price of the vehicle, if one of the following applies: 64712

(1) The dealer fails, on or before the fortieth day following 64713
the date of the sale, to obtain a title in the name of the retail 64714
purchaser. 64715

(2) The title for the vehicle indicates that it is a rebuilt 64716
salvage vehicle, and the fact that it is a rebuilt salvage vehicle 64717
was not disclosed to the retail purchaser in writing prior to the 64718
execution of the purchase agreement. 64719

(3) The title for the vehicle indicates that the dealer has 64720
made an inaccurate odometer disclosure to the retail purchaser. 64721

(4) The motor vehicle is a used manufactured home or used 64722
mobile home, as defined by section 5739.021 of the Revised Code, 64723
that has been repossessed under Chapter 1309. or 1317. of the 64724
Revised Code, but a certificate of title for the repossessed home 64725
has not yet been transferred by the repossessing party to the 64726
dealer on the date the retail purchaser purchases the used 64727
manufactured home or used mobile home from the dealer, and the 64728
dealer fails to obtain a certificate of title on or before the 64729
fortieth day after the dealer obtains the certificate of title for 64730
the home from the repossessing party or the date on which an 64731
occupancy permit for the home is delivered to the purchaser by the 64732
appropriate legal authority, whichever occurs later. 64733

If any of the circumstances described in divisions (B)(1) to 64734
~~(3)~~(4) of this section applies, a retail purchaser or the retail 64735
purchaser's representative shall notify the dealer and afford the 64736
dealer the opportunity to comply with the dealer's obligation to 64737

refund the full purchase price of the motor vehicle. Nothing in 64738
this division shall be construed as prohibiting the dealer and the 64739
retail purchaser or their representatives from negotiating a 64740
compromise resolution that is satisfactory to both parties. 64741

(C) If a retail purchaser notifies a dealer of one or more of 64742
the circumstances listed in division (B) of this section and the 64743
dealer fails to refund to the retail purchaser the full purchase 64744
price of the vehicle or reach a satisfactory compromise with the 64745
retail purchaser within three business days of presentation of the 64746
retail purchaser's recision claim, the retail purchaser may apply 64747
to the attorney general for payment from the fund of the full 64748
purchase price to the retail purchaser. 64749

(D) Upon application by a retail purchaser for payment from 64750
the fund, if the attorney general is satisfied that one or more of 64751
the circumstances contained in divisions (B)(1) to ~~(3)~~(4) of this 64752
section exist, the attorney general shall cause the full purchase 64753
price of the vehicle, manufactured home, or mobile home to be paid 64754
to the retail purchaser from the fund after delivery of the 64755
vehicle, manufactured home, or mobile home to the attorney 64756
general. The attorney general may sell or otherwise dispose of any 64757
vehicle, manufactured home, or mobile home that is delivered to 64758
the attorney general under this section, and may collect the 64759
proceeds of any bond posted under division (A) of this section by 64760
a dealer who has failed to comply with division (C) of this 64761
section. The proceeds from all such sales and collections shall be 64762
deposited into the title defect recision fund for use as specified 64763
in section 1345.52 of the Revised Code. 64764

(E) Failure by a dealer to comply with division (A) or (B) of 64765
this section constitutes a deceptive act or practice in connection 64766
with a consumer transaction, and is a violation of section 1345.02 64767
of the Revised Code. 64768

(F) The remedy provided in this section to retail purchasers 64769

is in addition to any remedies otherwise available to the retail purchaser for the same conduct of the dealer or person acting on behalf of the dealer under federal law or the laws of this state or a political subdivision of this state.

(G) All motor vehicle dealers licensed under Chapter 4517. of the Revised Code and manufactured housing dealers licensed under Chapter 4781. of the Revised Code shall pay to the attorney general for deposit into the title defect recision fund the amount described in division (A)(1)(b) of this section beginning with the calendar year during which this section becomes effective and each year subsequent to that year until the balance in the fund is not less than three hundred thousand dollars. All such dealers also shall pay to the attorney general for deposit into the fund that amount during any year and subsequent years during which the balance in the fund is less than three hundred thousand dollars until the balance in the fund reaches three hundred thousand dollars.

If a motor vehicle dealer or manufactured housing dealer fails to comply with this division, the attorney general may bring a civil action in a court of competent jurisdiction to collect the amount the dealer failed to pay to the attorney general for deposit into the fund.

Sec. 4505.20. (A) Notwithstanding division (A)(2) of section 4505.18 of the Revised Code or any other provision of this chapter or Chapter 4517. of the Revised Code, a secured party may designate ~~any~~ a manufactured housing dealer to display, display for sale, or sell a manufactured or mobile home if the home has come into the possession of that secured party by a default in the terms of a security instrument and the certificate of title remains in the name and possession of the secured party.

(B) Notwithstanding division (A)(2) of section 4505.18 of the

Revised Code or any other provision of this chapter or Chapter 64801
4517. of the Revised Code, the owner of a recreational vehicle or 64802
a secured party of a recreational vehicle who has come into 64803
possession of the vehicle by a default in the terms of a security 64804
instrument, may designate ~~any~~ a new motor vehicle dealer to 64805
display, display for sale, or sell the vehicle while the 64806
certificate of title remains in the possession of the owner or 64807
secured party. No new motor vehicle dealer may display or offer 64808
for sale more than five recreational vehicles at any time under 64809
this division. No new motor vehicle dealer may display or offer 64810
for sale a recreational vehicle under this division unless the new 64811
motor vehicle dealer maintains insurance or the bond of a surety 64812
company authorized to transact business within this state in an 64813
amount sufficient to satisfy the fair market value of the vehicle. 64814

(C) ~~The registrar of motor vehicles may adopt rules in~~ 64815
~~accordance with Chapter 119. of the Revised Code prescribing the~~ 64816
~~maximum number of manufactured or mobile homes that have come into~~ 64817
~~the possession of a secured party by a default in the terms of a~~ 64818
~~security instrument that any dealer may display or offer for sale~~ 64819
~~at any time.~~ The registrar may adopt ~~other~~ reasonable rules 64820
regarding the resale of ~~such manufactured homes, mobile homes, and~~ 64821
recreational vehicles that the registrar considers necessary. 64822

(D) The manufactured housing dealer or new motor vehicle 64823
secured party or owner shall provide the dealer with written 64824
authorization to display, display for sale, or sell the 64825
manufactured home, mobile home, or recreational vehicle. The 64826
manufactured housing dealer or new motor vehicle dealer shall show 64827
and explain the written authorization to any prospective 64828
purchaser. The written authorization shall contain the vehicle 64829
identification number, make, model, year of manufacture, and 64830
physical description of the manufactured home, mobile home, or 64831
recreational vehicle that is provided to the manufactured housing 64832

dealer or new motor vehicle dealer. 64833

~~(E) As used in this section, "dealer" means a new motor
vehicle dealer that is licensed under Chapter 4517. of the Revised
Code.~~ 64834
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~~(F)~~ Whoever violates this section shall be fined not more 64837
than two hundred dollars, imprisoned not more than ninety days, or 64838
both. 64839

Sec. 4507.02. (A)(1) No person shall permit the operation of 64840
a motor vehicle upon any public or private property used by the 64841
public for purposes of vehicular travel or parking knowing the 64842
operator does not have a valid driver's license issued to the 64843
operator by the registrar of motor vehicles under this chapter or 64844
a valid commercial driver's license issued under Chapter 4506. of 64845
the Revised Code. Whoever violates this division is guilty of a an 64846
unclassified misdemeanor ~~of the first degree.~~ The offender may be 64847
fined up to one thousand dollars and pursuant to division (B) of 64848
section 2929.27 of the Revised Code additionally may be ordered to 64849
serve a term of community service of up to five hundred hours. If 64850
the offender previously was convicted of or pleaded guilty to two 64851
or more violations of this section or a substantially equivalent 64852
municipal ordinance within the past three years, the offense is a 64853
misdemeanor of the first degree. 64854

(2) No person shall receive a driver's license, or a 64855
motorcycle operator's endorsement of a driver's or commercial 64856
driver's license, unless and until the person surrenders to the 64857
registrar all valid licenses issued to the person by another 64858
jurisdiction recognized by this state. The registrar shall report 64859
the surrender of a license to the issuing authority, together with 64860
information that a license is now issued in this state. The 64861
registrar shall destroy any such license that is not returned to 64862
the issuing authority. No person shall be permitted to have more 64863

than one valid license at any time. 64864

(B)(1) If a person is convicted of a violation of section 64865
4510.11, 4510.14, 4510.16 when division (B)(3) of that section 64866
applies, or 4510.21 of the Revised Code or if division (F) of 64867
section 4507.164 of the Revised Code applies, the trial judge of 64868
any court, in addition to or independent of any other penalties 64869
provided by law or ordinance, shall impound the identification 64870
license plates of any motor vehicle registered in the name of the 64871
person. If a person is convicted of a violation of section 4510.16 64872
of the Revised Code and division (B)(2) of that section applies, 64873
the trial judge of any court, in addition to or independent of any 64874
other penalties provided by law or ordinance, may impound the 64875
identification license plates of any motor vehicle registered in 64876
the name of the person. The court shall send the impounded license 64877
plates to the registrar, who may retain the license plates until 64878
the driver's or commercial driver's license of the owner has been 64879
reinstated or destroy them pursuant to section 4503.232 of the 64880
Revised Code. 64881

If the license plates of a person convicted of a violation of 64882
any provision of those sections have been impounded in accordance 64883
with the provisions of this division, the court shall notify the 64884
registrar of that action. The notice shall contain the name and 64885
address of the driver, the serial number of the driver's driver's 64886
or commercial driver's license, the serial numbers of the license 64887
plates of the motor vehicle, and the length of time for which the 64888
license plates have been impounded. The registrar shall record the 64889
data in the notice as part of the driver's permanent record. 64890

(2) Any motor vehicle owner who has had the license plates of 64891
a motor vehicle impounded pursuant to division (B)(1) of this 64892
section may apply to the registrar, or to a deputy registrar, for 64893
restricted license plates that shall conform to the requirements 64894
of section 4503.231 of the Revised Code. The registrar or deputy 64895

registrar forthwith shall notify the court of the application and, 64896
upon approval of the court, shall issue restricted license plates 64897
to the applicant. Until the driver's or commercial driver's 64898
license of the owner is reinstated, any new license plates issued 64899
to the owner also shall conform to the requirements of section 64900
4503.231 of the Revised Code. 64901

The registrar or deputy registrar shall charge the owner of a 64902
vehicle the fees provided in section 4503.19 of the Revised Code 64903
for restricted license plates that are issued in accordance with 64904
this division, except upon renewal as specified in section 4503.10 64905
of the Revised Code, when the regular fee as provided in section 64906
4503.04 of the Revised Code shall be charged. The registrar or 64907
deputy registrar shall charge the owner of a vehicle the fees 64908
provided in section 4503.19 of the Revised Code whenever 64909
restricted license plates are exchanged, by reason of the 64910
reinstatement of the driver's or commercial driver's license of 64911
the owner, for those ordinarily issued. 64912

(3) If an owner wishes to sell a motor vehicle during the 64913
time the restricted license plates provided under division (B)(2) 64914
of this section are in use, the owner may apply to the court that 64915
impounded the license plates of the motor vehicle for permission 64916
to transfer title to the motor vehicle. If the court is satisfied 64917
that the sale will be made in good faith and not for the purpose 64918
of circumventing the provisions of this section, it may certify 64919
its consent to the owner and to the registrar of motor vehicles 64920
who shall enter notice of the transfer of the title of the motor 64921
vehicle in the vehicle registration record. 64922

If, during the time the restricted license plates provided 64923
under division (B)(2) of this section are in use, the title to a 64924
motor vehicle is transferred by the foreclosure of a chattel 64925
mortgage, a sale upon execution, the cancellation of a conditional 64926
sales contract, or by order of a court, the court shall notify the 64927

registrar of the action and the registrar shall enter notice of 64928
the transfer of the title to the motor vehicle in the vehicle 64929
registration record. 64930

(C) This section is not intended to change or modify any 64931
provision of Chapter 4503. of the Revised Code with respect to the 64932
taxation of motor vehicles or the time within which the taxes on 64933
motor vehicles shall be paid. 64934

Sec. 4507.03. (A)(1) No person shall be required to obtain a 64935
driver's or commercial driver's license for the purpose of 64936
temporarily driving, operating, drawing, moving, or propelling a 64937
road roller or road machinery upon a street or highway. 64938

(2) No person shall be required to obtain a driver's or 64939
commercial driver's license for the purpose of temporarily 64940
driving, operating, drawing, moving, or propelling any 64941
agricultural tractor or implement of husbandry upon a street or 64942
highway at a speed of twenty-five miles per hour or less. 64943

(3) No person shall drive, operate, draw, move, or propel any 64944
agricultural tractor or implement of husbandry upon a street or 64945
highway at a speed greater than twenty-five miles per hour unless 64946
the person has a current, valid driver's or commercial driver's 64947
license. 64948

(4) No person having a valid driver's or commercial driver's 64949
license shall be required to have a motorcycle operator's 64950
endorsement to operate a motorcycle having three wheels with a 64951
motor of not more than fifty cubic centimeters piston 64952
displacement. 64953

(B) Every person on active duty in the armed forces of the 64954
United States, when furnished with a driver's permit and when 64955
operating an official motor vehicle in connection with such duty, 64956
is exempt from the license requirements of Chapters 4506. and 64957

4507. of the Revised Code. 64958

Every person on active duty in the armed forces of the United States or in service with the peace corps, volunteers in service to America, or the foreign service of the United States is exempt from the license requirements of those chapters for the period of the person's active duty or service and for six months thereafter, provided the person was a licensee under those chapters at the time the person commenced ~~his~~ the person's active duty or service. The spouse or a dependent of any such person on active duty or in service also is exempt from the license requirements of those chapters for the period of the person's active duty or service and for six months thereafter, provided the spouse or dependent was a licensee under those chapters at the time the person commenced the active duty or service, and provided further that the person's active duty or service causes the spouse or dependent to relocate outside of this state during the period of the active duty or service.

This section does not prevent such a person or ~~his~~ the person's spouse or dependent from making an application, as provided in division (C) of section 4507.10 of the Revised Code, for the renewal of a driver's license or motorcycle operator's endorsement or as provided in section 4506.14 of the Revised Code for the renewal of a commercial driver's license during the period of the person's active duty or service.

(C) Whoever violates division (A)(3) of this section is guilty of a misdemeanor of the first degree.

Sec. 4507.23. (A) Except as provided in division (J) of this section, each application for a temporary instruction permit and examination shall be accompanied by a fee of five dollars.

(B) Except as provided in division (J) of this section, each application for a driver's license made by a person who previously

held such a license and whose license has expired not more than 64989
two years prior to the date of application, and who is required 64990
under this chapter to give an actual demonstration of the person's 64991
ability to drive, shall be accompanied by a fee of three dollars 64992
in addition to any other fees. 64993

(C)(1) Except as provided in divisions (E) and (J) of this 64994
section, each application for a driver's license, or motorcycle 64995
operator's endorsement, or renewal of a driver's license shall be 64996
accompanied by a fee of six dollars. 64997

(2) Except as provided in division ~~(I)~~(J) of this section, 64998
each application for a duplicate driver's license shall be 64999
accompanied by a fee of seven dollars and fifty cents. The 65000
duplicate driver's licenses issued under this section shall be 65001
distributed by the deputy registrar in accordance with rules 65002
adopted by the registrar of motor vehicles. 65003

(D) Except as provided in division (J) of this section, each 65004
application for a motorized bicycle license or duplicate thereof 65005
shall be accompanied by a fee of two dollars and fifty cents. 65006

(E) Except as provided in division (J) of this section, each 65007
application for a driver's license or renewal of a driver's 65008
license that will be issued to a person who is less than 65009
twenty-one years of age shall be accompanied by whichever of the 65010
following fees is applicable: 65011

(1) If the person is sixteen years of age or older, but less 65012
than seventeen years of age, a fee of seven dollars and 65013
twenty-five cents; 65014

(2) If the person is seventeen years of age or older, but 65015
less than eighteen years of age, a fee of six dollars; 65016

(3) If the person is eighteen years of age or older, but less 65017
than nineteen years of age, a fee of four dollars and seventy-five 65018
cents; 65019

(4) If the person is nineteen years of age or older, but less than twenty years of age, a fee of three dollars and fifty cents; 65020
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(5) If the person is twenty years of age or older, but less than twenty-one years of age, a fee of two dollars and twenty-five cents. 65022
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(F) Neither the registrar nor any deputy registrar shall charge a fee in excess of one dollar and fifty cents for laminating a driver's license, motorized bicycle license, or temporary instruction permit identification cards as required by sections 4507.13 and 4511.521 of the Revised Code. A deputy registrar laminating a driver's license, motorized bicycle license, or temporary instruction permit identification cards shall retain the entire amount of the fee charged for lamination, less the actual cost to the registrar of the laminating materials used for that lamination, as specified in the contract executed by the bureau for the laminating materials and laminating equipment. The deputy registrar shall forward the amount of the cost of the laminating materials to the registrar for deposit as provided in this section. 65025
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(G) Except as provided in division (J) of this section and except for the renewal of a driver's license, commencing on October 1, 2003, each transaction described in divisions (A), (B), (C), (D), and (E) of this section shall be accompanied by an additional fee of twelve dollars. A transaction involving the renewal of a driver's license with an expiration date on or after that date shall be accompanied by an additional fee of twelve dollars. The additional fee is for the purpose of defraying the department of public safety's costs associated with the administration and enforcement of the motor vehicle and traffic laws of Ohio. 65039
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(H) Except as provided in division (J) of this section, commencing on October 1, 2009, if an application for a driver's 65050
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license or motorcycle operator's endorsement made by a person who 65052
previously held such a license is not applied for within the 65053
period specified in section 4507.09 of the Revised Code or within 65054
seven days after the period so specified, the registrar or deputy 65055
registrar shall collect a fee of twenty dollars for the issuance 65056
of the driver's license or motorcycle endorsement, but may waive 65057
the fee for good cause shown if the application is accompanied by 65058
supporting evidence as the registrar may require. The fee shall be 65059
in addition to all other fees established by this section. A 65060
deputy registrar collecting this twenty dollar fee shall retain 65061
fifty cents and send the remaining fee to the registrar as 65062
specified in division (I) of this section. 65063

(I) At the time and in the manner provided by section 4503.10 65064
of the Revised Code, the deputy registrar shall transmit the fees 65065
collected under divisions (A), (B), (C), (D), and (E), those 65066
portions of the fees specified in and collected under division 65067
(F), and the additional fee under divisions (G) and (H) of this 65068
section to the registrar. The registrar shall pay two dollars and 65069
fifty cents of each fee collected under divisions (A), (B), (C)(1) 65070
and (2), (D), and (E)(1) to (4) of this section, and the entire 65071
fee collected under division (E)(5) of this section, into the 65072
state highway safety fund established in section 4501.06 of the 65073
Revised Code, and such fees shall be used for the sole purpose of 65074
supporting driver licensing activities. The registrar also shall 65075
pay five dollars of each fee collected under division (C)(2) of 65076
this section and the entire fee collected under divisions (G) and 65077
(H) of this section into the state highway safety fund created in 65078
section 4501.06 of the Revised Code. The remaining fees collected 65079
by the registrar under this section shall be paid into the state 65080
bureau of motor vehicles fund established in section 4501.25 of 65081
the Revised Code. 65082

(J) A disabled veteran who has a service-connected disability 65083

rated at one hundred per cent by the veterans' administration may 65084
apply to the registrar or a deputy registrar for the issuance to 65085
that veteran, without the payment of any fee prescribed in this 65086
section, of any of the following items: 65087

(1) A temporary instruction permit and examination; 65088

(2) A new, renewal, or duplicate driver's or commercial 65089
driver's license; 65090

(3) A motorcycle operator's endorsement; 65091

(4) A motorized bicycle license or duplicate thereof; 65092

(5) The fee established in division (H) of this section; 65093

(6) Lamination of a driver's license, motorized bicycle 65094
license, or temporary instruction permit identification card as 65095
provided in division (F) of this section, if the circumstances 65096
specified in division (J)(6) of this section are met. 65097

A disabled veteran whose driver's license, motorized bicycle 65098
license, or temporary instruction permit identification card is 65099
laminated by the registrar or deputy registrar is not required to 65100
pay the registrar any lamination fee. 65101

An application made under division (J) of this section shall 65102
be accompanied by such documentary evidence of disability as the 65103
registrar may require by rule. 65104

Sec. 4507.24. (A) Except as provided in division (C) of this 65105
section, the registrar of motor vehicles or a deputy registrar may 65106
collect a fee not to exceed the following: 65107

(1) Four dollars and fifty cents commencing on January 1, 65108
2004, and six dollars and twenty-five cents commencing on October 65109
1, 2009, for each application for renewal of a driver's license 65110
received by the deputy registrar, when the applicant is required 65111
to submit to a screening of the applicant's vision under section 65112

4507.12 of the Revised Code; 65113

(2) Three dollars and fifty cents commencing on January 1, 2004, for each application for a driver's license, or motorized bicycle license, or for renewal of such a license, received by the deputy registrar, when the applicant is not required to submit to a screening of the applicant's vision under section 4507.12 of the Revised Code. 65114
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(B) The fees prescribed by division (A) of this section shall be in addition to the fee for a temporary instruction permit and examination, a driver's license, a motorized bicycle license, or duplicates thereof. The fees retained by a deputy registrar shall compensate the deputy registrar for the deputy registrar's services, for office and rental expense, and for costs as provided in division (D) of this section, as are necessary for the proper discharge of the deputy registrar's duties under sections 4507.01 to 4507.39 of the Revised Code. 65120
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(C) A disabled veteran who has a service-connected disability rated at one hundred per cent by the veterans' administration is required to pay the applicable fee prescribed in division (A) of this section if the disabled veteran submits an application for a driver's license or motorized bicycle license or a renewal of either of these licenses to a deputy registrar who is acting as a deputy registrar pursuant to a contract with the registrar that is in effect on the effective date of this amendment. The disabled veteran also is required to submit with the disabled veteran's application such documentary evidence of disability as the registrar may require by rule. 65129
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A disabled veteran who submits an application described in this division is not required to pay either of the fees prescribed in division (A) of this section if the disabled veteran submits the application to a deputy registrar who is acting as a deputy registrar pursuant to a contract with the registrar that is 65140
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executed after the effective date of this amendment. The disabled 65145
veteran still is required to submit with the disabled veteran's 65146
application such documentary evidence of disability as the 65147
registrar may require by rule. 65148

A disabled veteran who submits an application described in 65149
this division directly to the registrar is not required to pay 65150
either of the fees prescribed in division (A) of this section if 65151
the disabled veteran submits with the disabled veteran's 65152
application such documentary evidence of disability as the 65153
registrar may require by rule. 65154

(D)(1) Each deputy registrar shall transmit to the registrar 65155
of motor vehicles, at such time and in such manner as the 65156
registrar shall require by rule, an amount of each fee collected 65157
under division (A)(1) of this section as shall be determined by 65158
the registrar. The registrar shall pay all such moneys so received 65159
into the state bureau of motor vehicles fund created in section 65160
4501.25 of the Revised Code. 65161

(2) Commencing on October 1, 2009, each deputy registrar 65162
shall transmit one dollar and seventy-five cents of each fee 65163
collected under division (A)(1) of this section to the registrar 65164
at the time and in the manner provided by section 4503.10 of the 65165
Revised Code. The registrar shall deposit all moneys received 65166
under division (D)(2) of this section into the state highway 65167
safety fund established in section 4501.06 of the Revised Code. 65168

Sec. 4507.45. If a person's driver's license, commercial 65169
driver's license, or nonresident operating privilege is suspended, 65170
disqualified, or canceled for an indefinite period of time or for 65171
a period of at least ninety days, and if at the end of the period 65172
of suspension, disqualification, or cancellation the person is 65173
eligible to have the license or privilege reinstated, the 65174
registrar of motor vehicles shall collect a reinstatement fee of 65175

~~thirty~~ forty dollars when the person requests reinstatement. 65176
However, the registrar shall not collect the fee prescribed by 65177
this section if a different driver's license, commercial driver's 65178
license, or nonresident operating privilege reinstatement fee is 65179
prescribed by law. 65180

The registrar shall deposit ten dollars of each forty-dollar 65181
fee into the state treasury to the credit of the indigent defense 65182
support fund created by section 120.08 of the Revised Code and 65183
thirty dollars of each fee into the state treasury to the credit 65184
of the state bureau of motor vehicles fund created by section 65185
4501.25 of the Revised Code. 65186

Sec. 4509.101. (A)(1) No person shall operate, or permit the 65187
operation of, a motor vehicle in this state, unless proof of 65188
financial responsibility is maintained continuously throughout the 65189
registration period with respect to that vehicle, or, in the case 65190
of a driver who is not the owner, with respect to that driver's 65191
operation of that vehicle. 65192

(2) Whoever violates division (A)(1) of this section shall be 65193
subject to the following civil penalties: 65194

(a) Subject to divisions (A)(2)(b) and (c) of this section, a 65195
class E suspension of the person's driver's license, commercial 65196
driver's license, temporary instruction permit, probationary 65197
license, or nonresident operating privilege for the period of time 65198
specified in division (B)(5) of section 4510.02 of the Revised 65199
Code and impoundment of the person's license. The court may grant 65200
limited driving privileges to the person only if the person 65201
presents proof of financial responsibility and has complied with 65202
division (A)(5) of this section. 65203

(b) If, within five years of the violation, the person's 65204
operating privileges are again suspended and the person's license 65205

again is impounded for a violation of division (A)(1) of this 65206
section, a class C suspension of the person's driver's license, 65207
commercial driver's license, temporary instruction permit, 65208
probationary license, or nonresident operating privilege for the 65209
period of time specified in division (B)(3) of section 4510.02 of 65210
the Revised Code. The court may grant limited driving privileges 65211
to the person only if the person presents proof of financial 65212
responsibility and has complied with division (A)(5) of this 65213
section, and no court may grant limited driving privileges for the 65214
first fifteen days of the suspension. 65215

(c) If, within five years of the violation, the person's 65216
operating privileges are suspended and the person's license is 65217
impounded two or more times for a violation of division (A)(1) of 65218
this section, a class B suspension of the person's driver's 65219
license, commercial driver's license, temporary instruction 65220
permit, probationary license, or nonresident operating privilege 65221
for the period of time specified in division (B)(2) of section 65222
4510.02 of the Revised Code. No court may grant limited driving 65223
privileges during the suspension. 65224

(d) In addition to the suspension of an owner's license under 65225
division (A)(2)(a), (b), or (c) of this section, the suspension of 65226
the rights of the owner to register the motor vehicle and the 65227
impoundment of the owner's certificate of registration and license 65228
plates until the owner complies with division (A)(5) of this 65229
section. 65230

(3) A person to whom this state has issued a certificate of 65231
registration for a motor vehicle or a license to operate a motor 65232
vehicle or who is determined to have operated any motor vehicle or 65233
permitted the operation in this state of a motor vehicle owned by 65234
the person shall be required to verify the existence of proof of 65235
financial responsibility covering the operation of the motor 65236
vehicle or the person's operation of the motor vehicle under any 65237

of the following circumstances: 65238

(a) The person or a motor vehicle owned by the person is 65239
involved in a traffic accident that requires the filing of an 65240
accident report under section 4509.06 of the Revised Code. 65241

(b) The person receives a traffic ticket indicating that 65242
proof of the maintenance of financial responsibility was not 65243
produced upon the request of a peace officer or state highway 65244
patrol trooper made in accordance with division (D)(2) of this 65245
section. 65246

(c) Whenever, in accordance with rules adopted by the 65247
registrar, the person is randomly selected by the registrar and 65248
requested to provide such verification. 65249

(4) An order of the registrar that suspends and impounds a 65250
license or registration, or both, shall state the date on or 65251
before which the person is required to surrender the person's 65252
license or certificate of registration and license plates. The 65253
person is deemed to have surrendered the license or certificate of 65254
registration and license plates, in compliance with the order, if 65255
the person does either of the following: 65256

(a) On or before the date specified in the order, personally 65257
delivers the license or certificate of registration and license 65258
plates, or causes the delivery of the items, to the registrar; 65259

(b) Mails the license or certificate of registration and 65260
license plates to the registrar in an envelope or container 65261
bearing a postmark showing a date no later than the date specified 65262
in the order. 65263

(5) Except as provided in division (A)(6) or (L) of this 65264
section, the registrar shall not restore any operating privileges 65265
or registration rights suspended under this section, return any 65266
license, certificate of registration, or license plates impounded 65267
under this section, or reissue license plates under section 65268

4503.232 of the Revised Code, if the registrar destroyed the 65269
impounded license plates under that section, or reissue a license 65270
under section 4510.52 of the Revised Code, if the registrar 65271
destroyed the suspended license under that section, unless the 65272
rights are not subject to suspension or revocation under any other 65273
law and unless the person, in addition to complying with all other 65274
conditions required by law for reinstatement of the operating 65275
privileges or registration rights, complies with all of the 65276
following: 65277

(a) Pays a financial responsibility reinstatement fee of 65278
~~seventy five~~ one hundred dollars for the first violation of 65279
division (A)(1) of this section, ~~two~~ three hundred ~~fifty~~ dollars 65280
for a second violation of that division, and ~~five~~ six hundred 65281
dollars for a third or subsequent violation of that division; 65282

(b) If the person has not voluntarily surrendered the 65283
license, certificate, or license plates in compliance with the 65284
order, pays a financial responsibility nonvoluntary compliance fee 65285
in an amount, not to exceed fifty dollars, determined by the 65286
registrar; 65287

(c) Files and continuously maintains proof of financial 65288
responsibility under sections 4509.44 to 4509.65 of the Revised 65289
Code. 65290

(6) If the registrar issues an order under division (A)(2) of 65291
this section resulting from the failure of a person to respond to 65292
a financial responsibility random verification request under 65293
division (A)(3)(c) of this section and the person successfully 65294
maintains an affirmative defense to a violation of section 4510.16 65295
of the Revised Code or is determined by the registrar or a deputy 65296
registrar to have been in compliance with division (A)(1) of this 65297
section at the time of the initial financial responsibility random 65298
verification request, the registrar shall do both of the 65299
following: 65300

(a) Terminate the order of suspension or impoundment; 65301

(b) Restore the operating privileges and registration rights 65302
of the person without payment of the fees established in divisions 65303
(A)(5)(a) and (b) of this section and without a requirement to 65304
file proof of financial responsibility. 65305

(B)(1) Every party required to file an accident report under 65306
section 4509.06 of the Revised Code also shall include with the 65307
report a document described in division (G)(1) of this section. 65308

If the registrar determines, within forty-five days after the 65309
report is filed, that an operator or owner has violated division 65310
(A)(1) of this section, the registrar shall do all of the 65311
following: 65312

(a) Order the impoundment, with respect to the motor vehicle 65313
involved, required under division (A)(2)(d) of this section, of 65314
the certificate of registration and license plates of any owner 65315
who has violated division (A)(1) of this section; 65316

(b) Order the suspension required under division (A)(2)(a), 65317
(b), or (c) of this section of the license of any operator or 65318
owner who has violated division (A)(1) of this section; 65319

(c) Record the name and address of the person whose 65320
certificate of registration and license plates have been impounded 65321
or are under an order of impoundment, or whose license has been 65322
suspended or is under an order of suspension; the serial number of 65323
the person's license; the serial numbers of the person's 65324
certificate of registration and license plates; and the person's 65325
social security account number, if assigned, or, where the motor 65326
vehicle is used for hire or principally in connection with any 65327
established business, the person's federal taxpayer identification 65328
number. The information shall be recorded in such a manner that it 65329
becomes a part of the person's permanent record, and assists the 65330
registrar in monitoring compliance with the orders of suspension 65331

or impoundment. 65332

(d) Send written notification to every person to whom the 65333
order pertains, at the person's last known address as shown on the 65334
records of the bureau. The person, within ten days after the date 65335
of the mailing of the notification, shall surrender to the 65336
registrar, in a manner set forth in division (A)(4) of this 65337
section, any certificate of registration and registration plates 65338
under an order of impoundment, or any license under an order of 65339
suspension. 65340

(2) The registrar shall issue any order under division (B)(1) 65341
of this section without a hearing. Any person adversely affected 65342
by the order, within ten days after the issuance of the order, may 65343
request an administrative hearing before the registrar, who shall 65344
provide the person with an opportunity for a hearing in accordance 65345
with this paragraph. A request for a hearing does not operate as a 65346
suspension of the order. The scope of the hearing shall be limited 65347
to whether the person in fact demonstrated to the registrar proof 65348
of financial responsibility in accordance with this section. The 65349
registrar shall determine the date, time, and place of any 65350
hearing, provided that the hearing shall be held, and an order 65351
issued or findings made, within thirty days after the registrar 65352
receives a request for a hearing. If requested by the person in 65353
writing, the registrar may designate as the place of hearing the 65354
county seat of the county in which the person resides or a place 65355
within fifty miles of the person's residence. The person shall pay 65356
the cost of the hearing before the registrar, if the registrar's 65357
order of suspension or impoundment is upheld. 65358

(C) Any order of suspension or impoundment issued under this 65359
section or division (B) of section 4509.37 of the Revised Code may 65360
be terminated at any time if the registrar determines upon a 65361
showing of proof of financial responsibility that the operator or 65362
owner of the motor vehicle was in compliance with division (A)(1) 65363

of this section at the time of the traffic offense, motor vehicle 65364
inspection, or accident that resulted in the order against the 65365
person. A determination may be made without a hearing. This 65366
division does not apply unless the person shows good cause for the 65367
person's failure to present satisfactory proof of financial 65368
responsibility to the registrar prior to the issuance of the 65369
order. 65370

(D)(1) For the purpose of enforcing this section, every peace 65371
officer is deemed an agent of the registrar. 65372

(a) Except as provided in division (D)(1)(b) of this section, 65373
any peace officer who, in the performance of the peace officer's 65374
duties as authorized by law, becomes aware of a person whose 65375
license is under an order of suspension, or whose certificate of 65376
registration and license plates are under an order of impoundment, 65377
pursuant to this section, may confiscate the license, certificate 65378
of registration, and license plates, and return them to the 65379
registrar. 65380

(b) Any peace officer who, in the performance of the peace 65381
officer's duties as authorized by law, becomes aware of a person 65382
whose license is under an order of suspension, or whose 65383
certificate of registration and license plates are under an order 65384
of impoundment resulting from failure to respond to a financial 65385
responsibility random verification, shall not, for that reason, 65386
arrest the owner or operator or seize the vehicle or license 65387
plates. Instead, the peace officer shall issue a citation for a 65388
violation of section 4510.16 of the Revised Code specifying the 65389
circumstances as failure to respond to a financial responsibility 65390
random verification. 65391

(2) A peace officer shall request the owner or operator of a 65392
motor vehicle to produce proof of financial responsibility in a 65393
manner described in division (G) of this section at the time the 65394
peace officer acts to enforce the traffic laws of this state and 65395

during motor vehicle inspections conducted pursuant to section 65396
4513.02 of the Revised Code. 65397

(3) A peace officer shall indicate on every traffic ticket 65398
whether the person receiving the traffic ticket produced proof of 65399
the maintenance of financial responsibility in response to the 65400
officer's request under division (D)(2) of this section. The peace 65401
officer shall inform every person who receives a traffic ticket 65402
and who has failed to produce proof of the maintenance of 65403
financial responsibility that the person must submit proof to the 65404
traffic violations bureau with any payment of a fine and costs for 65405
the ticketed violation or, if the person is to appear in court for 65406
the violation, the person must submit proof to the court. 65407

(4)(a) If a person who has failed to produce proof of the 65408
maintenance of financial responsibility appears in court for a 65409
ticketed violation, the court may permit the defendant to present 65410
evidence of proof of financial responsibility to the court at such 65411
time and in such manner as the court determines to be necessary or 65412
appropriate. In a manner prescribed by the registrar, the clerk of 65413
courts shall provide the registrar with the identity of any person 65414
who fails to submit proof of the maintenance of financial 65415
responsibility pursuant to division (D)(3) of this section. 65416

(b) If a person who has failed to produce proof of the 65417
maintenance of financial responsibility also fails to submit that 65418
proof to the traffic violations bureau with payment of a fine and 65419
costs for the ticketed violation, the traffic violations bureau, 65420
in a manner prescribed by the registrar, shall notify the 65421
registrar of the identity of that person. 65422

(5)(a) Upon receiving notice from a clerk of courts or 65423
traffic violations bureau pursuant to division (D)(4) of this 65424
section, the registrar shall order the suspension of the license 65425
of the person required under division (A)(2)(a), (b), or (c) of 65426
this section and the impoundment of the person's certificate of 65427

registration and license plates required under division (A)(2)(d) 65428
of this section, effective thirty days after the date of the 65429
mailing of notification. The registrar also shall notify the 65430
person that the person must present the registrar with proof of 65431
financial responsibility in accordance with this section, 65432
surrender to the registrar the person's certificate of 65433
registration, license plates, and license, or submit a statement 65434
subject to section 2921.13 of the Revised Code that the person did 65435
not operate or permit the operation of the motor vehicle at the 65436
time of the offense. Notification shall be in writing and shall be 65437
sent to the person at the person's last known address as shown on 65438
the records of the bureau of motor vehicles. The person, within 65439
fifteen days after the date of the mailing of notification, shall 65440
present proof of financial responsibility, surrender the 65441
certificate of registration, license plates, and license to the 65442
registrar in a manner set forth in division (A)(4) of this 65443
section, or submit the statement required under this section 65444
together with other information the person considers appropriate. 65445

If the registrar does not receive proof or the person does 65446
not surrender the certificate of registration, license plates, and 65447
license, in accordance with this division, the registrar shall 65448
permit the order for the suspension of the license of the person 65449
and the impoundment of the person's certificate of registration 65450
and license plates to take effect. 65451

(b) In the case of a person who presents, within the 65452
fifteen-day period, documents to show proof of financial 65453
responsibility, the registrar shall terminate the order of 65454
suspension and the impoundment of the registration and license 65455
plates required under division (A)(2)(d) of this section and shall 65456
send written notification to the person, at the person's last 65457
known address as shown on the records of the bureau. 65458

(c) Any person adversely affected by the order of the 65459

registrar under division (D)(5)(a) or (b) of this section, within 65460
ten days after the issuance of the order, may request an 65461
administrative hearing before the registrar, who shall provide the 65462
person with an opportunity for a hearing in accordance with this 65463
paragraph. A request for a hearing does not operate as a 65464
suspension of the order. The scope of the hearing shall be limited 65465
to whether, at the time of the hearing, the person presents proof 65466
of financial responsibility covering the vehicle and whether the 65467
person is eligible for an exemption in accordance with this 65468
section or any rule adopted under it. The registrar shall 65469
determine the date, time, and place of any hearing; provided, that 65470
the hearing shall be held, and an order issued or findings made, 65471
within thirty days after the registrar receives a request for a 65472
hearing. If requested by the person in writing, the registrar may 65473
designate as the place of hearing the county seat of the county in 65474
which the person resides or a place within fifty miles of the 65475
person's residence. Such person shall pay the cost of the hearing 65476
before the registrar, if the registrar's order of suspension or 65477
impoundment under division (D)(5)(a) or (b) of this section is 65478
upheld. 65479

(6) A peace officer may charge an owner or operator of a 65480
motor vehicle with a violation of section 4510.16 of the Revised 65481
Code when the owner or operator fails to show proof of the 65482
maintenance of financial responsibility pursuant to a peace 65483
officer's request under division (D)(2) of this section, if a 65484
check of the owner or operator's driving record indicates that the 65485
owner or operator, at the time of the operation of the motor 65486
vehicle, is required to file and maintain proof of financial 65487
responsibility under section 4509.45 of the Revised Code for a 65488
previous violation of this chapter. 65489

(7) Any forms used by law enforcement agencies in 65490
administering this section shall be prescribed, supplied, and paid 65491

for by the registrar. 65492

(8) No peace officer, law enforcement agency employing a 65493
peace officer, or political subdivision or governmental agency 65494
that employs a peace officer shall be liable in a civil action for 65495
damages or loss to persons arising out of the performance of any 65496
duty required or authorized by this section. 65497

(9) As used in this division and divisions (E) and (G) of 65498
this section, "peace officer" has the meaning set forth in section 65499
2935.01 of the Revised Code. 65500

(E) All fees, except court costs and those portions of the 65501
financial responsibility reinstatement fees as otherwise specified 65502
in this division, collected under this section shall be paid into 65503
the state treasury to the credit of the financial responsibility 65504
compliance fund. The financial responsibility compliance fund 65505
shall be used exclusively to cover costs incurred by the bureau in 65506
the administration of this section and sections 4503.20, 4507.212, 65507
and 4509.81 of the Revised Code, and by any law enforcement agency 65508
employing any peace officer who returns any license, certificate 65509
of registration, and license plates to the registrar pursuant to 65510
division (C) of this section, except that the director of budget 65511
and management may transfer excess money from the financial 65512
responsibility compliance fund to the state bureau of motor 65513
vehicles fund if the registrar determines that the amount of money 65514
in the financial responsibility compliance fund exceeds the amount 65515
required to cover such costs incurred by the bureau or a law 65516
enforcement agency and requests the director to make the transfer. 65517

Of each financial responsibility reinstatement fee the 65518
registrar collects pursuant to division (A)(5)(a) of this section, 65519
the registrar shall deposit twenty-five dollars of each 65520
one-hundred-dollar reinstatement fee, fifty dollars of each 65521
three-hundred-dollar reinstatement fee, and one hundred dollars of 65522
each six-hundred-dollar reinstatement fee into the state treasury 65523

to the credit of the indigent defense support fund created by 65524
section 120.08 of the Revised Code. 65525

All investment earnings of the financial responsibility 65526
compliance fund shall be credited to the fund. 65527

(F) Chapter 119. of the Revised Code applies to this section 65528
only to the extent that any provision in that chapter is not 65529
clearly inconsistent with this section. 65530

(G)(1) The registrar, court, traffic violations bureau, or 65531
peace officer may require proof of financial responsibility to be 65532
demonstrated by use of a standard form prescribed by the 65533
registrar. If the use of a standard form is not required, a person 65534
may demonstrate proof of financial responsibility under this 65535
section by presenting to the traffic violations bureau, court, 65536
registrar, or peace officer any of the following documents or a 65537
copy of the documents: 65538

(a) A financial responsibility identification card as 65539
provided in section 4509.103 of the Revised Code; 65540

(b) A certificate of proof of financial responsibility on a 65541
form provided and approved by the registrar for the filing of an 65542
accident report required to be filed under section 4509.06 of the 65543
Revised Code; 65544

(c) A policy of liability insurance, a declaration page of a 65545
policy of liability insurance, or liability bond, if the policy or 65546
bond complies with section 4509.20 or sections 4509.49 to 4509.61 65547
of the Revised Code; 65548

(d) A bond or certification of the issuance of a bond as 65549
provided in section 4509.59 of the Revised Code; 65550

(e) A certificate of deposit of money or securities as 65551
provided in section 4509.62 of the Revised Code; 65552

(f) A certificate of self-insurance as provided in section 65553

4509.72 of the Revised Code. 65554

(2) If a person fails to demonstrate proof of financial 65555
responsibility in a manner described in division (G)(1) of this 65556
section, the person may demonstrate proof of financial 65557
responsibility under this section by any other method that the 65558
court or the bureau, by reason of circumstances in a particular 65559
case, may consider appropriate. 65560

(3) A motor carrier certificated by the interstate commerce 65561
commission or by the public utilities commission may demonstrate 65562
proof of financial responsibility by providing a statement 65563
designating the motor carrier's operating authority and averring 65564
that the insurance coverage required by the certificating 65565
authority is in full force and effect. 65566

(4)(a) A finding by the registrar or court that a person is 65567
covered by proof of financial responsibility in the form of an 65568
insurance policy or surety bond is not binding upon the named 65569
insurer or surety or any of its officers, employees, agents, or 65570
representatives and has no legal effect except for the purpose of 65571
administering this section. 65572

(b) The preparation and delivery of a financial 65573
responsibility identification card or any other document 65574
authorized to be used as proof of financial responsibility under 65575
this division does not do any of the following: 65576

(i) Create any liability or estoppel against an insurer or 65577
surety, or any of its officers, employees, agents, or 65578
representatives; 65579

(ii) Constitute an admission of the existence of, or of any 65580
liability or coverage under, any policy or bond; 65581

(iii) Waive any defenses or counterclaims available to an 65582
insurer, surety, agent, employee, or representative in an action 65583
commenced by an insured or third-party claimant upon a cause of 65584

action alleged to have arisen under an insurance policy or surety bond or by reason of the preparation and delivery of a document for use as proof of financial responsibility.

(c) Whenever it is determined by a final judgment in a judicial proceeding that an insurer or surety, which has been named on a document accepted by a court or the registrar as proof of financial responsibility covering the operation of a motor vehicle at the time of an accident or offense, is not liable to pay a judgment for injuries or damages resulting from such operation, the registrar, notwithstanding any previous contrary finding, shall forthwith suspend the operating privileges and registration rights of the person against whom the judgment was rendered as provided in division (A)(2) of this section.

(H) In order for any document described in division (G)(1)(b) of this section to be used for the demonstration of proof of financial responsibility under this section, the document shall state the name of the insured or obligor, the name of the insurer or surety company, and the effective and expiration dates of the financial responsibility, and designate by explicit description or by appropriate reference all motor vehicles covered which may include a reference to fleet insurance coverage.

(I) For purposes of this section, "owner" does not include a licensed motor vehicle leasing dealer as defined in section 4517.01 of the Revised Code, but does include a motor vehicle renting dealer as defined in section 4549.65 of the Revised Code. Nothing in this section or in section 4509.51 of the Revised Code shall be construed to prohibit a motor vehicle renting dealer from entering into a contractual agreement with a person whereby the person renting the motor vehicle agrees to be solely responsible for maintaining proof of financial responsibility, in accordance with this section, with respect to the operation, maintenance, or use of the motor vehicle during the period of the motor vehicle's

rental. 65617

(J) The purpose of this section is to require the maintenance 65618
of proof of financial responsibility with respect to the operation 65619
of motor vehicles on the highways of this state, so as to minimize 65620
those situations in which persons are not compensated for injuries 65621
and damages sustained in motor vehicle accidents. The general 65622
assembly finds that this section contains reasonable civil 65623
penalties and procedures for achieving this purpose. 65624

(K) Nothing in this section shall be construed to be subject 65625
to section 4509.78 of the Revised Code. 65626

(L)(1) The registrar may terminate any suspension imposed 65627
under this section and not require the owner to comply with 65628
divisions (A)(5)(a), (b), and (c) of this section if the registrar 65629
with or without a hearing determines that the owner of the vehicle 65630
has established by clear and convincing evidence that all of the 65631
following apply: 65632

(a) The owner customarily maintains proof of financial 65633
responsibility. 65634

(b) Proof of financial responsibility was not in effect for 65635
the vehicle on the date in question for one of the following 65636
reasons: 65637

(i) The vehicle was inoperable. 65638

(ii) The vehicle is operated only seasonally, and the date in 65639
question was outside the season of operation. 65640

(iii) A person other than the vehicle owner or driver was at 65641
fault for the lapse of proof of financial responsibility through 65642
no fault of the owner or driver. 65643

(iv) The lapse of proof of financial responsibility was 65644
caused by excusable neglect under circumstances that are not 65645
likely to recur and do not suggest a purpose to evade the 65646

requirements of this chapter. 65647

(2) The registrar may grant an owner or driver relief for a 65648
reason specified in division (L)(1)(b)(i) or (ii) of this section 65649
whenever the owner or driver is randomly selected to verify the 65650
existence of proof of financial responsibility for such a vehicle. 65651
However, the registrar may grant an owner or driver relief for a 65652
reason specified in division (L)(1)(b)(iii) or (iv) of this 65653
section only if the owner or driver has not previously been 65654
granted relief under division (L)(1)(b)(iii) or (iv) of this 65655
section. 65656

(M) The registrar shall adopt rules in accordance with 65657
Chapter 119. of the Revised Code that are necessary to administer 65658
and enforce this section. The rules shall include procedures for 65659
the surrender of license plates upon failure to maintain proof of 65660
financial responsibility and provisions relating to reinstatement 65661
of registration rights, acceptable forms of proof of financial 65662
responsibility, and verification of the existence of financial 65663
responsibility during the period of registration. 65664

Sec. 4510.11. (A) No person whose driver's or commercial 65665
driver's license or permit or nonresident operating privilege has 65666
been suspended under any provision of the Revised Code, other than 65667
Chapter 4509. of the Revised Code, or under any applicable law in 65668
any other jurisdiction in which the person's license or permit was 65669
issued shall operate any motor vehicle upon the public roads and 65670
highways or upon any public or private property used by the public 65671
for purposes of vehicular travel or parking within this state 65672
during the period of suspension unless the person is granted 65673
limited driving privileges and is operating the vehicle in 65674
accordance with the terms of the limited driving privileges. 65675

(B) No person shall operate any motor vehicle upon a highway 65676
or any public or private property used by the public for purposes 65677

of vehicular travel or parking in this state in violation of any 65678
restriction of the person's driver's or commercial driver's 65679
license or permit imposed under division (D) of section 4506.10 or 65680
under section 4507.14 of the Revised Code. 65681

(C)(1) ~~Whoever~~ (a) Except as provided in division (C)(1)(b) 65682
of this section, whoever violates division (A) of this section is 65683
guilty of driving under suspension or in violation of a license 65684
restriction, a misdemeanor of the first degree. The court shall 65685
impose upon the offender a class seven suspension of the 65686
offender's driver's license, commercial driver's license, 65687
temporary instruction permit, probationary license, or nonresident 65688
operating privilege from the range specified in division (A)(7) of 65689
section 4510.02 of the Revised Code. 65690

(b) If the offender's driver's or commercial driver's license 65691
or permit or nonresident operating privilege has been suspended 65692
under section 3123.58 or 4510.22 of the Revised Code, a violation 65693
of division (A) of this section is an unclassified misdemeanor. 65694
The offender may be fined up to one thousand dollars and pursuant 65695
to division (B) of section 2929.27 of the Revised Code 65696
additionally may be ordered to serve a term of community service 65697
of up to five hundred hours. If the offender previously was 65698
convicted of or pleaded guilty to two or more violations of this 65699
section or a substantially equivalent municipal ordinance within 65700
the past three years, the offense is a misdemeanor of the first 65701
degree. 65702

(2) Whoever violates division (B) of this section is guilty 65703
of driving in violation of a license restriction, a misdemeanor of 65704
the first degree. 65705

(3) Except as provided in division (C)(~~3~~)(4) or (~~4~~)(5) of 65706
this section, the court, in addition to any other penalty that it 65707
imposes on the offender and if the vehicle is registered in the 65708
offender's name, shall order the immobilization of the vehicle 65709

involved in the offense for thirty days in accordance with section 65710
4503.233 of the Revised Code and the impoundment of that vehicle's 65711
license plates for thirty days. 65712

~~(3)~~(4) If the offender previously has been convicted of or 65713
pleaded guilty to one violation of this section or of a 65714
substantially similar municipal ordinance, the court, in addition 65715
to any other sentence that it imposes on the offender and if the 65716
vehicle is registered in the offender's name, shall order the 65717
immobilization of the vehicle involved in the offense for sixty 65718
days in accordance with section 4503.233 of the Revised Code and 65719
the impoundment of that vehicle's license plates for sixty days. 65720

~~(4)~~(5) If the offender previously has been convicted of or 65721
pleaded guilty to two or more violations of this section or of a 65722
substantially similar municipal ordinance, the court, in addition 65723
to any other sentence that it imposes on the offender and if the 65724
vehicle is registered in the offender's name, shall order the 65725
criminal forfeiture of the vehicle involved in the offense to the 65726
state. 65727

(D) Any order for immobilization and impoundment under this 65728
section shall be issued and enforced under section 4503.233 of the 65729
Revised Code. The court shall not release a vehicle from 65730
immobilization ordered under this section unless the court is 65731
presented with current proof of financial responsibility with 65732
respect to that vehicle. 65733

(E) Any order of criminal forfeiture under this section shall 65734
be issued and enforced under section 4503.234 of the Revised Code. 65735
Upon receipt of the copy of the order from the court, neither the 65736
registrar of motor vehicles nor a deputy registrar shall accept 65737
any application for the registration or transfer of registration 65738
of any motor vehicle owned or leased by the person named in the 65739
declaration of forfeiture. The period of registration denial shall 65740
be five years after the date of the order, unless, during that 65741

period, the court having jurisdiction of the offense that led to 65742
the order terminates the forfeiture and notifies the registrar of 65743
the termination. The registrar then shall take necessary measures 65744
to permit the person to register a vehicle owned or leased by the 65745
person or to transfer registration of the vehicle. 65746

Sec. 4510.12. (A)(1) No person, except those expressly 65747
exempted under sections 4507.03, 4507.04, and 4507.05 of the 65748
Revised Code, shall operate any motor vehicle upon a public road 65749
or highway or any public or private property used by the public 65750
for purposes of vehicular travel or parking in this state unless 65751
the person has a valid driver's license issued under Chapter 4507. 65752
of the Revised Code or a commercial driver's license issued under 65753
Chapter 4506. of the Revised Code. 65754

(2) No person, except a person expressly exempted under 65755
sections 4507.03, 4507.04, and 4507.05 of the Revised Code, shall 65756
operate any motorcycle upon a public road or highway or any public 65757
or private property used by the public for purposes of vehicular 65758
travel or parking in this state unless the person has a valid 65759
license as a motorcycle operator that was issued upon application 65760
by the registrar of motor vehicles under Chapter 4507. of the 65761
Revised Code. The license shall be in the form of an endorsement, 65762
as determined by the registrar, upon a driver's or commercial 65763
driver's license, if the person has a valid license to operate a 65764
motor vehicle or commercial motor vehicle, or in the form of a 65765
restricted license as provided in section 4507.14 of the Revised 65766
Code, if the person does not have a valid license to operate a 65767
motor vehicle or commercial motor vehicle. 65768

(B) Whoever violates this section is guilty of operating a 65769
motor vehicle without a valid license and shall be punished as 65770
follows: 65771

(1) If the trier of fact finds that the offender never has 65772

held a valid driver's or commercial driver's license issued by 65773
this state or any other jurisdiction, the offense is a an 65774
unclassified misdemeanor ~~of the first degree~~. The offender may be 65775
fined up to one thousand dollars and pursuant to division (B) of 65776
section 2929.27 of the Revised Code additionally may be ordered to 65777
serve a term of community service of up to five hundred hours. 65778

(2)(a) Subject to division (B)(2)(b) of this section, if the 65779
offender's driver's or commercial driver's license or permit was 65780
expired at the time of the offense ~~for no more than six months,~~ 65781
the offense is a minor misdemeanor ~~and if the offender's driver's~~ 65782
~~or commercial driver's license or permit was expired at the time~~ 65783
~~of the offense for more than six months, the offense is a~~ 65784
~~misdemeanor of the fourth degree.~~ 65785

~~(b)(i) If the offender previously was convicted of or pleaded~~ 65786
~~guilty to one violation of this section or a substantially~~ 65787
~~equivalent municipal ordinance within the past three years, the~~ 65788
~~offense is a misdemeanor of the third degree.~~ 65789

~~(ii) If the offender previously was convicted of or pleaded~~ 65790
~~guilty to two violations of this section or a substantially~~ 65791
~~equivalent municipal ordinance within the past three years, the~~ 65792
~~offense is a misdemeanor of the second degree.~~ 65793

~~(iii) If the offender previously was convicted of or pleaded~~ 65794
~~guilty to three or more violations of this section or a~~ 65795
~~substantially equivalent municipal ordinance within the past three~~ 65796
~~years, the offense is a misdemeanor of the first degree.~~ 65797

(C) The court shall not impose a license suspension for a 65798
first violation of this section or if more than three years have 65799
passed since the offender's last violation of this section or a 65800
substantially equivalent municipal ordinance. 65801

(D) If the offender was convicted of or pleaded guilty to one 65802
or more violations of this section or a substantially equivalent 65803

municipal ordinance within the past three years, and if the 65804
offender's license was expired for more than six months at the 65805
time of the offense, the court shall impose a class seven 65806
suspension of the offender's driver license, commercial driver's 65807
license, temporary instruction permit, probationary license, or 65808
nonresident operating privilege from the range specified in 65809
division (A)(7) of section 4510.02 of the Revised Code. 65810

Sec. 4510.16. (A) No person, whose driver's or commercial 65811
driver's license or temporary instruction permit or nonresident's 65812
operating privilege has been suspended or canceled pursuant to 65813
Chapter 4509. of the Revised Code, shall operate any motor vehicle 65814
within this state, or knowingly permit any motor vehicle owned by 65815
the person to be operated by another person in the state, during 65816
the period of the suspension or cancellation, except as 65817
specifically authorized by Chapter 4509. of the Revised Code. No 65818
person shall operate a motor vehicle within this state, or 65819
knowingly permit any motor vehicle owned by the person to be 65820
operated by another person in the state, during the period in 65821
which the person is required by section 4509.45 of the Revised 65822
Code to file and maintain proof of financial responsibility for a 65823
violation of section 4509.101 of the Revised Code, unless proof of 65824
financial responsibility is maintained with respect to that 65825
vehicle. 65826

(B)(1) Whoever violates this section is guilty of driving 65827
under financial responsibility law suspension or cancellation, a 65828
an unclassified misdemeanor of the first degree. The offender may 65829
be fined up to one thousand dollars and pursuant to division (B) 65830
of section 2929.27 of the Revised Code additionally may be ordered 65831
to serve a term of community service of up to five hundred hours. 65832
If the offender previously was convicted of or pleaded guilty to 65833
two or more violations of this section or a substantially 65834
equivalent municipal ordinance within the past three years, the 65835

offense is a misdemeanor of the first degree. The court shall 65836
impose a class seven suspension of the offender's driver's or 65837
commercial driver's license or permit or nonresident operating 65838
privilege for the period of time specified in division (A)(7) of 65839
section 4510.02 of the Revised Code. 65840

(2) If the vehicle is registered in the offender's name and 65841
division (B)(3) of this section does not apply, the court, in 65842
addition to or independent of any other sentence that it imposes 65843
upon the offender, may order the immobilization for no more than 65844
thirty days of the vehicle involved in the offense and the 65845
impoundment for no more than thirty days of the license plates of 65846
that vehicle. 65847

(3) If the vehicle is registered in the offender's name and 65848
if, within five years of the offense, the offender has been 65849
convicted of or pleaded guilty to one violation of this section or 65850
a substantially similar municipal ordinance, the court, in 65851
addition to or independent of any other sentence that it imposes 65852
on the offender, shall order the immobilization for sixty days of 65853
the vehicle involved in the offense and impoundment for sixty days 65854
of the license plates of that vehicle. 65855

If the vehicle is registered in the offender's name and if, 65856
within five years of the offense, the offender has been convicted 65857
of or pleaded guilty to two or more violations of this section or 65858
a substantially similar municipal ordinance, the court, in 65859
addition to or independent of any other sentence that it imposes 65860
upon the offender, shall order the criminal forfeiture to the 65861
state of the vehicle involved in the offense. If title to a motor 65862
vehicle that is subject to an order for criminal forfeiture under 65863
this division is assigned or transferred and division (B)(2) or 65864
(3) of section 4503.234 of the Revised Code applies, in addition 65865
to or independent of any other penalty established by law, the 65866
court may fine the offender the value of the vehicle as determined 65867

by publications of the national auto dealers association. The 65868
proceeds from any fine so imposed shall be distributed in 65869
accordance with division (C)(2) of that section. 65870

(C) Any order for immobilization and impoundment under this 65871
section shall be issued and enforced in accordance with sections 65872
4503.233 and 4507.02 of the Revised Code, as applicable. Any order 65873
of criminal forfeiture shall be issued and enforced in accordance 65874
with section 4503.234 of the Revised Code. The court shall not 65875
release a vehicle from immobilization orders under this section 65876
unless the court is presented with current proof of financial 65877
responsibility with respect to that vehicle. 65878

Sec. 4510.22. (A) If a person who has a current valid Ohio 65879
driver's, commercial driver's license, or temporary instruction 65880
permit is charged with a violation of any provision in sections 65881
4511.01 to 4511.76, 4511.84, 4513.01 to 4513.65, or 4549.01 to 65882
4549.65 of the Revised Code that is classified as a misdemeanor of 65883
the first, second, third, or fourth degree or with a violation of 65884
any substantially equivalent municipal ordinance and if the person 65885
either fails to appear in court at the required time and place to 65886
answer the charge or pleads guilty to or is found guilty of the 65887
violation and fails within the time allowed by the court to pay 65888
the fine imposed by the court, the court shall declare the 65889
forfeiture of the person's license. Thirty days after the 65890
declaration of forfeiture, the court shall inform the registrar of 65891
motor vehicles of the forfeiture by entering information relative 65892
to the of forfeiture on a form approved and furnished by the 65893
registrar and sending the form to the registrar. The court also 65894
shall forward the person's license, if it is in the possession of 65895
the court, to the registrar. 65896

The registrar shall impose a class F suspension of the 65897
person's driver's or commercial driver's license, or temporary 65898

instruction permit for the period of time specified in division 65899
(B)(6) of section 4510.02 of the Revised Code on any person who is 65900
named in a declaration received by the registrar under this 65901
section. The registrar shall send written notification of the 65902
suspension to the person at the person's last known address and, 65903
if the person is in possession of the license, order the person to 65904
surrender the person's license or permit to the registrar within 65905
forty-eight hours. 65906

No valid driver's or commercial driver's license shall be 65907
granted to the person after the suspension, unless the court 65908
having jurisdiction of the offense that led to the suspension 65909
orders that the forfeiture be terminated. The court shall order 65910
the termination of the forfeiture if the person thereafter appears 65911
to answer the charge and pays any fine imposed by the court or 65912
pays the fine originally imposed by the court. The court shall 65913
inform the registrar of the termination of the forfeiture by 65914
entering information relative to the termination on a form 65915
approved and furnished by the registrar and sending the form to 65916
the registrar. The person shall pay to the bureau of motor 65917
vehicles a ~~fifteen-dollar~~ twenty-five-dollar reinstatement fee ~~to~~ 65918
~~cover the costs of the bureau in administering this section.~~ The 65919
registrar shall deposit fifteen dollars of the fee into the state 65920
treasury to the credit of the state bureau of motor vehicles fund 65921
created by section 4501.25 of the Revised Code to cover the costs 65922
of the bureau in administering this section and shall deposit ten 65923
dollars of the fee into the state treasury to the credit of the 65924
indigent defense support fund created by section 120.08 of the 65925
Revised Code. 65926

(B) In addition to suspending the driver's or commercial 65927
driver's license or permit of the person named in a declaration of 65928
forfeiture, the registrar, upon receipt from the court of the copy 65929
of the declaration of forfeiture, shall take any measures that may 65930

be necessary to ensure that neither the registrar nor any deputy 65931
registrar accepts any application for the registration or transfer 65932
of registration of any motor vehicle owned or leased by the person 65933
named in the declaration of forfeiture. However, for a motor 65934
vehicle leased by a person named in a declaration of forfeiture, 65935
the registrar shall not implement the preceding sentence until the 65936
registrar adopts procedures for that implementation under section 65937
4503.39 of the Revised Code. The period of denial of registration 65938
or transfer shall continue until such time as the court having 65939
jurisdiction of the offense that led to the suspension orders the 65940
forfeiture be terminated. Upon receipt by the registrar of an 65941
order terminating the forfeiture, the registrar also shall take 65942
any measures that may be necessary to permit the person to 65943
register a motor vehicle owned or leased by the person or to 65944
transfer the registration of such a motor vehicle, if the person 65945
later makes application to take such action and otherwise is 65946
eligible to register the motor vehicle or to transfer its 65947
registration. 65948

The registrar shall not be required to give effect to any 65949
declaration of forfeiture or order terminating a forfeiture 65950
provided by a court under this section unless the information 65951
contained in the declaration or order is transmitted to the 65952
registrar by means of an electronic transfer system. The registrar 65953
shall not restore the person's driving or vehicle registration 65954
privileges until the person pays the reinstatement fee as provided 65955
in this section. 65956

The period of denial relating to the issuance or transfer of 65957
a certificate of registration for a motor vehicle imposed pursuant 65958
to this division remains in effect until the person pays any fine 65959
imposed by the court relative to the offense. 65960

Sec. 4511.191. (A)(1) As used in this section: 65961

(a) "Physical control" has the same meaning as in section 65962
4511.194 of the Revised Code. 65963

(b) "Alcohol monitoring device" means any device that 65964
provides for continuous alcohol monitoring, any ignition interlock 65965
device, any immobilizing or disabling device other than an 65966
ignition interlock device that is constantly available to monitor 65967
the concentration of alcohol in a person's system, or any other 65968
device that provides for the automatic testing and periodic 65969
reporting of alcohol consumption by a person and that a court 65970
orders a person to use as a sanction imposed as a result of the 65971
person's conviction of or plea of guilty to an offense. 65972

(2) Any person who operates a vehicle, streetcar, or 65973
trackless trolley upon a highway or any public or private property 65974
used by the public for vehicular travel or parking within this 65975
state or who is in physical control of a vehicle, streetcar, or 65976
trackless trolley shall be deemed to have given consent to a 65977
chemical test or tests of the person's whole blood, blood serum or 65978
plasma, breath, or urine to determine the alcohol, drug of abuse, 65979
controlled substance, metabolite of a controlled substance, or 65980
combination content of the person's whole blood, blood serum or 65981
plasma, breath, or urine if arrested for a violation of division 65982
(A) or (B) of section 4511.19 of the Revised Code, section 65983
4511.194 of the Revised Code or a substantially equivalent 65984
municipal ordinance, or a municipal OVI ordinance. 65985

(3) The chemical test or tests under division (A)(2) of this 65986
section shall be administered at the request of a law enforcement 65987
officer having reasonable grounds to believe the person was 65988
operating or in physical control of a vehicle, streetcar, or 65989
trackless trolley in violation of a division, section, or 65990
ordinance identified in division (A)(2) of this section. The law 65991
enforcement agency by which the officer is employed shall 65992
designate which of the tests shall be administered. 65993

(4) Any person who is dead or unconscious, or who otherwise is in a condition rendering the person incapable of refusal, shall be deemed to have consented as provided in division (A)(2) of this section, and the test or tests may be administered, subject to sections 313.12 to 313.16 of the Revised Code.

(5)(a) If a law enforcement officer arrests a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance and if the person if convicted would be required to be sentenced under division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised Code, the law enforcement officer shall request the person to submit, and the person shall submit, to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine. A law enforcement officer who makes a request pursuant to this division that a person submit to a chemical test or tests is not required to advise the person of the consequences of submitting to, or refusing to submit to, the test or tests and is not required to give the person the form described in division (B) of section 4511.192 of the Revised Code, but the officer shall advise the person at the time of the arrest that if the person refuses to take a chemical test the officer may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. The officer shall also advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. Divisions (A)(3) and (4) of this section apply to the administration of a chemical test or tests pursuant to this division.

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(b) If a person refuses to submit to a chemical test upon a request made pursuant to division (A)(5)(a) of this section, the law enforcement officer who made the request may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. A law enforcement officer who acts pursuant to this division to ensure that a person submits to a chemical test of the person's whole blood or blood serum or plasma is immune from criminal and civil liability based upon a claim for assault and battery or any other claim for the acts, unless the officer so acted with malicious purpose, in bad faith, or in a wanton or reckless manner.

(B)(1) Upon receipt of the sworn report of a law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance that was completed and sent to the registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person who refused to take the designated chemical test, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and that section and the period of the suspension, as determined under this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension shall be for whichever of the following periods applies:

(a) Except when division (B)(1)(b), (c), or (d) of this section applies and specifies a different class or length of suspension, the suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of

the Revised Code. 66059

(b) If the arrested person, within six years of the date on 66060
which the person refused the request to consent to the chemical 66061
test, had refused one previous request to consent to a chemical 66062
test or had been convicted of or pleaded guilty to one violation 66063
of division (A) or (B) of section 4511.19 of the Revised Code or 66064
one other equivalent offense, the suspension shall be a class B 66065
suspension imposed for the period of time specified in division 66066
(B)(2) of section 4510.02 of the Revised Code. 66067

(c) If the arrested person, within six years of the date on 66068
which the person refused the request to consent to the chemical 66069
test, had refused two previous requests to consent to a chemical 66070
test, had been convicted of or pleaded guilty to two violations of 66071
division (A) or (B) of section 4511.19 of the Revised Code or 66072
other equivalent offenses, or had refused one previous request to 66073
consent to a chemical test and also had been convicted of or 66074
pleaded guilty to one violation of division (A) or (B) of section 66075
4511.19 of the Revised Code or other equivalent offenses, which 66076
violation or offense arose from an incident other than the 66077
incident that led to the refusal, the suspension shall be a class 66078
A suspension imposed for the period of time specified in division 66079
(B)(1) of section 4510.02 of the Revised Code. 66080

(d) If the arrested person, within six years of the date on 66081
which the person refused the request to consent to the chemical 66082
test, had refused three or more previous requests to consent to a 66083
chemical test, had been convicted of or pleaded guilty to three or 66084
more violations of division (A) or (B) of section 4511.19 of the 66085
Revised Code or other equivalent offenses, or had refused a number 66086
of previous requests to consent to a chemical test and also had 66087
been convicted of or pleaded guilty to a number of violations of 66088
division (A) or (B) of section 4511.19 of the Revised Code or 66089
other equivalent offenses that cumulatively total three or more 66090

such refusals, convictions, and guilty pleas, the suspension shall 66091
be for five years. 66092

(2) The registrar shall terminate a suspension of the 66093
driver's or commercial driver's license or permit of a resident or 66094
of the operating privilege of a nonresident, or a denial of a 66095
driver's or commercial driver's license or permit, imposed 66096
pursuant to division (B)(1) of this section upon receipt of notice 66097
that the person has entered a plea of guilty to, or that the 66098
person has been convicted after entering a plea of no contest to, 66099
operating a vehicle in violation of section 4511.19 of the Revised 66100
Code or in violation of a municipal OVI ordinance, if the offense 66101
for which the conviction is had or the plea is entered arose from 66102
the same incident that led to the suspension or denial. 66103

The registrar shall credit against any judicial suspension of 66104
a person's driver's or commercial driver's license or permit or 66105
nonresident operating privilege imposed pursuant to section 66106
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 66107
Revised Code for a violation of a municipal OVI ordinance, any 66108
time during which the person serves a related suspension imposed 66109
pursuant to division (B)(1) of this section. 66110

(C)(1) Upon receipt of the sworn report of the law 66111
enforcement officer who arrested a person for a violation of 66112
division (A) or (B) of section 4511.19 of the Revised Code or a 66113
municipal OVI ordinance that was completed and sent to the 66114
registrar and a court pursuant to section 4511.192 of the Revised 66115
Code in regard to a person whose test results indicate that the 66116
person's whole blood, blood serum or plasma, breath, or urine 66117
contained at least the concentration of alcohol specified in 66118
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 66119
Revised Code or at least the concentration of a listed controlled 66120
substance or a listed metabolite of a controlled substance 66121
specified in division (A)(1)(j) of section 4511.19 of the Revised 66122

Code, the registrar shall enter into the registrar's records the 66123
fact that the person's driver's or commercial driver's license or 66124
permit or nonresident operating privilege was suspended by the 66125
arresting officer under this division and section 4511.192 of the 66126
Revised Code and the period of the suspension, as determined under 66127
divisions (C)(1)(a) to (d) of this section. The suspension shall 66128
be subject to appeal as provided in section 4511.197 of the 66129
Revised Code. The suspension described in this division does not 66130
apply to, and shall not be imposed upon, a person arrested for a 66131
violation of section 4511.194 of the Revised Code or a 66132
substantially equivalent municipal ordinance who submits to a 66133
designated chemical test. The suspension shall be for whichever of 66134
the following periods applies: 66135

(a) Except when division (C)(1)(b), (c), or (d) of this 66136
section applies and specifies a different period, the suspension 66137
shall be a class E suspension imposed for the period of time 66138
specified in division (B)(5) of section 4510.02 of the Revised 66139
Code. 66140

(b) The suspension shall be a class C suspension for the 66141
period of time specified in division (B)(3) of section 4510.02 of 66142
the Revised Code if the person has been convicted of or pleaded 66143
guilty to, within six years of the date the test was conducted, 66144
one violation of division (A) or (B) of section 4511.19 of the 66145
Revised Code or one other equivalent offense. 66146

(c) If, within six years of the date the test was conducted, 66147
the person has been convicted of or pleaded guilty to two 66148
violations of a statute or ordinance described in division 66149
(C)(1)(b) of this section, the suspension shall be a class B 66150
suspension imposed for the period of time specified in division 66151
(B)(2) of section 4510.02 of the Revised Code. 66152

(d) If, within six years of the date the test was conducted, 66153
the person has been convicted of or pleaded guilty to more than 66154

two violations of a statute or ordinance described in division 66155
(C)(1)(b) of this section, the suspension shall be a class A 66156
suspension imposed for the period of time specified in division 66157
(B)(1) of section 4510.02 of the Revised Code. 66158

(2) The registrar shall terminate a suspension of the 66159
driver's or commercial driver's license or permit of a resident or 66160
of the operating privilege of a nonresident, or a denial of a 66161
driver's or commercial driver's license or permit, imposed 66162
pursuant to division (C)(1) of this section upon receipt of notice 66163
that the person has entered a plea of guilty to, or that the 66164
person has been convicted after entering a plea of no contest to, 66165
operating a vehicle in violation of section 4511.19 of the Revised 66166
Code or in violation of a municipal OVI ordinance, if the offense 66167
for which the conviction is had or the plea is entered arose from 66168
the same incident that led to the suspension or denial. 66169

The registrar shall credit against any judicial suspension of 66170
a person's driver's or commercial driver's license or permit or 66171
nonresident operating privilege imposed pursuant to section 66172
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 66173
Revised Code for a violation of a municipal OVI ordinance, any 66174
time during which the person serves a related suspension imposed 66175
pursuant to division (C)(1) of this section. 66176

(D)(1) A suspension of a person's driver's or commercial 66177
driver's license or permit or nonresident operating privilege 66178
under this section for the time described in division (B) or (C) 66179
of this section is effective immediately from the time at which 66180
the arresting officer serves the notice of suspension upon the 66181
arrested person. Any subsequent finding that the person is not 66182
guilty of the charge that resulted in the person being requested 66183
to take the chemical test or tests under division (A) of this 66184
section does not affect the suspension. 66185

(2) If a person is arrested for operating a vehicle, 66186

streetcar, or trackless trolley in violation of division (A) or 66187
(B) of section 4511.19 of the Revised Code or a municipal OVI 66188
ordinance, or for being in physical control of a vehicle, 66189
streetcar, or trackless trolley in violation of section 4511.194 66190
of the Revised Code or a substantially equivalent municipal 66191
ordinance, regardless of whether the person's driver's or 66192
commercial driver's license or permit or nonresident operating 66193
privilege is or is not suspended under division (B) or (C) of this 66194
section or Chapter 4510. of the Revised Code, the person's initial 66195
appearance on the charge resulting from the arrest shall be held 66196
within five days of the person's arrest or the issuance of the 66197
citation to the person, subject to any continuance granted by the 66198
court pursuant to section 4511.197 of the Revised Code regarding 66199
the issues specified in that division. 66200

(E) When it finally has been determined under the procedures 66201
of this section and sections 4511.192 to 4511.197 of the Revised 66202
Code that a nonresident's privilege to operate a vehicle within 66203
this state has been suspended, the registrar shall give 66204
information in writing of the action taken to the motor vehicle 66205
administrator of the state of the person's residence and of any 66206
state in which the person has a license. 66207

(F) At the end of a suspension period under this section, 66208
under section 4511.194, section 4511.196, or division (G) of 66209
section 4511.19 of the Revised Code, or under section 4510.07 of 66210
the Revised Code for a violation of a municipal OVI ordinance and 66211
upon the request of the person whose driver's or commercial 66212
driver's license or permit was suspended and who is not otherwise 66213
subject to suspension, cancellation, or disqualification, the 66214
registrar shall return the driver's or commercial driver's license 66215
or permit to the person upon the occurrence of all of the 66216
conditions specified in divisions (F)(1) and (2) of this section: 66217

(1) A showing that the person has proof of financial 66218

responsibility, a policy of liability insurance in effect that 66219
meets the minimum standards set forth in section 4509.51 of the 66220
Revised Code, or proof, to the satisfaction of the registrar, that 66221
the person is able to respond in damages in an amount at least 66222
equal to the minimum amounts specified in section 4509.51 of the 66223
Revised Code. 66224

(2) Subject to the limitation contained in division (F)(3) of 66225
this section, payment by the person to the bureau of motor 66226
vehicles of a license reinstatement fee of four hundred 66227
seventy-five dollars, which fee shall be deposited in the state 66228
treasury and credited as follows: 66229

(a) One hundred twelve dollars and fifty cents shall be 66230
credited to the statewide treatment and prevention fund created by 66231
section 4301.30 of the Revised Code. The fund shall be used to pay 66232
the costs of driver treatment and intervention programs operated 66233
pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 66234
director of alcohol and drug addiction services shall determine 66235
the share of the fund that is to be allocated to alcohol and drug 66236
addiction programs authorized by section 3793.02 of the Revised 66237
Code, and the share of the fund that is to be allocated to 66238
drivers' intervention programs authorized by section 3793.10 of 66239
the Revised Code. 66240

(b) Seventy-five dollars shall be credited to the reparations 66241
fund created by section 2743.191 of the Revised Code. 66242

(c) Thirty-seven dollars and fifty cents shall be credited to 66243
the indigent drivers alcohol treatment fund, which is hereby 66244
established in the state treasury. Except as otherwise provided in 66245
division (F)(2)(c) of this section, moneys in the fund shall be 66246
distributed by the department of alcohol and drug addiction 66247
services to the county indigent drivers alcohol treatment funds, 66248
the county juvenile indigent drivers alcohol treatment funds, and 66249
the municipal indigent drivers alcohol treatment funds that are 66250

required to be established by counties and municipal corporations 66251
pursuant to division (H) of this section, and shall be used only 66252
to pay the cost of an alcohol and drug addiction treatment program 66253
attended by an offender or juvenile traffic offender who is 66254
ordered to attend an alcohol and drug addiction treatment program 66255
by a county, juvenile, or municipal court judge and who is 66256
determined by the county, juvenile, or municipal court judge not 66257
to have the means to pay for the person's attendance at the 66258
program or to pay the costs specified in division (H)(4) of this 66259
section in accordance with that division. In addition, a county, 66260
juvenile, or municipal court judge may use moneys in the county 66261
indigent drivers alcohol treatment fund, county juvenile indigent 66262
drivers alcohol treatment fund, or municipal indigent drivers 66263
alcohol treatment fund to pay for the cost of the continued use of 66264
an alcohol monitoring device as described in divisions (H)(3) and 66265
(4) of this section. Moneys in the fund that are not distributed 66266
to a county indigent drivers alcohol treatment fund, a county 66267
juvenile indigent drivers alcohol treatment fund, or a municipal 66268
indigent drivers alcohol treatment fund under division (H) of this 66269
section because the director of alcohol and drug addiction 66270
services does not have the information necessary to identify the 66271
county or municipal corporation where the offender or juvenile 66272
offender was arrested may be transferred by the director of budget 66273
and management to the statewide treatment and prevention fund 66274
created by section 4301.30 of the Revised Code, upon certification 66275
of the amount by the director of alcohol and drug addiction 66276
services. 66277

(d) Seventy-five dollars shall be credited to the Ohio 66278
rehabilitation services commission established by section 3304.12 66279
of the Revised Code, to the services for rehabilitation fund, 66280
which is hereby established. The fund shall be used to match 66281
available federal matching funds where appropriate, and for any 66282
other purpose or program of the commission to rehabilitate people 66283

with disabilities to help them become employed and independent. 66284

(e) Seventy-five dollars shall be deposited into the state 66285
treasury and credited to the drug abuse resistance education 66286
programs fund, which is hereby established, to be used by the 66287
attorney general for the purposes specified in division (F)(4) of 66288
this section. 66289

(f) Thirty dollars shall be credited to the state bureau of 66290
motor vehicles fund created by section 4501.25 of the Revised 66291
Code. 66292

(g) Twenty dollars shall be credited to the trauma and 66293
emergency medical services grants fund created by section 4513.263 66294
of the Revised Code. 66295

(h) Fifty dollars shall be credited to the indigent drivers 66296
interlock and alcohol monitoring fund, which is hereby established 66297
in the state treasury. Monies in the fund shall be distributed by 66298
the department of public safety to the county indigent drivers 66299
interlock and alcohol monitoring funds, the county juvenile 66300
indigent drivers interlock and alcohol monitoring funds, and the 66301
municipal indigent drivers interlock and alcohol monitoring funds 66302
that are required to be established by counties and municipal 66303
corporations pursuant to this section, and shall be used only to 66304
pay the cost of an immobilizing or disabling device, including a 66305
certified ignition interlock device, or an alcohol monitoring 66306
device used by an offender or juvenile offender who is ordered to 66307
use the device by a county, juvenile, or municipal court judge and 66308
who is determined by the county, juvenile, or municipal court 66309
judge not to have the means to pay for the person's use of the 66310
device. 66311

(3) If a person's driver's or commercial driver's license or 66312
permit is suspended under this section, under section 4511.196 or 66313
division (G) of section 4511.19 of the Revised Code, under section 66314

4510.07 of the Revised Code for a violation of a municipal OVI 66315
ordinance or under any combination of the suspensions described in 66316
division (F)(3) of this section, and if the suspensions arise from 66317
a single incident or a single set of facts and circumstances, the 66318
person is liable for payment of, and shall be required to pay to 66319
the bureau, only one reinstatement fee of four hundred twenty-five 66320
dollars. The reinstatement fee shall be distributed by the bureau 66321
in accordance with division (F)(2) of this section. 66322

(4) The attorney general shall use amounts in the drug abuse 66323
resistance education programs fund to award grants to law 66324
enforcement agencies to establish and implement drug abuse 66325
resistance education programs in public schools. Grants awarded to 66326
a law enforcement agency under this section shall be used by the 66327
agency to pay for not more than fifty per cent of the amount of 66328
the salaries of law enforcement officers who conduct drug abuse 66329
resistance education programs in public schools. The attorney 66330
general shall not use more than six per cent of the amounts the 66331
attorney general's office receives under division (F)(2)(e) of 66332
this section to pay the costs it incurs in administering the grant 66333
program established by division (F)(2)(e) of this section and in 66334
providing training and materials relating to drug abuse resistance 66335
education programs. 66336

The attorney general shall report to the governor and the 66337
general assembly each fiscal year on the progress made in 66338
establishing and implementing drug abuse resistance education 66339
programs. These reports shall include an evaluation of the 66340
effectiveness of these programs. 66341

(G) Suspension of a commercial driver's license under 66342
division (B) or (C) of this section shall be concurrent with any 66343
period of disqualification under section 3123.611 or 4506.16 of 66344
the Revised Code or any period of suspension under section 3123.58 66345
of the Revised Code. No person who is disqualified for life from 66346

holding a commercial driver's license under section 4506.16 of the Revised Code shall be issued a driver's license under Chapter 4507. of the Revised Code during the period for which the commercial driver's license was suspended under division (B) or (C) of this section. No person whose commercial driver's license is suspended under division (B) or (C) of this section shall be issued a driver's license under Chapter 4507. of the Revised Code during the period of the suspension.

(H)(1) Each county shall establish an indigent drivers alcohol treatment fund, each county shall establish a juvenile indigent drivers alcohol treatment fund, and each municipal corporation in which there is a municipal court shall establish an indigent drivers alcohol treatment fund. All revenue that the general assembly appropriates to the indigent drivers alcohol treatment fund for transfer to a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund, all portions of fees that are paid under division (F) of this section and that are credited under that division to the indigent drivers alcohol treatment fund in the state treasury for a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund, all portions of additional costs imposed under section 2949.094 of the Revised Code that are specified for deposit into a county, county juvenile, or municipal indigent drivers alcohol treatment fund by that section, and all portions of fines that are specified for deposit into a county or municipal indigent drivers alcohol treatment fund by section 4511.193 of the Revised Code shall be deposited into that county indigent drivers alcohol treatment fund, county juvenile indigent drivers alcohol treatment fund, or municipal indigent drivers alcohol treatment fund. The portions of the fees paid under division (F) of this section that are to be so

deposited shall be determined in accordance with division (H)(2) 66380
of this section. Additionally, all portions of fines that are paid 66381
for a violation of section 4511.19 of the Revised Code or of any 66382
prohibition contained in Chapter 4510. of the Revised Code, and 66383
that are required under section 4511.19 or any provision of 66384
Chapter 4510. of the Revised Code to be deposited into a county 66385
indigent drivers alcohol treatment fund or municipal indigent 66386
drivers alcohol treatment fund shall be deposited into the 66387
appropriate fund in accordance with the applicable division of the 66388
section or provision. 66389

(2) That portion of the license reinstatement fee that is 66390
paid under division (F) of this section and that is credited under 66391
that division to the indigent drivers alcohol treatment fund shall 66392
be deposited into a county indigent drivers alcohol treatment 66393
fund, a county juvenile indigent drivers alcohol treatment fund, 66394
or a municipal indigent drivers alcohol treatment fund as follows: 66395
66396

(a) Regarding a suspension imposed under this section, that 66397
portion of the fee shall be deposited as follows: 66398

(i) If the fee is paid by a person who was charged in a 66399
county court with the violation that resulted in the suspension or 66400
in the imposition of the court costs, the portion shall be 66401
deposited into the county indigent drivers alcohol treatment fund 66402
under the control of that court; 66403

(ii) If the fee is paid by a person who was charged in a 66404
juvenile court with the violation that resulted in the suspension 66405
or in the imposition of the court costs, the portion shall be 66406
deposited into the county juvenile indigent drivers alcohol 66407
treatment fund established in the county served by the court; 66408

(iii) If the fee is paid by a person who was charged in a 66409
municipal court with the violation that resulted in the suspension 66410

or in the imposition of the court costs, the portion shall be 66411
deposited into the municipal indigent drivers alcohol treatment 66412
fund under the control of that court. 66413

(b) Regarding a suspension imposed under section 4511.19 of 66414
the Revised Code or under section 4510.07 of the Revised Code for 66415
a violation of a municipal OVI ordinance, that portion of the fee 66416
shall be deposited as follows: 66417

(i) If the fee is paid by a person whose license or permit 66418
was suspended by a county court, the portion shall be deposited 66419
into the county indigent drivers alcohol treatment fund under the 66420
control of that court; 66421

(ii) If the fee is paid by a person whose license or permit 66422
was suspended by a municipal court, the portion shall be deposited 66423
into the municipal indigent drivers alcohol treatment fund under 66424
the control of that court. 66425

(3) Expenditures from a county indigent drivers alcohol 66426
treatment fund, a county juvenile indigent drivers alcohol 66427
treatment fund, or a municipal indigent drivers alcohol treatment 66428
fund shall be made only upon the order of a county, juvenile, or 66429
municipal court judge and only for payment of the cost of an 66430
assessment or the cost of the attendance at an alcohol and drug 66431
addiction treatment program of a person who is convicted of, or 66432
found to be a juvenile traffic offender by reason of, a violation 66433
of division (A) of section 4511.19 of the Revised Code or a 66434
substantially similar municipal ordinance, who is ordered by the 66435
court to attend the alcohol and drug addiction treatment program, 66436
and who is determined by the court to be unable to pay the cost of 66437
the assessment or the cost of attendance at the treatment program 66438
or for payment of the costs specified in division (H)(4) of this 66439
section in accordance with that division. The alcohol and drug 66440
addiction services board or the board of alcohol, drug addiction, 66441
and mental health services established pursuant to section 340.02 66442

or 340.021 of the Revised Code and serving the alcohol, drug 66443
addiction, and mental health service district in which the court 66444
is located shall administer the indigent drivers alcohol treatment 66445
program of the court. When a court orders an offender or juvenile 66446
traffic offender to obtain an assessment or attend an alcohol and 66447
drug addiction treatment program, the board shall determine which 66448
program is suitable to meet the needs of the offender or juvenile 66449
traffic offender, and when a suitable program is located and space 66450
is available at the program, the offender or juvenile traffic 66451
offender shall attend the program designated by the board. A 66452
reasonable amount not to exceed five per cent of the amounts 66453
credited to and deposited into the county indigent drivers alcohol 66454
treatment fund, the county juvenile indigent drivers alcohol 66455
treatment fund, or the municipal indigent drivers alcohol 66456
treatment fund serving every court whose program is administered 66457
by that board shall be paid to the board to cover the costs it 66458
incurs in administering those indigent drivers alcohol treatment 66459
programs. 66460

In addition, upon exhaustion of moneys in the indigent 66461
drivers interlock and alcohol monitoring fund for the use of an 66462
alcohol monitoring device, a county, juvenile, or municipal court 66463
judge may use moneys in the county indigent drivers alcohol 66464
treatment fund, county juvenile indigent drivers alcohol treatment 66465
fund, or municipal indigent drivers alcohol treatment fund in the 66466
following manners: 66467

(a) If the source of the moneys was an appropriation of the 66468
general assembly, a portion of a fee that was paid under division 66469
(F) of this section, a portion of a fine that was specified for 66470
deposit into the fund by section 4511.193 of the Revised Code, or 66471
a portion of a fine that was paid for a violation of section 66472
4511.19 of the Revised Code or of a provision contained in Chapter 66473
4510. of the Revised Code that was required to be deposited into 66474

the fund, to pay for the continued use of an alcohol monitoring 66475
device by an offender or juvenile traffic offender, in conjunction 66476
with a treatment program approved by the department of alcohol and 66477
drug addiction services, when such use is determined clinically 66478
necessary by the treatment program and when the court determines 66479
that the offender or juvenile traffic offender is unable to pay 66480
all or part of the daily monitoring or cost of the device; 66481

(b) If the source of the moneys was a portion of an 66482
additional court cost imposed under section 2949.094 of the 66483
Revised Code, to pay for the continued use of an alcohol 66484
monitoring device by an offender or juvenile traffic offender when 66485
the court determines that the offender or juvenile traffic 66486
offender is unable to pay all or part of the daily monitoring or 66487
cost of the device. The moneys may be used for a device as 66488
described in this division if the use of the device is in 66489
conjunction with a treatment program approved by the department of 66490
alcohol and drug addiction services, when the use of the device is 66491
determined clinically necessary by the treatment program, but the 66492
use of a device is not required to be in conjunction with a 66493
treatment program approved by the department in order for the 66494
moneys to be used for the device as described in this division. 66495
66496

(4) If a county, juvenile, or municipal court determines, in 66497
consultation with the alcohol and drug addiction services board or 66498
the board of alcohol, drug addiction, and mental health services 66499
established pursuant to section 340.02 or 340.021 of the Revised 66500
Code and serving the alcohol, drug addiction, and mental health 66501
district in which the court is located, that the funds in the 66502
county indigent drivers alcohol treatment fund, the county 66503
juvenile indigent drivers alcohol treatment fund, or the municipal 66504
indigent drivers alcohol treatment fund under the control of the 66505
court are more than sufficient to satisfy the purpose for which 66506

the fund was established, as specified in divisions (H)(1) to (3) 66507
of this section, the court may declare a surplus in the fund. If 66508
the court declares a surplus in the fund, the court may expend the 66509
amount of the surplus in the fund for: 66510

66511

(a) Alcohol and drug abuse assessment and treatment of 66512
persons who are charged in the court with committing a criminal 66513
offense or with being a delinquent child or juvenile traffic 66514
offender and in relation to whom both of the following apply: 66515

(i) The court determines that substance abuse was a 66516
contributing factor leading to the criminal or delinquent activity 66517
or the juvenile traffic offense with which the person is charged. 66518

(ii) The court determines that the person is unable to pay 66519
the cost of the alcohol and drug abuse assessment and treatment 66520
for which the surplus money will be used. 66521

(b) All or part of the cost of purchasing alcohol monitoring 66522
devices to be used in conjunction with division (H)(3) of this 66523
section, upon exhaustion of moneys in the indigent drivers 66524
interlock and alcohol monitoring fund for the use of an alcohol 66525
monitoring device. 66526

(5) For the purpose of determining as described in division 66527
(F)(2)(c) of this section whether an offender does not have the 66528
means to pay for the offender's attendance at an alcohol and drug 66529
addiction treatment program or whether an alleged offender or 66530
delinquent child is unable to pay the costs specified in division 66531
(H)(4) of this section, the court shall use the indigent client 66532
eligibility guidelines and the standards of indigency established 66533
by the state public defender to make the determination. 66534

(6) The court shall identify and refer any alcohol and drug 66535
addiction program that is not certified under section 3793.06 of 66536
the Revised Code and that is interested in receiving amounts from 66537

the surplus in the fund declared under division (H)(4) of this section to the department of alcohol and drug addiction services in order for the program to become a certified alcohol and drug addiction program. The department shall keep a record of applicant referrals received pursuant to this division and shall submit a report on the referrals each year to the general assembly. If a program interested in becoming certified makes an application to become certified pursuant to section 3793.06 of the Revised Code, the program is eligible to receive surplus funds as long as the application is pending with the department. The department of alcohol and drug addiction services must offer technical assistance to the applicant. If the interested program withdraws the certification application, the department must notify the court, and the court shall not provide the interested program with any further surplus funds.

(7)(a) Each alcohol and drug addiction services board and board of alcohol, drug addiction, and mental health services established pursuant to section 340.02 or 340.021 of the Revised Code shall submit to the department of alcohol and drug addiction services an annual report for each indigent drivers alcohol treatment fund in that board's area.

(b) The report, which shall be submitted not later than sixty days after the end of the state fiscal year, shall provide the total payment that was made from the fund, including the number of indigent consumers that received treatment services and the number of indigent consumers that received an alcohol monitoring device. The report shall identify the treatment program and expenditure for an alcohol monitoring device for which that payment was made. The report shall include the fiscal year balance of each indigent drivers alcohol treatment fund located in that board's area. In the event that a surplus is declared in the fund pursuant to division (H)(4) of this section, the report also shall provide the

total payment that was made from the surplus moneys and identify 66570
the treatment program and expenditure for an alcohol monitoring 66571
device for which that payment was made. The department may require 66572
additional information necessary to complete the comprehensive 66573
statewide alcohol and drug addiction services plan as required by 66574
section 3793.04 of the Revised Code. 66575

(c) If a board is unable to obtain adequate information to 66576
develop the report to submit to the department for a particular 66577
indigent drivers alcohol treatment fund, the board shall submit a 66578
report detailing the effort made in obtaining the information. 66579

(I)(1) Each county shall establish an indigent drivers 66580
interlock and alcohol monitoring fund and a juvenile indigent 66581
drivers interlock and alcohol treatment fund, and each municipal 66582
corporation in which there is a municipal court shall establish an 66583
indigent drivers interlock and alcohol monitoring fund. All 66584
revenue that the general assembly appropriates to the indigent 66585
drivers interlock and alcohol monitoring fund for transfer to a 66586
county indigent drivers interlock and alcohol monitoring fund, a 66587
county juvenile indigent drivers interlock and alcohol monitoring 66588
fund, or a municipal indigent drivers interlock and alcohol 66589
monitoring fund, all portions of license reinstatement fees that 66590
are paid under division (F)(2) of this section and that are 66591
credited under that division to the indigent drivers interlock and 66592
alcohol monitoring fund in the state treasury, and all portions of 66593
fines that are paid under division (G) of section 4511.19 of the 66594
Revised Code and that are credited by division (G)(5)(e) of that 66595
section to the indigent drivers interlock and alcohol monitoring 66596
fund in the state treasury shall be deposited in the appropriate 66597
fund in accordance with division (I)(2) of this section. 66598

(2) That portion of the license reinstatement fee that is 66599
paid under division (F) of this section and that portion of the 66600
fine paid under division (G) of section 4511.19 of the Revised 66601

Code and that is credited under either division to the indigent 66602
drivers interlock and alcohol monitoring fund shall be deposited 66603
into a county indigent drivers interlock and alcohol monitoring 66604
fund, a county juvenile indigent drivers interlock and alcohol 66605
monitoring fund, or a municipal indigent drivers interlock and 66606
alcohol monitoring fund as follows: 66607

(a) If the fee or fine is paid by a person who was charged in 66608
a county court with the violation that resulted in the suspension 66609
or fine, the portion shall be deposited into the county indigent 66610
drivers interlock and alcohol monitoring fund under the control of 66611
that court. 66612

(b) If the fee or fine is paid by a person who was charged in 66613
a juvenile court with the violation that resulted in the 66614
suspension or fine, the portion shall be deposited into the county 66615
juvenile indigent drivers interlock and alcohol monitoring fund 66616
established in the county served by the court. 66617

(c) If the fee or fine is paid by a person who was charged in 66618
a municipal court with the violation that resulted in the 66619
suspension, the portion shall be deposited into the municipal 66620
indigent drivers interlock and alcohol monitoring fund under the 66621
control of that court. 66622

Sec. 4511.69. (A)(1) Every vehicle stopped or parked upon a 66623
roadway where there is an adjacent curb shall be stopped or parked 66624
with the right-hand wheels of the vehicle parallel with and not 66625
more than twelve inches from the right-hand curb, unless it is 66626
impossible to approach so close to the curb; in such case the stop 66627
shall be made as close to the curb as possible and only for the 66628
time necessary to discharge and receive passengers or to load or 66629
unload merchandise. Local authorities by ordinance may permit 66630
angle parking on any roadway under their jurisdiction, except that 66631
angle parking shall not be permitted on a state route within a 66632

municipal corporation unless an unoccupied roadway width of not less than twenty-five feet is available for free-moving traffic, subject to division (A)(2) of this section.

(2)(a) On and after the effective date of this amendment, no angled parking space that is located on a state route within a municipal corporation is subject to elimination, irrespective of whether there is or is not at least twenty-five feet of unoccupied roadway width available for free-moving traffic at the location of that angled parking space, unless the municipal corporation approves of the elimination of the angled parking space.

(b) Replacement, repainting, or any other repair performed by or on behalf of the municipal corporation of the lines that indicate the angled parking space does not constitute an intent by the municipal corporation to eliminate the angled parking space.

(B) Local authorities by ordinance may permit parking of vehicles with the left-hand wheels adjacent to and within twelve inches of the left-hand curb of a one-way roadway.

(C) No vehicle or trackless trolley shall be stopped or parked on a road or highway with the vehicle or trackless trolley facing in a direction other than the direction of travel on that side of the road or highway.

(D) Notwithstanding any statute or any rule, resolution, or ordinance adopted by any local authority, air compressors, tractors, trucks, and other equipment, while being used in the construction, reconstruction, installation, repair, or removal of facilities near, on, over, or under a street or highway, may stop, stand, or park where necessary in order to perform such work, provided a flagperson is on duty or warning signs or lights are displayed as may be prescribed by the director of transportation.

(E) Special parking locations and privileges for persons with

disabilities that limit or impair the ability to walk, also known 66663
as handicapped parking spaces or disability parking spaces, shall 66664
be provided and designated by all political subdivisions and by 66665
the state and all agencies and instrumentalities thereof at all 66666
offices and facilities, where parking is provided, whether owned, 66667
rented, or leased, and at all publicly owned parking garages. The 66668
locations shall be designated through the posting of an elevated 66669
sign, whether permanently affixed or movable, imprinted with the 66670
international symbol of access and shall be reasonably close to 66671
exits, entrances, elevators, and ramps. All elevated signs posted 66672
in accordance with this division and division (C) of section 66673
3781.111 of the Revised Code shall be mounted on a fixed or 66674
movable post, and the distance from the ground to the top edge of 66675
the sign shall measure five feet. If a new sign or a replacement 66676
sign designating a special parking location is posted on or after 66677
October 14, 1999, there also shall be affixed upon the surface of 66678
that sign or affixed next to the designating sign a notice that 66679
states the fine applicable for the offense of parking a motor 66680
vehicle in the special designated parking location if the motor 66681
vehicle is not legally entitled to be parked in that location. 66682

(F)(1) No person shall stop, stand, or park any motor vehicle 66683
at special parking locations provided under division (E) of this 66684
section or at special clearly marked parking locations provided in 66685
or on privately owned parking lots, parking garages, or other 66686
parking areas and designated in accordance with that division, 66687
unless one of the following applies: 66688

(a) The motor vehicle is being operated by or for the 66689
transport of a person with a disability that limits or impairs the 66690
ability to walk and is displaying a valid removable windshield 66691
placard or special license plates; 66692

(b) The motor vehicle is being operated by or for the 66693
transport of a handicapped person and is displaying a parking card 66694

or special handicapped license plates. 66695

(2) Any motor vehicle that is parked in a special marked 66696
parking location in violation of division (F)(1)(a) or (b) of this 66697
section may be towed or otherwise removed from the parking 66698
location by the law enforcement agency of the political 66699
subdivision in which the parking location is located. A motor 66700
vehicle that is so towed or removed shall not be released to its 66701
owner until the owner presents proof of ownership of the motor 66702
vehicle and pays all towing and storage fees normally imposed by 66703
that political subdivision for towing and storing motor vehicles. 66704
If the motor vehicle is a leased vehicle, it shall not be released 66705
to the lessee until the lessee presents proof that that person is 66706
the lessee of the motor vehicle and pays all towing and storage 66707
fees normally imposed by that political subdivision for towing and 66708
storing motor vehicles. 66709

(3) If a person is charged with a violation of division 66710
(F)(1)(a) or (b) of this section, it is an affirmative defense to 66711
the charge that the person suffered an injury not more than 66712
seventy-two hours prior to the time the person was issued the 66713
ticket or citation and that, because of the injury, the person 66714
meets at least one of the criteria contained in division (A)(1) of 66715
section 4503.44 of the Revised Code. 66716

(G) When a motor vehicle is being operated by or for the 66717
transport of a person with a disability that limits or impairs the 66718
ability to walk and is displaying a removable windshield placard 66719
or a temporary removable windshield placard or special license 66720
plates, or when a motor vehicle is being operated by or for the 66721
transport of a handicapped person and is displaying a parking card 66722
or special handicapped license plates, the motor vehicle is 66723
permitted to park for a period of two hours in excess of the legal 66724
parking period permitted by local authorities, except where local 66725
ordinances or police rules provide otherwise or where the vehicle 66726

is parked in such a manner as to be clearly a traffic hazard. 66727

(H) No owner of an office, facility, or parking garage where 66728
special parking locations are required to be designated in 66729
accordance with division (E) of this section shall fail to 66730
properly mark the special parking locations in accordance with 66731
that division or fail to maintain the markings of the special 66732
locations, including the erection and maintenance of the fixed or 66733
movable signs. 66734

(I) Nothing in this section shall be construed to require a 66735
person or organization to apply for a removable windshield placard 66736
or special license plates if the parking card or special license 66737
plates issued to the person or organization under prior law have 66738
not expired or been surrendered or revoked. 66739

(J)(1) Whoever violates division (A) or (C) of this section 66740
is guilty of a minor misdemeanor. 66741

(2)(a) Whoever violates division (F)(1)(a) or (b) of this 66742
section is guilty of a misdemeanor and shall be punished as 66743
provided in division (J)(2)(a) and (b) of this section. Except as 66744
otherwise provided in division (J)(2)(a) of this section, an 66745
offender who violates division (F)(1)(a) or (b) of this section 66746
shall be fined not less than two hundred fifty nor more than five 66747
hundred dollars. An offender who violates division (F)(1)(a) or 66748
(b) of this section shall be fined not more than one hundred 66749
dollars if the offender, prior to sentencing, proves either of the 66750
following to the satisfaction of the court: 66751

(i) At the time of the violation of division (F)(1)(a) of 66752
this section, the offender or the person for whose transport the 66753
motor vehicle was being operated had been issued a removable 66754
windshield placard that then was valid or special license plates 66755
that then were valid but the offender or the person neglected to 66756
display the placard or license plates as described in division 66757

(F)(1)(a) of this section. 66758

(ii) At the time of the violation of division (F)(1)(b) of 66759
this section, the offender or the person for whose transport the 66760
motor vehicle was being operated had been issued a parking card 66761
that then was valid or special handicapped license plates that 66762
then were valid but the offender or the person neglected to 66763
display the card or license plates as described in division 66764
(F)(1)(b) of this section. 66765

(b) In no case shall an offender who violates division 66766
(F)(1)(a) or (b) of this section be sentenced to any term of 66767
imprisonment. 66768

An arrest or conviction for a violation of division (F)(1)(a) 66769
or (b) of this section does not constitute a criminal record and 66770
need not be reported by the person so arrested or convicted in 66771
response to any inquiries contained in any application for 66772
employment, license, or other right or privilege, or made in 66773
connection with the person's appearance as a witness. 66774

The clerk of the court shall pay every fine collected under 66775
division (J)(2) of this section to the political subdivision in 66776
which the violation occurred. Except as provided in division 66777
(J)(2) of this section, the political subdivision shall use the 66778
fine moneys it receives under division (J)(2) of this section to 66779
pay the expenses it incurs in complying with the signage and 66780
notice requirements contained in division (E) of this section. The 66781
political subdivision may use up to fifty per cent of each fine it 66782
receives under division (J)(2) of this section to pay the costs of 66783
educational, advocacy, support, and assistive technology programs 66784
for persons with disabilities, and for public improvements within 66785
the political subdivision that benefit or assist persons with 66786
disabilities, if governmental agencies or nonprofit organizations 66787
offer the programs. 66788

(3) Whoever violates division (H) of this section shall be 66789
punished as follows: 66790

(a) Except as otherwise provided in division (J)(3) of this 66791
section, the offender shall be issued a warning. 66792

(b) If the offender previously has been convicted of or 66793
pleaded guilty to a violation of division (H) of this section or 66794
of a municipal ordinance that is substantially similar to that 66795
division, the offender shall not be issued a warning but shall be 66796
fined not more than twenty-five dollars for each parking location 66797
that is not properly marked or whose markings are not properly 66798
maintained. 66799

(K) As used in this section: 66800

(1) "Handicapped person" means any person who has lost the 66801
use of one or both legs or one or both arms, who is blind, deaf, 66802
or so severely handicapped as to be unable to move without the aid 66803
of crutches or a wheelchair, or whose mobility is restricted by a 66804
permanent cardiovascular, pulmonary, or other handicapping 66805
condition. 66806

(2) "Person with a disability that limits or impairs the 66807
ability to walk" has the same meaning as in section 4503.44 of the 66808
Revised Code. 66809

(3) "Special license plates" and "removable windshield 66810
placard" mean any license plates or removable windshield placard 66811
or temporary removable windshield placard issued under section 66812
4503.41 or 4503.44 of the Revised Code, and also mean any 66813
substantially similar license plates or removable windshield 66814
placard or temporary removable windshield placard issued by a 66815
state, district, country, or sovereignty. 66816

Sec. 4513.021. (A) As used in this section: 66817

(1) "Passenger car" means any motor vehicle with motive 66818

power, designed for carrying ten persons or less, except a 66819
multipurpose passenger vehicle or motorcycle. 66820

(2) "Multipurpose passenger vehicle" means a motor vehicle 66821
with motive power, except a motorcycle, designed to carry ten 66822
persons or less, that is constructed either on a truck chassis or 66823
with special features for occasional off-road operation. 66824

(3) "Truck" means every motor vehicle, except trailers and 66825
semitrailers, designed and used to carry property and having a 66826
gross vehicle weight rating of ten thousand pounds or less. 66827

(4) "Manufacturer" has the same meaning as in section 4501.01 66828
of the Revised Code. 66829

(5) "Gross vehicle weight rating" means the manufacturer's 66830
gross vehicle weight rating established for that vehicle. 66831

(B) The director of public safety, in accordance with Chapter 66832
119. of the Revised Code, shall adopt rules in conformance with 66833
standards of the vehicle equipment safety commission, that shall 66834
govern the maximum bumper height or, in the absence of bumpers and 66835
in cases where bumper heights have been lowered or modified, the 66836
maximum height to the bottom of the frame rail, of any passenger 66837
car, multipurpose passenger vehicle, or truck. 66838

(C) No person shall operate upon a street or highway any 66839
passenger car, multipurpose passenger vehicle, or truck registered 66840
in this state that does not conform to the requirements of this 66841
section or to any applicable rule adopted pursuant to this 66842
section. 66843

(D) No person shall modify any motor vehicle registered in 66844
this state in such a manner as to cause the vehicle body or 66845
chassis to come in contact with the ground, expose the fuel tank 66846
to damage from collision, or cause the wheels to come in contact 66847
with the body under normal operation, and no person shall 66848
disconnect any part of the original suspension system of the 66849

vehicle to defeat the safe operation of that system. 66850

(E) Nothing contained in this section or in the rules adopted 66851
pursuant to this section shall be construed to prohibit either of 66852
the following: 66853

(1) The installation upon a passenger car, multipurpose 66854
passenger vehicle, or truck registered in this state of heavy duty 66855
equipment, including shock absorbers and overload springs; 66856

(2) The operation on a street or highway of a passenger car, 66857
multipurpose passenger vehicle, or truck registered in this state 66858
with normal wear to the suspension system if the normal wear does 66859
not adversely affect the control of the vehicle. 66860

(F) This section and the rules adopted pursuant to it do not 66861
apply to any specially designed or modified passenger car, 66862
multipurpose passenger vehicle, or truck when operated off a 66863
street or highway in races and similar events. 66864

(G) ~~Except as otherwise provided in this division, whoever~~ 66865
Whoever violates this section is guilty of a minor misdemeanor. ~~If~~ 66866
~~the offender previously has been convicted of a violation of this~~ 66867
~~section, whoever violates this section is guilty of a misdemeanor~~ 66868
~~of the third degree.~~ 66869

Sec. 4513.03. (A) Every vehicle upon a street or highway 66870
within this state during the time from sunset to sunrise, and at 66871
any other time when there are unfavorable atmospheric conditions 66872
or when there is not sufficient natural light to render 66873
discernible persons, vehicles, and substantial objects on the 66874
highway at a distance of one thousand feet ahead, shall display 66875
lighted lights and illuminating devices as required by sections 66876
4513.04 to 4513.37 of the Revised Code, for different classes of 66877
vehicles; except that every motorized bicycle shall display at 66878
such times lighted lights meeting the rules adopted by the 66879

director of public safety under section 4511.521 of the Revised Code. No motor vehicle, during such times, shall be operated upon a street or highway within this state using only parking lights as illumination.

Whenever in such sections a requirement is declared as to the distance from which certain lamps and devices shall render objects visible, or within which such lamps or devices shall be visible, such distance shall be measured upon a straight level unlighted highway under normal atmospheric conditions unless a different condition is expressly stated.

Whenever in such sections a requirement is declared as to the mounted height of lights or devices, it shall mean from the center of such light or device to the level ground upon which the vehicle stands.

(B) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.04. (A) Every motor vehicle, other than a motorcycle, and every trackless trolley shall be equipped with at least two headlights with at least one near each side of the front of the motor vehicle or trackless trolley.

Every motorcycle shall be equipped with at least one and not more than two headlights.

(B) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.05. (A) Every motor vehicle, trackless trolley, trailer, semitrailer, pole trailer, or vehicle which is being drawn at the end of a train of vehicles shall be equipped with at least one tail light mounted on the rear which, when lighted,

shall emit a red light visible from a distance of five hundred 66910
feet to the rear, provided that in the case of a train of vehicles 66911
only the tail light on the rearmost vehicle need be visible from 66912
the distance specified. 66913

Either a tail light or a separate light shall be so 66914
constructed and placed as to illuminate with a white light the 66915
rear registration plate, when such registration plate is required, 66916
and render it legible from a distance of fifty feet to the rear. 66917
Any tail light, together with any separate light for illuminating 66918
the rear registration plate, shall be so wired as to be lighted 66919
whenever the headlights or auxiliary driving lights are lighted, 66920
except where separate lighting systems are provided for trailers 66921
for the purpose of illuminating such registration plate. 66922

(B) Whoever violates this section ~~shall be punished as~~ 66923
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 66924
minor misdemeanor. 66925

Sec. 4513.06. (A) Every new motor vehicle sold after 66926
September 6, 1941, and operated on a highway, other than a 66927
commercial tractor, to which a trailer or semitrailer is attached 66928
shall carry at the rear, either as a part of the tail lamps or 66929
separately, two red reflectors meeting the requirements of this 66930
section, except that vehicles of the type mentioned in section 66931
4513.07 of the Revised Code shall be equipped with reflectors as 66932
required by the regulations provided for in said section. 66933

Every such reflector shall be of such size and 66934
characteristics and so maintained as to be visible at night from 66935
all distances within three hundred feet to fifty feet from such 66936
vehicle. 66937

(B) Whoever violates this section ~~shall be punished as~~ 66938
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 66939

minor misdemeanor. 66940

Sec. 4513.07. (A) The director of public safety shall 66941
prescribe and promulgate regulations relating to clearance lights, 66942
marker lights, reflectors, and stop lights on buses, trackless 66943
trolleys, trucks, commercial tractors, trailers, semitrailers, and 66944
pole trailers, when operated upon any highway, and such vehicles 66945
shall be equipped as required by such regulations, and such 66946
equipment shall be lighted at all times mentioned in section 66947
4513.03 of the Revised Code, except that clearance lights and side 66948
marker lights need not be lighted on any such vehicle when it is 66949
operated within a municipal corporation where there is sufficient 66950
light to reveal any person or substantial object on the highway at 66951
a distance of five hundred feet. 66952

Such equipment shall be in addition to all other lights 66953
specifically required by sections 4513.03 to 4513.16 of the 66954
Revised Code. 66955

Vehicles operated under the jurisdiction of the public 66956
utilities commission are not subject to this section. 66957

(B) Whoever violates this section ~~shall be punished as~~ 66958
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 66959
minor misdemeanor. 66960

Sec. 4513.071. (A) Every motor vehicle, trailer, semitrailer, 66961
and pole trailer when operated upon a highway shall be equipped 66962
with two or more stop lights, except that passenger cars 66963
manufactured or assembled prior to January 1, 1967, motorcycles, 66964
and motor-driven cycles shall be equipped with at least one stop 66965
light. Stop lights shall be mounted on the rear of the vehicle, 66966
actuated upon application of the service brake, and may be 66967
incorporated with other rear lights. Such stop lights when 66968
actuated shall emit a red light visible from a distance of five 66969

hundred feet to the rear, provided that in the case of a train of 66970
vehicles only the stop lights on the rear-most vehicle need be 66971
visible from the distance specified. 66972

Such stop lights when actuated shall give a steady warning 66973
light to the rear of a vehicle or train of vehicles to indicate 66974
the intention of the operator to diminish the speed of or stop a 66975
vehicle or train of vehicles. 66976

When stop lights are used as required by this section, they 66977
shall be constructed or installed so as to provide adequate and 66978
reliable illumination and shall conform to the appropriate rules 66979
and regulations established under section 4513.19 of the Revised 66980
Code. 66981

Historical motor vehicles as defined in section 4503.181 of 66982
the Revised Code, not originally manufactured with stop lights, 66983
are not subject to this section. 66984

(B) Whoever violates this section ~~shall be punished as~~ 66985
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 66986
minor misdemeanor. 66987

Sec. 4513.09. (A) Whenever the load upon any vehicle extends 66988
to the rear four feet or more beyond the bed or body of such 66989
vehicle, there shall be displayed at the extreme rear end of the 66990
load, at the times specified in section 4513.03 of the Revised 66991
Code, a red light or lantern plainly visible from a distance of at 66992
least five hundred feet to the sides and rear. The red light or 66993
lantern required by this section is in addition to the red rear 66994
light required upon every vehicle. At any other time there shall 66995
be displayed at the extreme rear end of such load a red flag or 66996
cloth not less than sixteen inches square. 66997

(B) Whoever violates this section ~~shall be punished as~~ 66998
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 66999

minor misdemeanor. 67000

Sec. 4513.11. (A) All vehicles other than bicycles, including 67001
animal-drawn vehicles and vehicles referred to in division (G) of 67002
section 4513.02 of the Revised Code, not specifically required to 67003
be equipped with lamps or other lighting devices by sections 67004
4513.03 to 4513.10 of the Revised Code, shall, at the times 67005
specified in section 4513.03 of the Revised Code, be equipped with 67006
at least one lamp displaying a white light visible from a distance 67007
of not less than one thousand feet to the front of the vehicle, 67008
and also shall be equipped with two lamps displaying red light 67009
visible from a distance of not less than one thousand feet to the 67010
rear of the vehicle, or as an alternative, one lamp displaying a 67011
red light visible from a distance of not less than one thousand 67012
feet to the rear and two red reflectors visible from all distances 67013
of six hundred feet to one hundred feet to the rear when 67014
illuminated by the lawful lower beams of headlamps. 67015

Lamps and reflectors required or authorized by this section 67016
shall meet standards adopted by the director of public safety. 67017

(B) All boat trailers, farm machinery, and other machinery, 67018
including all road construction machinery, upon a street or 67019
highway, except when being used in actual construction and 67020
maintenance work in an area guarded by a flagperson, or where 67021
flares are used, or when operating or traveling within the limits 67022
of a construction area designated by the director of 67023
transportation, a city engineer, or the county engineer of the 67024
several counties, when such construction area is marked in 67025
accordance with requirements of the director and the manual of 67026
uniform traffic control devices, as set forth in section 4511.09 67027
of the Revised Code, which is designed for operation at a speed of 67028
twenty-five miles per hour or less shall be operated at a speed 67029
not exceeding twenty-five miles per hour, and shall display a 67030

triangular slow-moving vehicle emblem (SMV). The emblem shall be 67031
mounted so as to be visible from a distance of not less than five 67032
hundred feet to the rear. The director of public safety shall 67033
adopt standards and specifications for the design and position of 67034
mounting the SMV emblem. The standards and specifications for SMV 67035
emblems referred to in this section shall correlate with and, so 67036
far as possible, conform with those approved by the American 67037
society of agricultural engineers. 67038

A unit of farm machinery that is designed by its manufacturer 67039
to operate at a speed greater than twenty-five miles per hour may 67040
be operated on a street or highway at a speed greater than 67041
twenty-five miles per hour provided it is operated in accordance 67042
with this section. 67043

As used in this division, "machinery" does not include any 67044
vehicle designed to be drawn by an animal. 67045

(C) The use of the SMV emblem shall be restricted to 67046
animal-drawn vehicles, and to the slow-moving vehicles specified 67047
in division (B) of this section operating or traveling within the 67048
limits of the highway. Its use on slow-moving vehicles being 67049
transported upon other types of vehicles or on any other type of 67050
vehicle or stationary object on the highway is prohibited. 67051

(D)(1) No person shall sell, lease, rent, or operate any boat 67052
trailer, farm machinery, or other machinery defined as a 67053
slow-moving vehicle in division (B) of this section, except those 67054
units designed to be completely mounted on a primary power unit, 67055
which is manufactured or assembled on or after April 1, 1966, 67056
unless the vehicle is equipped with a slow-moving vehicle emblem 67057
mounting device as specified in division (B) of this section. 67058

(2) No person shall sell, lease, rent, or operate on a street 67059
or highway any unit of farm machinery that is designed by its 67060
manufacturer to operate at a speed greater than twenty-five miles 67061

per hour unless the unit displays a slow-moving vehicle emblem as 67062
specified in division (B) of this section and a speed 67063
identification symbol that meets the specifications contained in 67064
the American society of agricultural engineers standard ANSI/ASAE 67065
S584 JAN2005, agricultural equipment: speed identification symbol 67066
(SIS). 67067

(E) Any boat trailer, farm machinery, or other machinery 67068
defined as a slow-moving vehicle in division (B) of this section, 67069
in addition to the use of the slow-moving vehicle emblem, and any 67070
unit of farm machinery that is designed by its manufacturer to 67071
operate at a speed greater than twenty-five miles per hour, in 67072
addition to the display of a speed identification symbol, may be 67073
equipped with a red flashing light that shall be visible from a 67074
distance of not less than one thousand feet to the rear at all 67075
times specified in section 4513.03 of the Revised Code. When a 67076
double-faced light is used, it shall display amber light to the 67077
front and red light to the rear. 67078

In addition to the lights described in this division, farm 67079
machinery and motor vehicles escorting farm machinery may display 67080
a flashing, oscillating, or rotating amber light, as permitted by 67081
section 4513.17 of the Revised Code, and also may display 67082
simultaneously flashing turn signals or warning lights, as 67083
permitted by that section. 67084

(F) Every animal-drawn vehicle upon a street or highway shall 67085
at all times be equipped in one of the following ways: 67086

(1) With a slow-moving vehicle emblem complying with division 67087
(B) of this section; 67088

(2) With alternate reflective material complying with rules 67089
adopted under this division; 67090

(3) With both a slow-moving vehicle emblem and alternate 67091
reflective material as specified in this division. 67092

The director of public safety, subject to Chapter 119. of the Revised Code, shall adopt rules establishing standards and specifications for the position of mounting of the alternate reflective material authorized by this division. The rules shall permit, as a minimum, the alternate reflective material to be black, gray, or silver in color. The alternate reflective material shall be mounted on the animal-drawn vehicle so as to be visible, at all times specified in section 4513.03 of the Revised Code, from a distance of not less than five hundred feet to the rear when illuminated by the lawful lower beams of headlamps.

(G) Every unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour shall display a slow-moving vehicle emblem and a speed identification symbol that meets the specifications contained in the American society of agricultural engineers standard ANSI/ASAE S584 JAN2005, agricultural equipment: speed identification symbol (SIS) when the unit is operated upon a street or highway, irrespective of the speed at which the unit is operated on the street or highway. The speed identification symbol shall indicate the maximum speed in miles per hour at which the unit of farm machinery is designed by its manufacturer to operate. The display of the speed identification symbol shall be in accordance with the standard prescribed in this division.

If an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour is being operated on a street or highway at a speed greater than twenty-five miles per hour and is towing, pulling, or otherwise drawing a unit of farm machinery, the unit of farm machinery shall display a slow-moving vehicle emblem and a speed identification symbol that is the same as the speed identification symbol that is displayed on the agricultural tractor.

(H) When an agricultural tractor that is designed by its

manufacturer to operate at a speed greater than twenty-five miles 67125
per hour is being operated on a street or highway at a speed 67126
greater than twenty-five miles per hour, the operator shall 67127
possess some documentation published or provided by the 67128
manufacturer indicating the maximum speed in miles per hour at 67129
which the manufacturer designed the agricultural tractor to 67130
operate. 67131

(I) Whoever violates this section ~~shall be punished as~~ 67132
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 67133
minor misdemeanor. 67134

(J) As used in this section, "boat trailer" means any vehicle 67135
designed and used exclusively to transport a boat between a place 67136
of storage and a marina, or in and around a marina, when drawn or 67137
towed on a street or highway for a distance of no more than ten 67138
miles and at a speed of twenty-five miles per hour or less. 67139

Sec. 4513.111. (A)(1) Every multi-wheel agricultural tractor 67140
whose model year was 2001 or earlier, when being operated or 67141
traveling on a street or highway at the times specified in section 67142
4513.03 of the Revised Code, at a minimum shall be equipped with 67143
and display reflectors and illuminated amber lamps so that the 67144
extreme left and right projections of the tractor are indicated by 67145
flashing lamps displaying amber light, visible to the front and 67146
the rear, by amber reflectors, all visible to the front, and by 67147
red reflectors, all visible to the rear. 67148

(2) The lamps displaying amber light need not flash 67149
simultaneously and need not flash in conjunction with any 67150
directional signals of the tractor. 67151

(3) The lamps and reflectors required by division (A)(1) of 67152
this section and their placement shall meet standards and 67153
specifications contained in rules adopted by the director of 67154
public safety in accordance with Chapter 119. of the Revised Code. 67155

The rules governing the amber lamps, amber reflectors, and red reflectors and their placement shall correlate with and, as far as possible, conform with paragraphs 4.1.4.1, 4.1.7.1, and 4.1.7.2 respectively of the American society of agricultural engineers standard ANSI/ASAE S279.10 OCT98, lighting and marking of agricultural equipment on highways.

(B) Every unit of farm machinery whose model year was 2002 or later, when being operated or traveling on a street or highway at the times specified in section 4513.03 of the Revised Code, shall be equipped with and display markings and illuminated lamps that meet or exceed the lighting, illumination, and marking standards and specifications that are applicable to that type of farm machinery for the unit's model year specified in the American society of agricultural engineers standard ANSI/ASAE S279.11 APR01, lighting and marking of agricultural equipment on highways, or any subsequent revisions of that standard.

(C) The lights and reflectors required by division (A) of this section are in addition to the slow-moving vehicle emblem and lights required or permitted by section 4513.11 or 4513.17 of the Revised Code to be displayed on farm machinery being operated or traveling on a street or highway.

(D) No person shall operate any unit of farm machinery on a street or highway or cause any unit of farm machinery to travel on a street or highway in violation of division (A) or (B) of this section.

(E) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.12. (A) Any motor vehicle may be equipped with not more than one spotlight and every lighted spotlight shall be so aimed and used upon approaching another vehicle that no part of

the high-intensity portion of the beam will be directed to the 67187
left of the prolongation of the extreme left side of the vehicle, 67188
nor more than one hundred feet ahead of the vehicle. 67189

Any motor vehicle may be equipped with not more than three 67190
auxiliary driving lights mounted on the front of the vehicle. The 67191
director of public safety shall prescribe specifications for 67192
auxiliary driving lights and regulations for their use, and any 67193
such lights which do not conform to said specifications and 67194
regulations shall not be used. 67195

(B) Whoever violates this section ~~shall be punished as~~ 67196
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 67197
minor misdemeanor. 67198

Sec. 4513.13. (A) Any motor vehicle may be equipped with side 67199
cowl or fender lights which shall emit a white or amber light 67200
without glare. 67201

Any motor vehicle may be equipped with lights on each side 67202
thereof which shall emit a white or amber light without glare. 67203

Any motor vehicle may be equipped with back-up lights, either 67204
separately or in combination with another light. No back-up lights 67205
shall be continuously lighted when the motor vehicle is in forward 67206
motion. 67207

(B) Whoever violates this section ~~shall be punished as~~ 67208
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 67209
minor misdemeanor. 67210

Sec. 4513.14. (A) At all times mentioned in section 4513.03 67211
of the Revised Code at least two lighted lights shall be 67212
displayed, one near each side of the front of every motor vehicle 67213
and trackless trolley, except when such vehicle or trackless 67214
trolley is parked subject to the regulations governing lights on 67215

parked vehicles and trackless trolleys. 67216

The director of public safety shall prescribe and promulgate 67217
regulations relating to the design and use of such lights and such 67218
regulations shall be in accordance with currently recognized 67219
standards. 67220

(B) Whoever violates this section ~~shall be punished as~~ 67221
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 67222
minor misdemeanor. 67223

Sec. 4513.15. (A) Whenever a motor vehicle is being operated 67224
on a roadway or shoulder adjacent thereto during the times 67225
specified in section 4513.03 of the Revised Code, the driver shall 67226
use a distribution of light, or composite beam, directed high 67227
enough and of sufficient intensity to reveal persons, vehicles, 67228
and substantial objects at a safe distance in advance of the 67229
vehicle, subject to the following requirements; 67230

(1) Whenever the driver of a vehicle approaches an oncoming 67231
vehicle, such driver shall use a distribution of light, or 67232
composite beam, so aimed that the glaring rays are not projected 67233
into the eyes of the oncoming driver. 67234

(2) Every new motor vehicle registered in this state, which 67235
has multiple-beam road lighting equipment shall be equipped with a 67236
beam indicator, which shall be lighted whenever the uppermost 67237
distribution of light from the headlights is in use, and shall not 67238
otherwise be lighted. Said indicator shall be so designed and 67239
located that, when lighted, it will be readily visible without 67240
glare to the driver of the vehicle. 67241

(B) Whoever violates this section ~~shall be punished as~~ 67242
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 67243
minor misdemeanor. 67244

Sec. 4513.16. (A) Any motor vehicle may be operated under the conditions specified in section 4513.03 of the Revised Code when it is equipped with two lighted lights upon the front thereof capable of revealing persons and substantial objects seventy-five feet ahead, in lieu of lights required in section 4513.14 of the Revised Code, provided that such vehicle shall not be operated at a speed in excess of twenty miles per hour.

(B) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.17. (A) Whenever a motor vehicle equipped with headlights also is equipped with any auxiliary lights or spotlight or any other light on the front thereof projecting a beam of an intensity greater than three hundred candle power, not more than a total of five of any such lights on the front of a vehicle shall be lighted at any one time when the vehicle is upon a highway.

(B) Any lighted light or illuminating device upon a motor vehicle, other than headlights, spotlights, signal lights, or auxiliary driving lights, that projects a beam of light of an intensity greater than three hundred candle power, shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

(C)(1) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or a left turn, or in the presence of a vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing. This prohibition does not apply to emergency vehicles, road service vehicles servicing or towing a disabled vehicle, traffic line strippers, snow plows, rural mail delivery vehicles, vehicles as provided in section

4513.182 of the Revised Code, department of transportation 67275
maintenance vehicles, funeral hearses, funeral escort vehicles, 67276
and similar equipment operated by the department or local 67277
authorities, which shall be equipped with and display, when used 67278
on a street or highway for the special purpose necessitating such 67279
lights, a flashing, oscillating, or rotating amber light, but 67280
shall not display a flashing, oscillating, or rotating light of 67281
any other color, nor to vehicles or machinery permitted by section 67282
4513.11 of the Revised Code to have a flashing red light. 67283

(2) When used on a street or highway, farm machinery and 67284
vehicles escorting farm machinery may be equipped with and display 67285
a flashing, oscillating, or rotating amber light, and the 67286
prohibition contained in division (C)(1) of this section does not 67287
apply to such machinery or vehicles. Farm machinery also may 67288
display the lights described in section 4513.11 of the Revised 67289
Code. 67290

(D) Except a person operating a public safety vehicle, as 67291
defined in division (E) of section 4511.01 of the Revised Code, or 67292
a school bus, no person shall operate, move, or park upon, or 67293
permit to stand within the right-of-way of any public street or 67294
highway any vehicle or equipment that is equipped with and 67295
displaying a flashing red or a flashing combination red and white 67296
light, or an oscillating or rotating red light, or a combination 67297
red and white oscillating or rotating light; and except a public 67298
law enforcement officer, or other person sworn to enforce the 67299
criminal and traffic laws of the state, operating a public safety 67300
vehicle when on duty, no person shall operate, move, or park upon, 67301
or permit to stand within the right-of-way of any street or 67302
highway any vehicle or equipment that is equipped with, or upon 67303
which is mounted, and displaying a flashing blue or a flashing 67304
combination blue and white light, or an oscillating or rotating 67305
blue light, or a combination blue and white oscillating or 67306

rotating light. 67307

(E) This section does not prohibit the use of warning lights 67308
required by law or the simultaneous flashing of turn signals on 67309
disabled vehicles or on vehicles being operated in unfavorable 67310
atmospheric conditions in order to enhance their visibility. This 67311
section also does not prohibit the simultaneous flashing of turn 67312
signals or warning lights either on farm machinery or vehicles 67313
escorting farm machinery, when used on a street or highway. 67314

(F) Whoever violates this section ~~shall be punished as~~ 67315
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 67316
minor misdemeanor. 67317

Sec. 4513.171. (A) Notwithstanding any other provision of 67318
law, a motor vehicle operated by a coroner, deputy coroner, or 67319
coroner's investigator may be equipped with a flashing, 67320
oscillating, or rotating red or blue light and a siren, whistle, 67321
or bell capable of emitting sound audible under normal conditions 67322
from a distance of not less than five hundred feet. Such a vehicle 67323
may display the flashing, oscillating, or rotating red or blue 67324
light and may give the audible signal of the siren, exhaust 67325
whistle, or bell only when responding to a fatality or a fatal 67326
motor vehicle accident on a street or highway and only at those 67327
locations where the stoppage of traffic impedes the ability of the 67328
coroner, deputy coroner, or coroner's investigator to arrive at 67329
the site of the fatality. 67330

This section does not relieve a coroner, deputy coroner, or 67331
coroner's investigator operating a motor vehicle from the duty to 67332
drive with due regard for the safety of all persons and property 67333
upon the highway. 67334

(B) Whoever violates this section ~~shall be punished as~~ 67335
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 67336
minor misdemeanor. 67337

Sec. 4513.18. (A) The director of transportation shall adopt standards and specifications applicable to headlights, clearance lights, identification, and other lights, on snow removal equipment when operated on the highways, and on vehicles operating under special permits pursuant to section 4513.34 of the Revised Code, in lieu of the lights otherwise required on motor vehicles. Such standards and specifications may permit the use of flashing lights for purposes of identification on snow removal equipment, and oversize vehicles when in service upon the highways. The standards and specifications for lights referred to in this section shall correlate with and, so far as possible, conform with those approved by the American association of state highway officials.

It is unlawful to operate snow removal equipment on a highway unless the lights thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section.

(B) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.19. (A) No person shall use any lights mentioned in sections 4513.03 to 4513.18 of the Revised Code upon any motor vehicle, trailer, or semitrailer unless said lights are equipped, mounted, and adjusted as to focus and aim in accordance with regulations which are prescribed by the director of public safety.

(B) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.21. (A) Every motor vehicle or trackless trolley when operated upon a highway shall be equipped with a horn which

is in good working order and capable of emitting sound audible, 67368
under normal conditions, from a distance of not less than two 67369
hundred feet. 67370

No motor vehicle or trackless trolley shall be equipped with, 67371
nor shall any person use upon a vehicle, any siren, whistle, or 67372
bell. Any vehicle may be equipped with a theft alarm signal device 67373
which shall be so arranged that it cannot be used as an ordinary 67374
warning signal. Every emergency vehicle shall be equipped with a 67375
siren, whistle, or bell, capable of emitting sound audible under 67376
normal conditions from a distance of not less than five hundred 67377
feet and of a type approved by the director of public safety. Such 67378
equipment shall not be used except when such vehicle is operated 67379
in response to an emergency call or is in the immediate pursuit of 67380
an actual or suspected violator of the law, in which case the 67381
driver of the emergency vehicle shall sound such equipment when it 67382
is necessary to warn pedestrians and other drivers of the approach 67383
thereof. 67384

(B) Whoever violates this section ~~shall be punished as~~ 67385
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 67386
minor misdemeanor. 67387

Sec. 4513.22. (A) Every motor vehicle and motorcycle with an 67388
internal combustion engine shall at all times be equipped with a 67389
muffler which is in good working order and in constant operation 67390
to prevent excessive or unusual noise, and no person shall use a 67391
muffler cutout, by-pass, or similar device upon a motor vehicle on 67392
a highway. Every motorcycle muffler shall be equipped with baffle 67393
plates. 67394

No person shall own, operate, or have in the person's 67395
possession any motor vehicle or motorcycle equipped with a device 67396
for producing excessive smoke or gas, or so equipped as to permit 67397

oil or any other chemical to flow into or upon the exhaust pipe or muffler of such vehicle, or equipped in any other way to produce or emit smoke or dangerous or annoying gases from any portion of such vehicle, other than the ordinary gases emitted by the exhaust of an internal combustion engine under normal operation.

(B) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.23. (A) Every motor vehicle, motorcycle, and trackless trolley shall be equipped with a mirror so located as to reflect to the operator a view of the highway to the rear of such vehicle, motorcycle, or trackless trolley. Operators of vehicles, motorcycles, streetcars, and trackless trolleys shall have a clear and unobstructed view to the front and to both sides of their vehicles, motorcycles, streetcars, or trackless trolleys and shall have a clear view to the rear of their vehicles, motorcycles, streetcars, or trackless trolleys by mirror.

(B) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.24. (A) No person shall drive any motor vehicle on a street or highway in this state, other than a motorcycle or motorized bicycle, that is not equipped with a windshield.

(B) No person shall drive any motor vehicle, other than a bus, with any sign, poster, or other nontransparent material upon the front windshield, sidewings, side, or rear windows of such vehicle other than a certificate or other paper required to be displayed by law, except that there may be in the lower left-hand or right-hand corner of the windshield a sign, poster, or decal not to exceed four inches in height by six inches in width. No

sign, poster, or decal shall be displayed in the front windshield 67428
in such a manner as to conceal the vehicle identification number 67429
for the motor vehicle when, in accordance with federal law, that 67430
number is located inside the vehicle passenger compartment and so 67431
placed as to be readable through the vehicle glazing without 67432
moving any part of the vehicle. 67433

(C) The windshield on every motor vehicle, streetcar, and 67434
trackless trolley shall be equipped with a device for cleaning 67435
rain, snow, or other moisture from the windshield. The device 67436
shall be maintained in good working order and so constructed as to 67437
be controlled or operated by the operator of the vehicle, 67438
streetcar, or trackless trolley. 67439

(D) Whoever violates this section ~~shall be punished as~~ 67440
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 67441
minor misdemeanor. 67442

Sec. 4513.242. (A) Notwithstanding section 4513.24 and 67443
division (F) of section 4513.241 of the Revised Code or any rule 67444
adopted thereunder, a decal, whether reflectorized or not, may be 67445
displayed upon any side window or siding of a motor vehicle if 67446
all of the following are met: 67447

(1) The decal is necessary for public or private security 67448
arrangements to which the motor vehicle periodically is subjected; 67449

(2) The decal is no larger than is necessary to accomplish 67450
the security arrangements; 67451

(3) The decal does not obscure the vision of the motor 67452
vehicle operator or prevent a person looking into the motor 67453
vehicle from seeing or identifying persons or objects inside the 67454
motor vehicle. 67455

(B) Whoever violates this section ~~shall be punished as~~ 67456
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 67457

minor misdemeanor. 67458

Sec. 4513.28. (A) Whenever any motor truck, trackless 67459
trolley, bus, commercial tractor, trailer, semi-trailer, or pole 67460
trailer is disabled upon the traveled portion of any highway or 67461
the shoulder thereof outside of any municipality, or upon any 67462
freeway, expressway, thruway and connecting, entering or exiting 67463
ramps within a municipality, at any time when lighted lamps are 67464
required on vehicles and trackless trolleys, the operator of such 67465
vehicle or trackless trolley shall display the following warning 67466
devices upon the highway during the time the vehicle or trackless 67467
trolley is so disabled on the highway except as provided in 67468
division (B) of this section: 67469

(1) A lighted fusee shall be immediately placed on the 67470
roadway at the traffic side of such vehicle or trackless trolley, 67471
unless red electric lanterns or red reflectors are displayed. 67472

(2) Within the burning period of the fusee and as promptly as 67473
possible, three lighted flares or pot torches, or three red 67474
reflectors or three red electric lanterns shall be placed on the 67475
roadway as follows: 67476

(a) One at a distance of forty paces or approximately one 67477
hundred feet in advance of the vehicle; 67478

(b) One at a distance of forty paces or approximately one 67479
hundred feet to the rear of the vehicle or trackless trolley 67480
except as provided in this section, each in the center of the lane 67481
of traffic occupied by the disabled vehicle or trackless trolley; 67482

(c) One at the traffic side of the vehicle or trackless 67483
trolley. 67484

(B) Whenever any vehicle used in transporting flammable 67485
liquids in bulk, or in transporting compressed flammable gases, is 67486
disabled upon a highway at any time or place mentioned in division 67487

(A) of this section, the driver of such vehicle shall display upon 67488
the roadway the following warning devices: 67489

(1) One red electric lantern or one red reflector shall be 67490
immediately placed on the roadway at the traffic side of the 67491
vehicle; 67492

(2) Two other red electric lanterns or two other red 67493
reflectors shall be placed to the front and rear of the vehicle in 67494
the same manner prescribed for flares in division (A) of this 67495
section. 67496

(C) When a vehicle of a type specified in division (B) of 67497
this section is disabled, the use of flares, fusees, or any signal 67498
produced by flame as warning signals is prohibited. 67499

(D) Whenever any vehicle or trackless trolley of a type 67500
referred to in this section is disabled upon the traveled portion 67501
of a highway or the shoulder thereof, outside of any municipality, 67502
or upon any freeway, expressway, thruway and connecting, entering 67503
or exiting ramps within a municipality, at any time when the 67504
display of fusees, flares, red reflectors, or electric lanterns is 67505
not required, the operator of such vehicle or trackless trolley 67506
shall display two red flags upon the roadway in the lane of 67507
traffic occupied by the disabled vehicle or trackless trolley, one 67508
at a distance of forty paces or approximately one hundred feet in 67509
advance of the vehicle or trackless trolley, and one at a distance 67510
of forty paces or approximately one hundred feet to the rear of 67511
the vehicle or trackless trolley, except as provided in this 67512
section. 67513

(E) The flares, fusees, lanterns, red reflectors, and flags 67514
to be displayed as required in this section shall conform with the 67515
requirements of section 4513.27 of the Revised Code applicable 67516
thereto. 67517

(F) In the event the vehicle or trackless trolley is disabled 67518

near a curve, crest of a hill, or other obstruction of view, the 67519
flare, flag, reflector, or lantern in that direction shall be 67520
placed as to afford ample warning to other users of the highway, 67521
but in no case shall it be placed less than forty paces or 67522
approximately one hundred feet nor more than one hundred twenty 67523
paces or approximately three hundred feet from the disabled 67524
vehicle or trackless trolley. 67525

(G) This section does not apply to the operator of any 67526
vehicle in a work area designated by protection equipment devices 67527
that are displayed and used in accordance with the manual adopted 67528
by the department of transportation under section 4511.09 of the 67529
Revised Code. 67530

(H) Whoever violates this section ~~shall be punished as~~ 67531
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 67532
minor misdemeanor. 67533

Sec. 4513.60. (A)(1) The sheriff of a county or chief of 67534
police of a municipal corporation, township, or township police 67535
district, within the sheriff's or chief's respective territorial 67536
jurisdiction, upon complaint of any person adversely affected, may 67537
order into storage any motor vehicle, other than an abandoned junk 67538
motor vehicle as defined in section 4513.63 of the Revised Code, 67539
that has been left on private residential or private agricultural 67540
property for at least four hours without the permission of the 67541
person having the right to the possession of the property. The 67542
sheriff or chief of police, upon complaint of the owner of a 67543
repair garage or place of storage, may order into storage any 67544
motor vehicle, other than an abandoned junk motor vehicle, that 67545
has been left at the garage or place of storage for a longer 67546
period than that agreed upon. The place of storage shall be 67547
designated by the sheriff or chief of police. When ordering a 67548
motor vehicle into storage pursuant to this division, a sheriff or 67549

chief of police, whenever possible, shall arrange for the removal 67550
of the motor vehicle by a private tow truck operator or towing 67551
company. Subject to division (C) of this section, the owner of a 67552
motor vehicle that has been removed pursuant to this division may 67553
recover the vehicle only in accordance with division (E) of this 67554
section. 67555

(2) Divisions (A)(1) to (3) of this section do not apply to 67556
any private residential or private agricultural property that is 67557
established as a private tow-away zone in accordance with division 67558
(B) of this section. 67559

(3) As used in divisions (A)(1) and (2) of this section, 67560
"private residential property" means private property on which is 67561
located one or more structures that are used as a home, residence, 67562
or sleeping place by one or more persons, if no more than three 67563
separate households are maintained in the structure or structures. 67564
"Private residential property" does not include any private 67565
property on which is located one or more structures that are used 67566
as a home, residence, or sleeping place by two or more persons, if 67567
more than three separate households are maintained in the 67568
structure or structures. 67569

(B)(1) The owner of private property may establish a private 67570
tow-away zone only if all of the following conditions are 67571
satisfied: 67572

(a) The owner posts on the owner's property a sign, that is 67573
at least eighteen inches by twenty-four inches in size, that is 67574
visible from all entrances to the property, and that contains at 67575
least all of the following information: 67576

(i) A notice that the property is a private tow-away zone and 67577
that vehicles not authorized to park on the property will be towed 67578
away; 67579

(ii) The telephone number of the person from whom a 67580

towed-away vehicle can be recovered, and the address of the place 67581
to which the vehicle will be taken and the place from which it may 67582
be recovered; 67583

(iii) A statement that the vehicle may be recovered at any 67584
time during the day or night upon the submission of proof of 67585
ownership and the payment of a towing charge, in an amount not to 67586
exceed ninety dollars, and a storage charge, in an amount not to 67587
exceed twelve dollars per twenty-four-hour period; except that the 67588
charge for towing shall not exceed one hundred fifty dollars, and 67589
the storage charge shall not exceed twenty dollars per 67590
twenty-four-hour period, if the vehicle has a manufacturer's gross 67591
vehicle weight rating in excess of ten thousand pounds and is a 67592
truck, bus, or a combination of a commercial tractor and trailer 67593
or semitrailer. 67594

(b) The place to which the towed vehicle is taken and from 67595
which it may be recovered is conveniently located, is well 67596
lighted, and is on or within a reasonable distance of a regularly 67597
scheduled route of one or more modes of public transportation, if 67598
any public transportation is available in the municipal 67599
corporation or township in which the private tow-away zone is 67600
located. 67601

(2) If a vehicle is parked on private property that is 67602
established as a private tow-away zone in accordance with division 67603
(B)(1) of this section, without the consent of the owner of the 67604
property or in violation of any posted parking condition or 67605
regulation, the owner or the owner's agent may remove, or cause 67606
the removal of, the vehicle, the owner and the operator of the 67607
vehicle shall be deemed to have consented to the removal and 67608
storage of the vehicle and to the payment of the towing and 67609
storage charges specified in division (B)(1)(a)(iii) of this 67610
section, and the owner, subject to division (C) of this section, 67611
may recover a vehicle that has been so removed only in accordance 67612

with division (E) of this section. 67613

(3) If a municipal corporation requires tow trucks and tow 67614
truck operators to be licensed, no owner of private property 67615
located within the municipal corporation shall remove, or shall 67616
cause the removal and storage of, any vehicle pursuant to division 67617
(B)(2) of this section by an unlicensed tow truck or unlicensed 67618
tow truck operator. 67619

(4) Divisions (B)(1) to (3) of this section do not affect or 67620
limit the operation of division (A) of this section or sections 67621
4513.61 to 4513.65 of the Revised Code as they relate to property 67622
other than private property that is established as a private 67623
tow-away zone under division (B)(1) of this section. 67624

(C) If the owner or operator of a motor vehicle that has been 67625
ordered into storage pursuant to division (A)(1) of this section 67626
or of a vehicle that is being removed under authority of division 67627
(B)(2) of this section arrives after the motor vehicle or vehicle 67628
has been prepared for removal, but prior to its actual removal 67629
from the property, the owner or operator shall be given the 67630
opportunity to pay a fee of not more than one-half of the charge 67631
for the removal of motor vehicles under division (A)(1) of this 67632
section or of vehicles under division (B)(2) of this section, 67633
whichever is applicable, that normally is assessed by the person 67634
who has prepared the motor vehicle or vehicle for removal, in 67635
order to obtain release of the motor vehicle or vehicle. Upon 67636
payment of that fee, the motor vehicle or vehicle shall be 67637
released to the owner or operator, and upon its release, the owner 67638
or operator immediately shall move it so that: 67639

(1) If the motor vehicle was ordered into storage pursuant to 67640
division (A)(1) of this section, it is not on the private 67641
residential or private agricultural property without the 67642
permission of the person having the right to possession of the 67643
property, or is not at the garage or place of storage without the 67644

permission of the owner, whichever is applicable. 67645

(2) If the vehicle was being removed under authority of 67646
division (B)(2) of this section, it is not parked on the private 67647
property established as a private tow-away zone without the 67648
consent of the owner or in violation of any posted parking 67649
condition or regulation. 67650

(D)(1) If an owner of private property that is established as 67651
a private tow-away zone in accordance with division (B)(1) of this 67652
section or the authorized agent of such an owner removes or causes 67653
the removal of a vehicle from that property under authority of 67654
division (B)(2) of this section, the owner or agent promptly shall 67655
notify the police department of the municipal corporation, 67656
township, or township police district in which the property is 67657
located, of the removal, the vehicle's license number, make, 67658
model, and color, the location from which it was removed, the date 67659
and time of its removal, the telephone number of the person from 67660
whom it may be recovered, and the address of the place to which it 67661
has been taken and from which it may be recovered. 67662

(2) Each county sheriff and each chief of police of a 67663
municipal corporation, township, or township police district shall 67664
maintain a record of motor vehicles that the sheriff or chief 67665
orders into storage pursuant to division (A)(1) of this section 67666
and of vehicles removed from private property in the sheriff's or 67667
chief's jurisdiction that is established as a private tow-away 67668
zone of which the sheriff or chief has received notice under 67669
division (D)(1) of this section. The record shall include an entry 67670
for each such motor vehicle or vehicle that identifies the motor 67671
vehicle's or vehicle's license number, make, model, and color, the 67672
location from which it was removed, the date and time of its 67673
removal, the telephone number of the person from whom it may be 67674
recovered, and the address of the place to which it has been taken 67675
and from which it may be recovered. Any information in the record 67676

that pertains to a particular motor vehicle or vehicle shall be 67677
provided to any person who, either in person or pursuant to a 67678
telephone call, identifies self as the owner or operator of the 67679
motor vehicle or vehicle and requests information pertaining to 67680
its location. 67681

(3) Any person who registers a complaint that is the basis of 67682
a sheriff's or police chief's order for the removal and storage of 67683
a motor vehicle under division (A)(1) of this section shall 67684
provide the identity of the law enforcement agency with which the 67685
complaint was registered to any person who identifies self as the 67686
owner or operator of the motor vehicle and requests information 67687
pertaining to its location. 67688

(E) The owner of a motor vehicle that is ordered into storage 67689
pursuant to division (A)(1) of this section or of a vehicle that 67690
is removed under authority of division (B)(2) of this section may 67691
reclaim it upon payment of any expenses or charges incurred in its 67692
removal, in an amount not to exceed ninety dollars, and storage, 67693
in an amount not to exceed twelve dollars per twenty-four-hour 67694
period; except that the charge for towing shall not exceed one 67695
hundred fifty dollars, and the storage charge shall not exceed 67696
twenty dollars per twenty-four-hour period, if the vehicle has a 67697
manufacturer's gross vehicle weight rating in excess of ten 67698
thousand pounds and is a truck, bus, or a combination of a 67699
commercial tractor and trailer or semitrailer. Presentation of 67700
proof of ownership, which may be evidenced by a certificate of 67701
title to the motor vehicle or vehicle also shall be required for 67702
reclamation of the vehicle. If a motor vehicle that is ordered 67703
into storage pursuant to division (A)(1) of this section remains 67704
unclaimed by the owner for thirty days, the procedures established 67705
by sections 4513.61 and 4513.62 of the Revised Code shall apply. 67706

(F) No person shall remove, or cause the removal of, any 67707
vehicle from private property that is established as a private 67708

tow-away zone under division (B)(1) of this section other than in 67709
accordance with division (B)(2) of this section, and no person 67710
shall remove, or cause the removal of, any motor vehicle from any 67711
other private property other than in accordance with division 67712
(A)(1) of this section or sections 4513.61 to 4513.65 of the 67713
Revised Code. 67714

(G)~~(1)~~ Whoever violates division (B)(3) or (F) of this 67715
section is guilty of a minor misdemeanor. 67716

~~(2) Except as otherwise provided in this division, whoever 67717
violates division (F) of this section is guilty of a minor 67718
misdemeanor. If the offender previously has been convicted of or 67719
pleaded guilty to a violation of division (F) of this section, 67720
whoever violates division (F) of this section is guilty of a 67721
misdemeanor of the third degree. 67722~~

Sec. 4513.65. (A) For purposes of this section, "junk motor 67723
vehicle" means any motor vehicle meeting the requirements of 67724
divisions (B), (C), (D), and (E) of section 4513.63 of the Revised 67725
Code that is left uncovered in the open on private property for 67726
more than seventy-two hours with the permission of the person 67727
having the right to the possession of the property, except if the 67728
person is operating a junk yard or scrap metal processing facility 67729
licensed under authority of sections 4737.05 to 4737.12 of the 67730
Revised Code, or regulated under authority of a political 67731
subdivision; or if the property on which the motor vehicle is left 67732
is not subject to licensure or regulation by any governmental 67733
authority, unless the person having the right to the possession of 67734
the property can establish that the motor vehicle is part of a 67735
bona fide commercial operation; or if the motor vehicle is a 67736
collector's vehicle. 67737

No political subdivision shall prevent a person from storing 67738
or keeping, or restrict a person in the method of storing or 67739

keeping, any collector's vehicle on private property with the 67740
permission of the person having the right to the possession of the 67741
property; except that a political subdivision may require a person 67742
having such permission to conceal, by means of buildings, fences, 67743
vegetation, terrain, or other suitable obstruction, any unlicensed 67744
collector's vehicle stored in the open. 67745

The sheriff of a county, or chief of police of a municipal 67746
corporation, within the sheriff's or chief's respective 67747
territorial jurisdiction, a state highway patrol trooper, a board 67748
of township trustees, the legislative authority of a municipal 67749
corporation, or the zoning authority of a township or a municipal 67750
corporation, may send notice, by certified mail with return 67751
receipt requested, to the person having the right to the 67752
possession of the property on which a junk motor vehicle is left, 67753
that within ten days of receipt of the notice, the junk motor 67754
vehicle either shall be covered by being housed in a garage or 67755
other suitable structure, or shall be removed from the property. 67756

No person shall willfully leave a junk motor vehicle 67757
uncovered in the open for more than ten days after receipt of a 67758
notice as provided in this section. The fact that a junk motor 67759
vehicle is so left is prima-facie evidence of willful failure to 67760
comply with the notice, and each subsequent period of thirty days 67761
that a junk motor vehicle continues to be so left constitutes a 67762
separate offense. 67763

(B) ~~Except as otherwise provided in this division, whoever~~ 67764
Whoever violates this section is guilty of a minor misdemeanor ~~on~~ 67765
~~a first offense. If the offender previously has been convicted of~~ 67766
~~or pleaded guilty to one violation of this section, whoever~~ 67767
~~violates this section is guilty of a misdemeanor of the fourth~~ 67768
~~degree. If the offender previously has been convicted of or~~ 67769
~~pleaded guilty to two or more violations of this section, whoever~~ 67770
~~violates this section is guilty of a misdemeanor of the third~~ 67771

degree. 67772

Sec. 4513.99. (A) Any violation of section ~~4513.03, 4513.04,~~ 67773
~~4513.05, 4513.06, 4513.07, 4513.071, 4513.09,~~ 4513.10, ~~4513.11~~ 67774
~~except for division (H) of that section, 4513.111, 4513.12,~~ 67775
~~4513.13, 4513.14, 4513.15, 4513.16, 4513.17, 4513.171, 4513.18,~~ 67776
~~4513.182, 4513.19, 4513.20, 4513.201, 4513.202, 4513.21, 4513.22,~~ 67777
~~4513.23, 4513.24, 4513.242,~~ 4513.25, 4513.26, 4513.27, ~~4513.28,~~ 67778
4513.29, 4513.30, 4513.31, 4513.32, or 4513.34 of the Revised Code 67779
shall be punished under division (B) of this section. 67780

(B) Whoever violates the sections of this chapter that are 67781
specifically required to be punished under this division, or any 67782
provision of sections 4513.03 to 4513.262 or 4513.27 to 4513.37 of 67783
the Revised Code for which violation no penalty is otherwise 67784
provided, is guilty of a minor misdemeanor on a first offense; on 67785
a second offense within one year after the first offense, the 67786
person is guilty of a misdemeanor of the fourth degree; on each 67787
subsequent offense within one year after the first offense, the 67788
person is guilty of a misdemeanor of the third degree. 67789

Sec. 4517.01. As used in sections 4517.01 to 4517.65 of the 67790
Revised Code: 67791

(A) "Persons" includes individuals, firms, partnerships, 67792
associations, joint stock companies, corporations, and any 67793
combinations of individuals. 67794

(B) "Motor vehicle" means motor vehicle as defined in section 67795
4501.01 of the Revised Code and also includes "all-purpose 67796
vehicle" and "off-highway motorcycle" as those terms are defined 67797
in section 4519.01 of the Revised Code ~~and manufactured and mobile~~ 67798
~~homes~~. "Motor vehicle" does not include a snowmobile as defined in 67799
section 4519.01 of the Revised Code or manufactured and mobile 67800
homes. 67801

(C) "New motor vehicle" means a motor vehicle, the legal title to which has never been transferred by a manufacturer, remanufacturer, distributor, or dealer to an ultimate purchaser.

(D) "Ultimate purchaser" means, with respect to any new motor vehicle, the first person, other than a dealer purchasing in the capacity of a dealer, who in good faith purchases such new motor vehicle for purposes other than resale.

(E) "Business" includes any activities engaged in by any person for the object of gain, benefit, or advantage either direct or indirect.

(F) "Engaging in business" means commencing, conducting, or continuing in business, or liquidating a business when the liquidator thereof holds self out to be conducting such business; making a casual sale or otherwise making transfers in the ordinary course of business when the transfers are made in connection with the disposition of all or substantially all of the transferor's assets is not engaging in business.

(G) "Retail sale" or "sale at retail" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a motor vehicle to an ultimate purchaser for use as a consumer.

(H) "Retail installment contract" includes any contract in the form of a note, chattel mortgage, conditional sales contract, lease, agreement, or other instrument payable in one or more installments over a period of time and arising out of the retail sale of a motor vehicle.

(I) "Farm machinery" means all machines and tools used in the production, harvesting, and care of farm products.

(J) "Dealer" or "motor vehicle dealer" means any new motor vehicle dealer, any motor vehicle leasing dealer, and any used motor vehicle dealer.

(K) "New motor vehicle dealer" means any person engaged in 67833
the business of selling at retail, displaying, offering for sale, 67834
or dealing in new motor vehicles pursuant to a contract or 67835
agreement entered into with the manufacturer, remanufacturer, or 67836
distributor of the motor vehicles. 67837

(L) "Used motor vehicle dealer" means any person engaged in 67838
the business of selling, displaying, offering for sale, or dealing 67839
in used motor vehicles, at retail or wholesale, but does not mean 67840
any new motor vehicle dealer selling, displaying, offering for 67841
sale, or dealing in used motor vehicles incidentally to engaging 67842
in the business of selling, displaying, offering for sale, or 67843
dealing in new motor vehicles, any person engaged in the business 67844
of dismantling, salvaging, or rebuilding motor vehicles by means 67845
of using used parts, or any public officer performing official 67846
duties. 67847

(M) "Motor vehicle leasing dealer" means any person engaged 67848
in the business of regularly making available, offering to make 67849
available, or arranging for another person to use a motor vehicle 67850
pursuant to a bailment, lease, sublease, or other contractual 67851
arrangement under which a charge is made for its use at a periodic 67852
rate for a term of thirty days or more, and title to the motor 67853
vehicle is in and remains in the motor vehicle leasing dealer who 67854
originally leases it, irrespective of whether or not the motor 67855
vehicle is the subject of a later sublease, and not in the user, 67856
but does not mean a manufacturer or its affiliate leasing to its 67857
employees or to dealers. 67858

(N) "Salesperson" means any person employed by a dealer or 67859
manufactured home broker to sell, display, and offer for sale, or 67860
deal in motor vehicles for a commission, compensation, or other 67861
valuable consideration, but does not mean any public officer 67862
performing official duties. 67863

(O) "Casual sale" means any transfer of a motor vehicle by a 67864

person other than a new motor vehicle dealer, used motor vehicle dealer, motor vehicle salvage dealer, as defined in division (A) of section 4738.01 of the Revised Code, salesperson, motor vehicle auction owner, manufacturer, or distributor acting in the capacity of a dealer, salesperson, auction owner, manufacturer, or distributor, to a person who purchases the motor vehicle for use as a consumer.

(P) "Motor vehicle show" means a display of current models of motor vehicles whereby the primary purpose is the exhibition of competitive makes and models in order to provide the general public the opportunity to review and inspect various makes and models of motor vehicles at a single location.

(Q) "Motor vehicle auction owner" means any person who is engaged wholly or in part in the business of auctioning motor vehicles.

(R) "Manufacturer" means a person who manufactures, assembles, or imports motor vehicles, including motor homes, but does not mean a person who only assembles or installs a body, special equipment unit, finishing trim, or accessories on a motor vehicle chassis supplied by a manufacturer or distributor.

(S) "Tent-type fold-out camping trailer" means any vehicle intended to be used, when stationary, as a temporary shelter with living and sleeping facilities, and that is subject to the following properties and limitations:

(1) A minimum of twenty-five per cent of the fold-out portion of the top and sidewalls combined must be constructed of canvas, vinyl, or other fabric, and form an integral part of the shelter.

(2) When folded, the unit must not exceed:

(a) Fifteen feet in length, exclusive of bumper and tongue;

(b) Sixty inches in height from the point of contact with the

ground;	67895
(c) Eight feet in width;	67896
(d) One ton gross weight at time of sale.	67897
(T) "Distributor" means any person authorized by a motor vehicle manufacturer to distribute new motor vehicles to licensed new motor vehicle dealers, but does not mean a person who only assembles or installs a body, special equipment unit, finishing trim, or accessories on a motor vehicle chassis supplied by a manufacturer or distributor.	67898 67899 67900 67901 67902 67903
(U) "Flea market" means a market place, other than a dealer's location licensed under this chapter, where a space or location is provided for a fee or compensation to a seller to exhibit and offer for sale or trade, motor vehicles to the general public.	67904 67905 67906 67907
(V) "Franchise" means any written agreement, contract, or understanding between any motor vehicle manufacturer or remanufacturer engaged in commerce and any motor vehicle dealer that purports to fix the legal rights and liabilities of the parties to such agreement, contract, or understanding.	67908 67909 67910 67911 67912
(W) "Franchisee" means a person who receives new motor vehicles from the franchisor under a franchise agreement and who offers, sells, and provides service for such new motor vehicles to the general public.	67913 67914 67915 67916
(X) "Franchisor" means a new motor vehicle manufacturer, remanufacturer, or distributor who supplies new motor vehicles under a franchise agreement to a franchisee.	67917 67918 67919
(Y) "Dealer organization" means a state or local trade association the membership of which is comprised predominantly of new motor vehicle dealers.	67920 67921 67922
(Z) "Factory representative" means a representative employed by a manufacturer, remanufacturer, or by a factory branch	67923 67924

primarily for the purpose of promoting the sale of its motor 67925
vehicles, parts, or accessories to dealers or for supervising or 67926
contacting its dealers or prospective dealers. 67927

(AA) "Administrative or executive management" means those 67928
individuals who are not subject to federal wage and hour laws. 67929

(BB) "Good faith" means honesty in the conduct or transaction 67930
concerned and the observance of reasonable commercial standards of 67931
fair dealing in the trade as is defined in division (S) of section 67932
1301.01 of the Revised Code, including, but not limited to, the 67933
duty to act in a fair and equitable manner so as to guarantee 67934
freedom from coercion, intimidation, or threats of coercion or 67935
intimidation; provided however, that recommendation, endorsement, 67936
exposition, persuasion, urging, or argument shall not be 67937
considered to constitute a lack of good faith. 67938

(CC) "Coerce" means to compel or attempt to compel by failing 67939
to act in good faith or by threat of economic harm, breach of 67940
contract, or other adverse consequences. Coerce does not mean to 67941
argue, urge, recommend, or persuade. 67942

(DD) "Relevant market area" means any area within a radius of 67943
ten miles from the site of a potential new dealership, except that 67944
for manufactured home or recreational vehicle dealerships the 67945
radius shall be twenty-five miles. The ten-mile radius shall be 67946
measured from the dealer's established place of business that is 67947
used exclusively for the purpose of selling, displaying, offering 67948
for sale, or dealing in motor vehicles. 67949

(EE) "Wholesale" or "at wholesale" means the act or attempted 67950
act of selling, bartering, exchanging, or otherwise disposing of a 67951
motor vehicle to a transferee for the purpose of resale and not 67952
for ultimate consumption by that transferee. 67953

(FF) "Motor vehicle wholesaler" means any person licensed as 67954
a dealer under the laws of another state and engaged in the 67955

business of selling, displaying, or offering for sale used motor vehicles, at wholesale, but does not mean any motor vehicle dealer as defined in this section.

(GG)(1) "Remanufacturer" means a person who assembles or installs passenger seating, walls, a roof elevation, or a body extension on a conversion van with the motor vehicle chassis supplied by a manufacturer or distributor, a person who modifies a truck chassis supplied by a manufacturer or distributor for use as a public safety or public service vehicle, a person who modifies a motor vehicle chassis supplied by a manufacturer or distributor for use as a limousine or hearse, or a person who modifies an incomplete motor vehicle cab and chassis supplied by a new motor vehicle dealer or distributor for use as a tow truck, but does not mean either of the following:

(a) A person who assembles or installs passenger seating, walls, a roof elevation, or a body extension on a ~~manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code, a mobile home as defined in division (O) and referred to in division (B) of section 4501.01 of the Revised Code, or~~ a recreational vehicle as defined in division (Q) and referred to in division (B) of section 4501.01 of the Revised Code;

(b) A person who assembles or installs special equipment or accessories for handicapped persons, as defined in section 4503.44 of the Revised Code, upon a motor vehicle chassis supplied by a manufacturer or distributor.

(2) For the purposes of division (GG)(1) of this section, "public safety vehicle or public service vehicle" means a fire truck, ambulance, school bus, street sweeper, garbage packing truck, or cement mixer, or a mobile self-contained facility vehicle.

(3) For the purposes of division (GG)(1) of this section, 67987
"limousine" means a motor vehicle, designed only for the purpose 67988
of carrying nine or fewer passengers, that a person modifies by 67989
cutting the original chassis, lengthening the wheelbase by forty 67990
inches or more, and reinforcing the chassis in such a way that all 67991
modifications comply with all applicable federal motor vehicle 67992
safety standards. No person shall qualify as or be deemed to be a 67993
remanufacturer who produces limousines unless the person has a 67994
written agreement with the manufacturer of the chassis the person 67995
utilizes to produce the limousines to complete properly the 67996
remanufacture of the chassis into limousines. 67997

(4) For the purposes of division (GG)(1) of this section, 67998
"hearse" means a motor vehicle, designed only for the purpose of 67999
transporting a single casket, that is equipped with a compartment 68000
designed specifically to carry a single casket that a person 68001
modifies by cutting the original chassis, lengthening the 68002
wheelbase by ten inches or more, and reinforcing the chassis in 68003
such a way that all modifications comply with all applicable 68004
federal motor vehicle safety standards. No person shall qualify as 68005
or be deemed to be a remanufacturer who produces hearses unless 68006
the person has a written agreement with the manufacturer of the 68007
chassis the person utilizes to produce the hearses to complete 68008
properly the remanufacture of the chassis into hearses. 68009

(5) For the purposes of division (GG)(1) of this section, 68010
"mobile self-contained facility vehicle" means a mobile classroom 68011
vehicle, mobile laboratory vehicle, bookmobile, bloodmobile, 68012
testing laboratory, and mobile display vehicle, each of which is 68013
designed for purposes other than for passenger transportation and 68014
other than the transportation or displacement of cargo, freight, 68015
materials, or merchandise. A vehicle is remanufactured into a 68016
mobile self-contained facility vehicle in part by the addition of 68017
insulation to the body shell, and installation of all of the 68018

following: a generator, electrical wiring, plumbing, holding 68019
tanks, doors, windows, cabinets, shelving, and heating, 68020
ventilating, and air conditioning systems. 68021

(6) For the purposes of division (GG)(1) of this section, 68022
"tow truck" means both of the following: 68023

(a) An incomplete cab and chassis that are purchased by a 68024
remanufacturer from a new motor vehicle dealer or distributor of 68025
the cab and chassis and on which the remanufacturer then installs 68026
in a permanent manner a wrecker body it purchases from a 68027
manufacturer or distributor of wrecker bodies, installs an 68028
emergency flashing light pylon and emergency lights upon the mast 68029
of the wrecker body or rooftop, and installs such other related 68030
accessories and equipment, including push bumpers, front grille 68031
guards with pads and other custom-ordered items such as painting, 68032
special lettering, and safety striping so as to create a complete 68033
motor vehicle capable of lifting and towing another motor vehicle. 68034

(b) An incomplete cab and chassis that are purchased by a 68035
remanufacturer from a new motor vehicle dealer or distributor of 68036
the cab and chassis and on which the remanufacturer then installs 68037
in a permanent manner a car carrier body it purchases from a 68038
manufacturer or distributor of car carrier bodies, installs an 68039
emergency flashing light pylon and emergency lights upon the 68040
rooftop, and installs such other related accessories and 68041
equipment, including push bumpers, front grille guards with pads 68042
and other custom-ordered items such as painting, special 68043
lettering, and safety striping. 68044

As used in division (GG)(6)(b) of this section, "car carrier 68045
body" means a mechanical or hydraulic apparatus capable of lifting 68046
and holding a motor vehicle on a flat level surface so that one or 68047
more motor vehicles can be transported, once the car carrier is 68048
permanently installed upon an incomplete cab and chassis. 68049

(HH) "Operating as a new motor vehicle dealership" means 68050
engaging in activities such as displaying, offering for sale, and 68051
selling new motor vehicles at retail, operating a service facility 68052
to perform repairs and maintenance on motor vehicles, offering for 68053
sale and selling motor vehicle parts at retail, and conducting all 68054
other acts that are usual and customary to the operation of a new 68055
motor vehicle dealership. For the purposes of this chapter only, 68056
possession of either a valid new motor vehicle dealer franchise 68057
agreement or a new motor vehicle dealers license, or both of these 68058
items, is not evidence that a person is operating as a new motor 68059
vehicle dealership. 68060

(II) ~~"Manufactured home broker" means any person acting as a 68061
selling agent on behalf of an owner of a manufactured or mobile 68062
home that is subject to taxation under section 4503.06 of the 68063
Revised Code.~~ 68064

~~(JJ)~~ "Outdoor power equipment" means garden and small utility 68065
tractors, walk-behind and riding mowers, chainsaws, and tillers. 68066

~~(KK)~~(JJ) "Remote service facility" means premises that are 68067
separate from a licensed new motor vehicle dealer's sales facility 68068
by not more than one mile and that are used by the dealer to 68069
perform repairs, warranty work, recall work, and maintenance on 68070
motor vehicles pursuant to a franchise agreement entered into with 68071
a manufacturer of motor vehicles. A remote service facility shall 68072
be deemed to be part of the franchise agreement and is subject to 68073
all the rights, duties, obligations, and requirements of Chapter 68074
4517. of the Revised Code that relate to the performance of motor 68075
vehicle repairs, warranty work, recall work, and maintenance work 68076
by new motor vehicle dealers. 68077

Sec. 4517.02. (A) Except as otherwise provided in this 68078
section, no person shall do any of the following: 68079

(1) Engage in the business of displaying or selling at retail 68080

new motor vehicles or assume to engage in that business, unless 68081
the person is licensed as a new motor vehicle dealer under 68082
sections 4517.01 to 4517.45 of the Revised Code, or is a 68083
salesperson licensed under those sections and employed by a 68084
licensed new motor vehicle dealer; 68085

(2) Engage in the business of offering for sale, displaying 68086
for sale, or selling at retail or wholesale used motor vehicles or 68087
assume to engage in that business, unless the person is licensed 68088
as a dealer under sections 4517.01 to 4517.45 of the Revised Code, 68089
or is a salesperson licensed under those sections and employed by 68090
a licensed used motor vehicle dealer or licensed new motor vehicle 68091
dealer; 68092

(3) Engage in the business of regularly making available, 68093
offering to make available, or arranging for another person to use 68094
a motor vehicle, in the manner described in division (M) of 68095
section 4517.01 of the Revised Code, unless the person is licensed 68096
as a motor vehicle leasing dealer under sections 4517.01 to 68097
4517.45 of the Revised Code; 68098

(4) Engage in the business of motor vehicle auctioning or 68099
assume to engage in that business, unless the person is licensed 68100
as a motor vehicle auction owner under sections 4517.01 to 4517.45 68101
of the Revised Code and the person uses an auctioneer who is 68102
licensed under Chapter 4707. of the Revised Code to conduct the 68103
motor vehicle auctions; 68104

(5) Engage in the business of distributing motor vehicles or 68105
assume to engage in that business, unless the person is licensed 68106
as a distributor under sections 4517.01 to 4517.45 of the Revised 68107
Code; 68108

(6) Make more than five casual sales of motor vehicles in a 68109
twelve-month period, commencing with the day of the month in which 68110
the first such sale is made, nor provide a location or space for 68111

the sale of motor vehicles at a flea market, without obtaining a license as a dealer under sections 4517.01 to 4517.45 of the Revised Code, provided that nothing in this section shall be construed to prohibit the disposition without a license of a motor vehicle originally acquired and held for purposes other than sale, rental, or lease to an employee, retiree, officer, or director of the person making the disposition, to a corporation affiliated with the person making the disposition, or to a person licensed under sections 4517.01 to 4517.45 of the Revised Code+

~~(7) Engage in the business of brokering manufactured homes unless that person is licensed as a manufactured home broker under sections 4517.01 to 4517.45 of the Revised Code.~~

(B) Nothing in this section shall be construed to require an auctioneer licensed under sections 4707.01 to 4707.19 of the Revised Code, to obtain a motor vehicle salesperson's license under sections 4517.01 to 4517.45 of the Revised Code when conducting an auction sale for a licensed motor vehicle dealer on the dealer's premises, or when conducting an auction sale for a licensed motor vehicle auction owner; nor shall such an auctioneer be required to obtain a motor vehicle auction owner's license under sections 4517.01 to 4517.45 of the Revised Code when engaged in auctioning for a licensed motor vehicle auction owner.

(C) Sections 4517.01 to 4517.45 of the Revised Code do not apply to any of the following:

(1) Persons engaging in the business of selling commercial tractors, trailers, or semitrailers incidentally to engaging primarily in business other than the selling or leasing of motor vehicles;

(2) Mortgagees selling at retail only those motor vehicles that have come into their possession by a default in the terms of a mortgage contract;

(3) The leasing, rental, and interchange of motor vehicles 68143
used directly in the rendition of a public utility service by 68144
regulated motor carriers. 68145

(D) When a partnership licensed under sections 4517.01 to 68146
4517.45 of the Revised Code is dissolved by death, the surviving 68147
partners may operate under the license for a period of sixty days, 68148
and the heirs or representatives of deceased persons and receivers 68149
or trustees in bankruptcy appointed by any competent authority may 68150
operate under the license of the person succeeded in possession by 68151
that heir, representative, receiver, or trustee in bankruptcy. 68152

(E) No remanufacturer shall engage in the business of selling 68153
at retail any new motor vehicle without having written authority 68154
from the manufacturer or distributor of the vehicle to sell new 68155
motor vehicles and to perform repairs under the terms of the 68156
manufacturer's or distributor's new motor vehicle warranty, 68157
unless, at the time of the sale of the vehicle, each customer is 68158
furnished with a binding agreement ensuring that the customer has 68159
the right to have the vehicle serviced or repaired by a new motor 68160
vehicle dealer who is franchised to sell and service vehicles of 68161
the same line-make as the chassis of the remanufactured vehicle 68162
purchased by the customer and whose service or repair facility is 68163
located within either twenty miles of the remanufacturer's 68164
location and place of business or twenty miles of the customer's 68165
residence or place of business. If there is no such new motor 68166
vehicle dealer located within twenty miles of the remanufacturer's 68167
location and place of business or the customer's residence or 68168
place of business, the binding agreement furnished to the customer 68169
may be with the new motor vehicle dealer who is franchised to sell 68170
and service vehicles of the same line-make as the chassis of the 68171
remanufactured vehicle purchased by the customer and whose service 68172
or repair facility is located nearest to the remanufacturer's 68173
location and place of business or the customer's residence or 68174

place of business. Additionally, at the time of sale of any 68175
vehicle, each customer of the remanufacturer shall be furnished 68176
with a warranty issued by the remanufacturer for a term of at 68177
least one year. 68178

(F) Except as otherwise provided in this division, whoever 68179
violates this section is guilty of a minor misdemeanor and shall 68180
be subject to a mandatory fine of one hundred dollars. If the 68181
offender previously has been convicted of or pleaded guilty to a 68182
violation of this section, whoever violates this section is guilty 68183
of a misdemeanor of the first degree and shall be subject to a 68184
mandatory fine of one thousand dollars. 68185

Sec. 4517.03. (A) A place of business that is used for 68186
selling, displaying, offering for sale, or dealing in motor 68187
vehicles shall be considered as used exclusively for those 68188
purposes even though snowmobiles, farm machinery, outdoor power 68189
equipment, watercraft and related products, or products 68190
manufactured or distributed by a motor vehicle manufacturer with 68191
which the motor vehicle dealer has a franchise agreement are sold 68192
or displayed there, or if repair, accessory, gasoline and oil, 68193
storage, parts, service, or paint departments are maintained 68194
there, or such products or services are provided there, if the 68195
departments are operated or the products or services are provided 68196
for the business of selling, displaying, offering for sale, or 68197
dealing in motor vehicles. Places of business or departments in a 68198
place of business used to dismantle, salvage, or rebuild motor 68199
vehicles by means of using used parts, are not considered as being 68200
maintained for the purpose of assisting or furthering the selling, 68201
displaying, offering for sale, or dealing in motor vehicles. A 68202
place of business shall be considered as used exclusively for 68203
selling, displaying, offering for sale, or dealing in motor 68204
vehicles even though a business owned by a motor vehicle leasing 68205
dealer or a motor vehicle renting dealer is located at the place 68206

of business. 68207

(B)(1) No new motor vehicle dealer shall sell, display, offer 68208
for sale, or deal in motor vehicles at any place except an 68209
established place of business that is used exclusively for the 68210
purpose of selling, displaying, offering for sale, or dealing in 68211
motor vehicles. The place of business shall have space, under 68212
roof, for the display of at least one new motor vehicle. The 68213
established place of business or, if the dealer operates a remote 68214
service facility, the dealer's remote service facility shall have 68215
facilities and space for the inspection, servicing, and repair of 68216
at least one motor vehicle. However a new motor vehicle dealer 68217
selling manufactured or mobile homes is exempt from the 68218
requirement that a place of business have space, under roof, for 68219
the display of at least one new motor vehicle and facilities and 68220
space for the inspection, servicing, and repair of at least one 68221
motor vehicle. 68222

(2) A licensed new motor vehicle dealer may operate a remote 68223
service facility with the consent of the manufacturer and only to 68224
perform repairs, warranty work, recall work, and maintenance on 68225
motor vehicles as part of the dealer's franchised and licensed new 68226
motor vehicle dealership. The remote service facility shall be 68227
included on the new motor vehicle dealer's license and be deemed 68228
to be part of the dealer's licensed location. 68229

(3) No person shall use a remote service facility for 68230
selling, displaying, or offering for sale motor vehicles. 68231

~~(4) Nothing in Chapter 4517. of the Revised Code shall be 68232
construed as prohibiting the sale of a new or used manufactured or 68233
mobile home located in a manufactured home park by a licensed new 68234
or used motor vehicle dealer. 68235~~

(C) No used motor vehicle dealer shall sell, display, offer 68236
for sale, or deal in motor vehicles at any place except an 68237

established place of business that is used exclusively for the 68238
purpose of selling, displaying, offering for sale, or dealing in 68239
motor vehicles. 68240

(D) No motor vehicle leasing dealer shall make a motor 68241
vehicle available for use by another, in the manner described in 68242
division (M) of section 4517.01 of the Revised Code, at any place 68243
except an established place of business that is used for leasing 68244
motor vehicles; except that a motor vehicle leasing dealer who is 68245
also a new motor vehicle dealer or used motor vehicle dealer may 68246
lease motor vehicles at the same place of business at which the 68247
dealer sells, offers for sale, or deals in new or used motor 68248
vehicles. 68249

(E) No motor vehicle leasing dealer or motor vehicle renting 68250
dealer shall sell a motor vehicle within ninety days after a 68251
certificate of title to the motor vehicle is issued to the dealer, 68252
except when a salvage certificate of title is issued to replace 68253
the original certificate of title and except when a motor vehicle 68254
leasing dealer sells a motor vehicle to another motor vehicle 68255
leasing dealer at the end of a sublease pursuant to that sublease. 68256

(F) No distributor shall distribute new motor vehicles to new 68257
motor vehicle dealers at any place except an established place of 68258
business that is used exclusively for the purpose of distributing 68259
new motor vehicles to new motor vehicle dealers; except that a 68260
distributor who is also a new motor vehicle dealer may distribute 68261
new motor vehicles at the same place of business at which the 68262
distributor sells, displays, offers for sale, or deals in new 68263
motor vehicles. 68264

(G) No person, firm, or corporation that sells, displays, or 68265
offers for sale tent-type fold-out camping trailers is subject to 68266
the requirement that the person's, firm's, or corporation's place 68267
of business be used exclusively for the purpose of selling, 68268
displaying, offering for sale, or dealing in motor vehicles. No 68269

person, firm, or corporation that sells, displays, or offers for 68270
sale tent-type fold-out camping trailers, trailers, semitrailers, 68271
or park trailers is subject to the requirement that the place of 68272
business have space, under roof, for the display of at least one 68273
new motor vehicle and facilities and space for the inspection, 68274
servicing, and repair of at least one motor vehicle. 68275

~~(H) No manufactured or mobile home broker shall engage in the 68276
business of brokering manufactured or mobile homes at any place 68277
except an established place of business that is used exclusively 68278
for the purpose of brokering manufactured or mobile homes. 68279~~

~~(I)~~ Nothing in this section shall be construed to prohibit 68280
persons licensed under this chapter from making sales calls. 68281

~~(J)~~(I) Whoever violates this section is guilty of a 68282
misdemeanor of the fourth degree. 68283

~~(K)~~(J) As used in this section: 68284

(1) "Motor vehicle leasing dealer" has the same meaning as in 68285
section 4517.01 of the Revised Code. 68286

(2) "Motor vehicle renting dealer" has the same meaning as in 68287
section 4549.65 of the Revised Code. 68288

(3) "Watercraft" has the same meaning as in section 1547.01 68289
of the Revised Code. 68290

Sec. 4517.30. The motor vehicle dealers board shall consist 68291
of eleven members. The registrar of motor vehicles or the 68292
registrar's designee shall be a member of the board, and the other 68293
ten members shall be appointed by the governor with the advice and 68294
consent of the senate. Not more than five of the ten members other 68295
than the registrar shall be of any one political party, and of the 68296
ten: 68297

(A) Three shall represent the public and shall not have 68298
engaged in the business of selling motor vehicles at retail in 68299

this state; 68300

(B) Five shall have been engaged in the business of selling 68301
motor vehicles at retail in this state for at least five years and 68302
have been engaged in such business within two years prior to the 68303
date of their appointment. Of these five: 68304

(1) Three shall have been engaged in the sale of new motor 68305
vehicles; 68306

(2) One shall have been engaged in the business of selling 68307
~~manufactured homes, mobile homes, or~~ recreational vehicles at 68308
retail; 68309

(3) One shall have been engaged in the sale of used motor 68310
vehicles. 68311

(C) Two shall have been engaged in the leasing of motor 68312
vehicles. 68313

Terms of office of the ten members appointed by the governor 68314
shall be for three years, commencing on the fifth day of October 68315
and ending on the fourth day of October. Each member shall hold 68316
office from the date of the member's appointment until the end of 68317
the term for which the member was appointed. Any member appointed 68318
to fill a vacancy occurring prior to the expiration of the term 68319
for which the member's predecessor was appointed shall hold office 68320
for the remainder of such term. Any appointed member shall 68321
continue in office subsequent to the expiration date of the 68322
member's term until a successor takes office, or until a period of 68323
sixty days has elapsed, whichever occurs first. Annually the board 68324
shall organize by selecting from its members a president. Each 68325
appointed member of the board shall receive an amount fixed in 68326
accordance with division (J) of section 124.15 of the Revised 68327
Code, and shall be reimbursed for the actual and necessary 68328
expenses incurred in the discharge of the member's official 68329
duties. 68330

Sec. 4517.33. The motor vehicle dealers board shall hear 68331
appeals which may be taken from an order of the registrar of motor 68332
vehicles, refusing to issue a license. All appeals from any order 68333
of the registrar refusing to issue any license upon proper 68334
application must be taken within thirty days from the date of the 68335
order, or the order is final and conclusive. All appeals from 68336
orders of the registrar must be by petition in writing and 68337
verified under oath by the applicant whose application for license 68338
has been denied, and must set forth the reason for the appeal and 68339
the reason why, in the petitioner's opinion, the order of the 68340
registrar is not correct. In such appeals the board may make 68341
investigation to determine the correctness and legality of the 68342
order of the registrar. 68343

The board may make rules governing its actions relative to 68344
the suspension and revocation of dealers', motor vehicle leasing 68345
dealers', ~~manufactured home brokers'~~, distributors', auction 68346
owners', and salespersons' licenses, and may, upon its own motion, 68347
and shall, upon the verified complaint in writing of any person, 68348
investigate the conduct of any licensee under sections 4517.01 to 68349
4517.65 of the Revised Code. The board shall suspend or revoke or 68350
notify the registrar to refuse to renew any dealer's, motor 68351
vehicle leasing dealer's, ~~manufactured home broker's,~~ 68352
distributor's, auction owner's, or salesperson's license, if any 68353
ground existed upon which the license might have been refused, or 68354
if a ground exists that would be cause for refusal to issue a 68355
license. 68356

The board may suspend or revoke any license if the licensee 68357
has in any manner violated the rules issued pursuant to sections 68358
4517.01 to 4517.65 of the Revised Code, or has violated section 68359
4501.02 of the Revised Code, or has been convicted of committing a 68360
felony or violating any law that in any way relates to the 68361
selling, taxing, licensing, or regulation of sales of motor 68362

vehicles. 68363

Sec. 4517.43. (A) The applications for licenses and the 68364
copies of contracts required by sections 4517.04, 4517.05, 68365
4517.051, ~~4517.052~~, 4517.06, 4517.07, 4517.08, and 4517.09 of the 68366
Revised Code are not part of the public records but are 68367
confidential information for the use of the registrar of motor 68368
vehicles and the motor vehicle dealers board. No person shall 68369
divulge any information contained in such applications and 68370
acquired by the person in the person's capacity as an official or 68371
employee of the bureau of motor vehicles or of the board, except 68372
in a report to the registrar, to the board, or when called upon to 68373
testify in any court or proceeding. 68374

(B) Whoever violates this section is guilty of a minor 68375
misdemeanor. 68376

Sec. 4519.02. (A) Except as provided in divisions (B), (C), 68377
and (D) of this section, no person shall operate any snowmobile, 68378
off-highway motorcycle, or all-purpose vehicle within this state 68379
unless the snowmobile, off-highway motorcycle, or all-purpose 68380
vehicle is registered and numbered in accordance with sections 68381
4519.03 and 4519.04 of the Revised Code. 68382

(B)(1) No registration is required for a snowmobile or 68383
off-highway motorcycle that is operated exclusively upon lands 68384
owned by the owner of the snowmobile or off-highway motorcycle, or 68385
on lands to which the owner of the snowmobile or off-highway 68386
motorcycle has a contractual right. 68387

(2) No registration is required for an all-purpose vehicle 68388
that is used primarily ~~on a farm as a farm implement for~~ 68389
agricultural purposes when the owner qualifies for the current 68390
agricultural use valuation tax credit, unless it is to be used on 68391
any public land, trail, or right-of-way. 68392

(3) Any all-purpose vehicle exempted from registration under division (B)(2) of this section and operated for agricultural purposes may use public roads and rights-of-way when traveling from one farm field to another, when such use does not violate section 4519.41 of the Revised Code.

(C) No registration is required for a snowmobile, off-highway motorcycle, or all-purpose vehicle owned and used in this state by a resident of another state whenever that state has in effect a registration law similar to this chapter and the snowmobile, off-highway motorcycle, or all-purpose vehicle is properly registered under that state's law. Any snowmobile, off-highway motorcycle, or all-purpose vehicle owned and used in this state by a resident of a state not having a registration law similar to this chapter shall comply with section 4519.09 of the Revised Code.

(D) No registration is required for a snowmobile, off-highway motorcycle, or all-purpose vehicle owned and used in this state by the United States, another state, or a political subdivision thereof, but the snowmobile, off-highway motorcycle, or all-purpose vehicle shall display the name of the owner thereon.

(E) The owner or operator of any all-purpose vehicle operated or used upon the waters in this state shall comply with Chapters 1547. and 1548. of the Revised Code relative to the operation of watercraft.

(F) Except as otherwise provided in this division, whoever violates division (A) of this section shall be fined not less than fifty dollars but not more than one hundred dollars.

Sec. 4519.04. (A) Upon the filing of an application for registration of a snowmobile, off-highway motorcycle, or all-purpose vehicle and the payment of the tax therefor, the registrar of motor vehicles or a deputy registrar shall assign to

the snowmobile, off-highway motorcycle, or all-purpose vehicle a 68424
distinctive number and issue and deliver to the owner in such 68425
manner as the registrar may select, a certificate of registration, 68426
in such form as the registrar shall prescribe. Any number so 68427
assigned to a snowmobile, off-highway motorcycle, or all-purpose 68428
vehicle shall be a permanent number, and shall not be issued to 68429
any other snowmobile, off-highway motorcycle, or all-purpose 68430
vehicle. 68431

(B)(1) In addition to the certificate of registration, the 68432
registrar or deputy registrar also shall issue to the owner of a 68433
snowmobile or off-highway motorcycle a two decal registration 68434
~~sticker~~ stickers. The registrar shall prescribe the color and size 68435
of the ~~sticker~~, stickers and the combination of numerals and 68436
letters displayed on ~~it~~, and them. The placement of the ~~sticker~~ 68437
decal stickers shall be one on ~~the snowmobile or off-highway~~ 68438
~~motorcycle~~. 68439

~~Upon receipt of a certificate of registration for a~~ 68440
~~snowmobile, the owner shall paint or otherwise attach upon each~~ 68441
either side of the forward cowling ~~of the snowmobile the~~ 68442
~~identifying registration number, in block characters of not less~~ 68443
~~than two inches in height and of such color as to be distinctly~~ 68444
~~visible and legible~~ or fuel tank. 68445

(2) The registrar or deputy registrar also shall issue to the 68446
owner of an all-purpose vehicle, in addition to the certificate of 68447
registration, one license plate and a validation sticker, or a 68448
validation sticker alone when applicable upon a registration 68449
renewal. The license plate and validation sticker shall be 68450
displayed on the all-purpose vehicle so that they are distinctly 68451
visible, in accordance with such rules as the registrar adopts. 68452
The validation sticker shall indicate the expiration date of the 68453
registration period of the all-purpose vehicle. During each 68454
succeeding registration period following the issuance of the 68455

license plate and validation sticker, upon the filing of an 68456
application for registration and payment of the fee specified in 68457
division (C) of this section, a validation sticker alone shall be 68458
issued. 68459

(C) Unless previously canceled, each certificate of 68460
registration issued for a snowmobile, off-highway motorcycle, or 68461
all-purpose vehicle expires upon the thirty-first day of December 68462
in the third year after the date it is issued. Application for 68463
renewal of a certificate may be made not earlier than ninety days 68464
preceding the expiration date, and shall be accompanied by a fee 68465
of thirty-one dollars and twenty-five cents. 68466

Notwithstanding section 4519.11 of the Revised Code, of each 68467
thirty-one dollar and twenty-five-cent fee collected for the 68468
registration of ~~an~~ a snowmobile, off-highway motorcycle, or 68469
all-purpose vehicle, the registrar shall retain not more than ~~five~~ 68470
six dollars to pay for the licensing and registration costs the 68471
bureau of motor vehicles incurs in registering the snowmobile, 68472
off-highway motorcycle, or all-purpose vehicle. The remainder of 68473
the fee shall be deposited into the state treasury to the credit 68474
of the state recreational vehicle fund created by section 4519.11 68475
of the Revised Code. 68476

Sec. 4519.59. (A)(1) The clerk of a court of common pleas 68477
shall charge and retain fees as follows: 68478

(a) Fifteen dollars for each certificate of title or 68479
duplicate certificate of title including the issuance of a 68480
memorandum certificate of title, authorization to print a 68481
non-negotiable evidence of ownership described in division (D) of 68482
section 4519.58 of the Revised Code, non-negotiable evidence of 68483
ownership printed by the clerk under division (E) of that section, 68484
and notation of any lien on a certificate of title that is applied 68485
for at the same time as the certificate of title. The clerk shall 68486

retain eleven dollars and fifty cents of that fee for each 68487
certificate of title when there is a notation of a lien or 68488
security interest on the certificate of title, twelve dollars and 68489
twenty-five cents when there is no lien or security interest noted 68490
on the certificate of title, and eleven dollars and fifty cents 68491
for each duplicate certificate of title. 68492

(b) Five dollars for each certificate of title with no 68493
security interest noted that is issued to a licensed motor vehicle 68494
dealer for resale purposes. The clerk shall retain two dollars and 68495
twenty-five cents of that fee. 68496

(c) Five dollars for each memorandum certificate of title or 68497
non-negotiable evidence of ownership that is applied for 68498
separately. The clerk shall retain that entire fee. 68499

(2) The fees that are not retained by the clerk shall be paid 68500
to the registrar of motor vehicles by monthly returns, which shall 68501
be forwarded to the registrar not later than the fifth day of the 68502
month next succeeding that in which the certificate is forwarded 68503
or that in which the registrar is notified of a lien or 68504
cancellation of a lien. 68505

(B)(1) The registrar shall pay twenty-five cents of the 68506
amount received for each certificate of title that is issued to a 68507
motor vehicle dealer for resale ~~and~~, one dollar for ~~all other~~ 68508
certificates of title issued with a lien or security interest 68509
noted on the certificate of title, and twenty-five cents for each 68510
certificate of title with no lien or security interest noted on 68511
the certificate of title into the state bureau of motor vehicles 68512
fund established in section 4501.25 of the Revised Code. 68513

(2) Fifty cents of the amount received for each certificate 68514
of title shall be paid by the registrar as follows: 68515

(a) Four cents shall be paid into the state treasury to the 68516
credit of the motor vehicle dealers board fund created in section 68517

4505.09 of the Revised Code, for use as described in division 68518
(B)(2)(a) of that section. 68519

(b) Twenty-one cents shall be paid into the highway operating 68520
fund. 68521

(c) Twenty-five cents shall be paid into the state treasury 68522
to the credit of the motor vehicle sales audit fund created in 68523
section 4505.09 of the Revised Code, for use as described in 68524
division (B)(2)(c) of that section. 68525

(3) Two dollars of the amount received by the registrar for 68526
each certificate of title shall be paid into the state treasury to 68527
the credit of the automated title processing fund created in 68528
section 4505.09 of the Revised Code, for use as described in 68529
divisions (B)(3)(a) and (c) of that section. 68530

Sec. 4549.10. (A) No person shall operate or cause to be 68531
operated upon a public road or highway a motor vehicle of a 68532
manufacturer or dealer unless the vehicle carries and displays two 68533
placards, except as provided in section 4503.21 of the Revised 68534
Code, issued by the director of public safety that bear the 68535
registration number of its manufacturer or dealer. 68536

(B) Whoever violates division (A) of this section is guilty 68537
of illegal operation of a manufacturer's or dealer's motor 68538
vehicle, a minor misdemeanor ~~on a first offense and a misdemeanor~~ 68539
~~of the fourth degree on each subsequent offense.~~ 68540

Sec. 4549.12. (A) No person who is the owner of a motor 68541
vehicle and a resident of this state shall operate or drive the 68542
motor vehicle upon the highways of this state, while it displays a 68543
distinctive number or identification mark issued by or under the 68544
authority of another state, without complying with the laws of 68545
this state relating to the registration and identification of 68546
motor vehicles. 68547

(B) Whoever violates division (A) of this section is guilty 68548
of illegal operation by a resident of this state of a motor 68549
vehicle bearing the distinctive number or identification mark 68550
issued by a foreign jurisdiction, a minor misdemeanor ~~on a first~~ 68551
~~offense and a misdemeanor of the fourth degree on each subsequent~~ 68552
~~offense.~~ 68553

Sec. 4582.07. (A) The board of directors of a port authority 68554
shall prepare or cause to be prepared a plan for ~~the~~ any future 68555
development, construction, and improvement of the ~~port and its~~ 68556
maritime facilities of the port authority, including such maps, 68557
profiles, and other data and descriptions as may be necessary to 68558
set forth the location and character of the work to be undertaken 68559
by the port authority and a then-current good faith estimate of 68560
the cost of the proposed facilities. The plan also shall contain a 68561
~~description of any and all financing under~~ the port authority's 68562
proposal for payment of the cost of such facilities, including 68563
revenues, grants, subsidies, loans, and financing; provided, that 68564
the plan and any such proposal and the contents thereof, and 68565
anything contained or not contained therein, shall not affect the 68566
legality, validity, or enforceability of any bonds, notes, leases, 68567
~~or otherwise, and a description of any and all~~ certificates, or 68568
other financing instruments, any real estate, operating or 68569
management contracts or instruments or any taxes, tax abatements 68570
or exemptions, tax credits, tax increment financing, emoluments, 68571
~~subsidies, grants, loans and assessments, or other~~ financial 68572
participation related to maritime facilities or such plan ~~or that~~ 68573
~~has been proposed by the port authority and its public and private~~ 68574
~~affiliates for such plan.~~ Upon the completion of such plan the 68575
board of directors shall cause notice by publication ~~as provided~~ 68576
~~in section 4582.01 of the Revised Code to be given in~~ as to each 68577
county in which there is a political subdivision ~~participating~~ 68578
that participated in the creation of the port authority, ~~and shall~~ 68579

~~likewise cause notice to be served upon the owners of the uplands~~ 68580
~~contiguous to any submerged lands affected by such plan in the~~ 68581
~~manner provided by law for service of notice in the levy of~~ 68582
~~special assessments by municipal corporations,~~ and shall permit 68583
the inspection of the plan at ~~their~~ the port authority office by 68584
all persons interested. The notice shall fix the time and place 68585
for the hearing of all ~~objections to~~ comments on the plan, which 68586
shall be not less than thirty nor more than sixty days after the 68587
~~last publication completion~~ of the notice ~~and after service of~~ 68588
~~notice upon the owners of such uplands.~~ Any interested person may 68589
file written ~~objections to~~ comments on the plan, provided the 68590
~~objections~~ comments are filed with the secretary of the board of 68591
directors at the secretary's office not less than five days prior 68592
to the date fixed for the hearing. After the hearing the board of 68593
directors may adopt the plan with any modifications or amendments 68594
to it as the official plan for the maritime facilities of the port 68595
authority. 68596

(B) For purposes of this section and section 4582.08 of the 68597
Revised Code: 68598

(1) "Maritime facilities" means docks, wharves, warehouses, 68599
piers, and other terminal and transportation buildings or 68600
structures used in connection with the transport, storage, or 68601
distribution of commercial goods on, over, or across the waterways 68602
or shorelines of this state, or buildings or structures for the 68603
construction, rehabilitation, maintenance, or repair of commercial 68604
vessels used for such purposes, which facilities are or are 68605
expected to be owned or leased by a port authority, operated by or 68606
on behalf of a port authority, or publicly owned and financed by a 68607
port authority. 68608

(2) "Notice by publication" means publication once in a 68609
newspaper of general circulation in the county or counties where 68610
such publication is required and the posting of the notice on the 68611

web site, if any, of the port authority. Notice is complete on the 68612
later of the date of posting or the date of newspaper publication. 68613

Sec. 4582.08. The board of directors, from time to time after 68614
the adoption of an official plan for the maritime facilities of 68615
the port authority, shall have the power to modify, amend, or 68616
extend the plan; provided, that ~~upon~~ prior to the making of any 68617
modification, amendment or extension of the plan, the board shall 68618
cause notice by publication to be given and shall conduct a 68619
hearing, all as provided in section 4582.07 of the Revised Code, 68620
and shall not adopt any such modification, amendment, or extension 68621
until the notice has been given and the hearing held as provided 68622
in ~~this~~ that section. The board, from time to time after the 68623
adoption of an official plan under section 4582.07 of the Revised 68624
Code, also shall have the power to ~~consider, implement,~~ modify, 68625
amend, or ~~extend~~ supplement any proposal for any type of financing 68626
related to the plan and shall do so prior to undertaking any 68627
financing not identified in the plan as described in section 68628
4582.07 of the Revised Code, then in effect; provided, that the 68629
board shall first cause notice to be given and shall conduct a 68630
hearing on ~~the~~ that proposal, all as provided in section 4582.07 68631
of the Revised Code, and provided further that the plan, and any 68632
such proposal and the contents thereof, and anything contained or 68633
not contained therein, shall not affect the legality, validity, or 68634
enforceability of any bonds, notes, leases, certificates, or other 68635
financing instruments, any real estate, operating or management 68636
contracts or instruments or any taxes, tax abatements or 68637
exemptions, tax credits, tax increment financing, assessments, or 68638
other financial participation related to maritime facilities, the 68639
plan, or such proposal. Nothing in this section or in section 68640
4582.07 of the Revised Code shall require a port authority to 68641
amend a plan, publish a notice, or hold a public hearing except to 68642
add or delete maritime facilities to the plan, to describe changes 68643

or deletions in the location or character of the maritime 68644
facilities covered by the plan, or to add, change, or delete 68645
financings not previously identified in the plan or cost 68646
projection changes not previously identified in the plan. 68647

Sec. 4582.32. (A) The board of directors of a port authority 68648
shall prepare, or cause to be prepared, a plan for ~~the~~ any future 68649
development, construction, and improvement of the ~~port authority~~ 68650
~~and its~~ maritime facilities of the port authority, including such 68651
maps, profiles, and other data and descriptions as may be 68652
necessary to set forth the location and character of the work to 68653
be undertaken by the port authority and a then-current good faith 68654
estimate of the cost of the proposed facilities. The plan also 68655
shall contain ~~a description of any and all financing under the~~ 68656
port authority's proposal for payment of the cost of such 68657
facilities, including revenues, grants, subsidies, loans, and 68658
financing; provided, that the plan and any such proposal and the 68659
contents thereof, and anything contained or not contained therein, 68660
shall not affect the legality, validity, or enforceability of any 68661
bonds, notes, leases, or otherwise, and a description of any and 68662
all certificates, or other financing instruments, any real estate, 68663
operating or management contracts or instruments or any taxes, tax 68664
abatements or exemptions, tax credits, tax increment financing, 68665
emoluments, subsidies, grants, loans and assessments, or other 68666
financial participation related to maritime facilities or such 68667
~~plan or that has been proposed by the port authority and its~~ 68668
~~public and private affiliates for such plan.~~ Upon the completion 68669
of such plan the board of directors shall cause notice by 68670
publication to be given ~~in~~ as to each county in which there is a 68671
political subdivision ~~participating~~ that participated in the 68672
creation of the port authority, ~~and, in the case of a water port,~~ 68673
~~shall likewise cause notice to be served upon the owners of the~~ 68674
~~uplands contiguous to any submerged lands affected by such plan in~~ 68675

~~the manner provided by law for service of notice in the levy of~~ 68676
~~special assessments by municipal corporations,~~ and shall permit 68677
the inspection of the plan at ~~their~~ the port authority office by 68678
all persons interested. The notice shall fix the time and place 68679
for the hearing of all ~~objections to~~ comments on the plan, which 68680
shall be not less than thirty nor more than sixty days after the 68681
~~last publication completion~~ of the notice ~~and after service of~~ 68682
~~notice upon the owners of such uplands.~~ Any interested person may 68683
file written ~~objections to~~ comments on the plan, provided the 68684
~~objections~~ comments are filed with the secretary of the board of 68685
directors at the secretary's office not less than five days prior 68686
to the date fixed for the hearing. After the hearing the board of 68687
directors may adopt the plan with any modifications or amendments 68688
thereto as the official plan for the maritime facilities of the 68689
port authority. 68690

(B) For purposes of this section and section 4582.33 of the 68691
Revised Code: 68692

(1) "Maritime facilities" means docks, wharves, warehouses, 68693
piers, and other terminal and transportation buildings or 68694
structures used in connection with the transport, storage, or 68695
distribution of commercial goods on, over, or across the waterways 68696
or shorelines of this state, or buildings or structures for the 68697
construction, rehabilitation, maintenance, or repair of commercial 68698
vessels used for such purposes, which facilities are or are 68699
expected to be owned or leased by a port authority, operated by or 68700
on behalf of a port authority, or publicly owned and financed by a 68701
port authority. 68702

(2) "Notice by publication" means publication once in a 68703
newspaper of general circulation in the county or counties where 68704
such publication is required and the posting of the notice on the 68705
web site, if any, of the port authority. Notice is complete on the 68706
later of the date of posting or the date of newspaper publication. 68707

Sec. 4582.33. The board of directors, from time to time after 68708
the adoption of an official plan ~~under section 4582.32 of the~~ 68709
~~Revised Code for the maritime facilities of the port authority,~~ 68710
shall have the power to modify, amend, or extend the plan, 68711
provided that ~~upon~~ prior to the making of any modification, 68712
amendment, or extension of the plan, the board shall cause notice 68713
by publication to be given and shall conduct a hearing, all as 68714
provided in section 4582.32 of the Revised Code, and shall not 68715
adopt any such modification, amendment, or extension until the 68716
notice has been given and the hearing held as provided in ~~this~~ 68717
that section. The board, from time to time after the adoption of 68718
an official plan under section 4582.32 of the Revised Code, also 68719
shall have the power to ~~consider, implement,~~ modify, amend, or 68720
~~extend~~ supplement any proposal for any type of financing related 68721
to the plan and shall do so prior to undertaking any financing not 68722
identified in or pursuant to the plan as described in section 68723
4582.07 of the Revised Code, then in effect; provided, that the 68724
board shall first cause notice to be given and shall conduct a 68725
hearing on ~~the~~ that proposal, all as provided in section ~~4582.07~~ 68726
4582.32 of the Revised Code, and provided further that the plan, 68727
and any such proposal and the contents thereof, and anything 68728
contained or not contained therein, shall not affect the legality, 68729
validity, or enforceability of any bonds, notes, leases, 68730
certificates, or other financing instruments, any real estate, 68731
operating or management contracts or instruments or any taxes, tax 68732
abatements or exemptions, tax credits, tax increment financing, 68733
assessments or other financial participation related to maritime 68734
facilities, the plan, or such proposal. Nothing in this section or 68735
in section 4582.32 of the Revised Code shall require a port 68736
authority to amend a plan, publish a notice, or hold a public 68737
hearing except to add or delete maritime facilities to the plan, 68738
to describe changes or deletions in the location or character of 68739

the maritime facilities covered by the plan, or to add, change, or 68740
delete financings not previously identified in the plan or cost 68741
projection changes not previously identified in the plan. 68742

Sec. 4582.71. (A) As used in this section: 68743

(1) "Bond proceedings" means, with respect to obligations 68744
authorized under this section, the resolutions, certifications and 68745
agreements, including without limitation a venture capital 68746
agreement, the loan documents and any trust agreements, and any 68747
authorized credit enhancement facilities or swaps or other hedging 68748
instruments, and amendments or supplements thereto, or to any one 68749
or more or combination of them, authorizing, awarding, or 68750
providing for the terms and conditions applicable to or providing 68751
for the security or liquidity of, the particular obligations, and 68752
the provisions contained in those obligations. 68753

(2) "Issuing authority" means a port authority that, pursuant 68754
to a venture capital agreement, issues or issued obligations to 68755
fund one or more loans to the program fund. 68756

(3) "Loan" means an extension of credit to or in aid of the 68757
program fund in any form, including loans to lenders or the 68758
purchase of loans, including the purchase for cancellation of any 68759
loan, and evidenced in any manner including, without limitation, 68760
by a loan agreement, a promissory note, a bond, note, certificate 68761
of participation or other security, a letter of credit and 68762
reimbursement agreement or other credit facility, or a standby 68763
bond or note purchase agreement, line of credit or other liquidity 68764
facility, and including, in any event, any related swap or other 68765
hedging instrument. 68766

(4) "Obligations" means, as applicable to the issuing 68767
authority, bonds, notes, or other forms or evidences of obligation 68768
constituting revenue bonds as that term is used in division (A)(4) 68769
of section 4582.06 of the Revised Code, or port authority revenue 68770

bonds as that term is used in section 4582.48 and division (A)(8) 68771
of section 4582.31 of the Revised Code, which obligations are 68772
issued by the issuing authority pursuant to the bond proceedings 68773
and this section. 68774

(5) "Port authority" means a port authority organized and 68775
existing under Chapter 4582. of the Revised Code. 68776

(6) "Research and development costs" means costs of or in 68777
support of or related to the implementation of research and 68778
development purposes including, without limitation, capital 68779
formation, direct operating costs, costs of research and 68780
facilities, including interests in real property therefor, and 68781
other support, and costs of making grants, loans, including loans 68782
to lenders or the purchase of loans, subsidies, contributions, 68783
advances or guarantees, or direct investments in, or payment, or 68784
reimbursement from available moneys for, implementing research and 68785
development purposes consistent with Section 2p of Article VIII, 68786
Ohio Constitution, and the investment policy adopted by the 68787
venture capital authority pursuant to section 150.03 of the 68788
Revised Code, and includes financing charges, amounts necessary to 68789
establish the reserves required pursuant to the bond proceedings, 68790
interest on loans including loans purchased for cancellation, 68791
interest on the obligations from their date until the time 68792
determined in the bond proceedings when interest is to be paid 68793
from sources other than the proceeds of obligations, legal 68794
expenses and other costs of or related to the issuance of 68795
obligations, estimates of costs and revenues or other expenses 68796
necessary or incident to determining the feasibility or 68797
practicability of the financing of any research and development 68798
costs with proceeds of obligations or other sources, 68799
administrative expenses related to obligations, and the 68800
application of the proceeds of obligations, including fees of the 68801
issuing authority, any trustee, and any other costs and expenses 68802

reasonably necessary or incident thereto or to the financing of 68803
research and development costs, and costs described in this 68804
division incurred prior to the issuance of obligations and paid, 68805
advanced, or borrowed by an issuing authority, the venture capital 68806
authority, the program fund or other public or private person or 68807
entity, which costs may be reimbursed from the proceeds of such 68808
obligations. "Research and development costs" does not include any 68809
otherwise qualifying costs that are in support of the purposes 68810
provided for in Section 15 of Article VIII, Ohio Constitution. 68811

(7) "Tax credits" means the refundable tax credits authorized 68812
by section 150.07 of the Revised Code and to be issued by the 68813
venture capital authority to any lender. 68814

(8) "Venture capital agreement" means an agreement between 68815
the venture capital authority and an issuing authority entered 68816
into under division (E) of section 150.02 of the Revised Code. 68817

(9) "Venture capital authority" means the Ohio venture 68818
capital authority established under section 150.02 of the Revised 68819
Code. 68820

(10) "Lender," "program fund," and "research and development 68821
purposes" have the same meanings as in section 150.01 of the 68822
Revised Code. 68823

(B) In addition to other authorized purposes of a port 68824
authority, activities authorized by Section 2p of Article VIII, 68825
Ohio Constitution, shall be authorized purposes of port 68826
authorities. 68827

(C) An issuing authority may issue obligations pursuant to 68828
this section and Section 2p of Article VIII, Ohio Constitution, to 68829
make loans to the program fund to provide for research and 68830
development costs. The proceeds of the obligations shall be used 68831
to make loans to provide for research and development costs and 68832
all such proceeds shall be so used in accordance with the bond 68833

proceedings. 68834

(D) Except to any extent inconsistent with this section, all 68835
terms, provisions, and authorizations in Chapter 4582. of the 68836
Revised Code as applicable to the issuing authority, and the 68837
terms, provisions, and authorizations of sections 9.96, 9.98, 68838
9.981, 9.982, and 9.983 of the Revised Code apply to the 68839
obligations and the bond proceedings except as otherwise provided 68840
or provided for in those obligations and bond proceedings. The 68841
obligations shall be secured by a trust agreement between the 68842
issuing authority and a trustee, and such trust agreement, and the 68843
establishment, deposit, investment and application of special 68844
funds, and the safeguarding of moneys shall be governed by the 68845
bond proceedings and by Chapter 4582. of the Revised Code, as 68846
applicable to the issuing authority. Pursuant to the trust 68847
agreement and other bond proceedings, there shall be established, 68848
in addition to any other special funds in the custody of the 68849
trustee, one or more funds into which shall be deposited the 68850
proceeds of the obligations and the revenues pledged to the 68851
payment of the obligations, including a reserve fund in an amount 68852
established in, and to be funded as provided in, the bond 68853
proceedings. 68854

(E) The issuing authority, the trustee, or both shall be 68855
authorized under the venture capital agreement to receive and 68856
claim tax credits in accordance with division (E) of section 68857
150.07 of the Revised Code, and the holders of the obligations, or 68858
any book-entry interests therein, shall have no rights with 68859
respect to the tax credits except any right established under the 68860
applicable trust agreement to direct the trustee to take, or 68861
require the issuing authority to take, the actions necessary to 68862
receive and claim any available tax credits. Upon receipt of any 68863
tax credits issued by the venture capital authority, the issuing 68864
authority or the trustee shall, within the times required by law, 68865

file an appropriate tax return to claim the applicable tax credits 68866
and, upon receipt of the proceeds of any such tax credits, an 68867
issuing authority shall promptly deliver to the trustee for 68868
deposit, and the trustee shall upon receipt deposit, such proceeds 68869
into the funds established in accordance with division (D) of this 68870
section. 68871

(F) The venture capital authority, the director of 68872
development, or the tax commissioner may covenant in the bond 68873
proceedings, and such covenants shall be controlling 68874
notwithstanding any other provision of law, that the state and 68875
applicable officers and state agencies, including the general 68876
assembly, so long as any obligations issued under this section are 68877
outstanding, shall maintain statutory authority for and shall 68878
authorize, issue, and deliver fully refundable tax credits in such 68879
amounts and for such periods, subject to the limitation in section 68880
150.07 of the Revised Code on the date of such covenant, so that 68881
the tax credits will be sufficient, subject to such limits, in 68882
time and amount to meet debt service on the obligations and for 68883
the establishment and maintenance of any reserves and other 68884
requirements provided for in the bond proceedings. The general 68885
assembly may from time to time repeal any of the taxes against 68886
which the tax credits may be claimed, and may authorize the tax 68887
credits to be claimed with respect to any new tax to meet any such 68888
covenant made in the bond proceedings, provided that, so long as 68889
any obligations issued under this section are outstanding, nothing 68890
in this division authorizes any impairment of a covenant to 68891
maintain statutory authority for and to authorize, issue, and 68892
deliver fully refundable tax credits sufficient, subject to 68893
applicable limits, to meet the commitments made in any such 68894
covenant. 68895

(G) The obligations do not constitute a debt, or a pledge of 68896
the faith and credit, of the state, the issuing authority or any 68897

political subdivision of the state, and the holders or owners of 68898
the obligations have no right to have taxes levied by the general 68899
assembly or the taxing authority of the issuing authority or any 68900
political subdivision of the state for the payment of the 68901
principal of or interest on the obligations, but the obligations 68902
are payable solely from the revenues and funds pledged for their 68903
payment as authorized in or pursuant to this section and the bond 68904
proceedings, and the obligations shall contain on the face thereof 68905
a statement to the effect that the obligations, as to both 68906
principal and interest, are not debts of the state, the issuing 68907
authority, or any political subdivision of the state, but are 68908
payable solely from the revenues and funds pledged for their 68909
payment. 68910

(H) This section is intended to implement Section 2p of 68911
Article VIII, Ohio Constitution, including provision for 68912
procedures for incurring and issuing obligations of local public 68913
entities and agencies authorized by that section, and shall be 68914
liberally construed to effect the purposes of that section. The 68915
powers and authorizations granted in this section may be exercised 68916
jointly or separately by one or more issuing authorities and are 68917
in addition to and supplemental to the powers and authorizations 68918
otherwise granted to port authorities under applicable provisions 68919
of Chapter 4582. of the Revised Code and shall not be construed as 68920
a limitation on any such powers or authorizations. 68921

Sec. 4713.63. A practicing license, managing license, or 68922
instructor license that has not been renewed for any reason other 68923
than because it has been revoked, suspended, or classified 68924
inactive, or because the license holder has been given a waiver or 68925
extension under section 4713.60 of the Revised Code, is expired. 68926
An expired license may be restored if the person who held the 68927
license meets all of the following applicable conditions: 68928

(A) Pays to the state board of cosmetology the restoration fee, the current renewal fee, and any applicable late fees; 68929
68930

(B) Pays ~~all a~~ a lapsed renewal fees fee of forty-five dollars per license renewal period that has elapsed since the license was last issued or renewed; 68931
68932
68933

(C) ~~Submits proof satisfactory to the state board of~~ 68934
~~cosmetology that the person has completed all applicable~~ 68935
~~continuing education requirements;~~ 68936

~~(D)~~ In the case of a practicing license or managing license 68937
that has been expired for more than two ~~years, retakes and passes~~ 68938
~~an examination conducted under section 4713.24 of the Revised Code~~ 68939
~~for the branch of cosmetology that the person seeks to practice or~~ 68940
~~type of salon the person seeks to manage~~ consecutive license 68941
renewal periods, completes eight hours of continuing education for 68942
each license renewal period that has elapsed since the license was 68943
last issued or renewed, up to a maximum of twenty-four hours. At 68944
least four of those hours shall include a course pertaining to 68945
sanitation and safety methods. 68946

The board shall deposit all fees it receives under division 68947
(B) of this section into the general revenue fund. 68948

Sec. 4713.64. (A) In accordance with Chapter 119. of the 68949
Revised Code, the state board of cosmetology may deny, revoke, or 68950
suspend a license or permit issued by the board or impose a fine 68951
for any of the following: 68952

(1) Failure to comply with the requirements of this chapter 68953
or rules adopted under it; 68954

(2) Continued practice by a person knowingly having an 68955
infectious or contagious disease; 68956

(3) Habitual drunkenness or addiction to any habit-forming 68957
drug; 68958

(4) Willful false and fraudulent or deceptive advertising; 68959

(5) Falsification of any record or application required to be 68960
filed with the board; 68961

(6) Failure to pay a fine or abide by a suspension order 68962
issued by the board. 68963

(B) The board may impose a separate fine for each offense 68964
listed in division (A) of this section. The amount of a fine shall 68965
be not more than ~~one~~ five hundred dollars if the violator has not 68966
previously been fined for that offense. The fine shall be not more 68967
than ~~five hundred~~ one thousand dollars if the violator has been 68968
fined for the same offense once before. The fine shall be not more 68969
than one thousand five hundred dollars if the violator has been 68970
fined for the same offense two or more times before. 68971

(C) If a person fails to request a hearing within thirty days 68972
of the date the board, in accordance with section 119.07 of the 68973
Revised Code, notifies the person of the board's intent to act 68974
against the person under division (A) of this section, the board 68975
by a majority vote of a quorum of the board members may take the 68976
action against the person without holding an adjudication hearing. 68977

(D) The board, after a hearing in accordance with Chapter 68978
119. of the Revised Code, may suspend a tanning facility permit if 68979
the owner or operator fails to correct an unsafe condition that 68980
exists in violation of the board's rules or fails to cooperate in 68981
an inspection of the tanning facility. If a violation has resulted 68982
in a condition reasonably believed by an inspector to create an 68983
immediate danger to the health and safety of any person using the 68984
tanning facility, the inspector may suspend the permit without a 68985
prior hearing until the condition is corrected or until a hearing 68986
in accordance with Chapter 119. of the Revised Code is held and 68987
the board either upholds the suspension or reinstates the permit. 68988

Sec. 4717.31. (A) Only a funeral director licensed pursuant 68989
to this chapter may sell a preneed funeral contract that includes 68990
funeral services. Sections 4717.31 to 4717.38 of the Revised Code 68991
do not prohibit a person who is not a licensed funeral director 68992
from selling funeral goods pursuant to a preneed funeral contract; 68993
however, when a seller sells funeral goods pursuant to a preneed 68994
funeral contract, that seller shall comply with those sections 68995
unless the seller is specifically exempt from compliance under 68996
section 4717.38 of the Revised Code. 68997

(B) An insurance agent licensed pursuant to Chapter 3905. of 68998
the Revised Code may sell, solicit, or negotiate the sale of an 68999
insurance policy or annuity that will be used to fund a preneed 69000
funeral contract, but in so doing the insurance agent may not 69001
offer advice or make recommendations about funeral services and 69002
may not discuss the advantages or disadvantages of any funeral 69003
service. In selling, soliciting, or negotiating the sale of an 69004
insurance policy or annuity that will be used to fund a preneed 69005
funeral contract, the insurance agent may do any of the following: 69006

(1) Provide the person purchasing the insurance policy or 69007
annuity with price lists from one or more funeral homes and other 69008
materials that may assist the person in determining the cost of 69009
funeral goods and services; 69010

(2) Discuss the cost of funeral goods and services with the 69011
person in order to assist the person in selecting the appropriate 69012
amount of life insurance or annuity coverage; 69013

(3) Complete a worksheet or other record to calculate the 69014
estimated cost of a funeral. 69015

(C) Activities conducted pursuant to division (B) of this 69016
section by an insurance agent licensed pursuant to Chapter 3905. 69017
of the Revised Code do not constitute funeral directing, funeral 69018
arranging, the business of directing and supervising funerals for 69019

profit, or the sale of a preneed funeral contract. 69020

(D) No seller shall fail to comply with the requirements and 69021
duties specified in this section and sections 4717.32 to 4717.38 69022
of the Revised Code. 69023

(E) No trustee of a preneed funeral contract trust shall fail 69024
to comply with sections 4717.33, 4717.34, 4717.36, and 4717.37 of 69025
the Revised Code. 69026

(F) No insurance agent or insurance company that sells or 69027
offers life insurance policies or annuities used to fund a preneed 69028
funeral contract shall fail to comply with this section and 69029
sections 4717.33, 4717.34, 4717.35, and 4717.37 of the Revised 69030
Code. To the extent this section and sections 4717.33, 4717.34, 69031
4717.35, and 4717.37 of the Revised Code apply to insurance 69032
companies or insurance agents, those sections constitute laws of 69033
this state relating to insurance for purposes of sections 3901.03 69034
and 3901.04 of the Revised Code and the superintendent of 69035
insurance shall enforce those sections with respect to insurance 69036
companies and insurance agents. The superintendent may adopt rules 69037
in accordance with Chapter 119. of the Revised Code for purposes 69038
of administering and enforcing this section and sections 4717.33, 69039
4717.34, 4717.35, and 4717.37 of the Revised Code as those 69040
sections apply to insurance companies or insurance agents. 69041

69042

(G) A preneed funeral contract may be funded by the purchase 69043
or assignment of an insurance policy or annuity in accordance with 69044
section 3905.45 of the Revised Code. A preneed funeral contract 69045
that is funded by the purchase or assignment of an insurance 69046
policy or annuity in accordance with section 3905.45 of the 69047
Revised Code is not subject to section 4717.36 of the Revised 69048
Code. 69049

(H) The board of embalmers and funeral directors shall 69050

administer and enforce the provisions of sections 4717.31 to 69051
4717.38 of the Revised Code concerning the requirements for and 69052
sale of preneed funeral contracts. The superintendent of insurance 69053
shall enforce sections 4717.31, 4717.33, 4717.34, 4717.35, and 69054
4717.37 of the Revised Code to the extent those sections apply to 69055
insurance companies and insurance agents. Payments from a trust, 69056
insurance policy, or annuity, including any fraudulent activities 69057
in which a person engages to obtain payments from a trust, 69058
insurance policy, or annuity, shall be regulated in accordance 69059
with Chapter 1111. or Title XXXIX of the Revised Code, as 69060
applicable. 69061

(I) A Except as provided in division (K) of this section, a 69062
seller of a preneed funeral contract that is funded by insurance 69063
or otherwise annually shall submit to the board the reports the 69064
board requires pursuant to division (J) of this section. 69065

(J) The Except as provided in division (K) of this section, 69066
the board shall adopt rules specifying the procedures and 69067
requirements for annual reporting of the sales of all preneed 69068
funeral contracts sold by every seller who is subject to sections 69069
4717.31 to 4717.38 of the Revised Code. 69070

(K) A cemetery company or cemetery association that sells 69071
merchandise or services pursuant to a preneed cemetery merchandise 69072
and services contract and that also sells funeral goods pursuant 69073
to a preneed funeral contract shall be deemed to have met the 69074
requirements in divisions (I) and (J) of this section by 69075
submitting the annual preneed funeral contract report to the 69076
division of real estate of the department of commerce along with 69077
or as part of the annual cemetery merchandise and services 69078
contract affidavit required under division (F)(1) of section 69079
1721.211 of the Revised Code. 69080

Sec. 4729.42. (A) As used in this section, "qualified" 69081

pharmacy technician" means a person who is under the personal supervision of a pharmacist and to whom all of the following apply:

(1) The person is eighteen years of age or older.

(2) The person possesses a high school diploma, possesses a certificate of high school equivalence, or was employed prior to April 8, 2009, as a pharmacy technician without a high school diploma or a certificate of high school equivalence.

(3) The person has passed an examination approved by the state board of pharmacy to determine a person's competency to perform services as a pharmacy technician.

(4) Except as otherwise provided in this section, the person has submitted to a criminal records check in accordance with section 4776.02 of the Revised Code as if the person was an applicant for an initial license who is subject to that section, and the results of the criminal records check provided as described in that section and section 4776.04 of the Revised Code do not show that the person previously has been convicted of or pleaded guilty to any felony in this state, any other state, or the United States.

(B) Except as provided in division (F) of this section, no person who is not a pharmacist, pharmacy intern, or qualified pharmacy technician shall do any of the following in a pharmacy or while performing a function of a pharmacy:

(1) Engage in the compounding of any drug;

(2) Package or label any drug;

(3) Prepare or mix any intravenous drug to be injected into a human being.

(C) No pharmacist shall allow any person employed or otherwise under the control of the pharmacist to violate division

(B) of this section. 69112

(D) No person who owns, manages, or conducts a pharmacy shall 69113
allow any person employed or otherwise under the control of the 69114
person who owns, manages, or conducts the pharmacy to violate 69115
division (B) of this section. 69116

(E) No person who submits to a criminal records check in 69117
accordance with section 4776.02 of the Revised Code for the 69118
purpose of satisfying the criterion set forth in division (A)(4) 69119
of this section and who obtains a report pursuant to section 69120
4776.02 or 4776.04 of the Revised Code containing the results of 69121
the criminal records check and any information provided by the 69122
federal bureau of investigation shall modify or alter, or allow 69123
any other person to modify or alter, any item, record, or 69124
information contained in the report and thereafter use the 69125
modified or altered report for the purpose of satisfying the 69126
criterion set forth in division (A)(4) of this section or 69127
otherwise submit or use it for any purpose or in any manner 69128
identified in division (A) of section 2921.13 of the Revised Code. 69129

(F)(1) Division (B) of this section does not prohibit a 69130
health care professional authorized to engage in the activities 69131
specified in division (B)(1), (2), or (3) of this section while 69132
acting in the course of the professional's practice. 69133

(2) Division (B) of this section does not prohibit the 69134
activities performed by a student as an integral part of a 69135
pharmacy technician training program that is operated by a 69136
vocational school district or joint vocational school district, 69137
certified by the department of education, or approved by the Ohio 69138
board of regents. 69139

(3) In the case of a person employed after April 8, 2009, 69140
division (B) of this section does not prohibit the person's 69141
activities for the first ~~two hundred ten days~~ twelve months 69142

following the initial date of employment, if both of the following
apply:

(a) The person is participating in or has completed a
pharmacy technician training program that meets the board's
standards for those programs and is making substantial progress in
preparation to take a pharmacy technician examination approved by
the board.

(b) The results of the person's criminal records check
provided as described in sections 4776.02 and 4776.04 of the
Revised Code show that the person previously has not been
convicted of or has not pleaded guilty to any felony in this
state, any other state, or the United States.

(4) In the case of a person who completes a pharmacy
technician training program that is operated by a vocational
school district or joint vocational school district, division (B)
of this section does not prohibit the person's activities for the
first ~~two hundred ten days~~ twelve months following the date of
completing the program, if both of the following apply:

(a) The person is making substantial progress in preparation
to take a pharmacy technician examination approved by the board.

(b) The results of the person's criminal records check show
that the person previously has not been convicted of or has not
pleaded guilty to any felony in this state, any other state, or
the United States.

(5) In the case of a person employed on April 8, 2009, in the
capacity of a pharmacy technician, division (B) of this section
does not do either of the following:

(a) Require the person to undergo a criminal records check if
the person has been employed for five years or longer;

(b) Prohibit the person's activities until the earlier of

either of the following: 69173

(i) If the person has not passed an examination described in 69174
division (A)(3) of this section, ~~one-year~~ eighteen months after 69175
April 8, 2009; 69176

(ii) If a criminal records check is required because the 69177
person has not been employed for five years or longer, the date on 69178
which the person and the employer receive the results of a 69179
criminal records check provided as described in sections 4776.02 69180
and 4776.04 of the Revised Code that show the person previously 69181
has been convicted of or pleaded guilty to any felony in this 69182
state, any other state, or the United States. 69183

(G) If, pursuant to rules adopted under section 4729.26 of 69184
the Revised Code, the board requires a person that develops or 69185
administers a pharmacy technician examination to submit 69186
examination materials to the board for approval, any examination 69187
materials that are submitted shall not be public records for 69188
purposes of section 149.43 of the Revised Code. 69189

Sec. 4729.99. (A) Whoever violates section 4729.16, division 69190
(A) or (B) of section 4729.38, or section 4729.57 of the Revised 69191
Code is guilty of a minor misdemeanor. Each day's violation 69192
constitutes a separate offense. 69193

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 of 69194
the Revised Code is guilty of a misdemeanor of the third degree. 69195
Each day's violation constitutes a separate offense. If the 69196
offender previously has been convicted of or pleaded guilty to a 69197
violation of this chapter, that person is guilty of a misdemeanor 69198
of the second degree. 69199

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 of 69200
the Revised Code is guilty of a misdemeanor. 69201

(D) Whoever violates division (A), (B), (D), or (E) of 69202

section 4729.51 of the Revised Code is guilty of a misdemeanor of 69203
the first degree. 69204

(E)(1) Whoever violates section 4729.37, division (C)(2) of 69205
section 4729.51, division (J) of section 4729.54, or section 69206
4729.61 of the Revised Code is guilty of a felony of the fifth 69207
degree. If the offender previously has been convicted of or 69208
pleaded guilty to a violation of this chapter or a violation of 69209
Chapter 2925. or 3719. of the Revised Code, that person is guilty 69210
of a felony of the fourth degree. 69211

(2) If an offender is convicted of or pleads guilty to a 69212
violation of section 4729.37, division (C) of section 4729.51, 69213
division (J) of section 4729.54, or section 4729.61 of the Revised 69214
Code, if the violation involves the sale, offer to sell, or 69215
possession of a schedule I or II controlled substance, with the 69216
exception of marihuana, and if the court imposing sentence upon 69217
the offender finds that the offender as a result of the violation 69218
is a major drug offender, as defined in section 2929.01 of the 69219
Revised Code, and is guilty of a specification of the type 69220
described in section 2941.1410 of the Revised Code, the court, in 69221
lieu of the prison term authorized or required by division (E)(1) 69222
of this section and sections 2929.13 and 2929.14 of the Revised 69223
Code and in addition to any other sanction imposed for the offense 69224
under sections 2929.11 to 2929.18 of the Revised Code, shall 69225
impose upon the offender, in accordance with division (D)(3)(a) of 69226
section 2929.14 of the Revised Code, the mandatory prison term 69227
specified in that division and may impose an additional prison 69228
term under division (D)(3)(b) of that section. 69229

(3) Notwithstanding any contrary provision of section 3719.21 69230
of the Revised Code, the clerk of court shall pay any fine imposed 69231
for a violation of section 4729.37, division (C) of section 69232
4729.51, division (J) of section 4729.54, or section 4729.61 of 69233
the Revised Code pursuant to division (A) of section 2929.18 of 69234

the Revised Code in accordance with and subject to the 69235
requirements of division (F) of section 2925.03 of the Revised 69236
Code. The agency that receives the fine shall use the fine as 69237
specified in division (F) of section 2925.03 of the Revised Code. 69238

(F) Whoever violates section 4729.531 of the Revised Code or 69239
any rule adopted thereunder or section 4729.532 of the Revised 69240
Code is guilty of a misdemeanor of the first degree. 69241

(G) Whoever violates division (C)(1) of section 4729.51 of 69242
the Revised Code is guilty of a felony of the fourth degree. If 69243
the offender has previously been convicted of or pleaded guilty to 69244
a violation of this chapter, or of a violation of Chapter 2925. or 69245
3719. of the Revised Code, that person is guilty of a felony of 69246
the third degree. 69247

(H) Whoever violates division (C)(3) of section 4729.51 of 69248
the Revised Code is guilty of a misdemeanor of the first degree. 69249
If the offender has previously been convicted of or pleaded guilty 69250
to a violation of this chapter, or of a violation of Chapter 2925. 69251
or 3719. of the Revised Code, that person is guilty of a felony of 69252
the fifth degree. 69253

(I)(1) Whoever violates division (B) of section 4729.42 of 69254
the Revised Code is guilty of unauthorized pharmacy-related drug 69255
conduct. Except as otherwise provided in this section, 69256
unauthorized pharmacy-related drug conduct is a misdemeanor of the 69257
second degree. If the offender previously has been convicted of or 69258
pleaded guilty to a violation of division (B), (C), (D), or (E) of 69259
that section, unauthorized pharmacy-related drug conduct is a 69260
misdemeanor of the first degree on a second offense and a felony 69261
of the fifth degree on a third or subsequent offense. 69262

(2) Whoever violates division (C) or (D) of section 4729.42 69263
of the Revised Code is guilty of permitting unauthorized 69264
pharmacy-related drug conduct. Except as otherwise provided in 69265

this section, permitting unauthorized pharmacy-related drug 69266
conduct is a misdemeanor of the second degree. If the offender 69267
previously has been convicted of or pleaded guilty to a violation 69268
of division (B), (C), (D), or (E) of that section, permitting 69269
unauthorized pharmacy-related drug conduct is a misdemeanor of the 69270
first degree on a second offense and a felony of the fifth degree 69271
on a third or subsequent offense. 69272

(3) Whoever violates division (E) of section ~~4749.02~~ 4729.42 69273
of the Revised Code is guilty of the offense of falsification 69274
under section 2921.13 of the Revised Code. In addition to any 69275
other sanction imposed for the violation, the offender is forever 69276
disqualified from engaging in any activity specified in division 69277
(B)(1), (2), or (3) of section ~~4749.02~~ 4729.42 of the Revised Code 69278
and from performing any function as a health care professional or 69279
health care worker. As used in this division, "health care 69280
professional" and "health care worker" have the same meanings as 69281
in section 2305.234 of the Revised Code. 69282

(4) Notwithstanding any contrary provision of section 3719.21 69283
of the Revised Code or any other provision of law that governs the 69284
distribution of fines, the clerk of the court shall pay any fine 69285
imposed pursuant to division (I)(1), (2), or (3) of this section 69286
to the state board of pharmacy if the board has adopted a written 69287
internal control policy under division (F)(2) of section 2925.03 69288
of the Revised Code that addresses fine moneys that it receives 69289
under Chapter 2925. of the Revised Code and if the policy also 69290
addresses fine moneys paid under this division. The state board of 69291
pharmacy shall use the fines so paid in accordance with the 69292
written internal control policy to subsidize the board's law 69293
enforcement efforts that pertain to drug offenses. 69294
69295

Sec. 4731.10. Upon the request of a person ~~licensed~~ who holds 69296

a certificate to practice in this state pursuant to Chapter 4731. 69297
of the Revised Code and is seeking licensure in another state, the 69298
state medical board shall ~~certify an application for licensure in~~ 69299
~~another~~ provide verification of the person's certificate to 69300
practice in this state. The fee for such ~~certification~~ 69301
verification shall be fifty dollars. 69302

Sec. 4731.26. Upon application by the holder of a certificate 69303
to practice or certificate of registration issued under this 69304
chapter, the state medical board shall issue a duplicate 69305
certificate to replace one missing or damaged, to reflect a name 69306
change, or for any other reasonable cause. The fee for ~~such a~~ 69307
duplicate certificate to practice or duplicate certificate of 69308
registration shall be thirty-five dollars. 69309

Sec. 4731.38. All vouchers of the state medical board shall 69310
be approved by the ~~board~~ board's president or, the board's 69311
executive ~~secretary~~ director, or ~~both, as another person~~ 69312
authorized by the board. 69313

Sec. 4733.10. The state board of registration for 69314
professional engineers and surveyors shall prepare annually a 69315
listing of all registered professional engineers, registered 69316
professional surveyors, and firms that possess a certificate of 69317
authorization. The board shall provide a copy of this listing upon 69318
request to registrants of the board and to firms possessing a 69319
certificate of authorization without charge and to the public upon 69320
request and payment of copy costs. 69321

Additionally, the board shall issue an official verification 69322
of the status of any person registered as a professional engineer 69323
or professional surveyor in this state upon receipt of a 69324
verification form and the payment of a fee established by the 69325
board. 69326

Sec. 4734.25. A license to practice chiropractic from the 69327
state chiropractic board expires ~~annually on the first day of~~ 69328
~~January~~ biennially in accordance with the schedule established in 69329
rules adopted under this section and may be renewed. The renewal 69330
process shall be conducted in accordance with the standard renewal 69331
procedures of Chapter 4745. of the Revised Code, except that the 69332
board's executive director shall notify each license holder of the 69333
license renewal requirements of this section not later than sixty 69334
days prior to the license's expiration date. When an application 69335
for renewal is submitted, the applicant shall provide the 69336
information necessary to process the application and pay a renewal 69337
fee ~~of two hundred fifty dollars~~ in an amount the board specifies 69338
in rules adopted under this section. 69339

Before a renewal of license is issued by the board, the 69340
licensee shall furnish the board with satisfactory evidence that 69341
the licensee has completed during the current licensing period not 69342
less than the number of hours of continuing education that the 69343
board requires in rules adopted under this section. For an 69344
activity to be applied toward the continuing education 69345
requirement, the activity must meet the board's approval as a 69346
continuing education activity, as specified in rules adopted under 69347
this section. Any exception from the continuing education 69348
requirement must be approved by the board. 69349

Failure of a licensee to comply with this section, ~~including~~ 69350
~~failure to pay the renewal fee on or before the first day of~~ 69351
~~January of each year,~~ shall operate as an automatic forfeiture of 69352
the right of the licensee to practice chiropractic in this state. 69353
A forfeited license may be reinstated by the board upon payment of 69354
all fees due and a penalty fee ~~of one hundred fifty dollars~~ in an 69355
amount the board specifies in rules adopted under this section for 69356
reinstatement, in addition to satisfying the board of having 69357
complied with the continuing education requirements of this 69358

section. If an individual's license has been forfeited for two or 69359
more years, the board may also require as a condition of 69360
reinstatement that the individual complete training or testing as 69361
specified by the board. 69362

The board shall adopt any rules it considers necessary to 69363
implement this section, including standards for approval of 69364
continuing education in the practice of chiropractic. All rules 69365
adopted under this section shall be adopted in accordance with 69366
Chapter 119. of the Revised Code. 69367

Sec. 4735.06. (A) Application for a license as a real estate 69368
broker shall be made to the superintendent of real estate on forms 69369
furnished by the superintendent and filed with the superintendent 69370
and shall be signed by the applicant or its members or officers. 69371
Each application shall state the name of the person applying and 69372
the location of the place of business for which the license is 69373
desired, and give such other information as the superintendent 69374
requires in the form of application prescribed by the 69375
superintendent. 69376

If the applicant is a partnership, limited liability company, 69377
limited liability partnership, or association, the names of all 69378
the members also shall be stated, and, if the applicant is a 69379
corporation, the names of its president and of each of its 69380
officers also shall be stated. The superintendent has the right to 69381
reject the application of any partnership, association, limited 69382
liability company, limited liability partnership, or corporation 69383
if the name proposed to be used by such partnership, association, 69384
limited liability company, limited liability partnership, or 69385
corporation is likely to mislead the public or if the name is not 69386
such as to distinguish it from the name of any existing 69387
partnership, association, limited liability company, limited 69388
liability partnership, or corporation licensed under this chapter, 69389

unless there is filed with the application the written consent of 69390
such existing partnership, association, limited liability company, 69391
limited liability partnership, or corporation, executed by a duly 69392
authorized representative of it, permitting the use of the name of 69393
such existing partnership, association, limited liability company, 69394
limited liability partnership, or corporation. 69395

(B) A fee of ~~sixty-nine~~ one hundred dollars shall accompany 69396
the application for a real estate broker's license, which fee 69397
includes the fee for the initial year of the licensing period, if 69398
a license is issued. The application fee shall be retained by the 69399
superintendent if the applicant is admitted to the examination for 69400
the license or the examination requirement is waived, but, if an 69401
applicant is not so admitted and a waiver is not involved, 69402
one-half of the fee shall be retained by the superintendent to 69403
cover the expenses of processing the application and the other 69404
one-half shall be returned to the applicant. A fee of ~~sixty-nine~~ 69405
one hundred dollars shall be charged by the superintendent for 69406
each successive application made by an applicant. In the case of 69407
issuance of a three-year license, upon passing the examination, or 69408
upon waiver of the examination requirement, if the superintendent 69409
determines it is necessary, the applicant shall submit an 69410
additional fee determined by the superintendent based upon the 69411
number of years remaining in a real estate salesperson's licensing 69412
period. 69413

(C) ~~Four dollars~~ One dollar of each application fee for a 69414
real estate broker's license shall be credited to the real estate 69415
education and research fund, which is hereby created in the state 69416
treasury. The Ohio real estate commission may use the fund in 69417
discharging the duties prescribed in divisions (E), (F), (G), and 69418
(H) of section 4735.03 of the Revised Code and shall use it in the 69419
advancement of education and research in real estate at any 69420
institution of higher education in the state, or in contracting 69421

with any such institution or a trade organization for a particular 69422
research or educational project in the field of real estate, or in 69423
advancing loans, not exceeding eight hundred dollars, to 69424
applicants for salesperson licenses, to defray the costs of 69425
satisfying the educational requirements of division (F) of section 69426
4735.09 of the Revised Code. Such loans shall be made according to 69427
rules established by the commission under the procedures of 69428
Chapter 119. of the Revised Code, and they shall be repaid to the 69429
fund within three years of the time they are made. No more than 69430
ten thousand dollars shall be lent from the fund in any one year. 69431

The governor may appoint a representative from the executive 69432
branch to be a member ex officio of the commission for the purpose 69433
of advising on research requests or educational projects. The 69434
commission shall report to the general assembly on the third 69435
Tuesday after the third Monday in January of each year setting 69436
forth the total amount contained in the fund and the amount of 69437
each research grant that it has authorized and the amount of each 69438
research grant requested. A copy of all research reports shall be 69439
submitted to the state library of Ohio and the library of the 69440
legislative service commission. 69441

(D) If the superintendent, with the consent of the 69442
commission, enters into an agreement with a national testing 69443
service to administer the real estate broker's examination, 69444
pursuant to division (A) of section 4735.07 of the Revised Code, 69445
the superintendent may require an applicant to pay the testing 69446
service's examination fee directly to the testing service. If the 69447
superintendent requires the payment of the examination fee 69448
directly to the testing service, each applicant shall submit to 69449
the superintendent a processing fee in an amount determined by the 69450
Ohio real estate commission pursuant to division (A)(2) of section 69451
4735.10 of the Revised Code. 69452

Sec. 4735.09. (A) Application for a license as a real estate salesperson shall be made to the superintendent of real estate on forms furnished by the superintendent and signed by the applicant. The application shall be in the form prescribed by the superintendent and shall contain such information as is required by this chapter and the rules of the Ohio real estate commission. The application shall be accompanied by the recommendation of the real estate broker with whom the applicant is associated or with whom the applicant intends to be associated, certifying that the applicant is honest, truthful, and of good reputation, has not been convicted of a felony or a crime involving moral turpitude, and has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate, which conviction or adjudication the applicant has not disclosed to the superintendent, and recommending that the applicant be admitted to the real estate salesperson examination.

(B) A fee of ~~forty-nine~~ sixty dollars shall accompany the application, which fee includes the fee for the initial year of the licensing period, if a license is issued. The application fee shall be retained by the superintendent if the applicant is admitted to the examination for the license or the examination requirement is waived, but, if an applicant is not so admitted and a waiver is not involved, one-half of the fee shall be retained by the superintendent to cover the expenses of processing the application and the other one-half shall be returned to the applicant. A fee of ~~forty-nine~~ sixty dollars shall be charged by the superintendent for each successive application made by the applicant. ~~Four dollars~~ One dollar of each application fee shall be credited to the real estate education and research fund.

(C) There shall be no limit placed on the number of times an applicant may retake the examination.

(D) The superintendent, with the consent of the commission, 69485
may enter into an agreement with a recognized national testing 69486
service to administer the real estate salesperson's examination 69487
under the superintendent's supervision and control, consistent 69488
with the requirements of this chapter as to the contents of the 69489
examination. 69490

If the superintendent, with the consent of the commission, 69491
enters into an agreement with a national testing service to 69492
administer the real estate salesperson's examination, the 69493
superintendent may require an applicant to pay the testing 69494
service's examination fee directly to the testing service. If the 69495
superintendent requires the payment of the examination fee 69496
directly to the testing service, each applicant shall submit to 69497
the superintendent a processing fee in an amount determined by the 69498
Ohio real estate commission pursuant to division (A)(1) of section 69499
4735.10 of the Revised Code. 69500

(E) The superintendent shall issue a real estate 69501
salesperson's license when satisfied that the applicant has 69502
received a passing score on each portion of the salesperson's 69503
examination as determined by rule by the real estate commission, 69504
except that the superintendent may waive one or more of the 69505
requirements of this section in the case of an applicant who is a 69506
licensed real estate salesperson in another state pursuant to a 69507
reciprocity agreement with the licensing authority of the state 69508
from which the applicant holds a valid real estate salesperson's 69509
license. 69510

(F) No applicant for a salesperson's license shall take the 69511
salesperson's examination who has not established to the 69512
satisfaction of the superintendent that the applicant: 69513

(1) Is honest, truthful, and of good reputation; 69514

(2)(a) Has not been convicted of a felony or crime of moral 69515

turpitude or, if the applicant has been so convicted, the 69516
superintendent has disregarded the conviction because the 69517
applicant has proven to the superintendent, by a preponderance of 69518
the evidence, that the applicant's activities and employment 69519
record since the conviction show that the applicant is honest, 69520
truthful, and of good reputation, and there is no basis in fact 69521
for believing that the applicant again will violate the laws 69522
involved; 69523

(b) Has not been finally adjudged by a court to have violated 69524
any municipal, state, or federal civil rights laws relevant to the 69525
protection of purchasers or sellers of real estate or, if the 69526
applicant has been so adjudged, at least two years have passed 69527
since the court decision and the superintendent has disregarded 69528
the adjudication because the applicant has proven, by a 69529
preponderance of the evidence, that the applicant is honest, 69530
truthful, and of good reputation, and there is no basis in fact 69531
for believing that the applicant again will violate the laws 69532
involved. 69533

(3) Has not, during any period in which the applicant was 69534
licensed under this chapter, violated any provision of, or any 69535
rule adopted pursuant to this chapter, or, if the applicant has 69536
violated such provision or rule, has established to the 69537
satisfaction of the superintendent that the applicant will not 69538
again violate such provision or rule; 69539

(4) Is at least eighteen years of age; 69540

(5) If born after the year 1950, has a high school diploma or 69541
its equivalent as recognized by the state department of education; 69542

(6)(a) If beginning instruction prior to August 1, 2001, has 69543
successfully completed at an institution of higher education all 69544
of the following: 69545

(i) Thirty hours of classroom instruction in real estate 69546

practice; 69547

(ii) Thirty hours of classroom instruction that includes the 69548
subjects of Ohio real estate law, municipal, state, and federal 69549
civil rights law, new case law on housing discrimination, 69550
desegregation issues, and methods of eliminating the effects of 69551
prior discrimination. If feasible, the classroom instruction in 69552
Ohio real estate law shall be taught by a member of the faculty of 69553
an accredited law school. If feasible, the classroom instruction 69554
in municipal, state, and federal civil rights law, new case law on 69555
housing discrimination, desegregation issues, and methods of 69556
eliminating the effects of prior discrimination shall be taught by 69557
a staff member of the Ohio civil rights commission who is 69558
knowledgeable with respect to those subjects. The requirements of 69559
this division do not apply to an applicant who is admitted to 69560
practice before the supreme court. 69561

(iii) Thirty hours of classroom instruction in real estate 69562
appraisal; 69563

(iv) Thirty hours of classroom instruction in real estate 69564
finance. 69565

(b) Any person who has not been licensed as a real estate 69566
salesperson or broker within a four-year period immediately 69567
preceding the person's current application for the salesperson's 69568
examination shall have successfully completed the classroom 69569
instruction required by division (F)(6)(a) of this section within 69570
a ten-year period immediately preceding the person's current 69571
application for the salesperson's examination. 69572

(7) If beginning instruction, as determined by the 69573
superintendent, on or after August 1, 2001, has successfully 69574
completed at an institution of higher education all of the 69575
following: 69576

(a) Forty hours of classroom instruction in real estate 69577

practice; 69578

(b) Forty hours of classroom instruction that includes the 69579
subjects of Ohio real estate law, municipal, state, and federal 69580
civil rights law, new case law on housing discrimination, 69581
desegregation issues, and methods of eliminating the effects of 69582
prior discrimination. If feasible, the classroom instruction in 69583
Ohio real estate law shall be taught by a member of the faculty of 69584
an accredited law school. If feasible, the classroom instruction 69585
in municipal, state, and federal civil rights law, new case law on 69586
housing discrimination, desegregation issues, and methods of 69587
eliminating the effects of prior discrimination shall be taught by 69588
a staff member of the Ohio civil rights commission who is 69589
knowledgeable with respect to those subjects. The requirements of 69590
this division do not apply to an applicant who is admitted to 69591
practice before the supreme court. 69592

(c) Twenty hours of classroom instruction in real estate 69593
appraisal; 69594

(d) Twenty hours of classroom instruction in real estate 69595
finance. 69596

(G) No later than twelve months after the date of issue of a 69597
real estate salesperson license to a licensee, the licensee shall 69598
submit proof satisfactory to the superintendent, on forms made 69599
available by the superintendent, of completion, at an institution 69600
of higher education or any other institution approved by the 69601
commission, of ten hours of classroom instruction in real estate 69602
courses that cover current issues regarding consumers, real estate 69603
practice, ethics, and real estate law. 69604

If proof of completion of the required instruction is not 69605
submitted within twelve months of the date a license is issued 69606
under this section, the licensee's license is suspended 69607
automatically without the taking of any action by the 69608

superintendent. The superintendent immediately shall notify the 69609
broker with whom such salesperson is associated of the suspension 69610
of the salesperson's license. A salesperson whose license has been 69611
suspended under this division shall have twelve months after the 69612
date of the suspension of the salesperson's license to submit 69613
proof of successful completion of the instruction required under 69614
this division. No such license shall be reactivated by the 69615
superintendent until it is established, to the satisfaction of the 69616
superintendent, that the requirements of this division have been 69617
met and that the licensee is in compliance with this chapter. A 69618
licensee's license is revoked automatically without the taking of 69619
any action by the superintendent when the licensee fails to submit 69620
the required proof of completion of the education requirements 69621
under division (G) of this section within twelve months of the 69622
date the license is suspended. 69623

(H) Examinations shall be administered with reasonable 69624
accommodations in accordance with the requirements of the 69625
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 69626
U.S.C. 12101. The contents of an examination shall be consistent 69627
with the classroom instructional requirements of division (F)(6) 69628
or (7) of this section. An applicant who has completed the 69629
classroom instructional requirements of division (F)(6) or (7) of 69630
this section at the time of application shall be examined no later 69631
than twelve months after the applicant is notified of the 69632
applicant's admission to the examination. 69633

Sec. 4735.12. (A) The real estate recovery fund is hereby 69634
created in the state treasury, to be administered by the 69635
superintendent of real estate. Amounts collected by the 69636
superintendent as prescribed in this section and interest earned 69637
on the assets of the fund shall be credited by the treasurer of 69638
state to the fund. The amount of money in the fund shall be 69639
ascertained by the superintendent as of the first day of July of 69640

each year. 69641

The commission, in accordance with rules adopted under 69642
division (A)(2)(g) of section 4735.10 of the Revised Code, shall 69643
impose a special assessment not to exceed ten dollars per year for 69644
each year of a licensing period on each licensee filing a notice 69645
of renewal under section 4735.14 of the Revised Code if the amount 69646
available in the fund is less than ~~one million~~ five hundred 69647
thousand dollars on the first day of July preceding that filing. 69648
The commission may impose a special assessment not to exceed five 69649
dollars per year for each year of a licensing period if the amount 69650
available in the fund is greater than one million dollars, but 69651
less than two million dollars on the first day of July preceding 69652
that filing. The commission shall not impose a special assessment 69653
if the amount available in the fund exceeds two million dollars on 69654
the first day of July preceding that filing. 69655

(B)(1) Any person who obtains a final judgment in any court 69656
of competent jurisdiction against any broker or salesperson 69657
licensed under this chapter, on the grounds of conduct that is in 69658
violation of this chapter or the rules adopted under it, and that 69659
is associated with an act or transaction that only a licensed real 69660
estate broker or licensed real estate salesperson is authorized to 69661
perform as specified in division (A) or (C) of section 4735.01 of 69662
the Revised Code, may file a verified application, as described in 69663
division (B)(3) of this section, in ~~any~~ the court of common pleas 69664
of Franklin county for an order directing payment out of the real 69665
estate recovery fund of the portion of the judgment that remains 69666
unpaid and that represents the actual and direct loss sustained by 69667
the applicant. 69668

(2) Punitive damages, attorney's fees, and interest on a 69669
judgment are not recoverable from the fund. In the discretion of 69670
the superintendent of real estate, court costs may be recovered 69671
from the fund, and, if the superintendent authorizes the recovery 69672

of court costs, the order of the court of common pleas then may 69673
direct their payment from the fund. 69674

(3) The application shall specify the nature of the act or 69675
transaction upon which the underlying judgment was based, the 69676
activities of the applicant in pursuit of remedies available under 69677
law for the collection of judgments, and the actual and direct 69678
losses, attorney's fees, and the court costs sustained or incurred 69679
by the applicant. The applicant shall attach to the application a 69680
copy of each pleading and order in the underlying court action. 69681

(4) The court shall order the superintendent to make such 69682
payments out of the fund when the person seeking the order has 69683
shown all of the following: 69684

(a) The person has obtained a judgment, as provided in this 69685
division; 69686

(b) All appeals from the judgment have been exhausted and the 69687
person has given notice to the superintendent, as required by 69688
division (C) of this section; 69689

(c) The person is not a spouse of the judgment debtor, or the 69690
personal representative of such spouse; 69691

(d) The person has diligently pursued the person's remedies 69692
against all the judgment debtors and all other persons liable to 69693
the person in the transaction for which the person seeks recovery 69694
from the fund; 69695

(e) The person is making the person's application not more 69696
than one year after termination of all proceedings, including 69697
appeals, in connection with the judgment. 69698

(5) Divisions (B)(1) to (4) of this section do not apply to 69699
any of the following: 69700

(a) Actions arising from property management accounts 69701
maintained in the name of the property owner; 69702

(b) A bonding company when it is not a principal in a real estate transaction; 69703
69704

(c) A person in an action for the payment of a commission or fee for the performance of an act or transaction specified or comprehended in division (A) or (C) of section 4735.01 of the Revised Code; 69705
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(d) Losses incurred by investors in real estate if the applicant and the licensee are principals in the investment. 69709
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(C) A person who applies to a court of common pleas for an order directing payment out of the fund shall file notice of the application with the superintendent. The superintendent may defend any such action on behalf of the fund and shall have recourse to all appropriate means of defense and review, including examination of witnesses, verification of actual and direct losses, and challenges to the underlying judgment required in division (B)(4)(a) of this section to determine whether the underlying judgment is based on activity only a licensed broker or licensed salesperson is permitted to perform. The superintendent may move the court at any time to dismiss the application when it appears there are no triable issues and the application is without merit. The motion may be supported by affidavit of any person having knowledge of the facts and may be made on the basis that the application, including the judgment referred to in it, does not form the basis for a meritorious recovery claim; provided, that the superintendent shall give written notice to the applicant at least ten days before such motion. The superintendent may, subject to court approval, compromise a claim based upon the application of an aggrieved party. The superintendent shall not be bound by any prior compromise or stipulation of the judgment debtor. 69711
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(D) Notwithstanding any other provision of this section, the liability of the fund shall not exceed forty thousand dollars for any one licensee. If a licensee's license is reactivated as 69732
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provided in division (E) of this section, the liability of the 69735
fund for the licensee under this section shall again be forty 69736
thousand dollars, but only for transactions that occur subsequent 69737
to the time of reactivation. 69738

If the forty-thousand-dollar liability of the fund is 69739
insufficient to pay in full the valid claims of all aggrieved 69740
persons by whom claims have been filed against any one licensee, 69741
the forty thousand dollars shall be distributed among them in the 69742
ratio that their respective claims bear to the aggregate of valid 69743
claims or in such other manner as the court finds equitable. 69744
Distribution of moneys shall be among the persons entitled to 69745
share in it, without regard to the order of priority in which 69746
their respective judgments may have been obtained or their claims 69747
have been filed. Upon petition of the superintendent, the court 69748
may require all claimants and prospective claimants against one 69749
licensee to be joined in one action, to the end that the 69750
respective rights of all such claimants to the fund may be 69751
equitably adjudicated and settled. 69752

(E) If the superintendent pays from the fund any amount in 69753
settlement of a claim or toward satisfaction of a judgment against 69754
a licensed broker or salesperson, the license of the broker or 69755
salesperson shall be automatically suspended upon the date of 69756
payment from the fund. The superintendent shall not reactivate the 69757
suspended license of that broker or salesperson until the broker 69758
or salesperson has repaid in full, plus interest per annum at the 69759
rate specified in division (A) of section 1343.03 of the Revised 69760
Code, the amount paid from the fund on the broker's or 69761
salesperson's account. A discharge in bankruptcy does not relieve 69762
a person from the suspension and requirements for reactivation 69763
provided in this section unless the underlying judgment has been 69764
included in the discharge and has not been reaffirmed by the 69765
debtor. 69766

(F) If, at any time, the money deposited in the fund is 69767
insufficient to satisfy any duly authorized claim or portion of a 69768
claim, the superintendent shall, when sufficient money has been 69769
deposited in the fund, satisfy such unpaid claims or portions, in 69770
the order that such claims or portions were originally filed, plus 69771
accumulated interest per annum at the rate specified in division 69772
(A) of section 1343.03 of the Revised Code. 69773

(G) When, upon the order of the court, the superintendent has 69774
paid from the fund any sum to the judgment creditor, the 69775
superintendent shall be subrogated to all of the rights of the 69776
judgment creditor to the extent of the amount so paid, and the 69777
judgment creditor shall assign all the judgment creditor's right, 69778
title, and interest in the judgment to the superintendent to the 69779
extent of the amount so paid. Any amount and interest so recovered 69780
by the superintendent on the judgment shall be deposited in the 69781
fund. 69782

(H) Nothing contained in this section shall limit the 69783
authority of the superintendent to take disciplinary action 69784
against any licensee under other provisions of this chapter; nor 69785
shall the repayment in full of all obligations to the fund by any 69786
licensee nullify or modify the effect of any other disciplinary 69787
proceeding brought pursuant to this chapter. 69788

(I) The superintendent shall collect from the fund a service 69789
fee in an amount equivalent to the interest rate specified in 69790
division (A) of section 1343.03 of the Revised Code multiplied by 69791
the annual interest earned on the assets of the fund, to defray 69792
the expenses incurred in the administration of the fund. 69793

Sec. 4735.13. (A) The license of a real estate broker shall 69794
be prominently displayed in the office or place of business of the 69795
broker, and no license shall authorize the licensee to do business 69796
except from the location specified in it. If the broker maintains 69797

more than one place of business within the state, the broker shall 69798
apply for and procure a duplicate license for each branch office 69799
maintained by the broker. Each branch office shall be in the 69800
charge of a licensed broker or salesperson. The branch office 69801
license shall be prominently displayed at the branch office 69802
location. 69803

(B) The license of each real estate salesperson shall be 69804
mailed to and remain in the possession of the licensed broker with 69805
whom the salesperson is or is to be associated until the licensee 69806
places the license on inactive, voluntary hold, or resigned status 69807
or until the salesperson leaves the brokerage or is terminated. 69808
The broker shall keep each salesperson's license in a way that it 69809
can, and shall on request, be made immediately available for 69810
public inspection at the office or place of business of the 69811
broker. Except as provided in divisions (G) and (H) of this 69812
section, immediately upon the salesperson's leaving the 69813
association or termination of the association of a real estate 69814
salesperson with the broker, the broker shall return the 69815
salesperson's license to the superintendent of real estate. 69816

The failure of a broker to return the license of a real 69817
estate salesperson or broker who leaves or who is terminated, via 69818
certified mail return receipt requested, within three business 69819
days of the receipt of a written request from the superintendent 69820
for the return of the license, is prima-facie evidence of 69821
misconduct under division (A)(6) of section 4735.18 of the Revised 69822
Code. 69823

(C) Any licensee who is convicted of a felony or a crime 69824
involving moral turpitude or of violating any federal, state, or 69825
municipal civil rights law pertaining to discrimination in 69826
housing, or any court that issues a finding of an unlawful 69827
discriminatory practice pertaining to housing accommodations 69828
described in division (H) of section 4112.02 of the Revised Code 69829

or that convicts a licensee of a violation of any municipal civil rights law pertaining to housing discrimination, shall notify the superintendent of the conviction or finding within fifteen days. If a licensee fails to notify the superintendent within the required time, the superintendent immediately may revoke the license of the licensee.

Any court that convicts a licensee of a violation of any municipal civil rights law pertaining to housing discrimination also shall notify the Ohio civil rights commission within fifteen days of the conviction.

(D) In case of any change of business location, a broker shall give notice in writing to the superintendent, whereupon the superintendent shall issue new licenses for the unexpired period without charge. If a broker changes a business location without giving the required notice and without receiving new licenses that action is prima-facie evidence of misconduct under division (A)(6) of section 4735.18 of the Revised Code.

(E) If a real estate broker desires to associate with another real estate broker in the capacity of a real estate salesperson, the broker shall apply to the superintendent to deposit the broker's real estate broker's license with the superintendent and for the issuance of a real estate salesperson's license. The application shall be made on a form prescribed by the superintendent and shall be accompanied by the recommendation of the real estate broker with whom the applicant intends to become associated and a fee of twenty-five dollars for the real estate salesperson's license. ~~Four dollars~~ One dollar of the fee shall be credited to the real estate education and research fund. If the superintendent is satisfied that the applicant is honest, truthful, and of good reputation, has not been convicted of a felony or a crime involving moral turpitude, and has not been finally adjudged by a court to have violated any municipal, state,

or federal civil rights laws relevant to the protection of 69862
purchasers or sellers of real estate, and that the association of 69863
the real estate broker and the applicant will be in the public 69864
interest, the superintendent shall grant the application and issue 69865
a real estate salesperson's license to the applicant. Any license 69866
so deposited with the superintendent shall be subject to this 69867
chapter. A broker who intends to deposit the broker's license with 69868
the superintendent, as provided in this section, shall give 69869
written notice of this fact in a format prescribed by the 69870
superintendent to all salespersons associated with the broker when 69871
applying to place the broker's license on deposit. 69872

(F) If a real estate broker desires to become a member or 69873
officer of a partnership, association, limited liability company, 69874
limited liability partnership, or corporation that is or intends 69875
to become a licensed real estate broker, the broker shall notify 69876
the superintendent of the broker's intentions. The notice of 69877
intention shall be on a form prescribed by the superintendent and 69878
shall be accompanied by a fee of twenty-five dollars. ~~Four dollars~~ 69879
One dollar of the fee shall be credited to the real estate 69880
education and research fund. 69881

No real estate broker who is a member or officer of a 69882
partnership, association, limited liability company, limited 69883
liability partnership, or corporation that is a licensed real 69884
estate broker shall perform any acts as a real estate broker other 69885
than as the agent of the partnership, association, limited 69886
liability company, limited liability partnership, or corporation, 69887
and such broker shall not have any real estate salespersons 69888
associated with the broker. 69889

(G) If a real estate broker or salesperson enters the armed 69890
forces, the broker or salesperson may place the broker's or 69891
salesperson's license on deposit with the Ohio real estate 69892
commission. The licensee shall not be required to renew the 69893

license until the renewal date that follows the date of discharge 69894
from the armed forces. Any license deposited with the commission 69895
shall be subject to this chapter. Any licensee whose license is on 69896
deposit under this division and who fails to meet the continuing 69897
education requirements of section 4735.141 of the Revised Code 69898
because the licensee is in the armed forces shall satisfy the 69899
commission that the licensee has complied with the continuing 69900
education requirements within twelve months of the licensee's 69901
discharge. The commission shall notify the licensee of the 69902
licensee's obligations under section 4735.141 of the Revised Code 69903
at the time the licensee applies for reactivation of the 69904
licensee's license. 69905

(H) If a licensed real estate salesperson submits an 69906
application to the superintendent to leave the association of one 69907
broker to associate with a different broker, the broker possessing 69908
the licensee's license need not return the salesperson's license 69909
to the superintendent. The superintendent may process the 69910
application regardless of whether the licensee's license is 69911
returned to the superintendent. 69912

Sec. 4735.15. (A) The fees for reactivation or transfer of a 69913
license shall be as follows: 69914

(1) Reactivation or transfer of a broker's license into or 69915
out of a partnership, association, limited liability company, 69916
limited liability partnership, or corporation or from one 69917
partnership, association, limited liability company, limited 69918
liability partnership, or corporation to another partnership, 69919
association, limited liability company, limited liability 69920
partnership, or corporation, twenty-five dollars. An application 69921
for such transfer shall be made to the superintendent of real 69922
estate on forms provided by the superintendent. 69923

(2) Reactivation or transfer of a license by a real estate 69924

salesperson, ~~twenty~~ twenty-five dollars. 69925

(B) Except as may otherwise be specified pursuant to division 69926
(F) of this section, the nonrefundable fees for a branch office 69927
license, license renewal, late filing, and foreign real estate 69928
dealer and salesperson license are as follows per year for each 69929
year of a licensing period: 69930

(1) Branch office license, ~~eight~~ fifteen dollars; 69931

(2) Renewal of a real estate broker's license, ~~forty-nine~~ 69932
sixty dollars. If the licensee is a partnership, association, 69933
limited liability company, limited liability partnership, or 69934
corporation, the full broker's renewal fee shall be required for 69935
each member of such partnership, association, limited liability 69936
company, limited liability partnership, or corporation that is a 69937
real estate broker. If the real estate broker has not less than 69938
eleven nor more than twenty real estate salespersons associated 69939
with the broker, an additional fee of sixty-four dollars shall be 69940
assessed to the brokerage. For every additional ten real estate 69941
salespersons or fraction of that number, the brokerage assessment 69942
fee shall be increased in the amount of thirty-seven dollars. 69943

(3) Renewal of a real estate salesperson's license, 69944
~~thirty-nine~~ forty-five dollars; 69945

(4) Renewal of a real estate broker's or salesperson's 69946
license filed within twelve months after the licensee's renewal 69947
date, an additional late filing penalty of fifty per cent of the 69948
required fee; 69949

(5) Foreign real estate dealer's license and each renewal of 69950
the license, thirty dollars per salesperson employed by the 69951
dealer, but not less than one hundred fifty dollars; 69952

(6) Foreign real estate salesperson's license and each 69953
renewal of the license, fifty dollars. 69954

(C) All fees collected under this section shall be paid to the treasurer of state. ~~Four dollars~~ One dollar of each such fee shall be credited to the real estate education and research fund, except that for fees that are assessed only once every three years, ~~twelve~~ three dollars of each triennial fee shall be credited to the real estate education and research fund.

(D) In all cases, the fee and any penalty shall accompany the application for the license, license transfer, or license reactivation or shall accompany the filing of the renewal.

(E) The commission may establish by rule reasonable fees for services not otherwise established by this chapter.

(F) The commission may adopt rules that provide for a reduction in the fees established in divisions (B)(2) and (3) of this section.

Sec. 4736.01. As used in this chapter:

(A) "Environmental health science" means the aspect of public health science that includes, but is not limited to, the following bodies of knowledge: air quality, food quality and protection, hazardous and toxic substances, consumer product safety, housing, institutional health and safety, community noise control, radiation protection, recreational facilities, solid and liquid waste management, vector control, drinking water quality, milk sanitation, and rabies control.

(B) "Sanitarian" means a person who performs for compensation educational, investigational, technical, or administrative duties requiring specialized knowledge and skills in the field of environmental health science.

(C) "Registered sanitarian" means a person who is registered as a sanitarian in accordance with this chapter.

(D) "Sanitarian-in-training" means a person who is registered

as a sanitarian-in-training in accordance with this chapter. 69985

(E) "Practice of environmental health" means consultation, 69986
instruction, investigation, inspection, or evaluation by an 69987
employee of a city health district, a general health district, the 69988
environmental protection agency, the department of health, or the 69989
department of agriculture requiring specialized knowledge, 69990
training, and experience in the field of environmental health 69991
science, with the primary purpose of improving or conducting 69992
administration or enforcement under any of the following: 69993

(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., or 69994
3733. of the Revised Code; 69995

(2) Chapter 3734. of the Revised Code as it pertains to solid 69996
waste; 69997

(3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections 69998
3707.38 to 3707.99, or section 3715.21 of the Revised Code; 69999

(4) Rules adopted under section 3701.34 of the Revised Code 70000
pertaining to rabies control or swimming pools; 70001

~~(5) Rules adopted under section 3701.935 of the Revised Code 70002
for school health and safety network inspections and rules adopted 70003
under section 3707.26 of the Revised Code for sanitary 70004
inspections. 70005~~

"Practice of environmental health" does not include sampling, 70006
testing, controlling of vectors, reporting of observations, or 70007
other duties that do not require application of specialized 70008
knowledge and skills in environmental health science performed 70009
under the supervision of a registered sanitarian. 70010

The state board of sanitarian registration may further define 70011
environmental health science in relation to specific functions in 70012
the practice of environmental health through rules adopted by the 70013
board under Chapter 119. of the Revised Code. 70014

Sec. 4740.14. (A) There is hereby created within the 70015
department of commerce the residential construction advisory 70016
committee consisting of nine persons ~~the director of commerce~~ 70017
~~appoints. Of the advisory committee's members, three~~ appointed in 70018
accordance with division (B) of this section. The advisory 70019
committee shall consist of the following members: 70020

(1) Three shall be general contractors who have recognized 70021
ability and experience in the construction of residential 70022
buildings, ~~two;~~ 70023

(2) Two shall be building officials who have experience 70024
administering and enforcing a residential building code, ~~one,~~ 70025
~~chosen from a list of three names the Ohio fire chief's~~ 70026
~~association submits;~~ 70027

(3) One shall be from the fire service certified as a fire 70028
safety inspector who has at least ten years of experience 70029
enforcing fire or building codes, ~~one;~~ 70030

(4) One shall be a residential contractor who has recognized 70031
ability and experience in the remodeling and construction of 70032
residential buildings, ~~one;~~ 70033

(5) One shall be an architect registered pursuant to Chapter 70034
4703. of the Revised Code, with recognized ability and experience 70035
in the architecture of residential buildings, ~~and one, chosen from~~ 70036
~~a list of three names the Ohio municipal league submits to the~~ 70037
~~director;~~ 70038

(6) One shall be a mayor of a municipal corporation in which 70039
the Ohio residential building code is being enforced in the 70040
municipal corporation by a certified building department. 70041

(B) ~~The director shall make appointments to the advisory~~ 70042
~~committee within ninety days after May 27, 2005. The speaker of~~ 70043
the house of representatives shall appoint two of the members 70044

described in division (A)(1) of this section. The president of the 70045
senate shall appoint one of the members described in division 70046
(A)(1) and the member described in division (A)(4) of this 70047
section. The director of commerce shall appoint the members 70048
described in division (A)(2) of this section, chosen from a list 70049
of five names the Ohio building officials association submits to 70050
the director; the member described in division (A)(3) of this 70051
section, chosen from a list of three names the Ohio fire chief's 70052
association submits to the director; the member described in 70053
division (A)(5) of this section, chosen from a list of three names 70054
the Ohio society of the American institute of architects submits 70055
to the director; and the member described in division (A)(6) of 70056
this section, chosen from a list of three names the Ohio municipal 70057
league submits to the director. 70058

(C) Terms of office shall be for three years, with each term 70059
ending on the date three years after the date of appointment. Each 70060
member shall hold office from the date of appointment until the 70061
end of the term for which the member was appointed. ~~The director~~ 70062
~~shall fill a~~ A vacancy shall be filled in the manner provided for 70063
initial appointments. Any member appointed to fill a vacancy in an 70064
unexpired term shall hold office for the remainder of that term. 70065

~~(C)~~(D) The advisory committee shall do all of the following: 70067

(1) Recommend to the board of building standards a building 70068
code for residential buildings. The committee shall recommend a 70069
code that it ~~models~~ may model on a residential building code a 70070
national model code organization issues, with adaptations 70071
necessary to implement the code in this state. If the board of 70072
building standards decides not to adopt a code the committee 70073
recommends, the committee shall revise the code and resubmit it 70074
until the board adopts a code the committee recommends as the 70075
state residential building code; 70076

(2) Provide the board with any rule the committee recommends to update or amend the state residential building code or to update or amend rules that the board adopts pursuant to division (E) of section 3781.10 of the Revised Code that relate to the certification of entities that enforce the state residential building code; 70077
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(3) Advise the board regarding the establishment of standards for certification of building officials who enforce the state residential building code; 70083
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~~(3)~~(4) Assist the board in providing information and guidance to residential contractors and building officials who enforce the state residential building code; 70086
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~~(4)~~(5) Advise the board regarding the interpretation of the state residential building code; 70089
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~~(5)~~(6) Provide other assistance the committee considers necessary; 70091
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(7) Provide the board with a written report of the committee's findings for each consideration required by division (E) of this section; 70093
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(8) Provide the board with any rule the committee recommends regarding the state residential building code or relating to the certification of entities that enforce the state residential building code after receiving a petition as described in division (A)(2) of section 3781.12 of the Revised Code. 70096
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~~(D) In making (E) The committee shall not make its recommendation to the board pursuant to division (C) divisions (D)(1), (2), (3), (5), and (8) of this section, until the advisory committee shall consider~~ has considered all of the following: 70101
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(1) The impact that the state residential building code may 70106

have upon the health, safety, and welfare of the public; 70107

(2) The economic reasonableness of the residential building 70108
code; 70109

(3) The technical feasibility of the residential building 70110
code; 70111

(4) The financial impact that the residential building code 70112
may have on the public's ability to purchase affordable housing. 70113

~~(E)~~(F) Members of the advisory committee shall receive no 70114
salary for the performance of their duties as members, but shall 70115
receive their actual and necessary expenses incurred in the 70116
performance of their duties as members of the advisory committee 70117
and shall receive a per diem for each day in attendance at an 70118
official meeting of the committee, to be paid from the industrial 70119
compliance operating fund in the state treasury, using fees 70120
collected in connection with residential buildings pursuant to 70121
division (F)(2) of section 3781.102 of the Revised Code and 70122
deposited in that fund. 70123

~~(F)~~(G) The advisory committee is not subject to divisions (A) 70124
and (B) of section 101.84 of the Revised Code. 70125

Sec. 4741.41. There is hereby created the veterinarian loan 70126
repayment program. Under the program, the ~~Ohio board of regents~~ 70127
state veterinary medical licensing board, by means of a contract 70128
entered into under section 4741.44 of the Revised Code, may agree 70129
to repay all or part of the principal and interest of a government 70130
or other educational loan taken out by a veterinarian for the 70131
following expenses if the expenses were incurred while the 70132
veterinarian was enrolled, for a maximum of four years, in a 70133
veterinary college in the United States that, during the time of 70134
enrollment, was approved by the ~~state veterinary medical licensing~~ 70135
board or accredited by the American veterinary medical 70136

association: 70137

(A) Tuition; 70138

(B) Other educational expenses, such as fees, books, and 70139
laboratory expenses, for specific purposes and in amounts 70140
determined to be reasonable by the ~~state veterinary medical~~ 70141
~~licensing~~ board; 70142

(C) Room and board, in an amount determined to be reasonable 70143
by the ~~state veterinary medical licensing~~ board. 70144

No repayment shall exceed twenty thousand dollars in any 70145
year. If, however, a repayment results in an increase in the 70146
veterinarian's federal, state, or local income tax liability, the 70147
~~Ohio board of regents~~ board, at the veterinarian's request ~~and~~ 70148
~~with the approval of the state veterinary medical licensing board~~, 70149
may reimburse the veterinarian for the increased tax liability 70150
regardless of the amount of the repayment made to the veterinarian 70151
in that year. 70152

Sec. 4741.44. (A) A veterinarian who has signed a letter of 70153
intent under section 4741.43 of the Revised Code, and the state 70154
veterinary medical licensing board, ~~and the Ohio board of regents~~ 70155
may enter into a contract for the veterinarian's participation in 70156
the veterinarian loan repayment program. A lending institution 70157
also may be a party to the contract. 70158

(B) The contract shall include all of the following 70159
obligations: 70160

(1) The veterinarian agrees to provide large animal 70161
veterinary services or to provide veterinary services necessary to 70162
implement or enforce the law or to protect public health, as 70163
applicable, in a veterinary resource shortage area identified in 70164
the letter of intent for at least two years or one year per ten 70165
thousand dollars of repayment agreed to under division (B)(3) of 70166

this section, whichever is greater. 70167

(2) When providing veterinary services in the veterinary 70168
resource shortage area, the veterinarian agrees to do both of the 70169
following: 70170

(a) Provide veterinary services for a minimum of forty hours 70171
per week; 70172

(b) Devote not less than sixty per cent of total monthly 70173
veterinary services to large animal veterinary services or 70174
veterinary services necessary to implement or enforce the law or 70175
to protect public health, as applicable. 70176

(3) The ~~Ohio board of regents~~ state veterinary medical 70177
licensing board agrees, as provided in section 4741.41 of the 70178
Revised Code, to repay, so long as the veterinarian performs the 70179
service obligation agreed to under division (B)(1) of this 70180
section, all or part of the principal and interest of a government 70181
or other educational loan taken by the veterinarian for expenses 70182
described in section 4741.41 of the Revised Code. 70183

(4) The veterinarian agrees to pay the ~~Ohio board of regents~~ 70184
state veterinary medical licensing board the following as damages 70185
if the veterinarian fails to complete the service obligation 70186
agreed to under division (B)(1) of this section: 70187

(a) If the failure occurs during the first two years of the 70188
service obligation, two times the total amount the board has 70189
agreed to pay under division (B)(3) of this section; 70190

(b) If the failure occurs after the first two years of the 70191
service obligation, two times the total amount the board is still 70192
obligated to repay under division (B)(3) of this section. 70193

(C) The contract may include any other terms agreed upon by 70194
the parties, including an assignment to the ~~Ohio board of regents~~ 70195
state veterinary medical licensing board of the veterinarian's 70196

duty to pay the principal and interest of a government or other 70197
educational loan taken by the veterinarian for expenses described 70198
in section 4741.41 of the Revised Code. If the ~~Ohio board of~~ 70199
~~regents~~ state veterinary medical licensing board assumes the 70200
veterinarian's duty to pay a loan, the contract shall set forth 70201
the total amount of principal and interest to be paid, an 70202
amortization schedule, and the amount of each payment to be made 70203
under the schedule. 70204

(D) Not later than the thirty-first day of January each year, 70205
the ~~Ohio board of regents~~ board shall mail to each veterinarian to 70206
whom or on whose behalf repayment is made under section 4741.41 of 70207
the Revised Code a statement showing the amount of principal and 70208
interest repaid by the ~~Ohio board of regents~~ board in the 70209
preceding year pursuant to the contract. The statement shall be 70210
sent by ordinary mail with address correction and forwarding 70211
requested in the manner prescribed by the United States postal 70212
service. 70213

Sec. 4741.45. The state veterinary medical licensing board, 70214
in accordance with Chapter 119. of the Revised Code, shall adopt 70215
rules that do all of the following: 70216

(A) Define "large animal veterinary services," "veterinary 70217
services necessary to implement or enforce the law," and 70218
"veterinary services necessary to protect public health"; 70219

(B) Designate veterinary resource shortage areas comprised of 70220
areas in this state that have limited access to each of the 70221
following: 70222

(1) Large animal veterinary services; 70223

(2) Veterinary services necessary to implement or enforce the 70224
law; 70225

(3) Veterinary services necessary to protect public health. 70226

The designations may apply to a geographic area, one or more facilities within a particular area, or a population group of animals within a particular area.

(C) Establish priorities among veterinary resource shortage areas for use in recruiting veterinarians under the veterinarian loan repayment program;

(D) Establish priorities for use in determining eligibility among applicants for participation in the veterinarian loan repayment program;

(E) Establish any other requirement or procedure that is necessary to implement and administer sections 4741.40 to 4741.47 of the Revised Code.

In adopting the rules, the board shall consult with the state veterinarian ~~and the Ohio board of regents.~~

Sec. 4741.46. (A) The state veterinary medical licensing board may accept gifts of money from any source for the implementation and administration of sections 4741.40 to 4741.45 of the Revised Code. The board shall deposit all gifts so accepted into the state treasury to the credit of the veterinary resource shortage area fund, which is hereby created. The board shall use the fund for the implementation and administration of sections 4741.40 to 4741.45 of the Revised Code.

(B) The ~~Ohio board of regents~~ board may accept gifts of money from any source for the ~~implementation and administration of sections~~ purposes of providing loans under the veterinarian loan repayment program created in section 4741.41 and 4741.44 of the Revised Code. The board shall deposit all gifts so accepted together with all damages collected under division (B)(4) of section 4741.44 of the Revised Code into the state treasury to the credit of the veterinarian loan repayment fund, which is hereby

created. The fund also shall consist of the portion of biennial 70257
renewal fees that is credited to the fund under section 4741.17 of 70258
the Revised Code. The board shall use the fund for the 70259
implementation and administration of the veterinarian loan 70260
repayment program ~~created in section 4741.41 of the Revised Code.~~ 70261

Sec. 4753.02. No person shall practice, offer to practice, or 70262
aid and abet the practice of the profession of speech-language 70263
pathology or audiology, or use in connection with the person's 70264
name, or otherwise assume, use, or advertise any title or 70265
description tending to convey the impression that the person is a 70266
speech-language pathologist or audiologist unless the person is 70267
licensed ~~or permitted~~ under this chapter or section 3319.227 of 70268
the Revised Code. 70269

Sec. 4753.05. (A) The board of speech-language pathology and 70270
audiology may make reasonable rules necessary for the 70271
administration of this chapter. The board shall adopt rules to 70272
ensure ethical standards of practice by speech-language 70273
pathologists and audiologists licensed ~~or permitted~~ pursuant to 70274
this chapter or section 3319.227 of the Revised Code. All rules 70275
adopted under this chapter shall be adopted in accordance with 70276
Chapter 119. of the Revised Code. 70277

(B) The board shall determine the nature and scope of 70278
examinations to be administered to applicants for licensure 70279
pursuant to this chapter in the practices of speech-language 70280
pathology and audiology, and shall evaluate the qualifications of 70281
all applicants. Written examinations may be supplemented by such 70282
practical and oral examinations as the board shall determine by 70283
rule. The board shall determine by rule the minimum examination 70284
score for licensure. Licensure shall be granted independently in 70285
speech-language pathology and audiology. The board shall maintain 70286
a current public record of all persons licensed, to be made 70287

available upon request. 70288

(C) The board shall publish and make available, upon request, 70289
the licensure ~~and permit~~ standards prescribed by this chapter or 70290
section 3319.227 of the Revised Code and rules adopted pursuant 70291
thereto. 70292

(D) The board shall submit to the governor each year a report 70293
of all its official actions during the preceding year together 70294
with any recommendations and findings with regard to the 70295
improvement of the professions of audiology and speech-language 70296
pathology. 70297

(E) The board shall investigate all alleged irregularities in 70298
the practices of speech-language pathology and audiology by 70299
persons licensed ~~or permitted~~ pursuant to this chapter or section 70300
3319.227 of the Revised Code, and shall investigate any violations 70301
of this chapter or rules adopted by the board or violations of 70302
section 3319.227 of the Revised Code or rules adopted under that 70303
section. The board shall not investigate the practice of any 70304
person specifically exempted from licensure under this chapter by 70305
section 4753.12 of the Revised Code, as long as the person is 70306
practicing within the scope of the person's license or is carrying 70307
out responsibilities as described in division (G) or (H) of 70308
section 4753.12 of the Revised Code and does not claim to be a 70309
speech-language pathologist or audiologist. 70310

In conducting investigations under this division, the board 70311
may administer oaths, order the taking of depositions, issue 70312
subpoenas, and compel the attendance of witnesses and the 70313
production of books, accounts, papers, records, documents, and 70314
testimony. In any case of disobedience or neglect of any subpoena 70315
served on any person or the refusal of any witness to testify to 70316
any matter regarding which the witness may lawfully be 70317
interrogated, the court of common pleas of any county where such 70318
disobedience, neglect, or refusal occurs or any judge thereof, on 70319

application by the board, shall compel obedience by attachment 70320
proceedings for contempt, as in the case of disobedience of the 70321
requirements of a subpoena issued from such court, or a refusal to 70322
testify therein. 70323

(F) The board shall conduct such hearings and keep such 70324
records and minutes as are necessary to carry out this chapter. 70325

(G) The board shall adopt a seal by which it shall 70326
authenticate its proceedings. Copies of the proceedings, records, 70327
and acts signed by the chairperson or executive director and 70328
authenticated by such seal shall be prima-facie evidence thereof 70329
in all courts of this state. 70330

Sec. 4753.11. (A) For all types of licenses ~~and permits,~~ 70331
issued by the board of speech-language pathology and audiology, 70332
the board shall charge a nonrefundable licensure ~~or permit~~ fee, to 70333
be determined by board rule, which shall be paid at the time the 70334
application is filed with the board. 70335

(B) On or before the thirty-first day of January of every 70336
other year, the board shall charge a biennial licensure renewal 70337
fee which shall be determined by board rule and used to defray 70338
costs of the board. 70339

(C) The board may, by rule, provide for the waiver of all or 70340
part of such fees when the license is issued less than one hundred 70341
days before the date on which it will expire. 70342

(D) After the last day of the month designated by the board 70343
for renewal, the board shall charge a late fee to be determined by 70344
board rule in addition to the biennial licensure renewal fee. 70345

(E) No municipal corporation shall levy an occupational or 70346
similar excise tax on any person licensed under this chapter. 70347

(F) All fees collected under this section and section 4753.09 70348
of the Revised Code shall be paid into the state treasury to the 70349

credit of the occupational licensing and regulatory fund. 70350

Sec. 4755.06. The occupational therapy section of the Ohio 70351
occupational therapy, physical therapy, and athletic trainers 70352
board may make reasonable rules in accordance with Chapter 119. of 70353
the Revised Code relating to, but not limited to, the following: 70354

(A) The form and manner for filing applications for licensure 70355
under sections 4755.04 to 4755.13 of the Revised Code; 70356

(B) The issuance, suspension, and revocation of the licenses 70357
and the conducting of investigations and hearings; 70358

(C) Standards for approval of courses of study relative to 70359
the practice of occupational therapy; 70360

(D) The time and form of examination for the licensure; 70361

(E) Standards of ethical conduct in the practice of 70362
occupational therapy; 70363

(F) The form and manner for filing applications for renewal 70364
and a schedule of deadlines for renewal; 70365

(G) ~~Late fees and the~~ The conditions under which a license of 70366
a licensee who files a late application for renewal will be 70367
reinstated; 70368

(H) Placing an existing license in escrow; 70369

(I) The amount, scope, and nature of continuing education 70370
activities required for license renewal, including waivers ~~and the~~ 70371
~~establishment of appropriate fees to be charged for the~~ 70372
~~administrative costs associated with the review of~~ the continuing 70373
education ~~activities~~ requirements; 70374

(J) ~~Limited permit guidelines~~ Guidelines for limited permits; 70375

(K) Requirements for criminal records checks of applicants 70376
under section 4776.03 of the Revised Code; 70377

(L) Subject to section 4755.061 of the Revised Code, the amount for each fee specified in section 4755.12 of the Revised Code that the section charges. 70378
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The section may hear testimony in matters relating to the 70381
duties imposed upon it, and the chairperson and secretary of the 70382
section may administer oaths. The section may require proof, 70383
beyond the evidence found in the application, of the honesty, 70384
truthfulness, and good reputation of any person named in an 70385
application for ~~such~~ licensure, before admitting the applicant to 70386
an examination or issuing a license. 70387

Sec. 4755.061. If the occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board adopts rules pursuant to section 4755.06 of the Revised Code relating to the amounts of the fees that the section may charge for the late renewal of licenses and the review of continuing education activities, as provided in divisions (A)(5) and (A)(6) of section 4755.12 of the Revised Code, the section shall not establish fee amounts for those services that exceed the actual costs the section incurs in providing the services to a licensee. 70388
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Sec. 4755.12. (A) The occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall ~~may~~ charge a any or all of the following fees: 70397
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(1) A nonrefundable examination fee, ~~established pursuant to section 4755.03 of the Revised Code,~~ which is to be paid at the time of application for licensure- 70400
70401
70402

The section shall charge an; 70403

(2) An application fee for an initial license; 70404

(3) An initial licensure fee, ~~established pursuant to section 4755.03 of the Revised Code.~~ 70405
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The section shall charge a;	70407
(4) A fee for biennial renewal fee and shall charge a of a	70408
license;	70409
(5) A fee for late renewal of a license;	70410
(6) A fee for the review of continuing education activities;	70411
(7) A fee for a limited permit, established pursuant to	70412
section 4755.03 of the Revised Code;	70413
(8) A fee for verification of a license.	70414
(B) Any person who is qualified to practice occupational	70415
therapy as certified by the section, but who is not in the active	70416
practice, as defined by section rule, may register with the	70417
section as a nonactive licensee at a biennial fee, established	70418
pursuant to section 4755.03 of the Revised Code.	70419
(C) The section may, by rule, provide for the waiver of all	70420
or part of a fee when the license is issued less than one hundred	70421
days before the date on which it will expire.	70422
(D) Except when all or part of a fee is waived under division	70423
(C) of this section, the amount charged by the occupational	70424
therapy section for each of its fees shall be the applicable	70425
amount established in rules adopted under section 4755.06 of the	70426
Revised Code.	70427
Sec. 4757.10. The counselor, social worker, and marriage and	70428
family therapist board may adopt any rules necessary to carry out	70429
this chapter.	70430
The board shall adopt rules that do all of the following:	70431
(A) Concern intervention for and treatment of any impaired	70432
person holding a license or certificate of registration issued	70433
under this chapter;	70434
(B) Establish standards for training and experience of	70435

supervisors described in division (C) of section 4757.30 of the Revised Code; 70436
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(C) Define the requirement that an applicant be of good moral character in order to be licensed or registered under this chapter; 70438
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(D) Establish requirements for criminal records checks of applicants under section 4776.03 of the Revised Code; 70441
70442

(E) Establish a graduated system of fines based on the scope and severity of violations and the history of compliance, not to exceed five hundred dollars per incident, that any professional standards committee of the board may charge for a disciplinary violation described in section 4757.36 of the Revised Code. 70443
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All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. When it adopts rules under this section or any other section of this chapter, the board may consider standards established by any national association or other organization representing the interests of those involved in professional counseling, social work, or marriage and family therapy. 70448
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Sec. 4757.31. (A) Subject to division (B) of this section, the counselor, social worker, and marriage and family therapist board shall establish, and may from time to time adjust, fees to be charged for the following: 70455
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(1) Examination for licensure as a professional clinical counselor, professional counselor, marriage and family therapist, independent marriage and family therapist, social worker, or independent social worker; 70459
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(2) Initial licenses of professional clinical counselors, professional counselors, marriage and family therapists, independent marriage and family therapists, social workers, and 70463
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independent social workers, except that the board shall charge 70466
only one fee to a person who fulfills all requirements for more 70467
than one of the following initial licenses: an initial license as 70468
a social worker or independent social worker, an initial license 70469
as a professional counselor or professional clinical counselor, 70470
and an initial license as a marriage and family therapist or 70471
independent marriage and family therapist; 70472

(3) Initial certificates of registration of social work 70473
assistants; 70474

(4) Renewal and late renewal of licenses of professional 70475
clinical counselors, professional counselors, marriage and family 70476
therapists, independent marriage and family therapists, social 70477
workers, and independent social workers and renewal and late 70478
renewal of certificates of registration of social work assistants; 70479

(5) Verification, to another jurisdiction, of a license or 70480
registration issued by the board; 70481

(6) Continuing education programs offered by the board to 70482
licensees or registrants. 70483

(B) The fees charged under division (A)(1) of this section 70484
shall be established in amounts sufficient to cover the direct 70485
expenses incurred in examining applicants for licensure. The fees 70486
charged under divisions (A)(2), ~~(3), and (4)~~ to (6) of this 70487
section shall be nonrefundable and shall be established in amounts 70488
sufficient to cover the necessary expenses in administering this 70489
chapter and rules adopted under it that are not covered by fees 70490
charged under division (A)(1) or (C) of this section. The renewal 70491
fee for a license or certificate of registration shall not be less 70492
than the initial fee for that license or certificate. The fees 70493
charged for licensure and registration and the renewal of 70494
licensure and registration may differ for the various types of 70495
licensure and registration, but shall not exceed one hundred 70496

twenty-five dollars each, unless the board determines that amounts 70497
in excess of one hundred twenty-five dollars are needed to cover 70498
its necessary expenses in administering this chapter and rules 70499
adopted under it and the amounts in excess of one hundred 70500
twenty-five dollars are approved by the controlling board. 70501

(C) All receipts of the board shall be deposited in the state 70502
treasury to the credit of the occupational licensing and 70503
regulatory fund. All vouchers of the board shall be approved by 70504
the chairperson or executive director of the board, or both, as 70505
authorized by the board. 70506

Sec. 4757.36. (A) The appropriate professional standards 70507
~~committees~~ committee of the counselor, social worker, and marriage 70508
and family therapist board may, in accordance with Chapter 119. of 70509
the Revised Code, ~~may refuse to issue a license or certificate of~~ 70510
~~registration applied for under this chapter; refuse to renew a~~ 70511
~~license or certificate of registration issued under this chapter;~~ 70512
~~suspend, revoke, or otherwise restrict a license or certificate of~~ 70513
~~registration issued under this chapter; or reprimand a person~~ 70514
~~holding a license or certificate of registration issued under this~~ 70515
~~chapter. Such actions may be taken by the appropriate committee if~~ 70516
~~the applicant for a license or certificate of registration or the~~ 70517
~~person holding a license or certificate of registration has take~~ 70518
any action specified in division (B) of this section against an 70519
individual who has applied for or holds a license to practice as a 70520
professional clinical counselor, professional counselor, 70521
independent marriage and family therapist, marriage and family 70522
therapist, social worker, or independent social worker, or a 70523
certificate of registration to practice as a social work 70524
assistant, for any reason described in division (C) of this 70525
section. 70526

(B) In its imposition of sanctions against an individual, the 70527

<u>board may do any of the following:</u>	70528
<u>(1) Refuse to issue or refuse to renew a license or certificate of registration;</u>	70529
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<u>(2) Suspend, revoke, or otherwise restrict a license or certificate of registration;</u>	70531
	70532
<u>(3) Reprimand an individual holding a license or certificate of registration;</u>	70533
	70534
<u>(4) Impose a fine in accordance with the graduated system of fines established by the board in rules adopted under section 4757.10 of the Revised Code.</u>	70535
	70536
	70537
<u>(C) The appropriate professional standards committee of the board may take an action specified in division (B) of this section for any of the following reasons:</u>	70538
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	70540
<u>(1) Committed a violation of <u>Commission of an act that violates</u> any provision of this chapter or rules adopted under it;</u>	70541
	70542
(2) Knowingly made <u>making</u> a false statement on an application for licensure or registration, or for renewal of a license or certificate of registration;	70543
	70544
	70545
(3) Accepted <u>Accepting</u> a commission or rebate for referring persons to any professionals licensed, certified, or registered by any court or board, commission, department, division, or other agency of the state, including, but not limited to, individuals practicing counseling, social work, or marriage and family therapy or practicing in fields related to counseling, social work, or marriage and family therapy;	70546
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(4) Failed <u>A failure</u> to comply with section 4757.12 of the Revised Code;	70553
	70554
(5) Been convicted <u>A conviction</u> in this or any other state of any <u>a</u> crime that is a felony in this state;	70555
	70556
(6) Had the ability <u>A failure</u> to perform properly as a	70557

professional clinical counselor, professional counselor, 70558
independent marriage and family therapist, marriage and family 70559
therapist, social work assistant, social worker, or independent 70560
social worker ~~impaired~~ due to the use of alcohol or other drugs or 70561
any other physical or mental condition; 70562

(7) ~~Been convicted~~ A conviction in this state or in any other 70563
state of a misdemeanor committed in the course of practice as a 70564
professional clinical counselor, professional counselor, 70565
independent marriage and family therapist, marriage and family 70566
therapist, social work assistant, social worker, or independent 70567
social worker; 70568

(8) ~~Practiced~~ Practicing outside the scope of practice 70569
applicable to that person; 70570

(9) ~~Practiced without complying with~~ Practicing in violation 70571
of the supervision requirements specified under sections 4757.21 70572
and 4757.26, and division (F) of section 4757.30, of the Revised 70573
Code; 70574

(10) ~~Violated~~ A violation of the person's code of ethical 70575
practice adopted by rule of the board pursuant to section 4757.11 70576
of the Revised Code; 70577

(11) ~~Had~~ Revocation or suspension of a license or certificate 70578
of registration ~~revoked or suspended~~, or ~~voluntarily surrendered~~ 70579
the voluntary surrender of a license or certificate of 70580
registration in another state or jurisdiction for an offense that 70581
would be a violation of this chapter. 70582

~~(B)~~(D) One year or more after the date of suspension or 70583
revocation of a license or certificate of registration under this 70584
section, application may be made to the appropriate professional 70585
standards committee for reinstatement. The committee may accept or 70586
refuse an application for reinstatement. If a license has been 70587
suspended or revoked, the committee may require an examination for 70588

reinstatement. 70589

(E) On request of the board, the attorney general shall bring 70590
and prosecute to judgment a civil action to collect any fine 70591
imposed under division (B)(4) of this section that remains unpaid. 70592

(F) All fines collected under division (B)(4) of this section 70593
shall be deposited into the state treasury to the credit of the 70594
occupational licensing and regulatory fund. 70595

Sec. 4763.01. As used in this chapter: 70596

(A) "Real estate appraisal" or "appraisal" means an analysis, 70597
opinion, or conclusion relating to the nature, quality, value, or 70598
utility of specified interests in, or aspects of identified real 70599
estate that is classified as either a valuation or an analysis. 70600

(B) "Valuation" means an estimate of the value of real 70601
estate. 70602

(C) "Analysis" means a study of real estate for purposes 70603
other than valuation. 70604

(D) "Appraisal report" means a written communication of a 70605
real estate appraisal, appraisal review, or appraisal consulting 70606
service or an oral communication of a real estate appraisal 70607
accompanied, appraisal review, or appraisal consulting service 70608
that is documented by a writing that supports the oral 70609
communication. 70610

(E) "Appraisal assignment" means an engagement for which a 70611
person licensed or certified under this chapter is employed ~~or~~, 70612
retained, or engaged to act, or would be perceived by third 70613
parties or the public as acting, as a disinterested third party in 70614
rendering an unbiased real estate appraisal. 70615

(F) "Specialized services" means all appraisal services, 70616
other than appraisal assignments, including, but not limited to, 70617
valuation and analysis given in connection with activities such as 70618

real estate brokerage, mortgage banking, real estate counseling, 70619
and real estate tax counseling, and specialized marketing, 70620
financing, and feasibility studies. 70621

(G) "Real estate" has the same meaning as in section 4735.01 70622
of the Revised Code. 70623

(H) "Appraisal foundation" means a nonprofit corporation 70624
incorporated under the laws of the state of Illinois on November 70625
30, 1987, for the purposes of establishing and improving uniform 70626
appraisal standards by defining, issuing, and promoting those 70627
standards; establishing appropriate criteria for the certification 70628
and recertification of qualified appraisers by defining, issuing, 70629
and promoting the qualification criteria and disseminating the 70630
qualification criteria to others; and developing or assisting in 70631
development of appropriate examinations for qualified appraisers. 70632

(I) "Prepare" means to develop and communicate, whether 70633
through a personal physical inspection or through the act or 70634
process of critically studying a report prepared by another who 70635
made the physical inspection, an appraisal, analysis, or opinion, 70636
or specialized service and to report the results. If the person 70637
who develops and communicates the appraisal or specialized service 70638
does not make the personal inspection, the name of the person who 70639
does make the personal inspection shall be identified on the 70640
appraisal or specialized service reported. 70641

(J) "Report" means any communication, written, oral, or by 70642
any other means of transmission of information, of a real estate 70643
appraisal, appraisal review, appraisal consulting service, or 70644
specialized service that is transmitted to a client or employer 70645
upon completion of the appraisal or service. 70646

(K) "State-certified general real estate appraiser" means any 70647
person who satisfies the certification requirements of this 70648
chapter relating to the appraisal of all types of real property 70649

and who holds a current and valid certificate or renewal 70650
certificate issued to the person pursuant to this chapter. 70651

(L) "State-certified residential real estate appraiser" means 70652
any person who satisfies the certification requirements only 70653
relating to the appraisal of one to four units of single-family 70654
residential real estate without regard to transaction value or 70655
complexity and who holds a current and valid certificate or 70656
renewal certificate issued to the person pursuant to this chapter. 70657

(M) "State-licensed residential real estate appraiser" means 70658
any person who satisfies the licensure requirements of this 70659
chapter relating to the appraisal of noncomplex one-to-four unit 70660
single-family residential real estate having a transaction value 70661
of less than one million dollars and complex one-to-four unit 70662
single-family residential real estate having a transaction value 70663
of less than two hundred fifty thousand dollars and who holds a 70664
current and valid license or renewal license issued to the person 70665
pursuant to this chapter. 70666

(N) "Certified or licensed real estate appraisal" means an 70667
appraisal prepared and reported by a certificate holder or 70668
licensee under this chapter acting within the scope of 70669
certification or licensure and as a disinterested third party. 70670

(O) "State-registered real estate appraiser assistant" means 70671
any person, other than a state-certified general real estate 70672
appraiser, state-certified residential real estate appraiser, or a 70673
state-licensed residential real estate appraiser, who satisfies 70674
the registration requirements of this chapter for participating in 70675
the development and preparation of real estate appraisals and who 70676
holds a current and valid registration or renewal registration 70677
issued to the person pursuant to this chapter. 70678

(P) "Institution of higher education" means a state 70679
university or college, a private college or university located in 70680

this state that possesses a certificate of authorization issued by 70681
the Ohio board of regents pursuant to Chapter 1713. of the Revised 70682
Code, or an accredited college or university located outside this 70683
state that is accredited by an accrediting organization or 70684
professional accrediting association recognized by the Ohio board 70685
of regents. 70686

(Q) "Division of real estate" may be used interchangeably 70687
with, and for all purposes has the same meaning as, "division of 70688
real estate and professional licensing." 70689

(R) "Superintendent" or "superintendent of real estate" means 70690
the superintendent of the division of real estate and professional 70691
licensing of this state. Whenever the division or superintendent 70692
of real estate is referred to or designated in any statute, rule, 70693
contract, or other document, the reference or designation shall be 70694
deemed to refer to the division or superintendent of real estate 70695
and professional licensing, as the case may be. 70696

(S) "Appraisal review" means the act or process of developing 70697
and communicating an opinion about the quality of another 70698
appraiser's work that was performed as part of an appraisal, 70699
appraisal review, or appraisal consulting assignment. 70700

(T) "Appraisal consulting" means the act or process of 70701
developing an analysis, recommendation, or opinion to solve a 70702
problem related to real estate. 70703

(U) "Work file" means documentation used during the 70704
preparation of an appraisal report or necessary to support an 70705
appraiser's analyses, opinions, or conclusions. 70706

Sec. 4763.03. (A) In addition to any other duties imposed on 70707
the real estate appraiser board under this chapter, the board 70708
shall: 70709

(1) Adopt rules, in accordance with Chapter 119. of the 70710

Revised Code, in furtherance of this chapter, including, but not limited to, all of the following:

(a) Defining, with respect to state-certified general real estate appraisers, state-certified residential real estate appraisers, and state-licensed residential real estate appraisers, the type of educational experience, appraisal experience, and other equivalent experience that satisfy the requirements of this chapter. The rules shall require that all appraisal experience performed after January 1, 1996, meet the uniform standards of professional practice established by the appraisal foundation.

(b) Establishing the examination specifications for state-certified general real estate appraisers, state-certified residential real estate appraisers, and state-licensed residential real estate appraisers;

(c) Relating to disciplinary proceedings conducted in accordance with section 4763.11 of the Revised Code, including rules governing the reinstatement of certificates, registrations, and licenses that have been suspended pursuant to those proceedings;

(d) Identifying any additional information to be included on the forms specified in division (C) of section 4763.12 of the Revised Code, provided that the rules shall not require any less information than is required in that division;

(e) Establishing the fees set forth in section 4763.09 of the Revised Code;

(f) Establishing the amount of the assessment required by division (A)(2) of section 4763.05 of the Revised Code. The board annually shall determine the amount due from each applicant for an initial certificate, registration, and license in an amount that will maintain the real estate appraiser recovery fund at the level specified in division (A) of section 4763.16 of the Revised Code.

The board may, if the fund falls below that amount, require 70742
current certificate holders, registrants, and licensees to pay an 70743
additional assessment. 70744

(g) Defining the educational requirements pursuant to 70745
division (C) of section 4763.05 of the Revised Code; 70746

(h) Establishing a real estate appraiser assistant program 70747
for the registration of real estate appraiser assistants. 70748

(2) Prescribe by rule the requirements for the examinations 70749
required by division (D) of section 4763.05 of the Revised Code; 70750

(3) Periodically review the standards for ~~preparation and~~ 70751
~~reporting of real estate appraisals~~ the development and reporting 70752
of appraisal reports provided in this chapter and adopt rules 70753
explaining and interpreting those standards; 70754

(4) Hear appeals, pursuant to Chapter 119. of the Revised 70755
Code, from decisions and orders the superintendent of real estate 70756
issues pursuant to this chapter; 70757

(5) Request the initiation by the superintendent of 70758
investigations of violations of this chapter or the rules adopted 70759
pursuant thereto, as the board determines appropriate; 70760

(6) Determine the appropriate disciplinary actions to be 70761
taken against certificate holders, registrants, and licensees 70762
under this chapter as provided in section 4763.11 of the Revised 70763
Code. 70764

(B) In addition to any other duties imposed on the 70765
superintendent of real estate under this chapter, the 70766
superintendent shall: 70767

(1) Prescribe the form and content of all applications 70768
required by this chapter; 70769

(2) Receive applications for certifications, registrations, 70770
and licenses and renewal thereof under this chapter and establish 70771

the procedures for processing, approving, and disapproving those applications; 70772
70773

(3) Retain records and all application materials submitted to the superintendent; 70774
70775

(4) Establish the time and place for conducting the examinations required by division (D) of section 4763.05 of the Revised Code; 70776
70777
70778

(5) Issue certificates, registrations, and licenses and maintain a register of the names and addresses of all persons issued a certificate, registration, or license under this chapter; 70779
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(6) Perform any other functions and duties, including the employment of staff, necessary to administer this chapter; 70782
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(7) Administer this chapter; 70784

(8) Issue all orders necessary to implement this chapter; 70785

(9) Investigate complaints, upon the superintendent's own motion or upon receipt of a complaint or upon a request of the board, concerning any violation of this chapter or the rules adopted pursuant thereto or the conduct of any person holding a certificate, registration, or license issued pursuant to this chapter; 70786
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(10) Establish and maintain an investigation and audit section to investigate complaints and conduct inspections, audits, and other inquiries as in the judgment of the superintendent are appropriate to enforce this chapter. The investigators and auditors have the right to review and audit the business records of certificate holders, registrants, and licensees during normal business hours. The superintendent may utilize the investigators and auditors employed pursuant to division (B)(4) of section 4735.05 of the Revised Code or currently licensed certificate holders or licensees to assist in performing the duties of this 70792
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division. 70802

(11) Appoint a referee or examiner for any proceeding 70803
involving the ~~revocation or suspension of a certificate,~~ 70804
~~registration, or license under section 3123.47 or disciplinary~~ 70805
action of a certificate holder, licensee, or registrant under 70806
section 4763.11 of the Revised Code; 70807

(12) Administer the real estate appraiser recovery fund; 70808

(13) Conduct the examinations required by division (D) of 70809
section 4763.05 of the Revised Code at least four times per year. 70810

(C) The superintendent may do all of the following: 70811

(1) In connection with investigations and audits under 70812
division (B) of this section, subpoena witnesses as provided in 70813
section 4763.04 of the Revised Code; 70814

(2) Apply to the appropriate court to enjoin any violation of 70815
this chapter. Upon a showing by the superintendent that any person 70816
has violated or is about to violate this chapter, the court shall 70817
grant an injunction, restraining order, or other appropriate 70818
relief, or any combination thereof. 70819

(D) All information that is obtained by investigators and 70820
auditors performing investigations or conducting inspections, 70821
audits, and other inquiries pursuant to division (B)(10) of this 70822
section, from certificate holders, registrants, licensees, 70823
complainants, or other persons, and all reports, documents, and 70824
other work products that arise from that information and that are 70825
prepared by the investigators, auditors, or other personnel of the 70826
department of commerce, shall be held in confidence by the 70827
superintendent, the investigators and auditors, and other 70828
personnel of the department. 70829

(E) This section does not prevent the division of real estate 70830
and professional licensing from releasing information relating to 70831

certificate holders, registrants, and licensees to the 70832
superintendent of financial institutions for purposes relating to 70833
the administration of sections 1322.01 to 1322.12 of the Revised 70834
Code, to the superintendent of insurance for purposes relating to 70835
the administration of Chapter 3953. of the Revised Code, to the 70836
attorney general, or to local law enforcement agencies and local 70837
prosecutors. Information released by the division pursuant to this 70838
section remains confidential. 70839

(F) Any rule the board adopts shall not exceed the 70840
requirements specified in federal law or regulations. 70841

Sec. 4763.04. The real estate appraiser board or the 70842
superintendent ~~or~~ of real estate may compel, by order or subpoena, 70843
the attendance of witnesses to testify in relation to any matter 70844
over which the board or the superintendent has jurisdiction and 70845
which is the subject of the inquiry and investigation by the board 70846
or superintendent, and require the production of any book, paper, 70847
or document pertaining to such matter. For such purpose, the board 70848
or the superintendent has the same power as judges of county 70849
courts to administer oaths, compel the attendance of witnesses, 70850
and punish witnesses for refusal to testify. Sheriffs and service 70851
of the subpoena may be made by constables or by certified mail, 70852
return receipt requested, and the subpoena shall be deemed served 70853
on the date delivery is made or the date the person refuses to 70854
accept delivery. Sheriffs or constables shall ~~serve and~~ return 70855
such process and shall receive the same fees for doing so as are 70856
allowed for like service if service of the subpoena is made by 70857
sheriffs or constables. Witnesses shall receive, after their 70858
appearance before the board or the superintendent, the fees and 70859
mileage provided for under section 119.094 of the Revised Code. If 70860
two or more witnesses travel together in the same vehicle, the 70861
mileage fee shall be paid to only one of those witnesses, but the 70862
witnesses may agree to divide the fee among themselves in any 70863

manner. 70864

In addition to the powers and duties granted to the board and 70865
the superintendent under this section, in case any person fails to 70866
file any statement or report, obey any subpoena, give testimony, 70867
answer questions, or produce books, records, or papers as required 70868
by the board or the superintendent under this chapter, the court 70869
of common pleas of any county in the state, upon application made 70870
to it by the board or the superintendent setting forth the 70871
failure, may make an order awarding process of subpoena or 70872
subpoena duces tecum for the person to appear and testify before 70873
the board or the superintendent, and may order any person to give 70874
testimony and answer questions, and to produce books, records, or 70875
papers, as required by the board or the superintendent. Upon the 70876
filing of such order in the office of the clerk of the court of 70877
common pleas, the clerk, under the seal of the court, shall issue 70878
process or subpoena, and each day thereafter until the examination 70879
of the person is completed. The subpoena may contain a direction 70880
that the witness bring with the witness to the examination any 70881
books, records, or papers mentioned in the subpoena. The clerk 70882
also shall issue, under the seal of the court, such other orders, 70883
in reference to the examination, appearance, and production of 70884
books, records, or papers, as the court directs. If any person 70885
summoned by subpoena fails to obey the subpoena, to give 70886
testimony, to answer questions as required, or to obey an order of 70887
the court, the court, on motion supported by proof, may order an 70888
attachment for contempt to be issued against the person charged 70889
with disobedience of any order or injunction issued by the court 70890
under this chapter. If the person is brought before the court by 70891
virtue of the attachment, and if upon a hearing the disobedience 70892
appears, the court may order the offender to be committed and kept 70893
in close custody. 70894

Sec. 4763.05. (A)(1)(a) A person shall make application for 70895

an initial state-certified general real estate appraiser 70896
certificate, an initial state-certified residential real estate 70897
appraiser certificate, an initial state-licensed residential real 70898
estate appraiser license, or an initial state-registered real 70899
estate appraiser assistant registration in writing to the 70900
superintendent of real estate on a form the superintendent 70901
prescribes. The application shall include the address of the 70902
applicant's principal place of business and all other addresses at 70903
which the applicant currently engages in the business of preparing 70904
real estate appraisals and the address of the applicant's current 70905
residence. The superintendent shall retain the applicant's current 70906
residence address in a separate record which shall not constitute 70907
a public record for purposes of section 149.03 of the Revised 70908
Code. The application shall indicate whether the applicant seeks 70909
certification as a general real estate appraiser or as a 70910
residential real estate appraiser, licensure as a residential real 70911
estate appraiser, or registration as a real estate appraiser 70912
assistant and be accompanied by the prescribed examination and 70913
certification, registration, or licensure fees set forth in 70914
section 4763.09 of the Revised Code. The application also shall 70915
include ~~a fingerprint of the applicant;~~ a pledge, signed by the 70916
applicant, that the applicant will comply with the standards set 70917
forth in this chapter; and a statement that the applicant 70918
understands the types of misconduct for which disciplinary 70919
proceedings may be initiated against the applicant pursuant to 70920
this chapter. 70921

(b) Upon the filing of an application and payment of any 70922
examination and certification, registration, or licensure fees, 70923
the superintendent of real estate shall request the superintendent 70924
of the bureau of criminal identification and investigation, or a 70925
vendor approved by the bureau, to conduct a criminal records check 70926
based on the applicant's fingerprints in accordance with division 70927
(A)(11) of section 109.572 of the Revised Code. Notwithstanding 70928

division (K) of section 121.08 of the Revised Code, the 70929
superintendent of real estate shall request that criminal record 70930
information from the federal bureau of investigation be obtained 70931
as part of the criminal records check. Any fee required under 70932
division (C)(3) of section 109.572 of the Revised Code shall be 70933
paid by the applicant. 70934

(2) For purposes of providing funding for the real estate 70935
appraiser recovery fund established by section 4763.16 of the 70936
Revised Code, the real estate appraiser board shall levy an 70937
assessment against each person issued an initial certificate, 70938
registration, or license and against current licensees, 70939
registrants, and certificate holders, as required by board rule. 70940
The assessment is in addition to the application and examination 70941
fees for initial applicants required by division (A)(1) of this 70942
section and the renewal fees required for current certificate 70943
holders, registrants, and licensees. The superintendent of real 70944
estate shall deposit the assessment into the state treasury to the 70945
credit of the real estate appraiser recovery fund. The assessment 70946
for initial certificate holders, registrants, and licensees shall 70947
be paid prior to the issuance of a certificate, registration, or 70948
license, and for current certificate holders, registrants, and 70949
licensees, at the time of renewal. 70950

(B) An applicant for an initial general real estate appraiser 70951
certificate, residential real estate appraiser certificate, or 70952
residential real estate appraiser license shall possess experience 70953
in real estate appraisal as the board prescribes by rule. In 70954
addition to any other information required by the board, the 70955
applicant shall furnish, under oath, a detailed listing of the 70956
appraisal reports or file memoranda for each year for which 70957
experience is claimed and, upon request of the superintendent or 70958
the board, shall make available for examination a sample of the 70959
appraisal reports prepared by the applicant in the course of the 70960

applicant's practice. 70961

(C) An applicant for an initial certificate, registration, or 70962
license shall be at least eighteen years of age, honest, truthful, 70963
and of good reputation and shall present satisfactory evidence to 70964
the superintendent that the applicant has successfully completed 70965
any education requirements the board prescribes by rule. 70966

(D) An applicant for an initial general real estate appraiser 70967
or residential real estate appraiser certificate or residential 70968
real estate appraiser license shall take and successfully complete 70969
a written examination in order to qualify for the certificate or 70970
license. 70971

The board shall prescribe the examination requirements by 70972
rule. 70973

(E)(1) A nonresident, natural person of this state who has 70974
complied with this section may obtain a certificate, registration, 70975
or license. The board shall adopt rules relating to the 70976
certification, registration, and licensure of a nonresident 70977
applicant whose state of residence the board determines to have 70978
certification, registration, or licensure requirements that are 70979
substantially similar to those set forth in this chapter and the 70980
rules adopted thereunder. 70981

(2) The board shall recognize on a temporary basis a 70982
certification or license issued in another state and shall 70983
register on a temporary basis an appraiser who is certified or 70984
licensed in another state if all of the following apply: 70985

(a) The temporary registration is to perform an appraisal 70986
assignment that is part of a federally related transaction. 70987

(b) The appraiser's business in this state is of a temporary 70988
nature. 70989

(c) The appraiser registers with the board pursuant to this 70990

division. 70991

An appraiser who is certified or licensed in another state 70992
shall register with the board for temporary practice before 70993
performing an appraisal assignment in this state in connection 70994
with a federally related transaction. 70995

The board shall adopt rules relating to registration for the 70996
temporary recognition of certification and licensure of appraisers 70997
from another state. The registration for temporary recognition of 70998
certified or licensed appraisers from another state shall not 70999
authorize completion of more than one appraisal assignment in this 71000
state. The board shall not issue more than two registrations for 71001
temporary practice to any one applicant in any calendar year. 71002

(3) In addition to any other information required to be 71003
submitted with the nonresident applicant's or appraiser's 71004
application for a certificate, registration, license, or temporary 71005
recognition of a certificate or license, each nonresident 71006
applicant or appraiser shall submit a statement consenting to the 71007
service of process upon the nonresident applicant or appraiser by 71008
means of delivering that process to the secretary of state if, in 71009
an action against the applicant, certificate holder, registrant, 71010
or licensee arising from the applicant's, certificate holder's, 71011
registrant's, or licensee's activities as a certificate holder, 71012
registrant, or licensee, the plaintiff, in the exercise of due 71013
diligence, cannot effect personal service upon the applicant, 71014
certificate holder, registrant, or licensee. 71015

(F) The superintendent shall not issue a certificate, 71016
registration, or license to, or recognize on a temporary basis an 71017
appraiser from another state that is a corporation, partnership, 71018
or association. This prohibition shall not be construed to prevent 71019
a certificate holder or licensee from signing an appraisal report 71020
on behalf of a corporation, partnership, or association. 71021

(G) Every person licensed, registered, or certified under this chapter shall notify the superintendent, on a form provided by the superintendent, of a change in the address of the licensee's, registrant's, or certificate holder's principal place of business or residence within thirty days of the change. If a licensee's, registrant's, or certificate holder's license, registration, or certificate is revoked or not renewed, the licensee, registrant, or certificate holder immediately shall return the annual and any renewal certificate, registration, or license to the superintendent.

(H)(1) The superintendent shall not issue a certificate, registration, or license to any person, or recognize on a temporary basis an appraiser from another state, who does not meet applicable minimum criteria for state certification, registration, or licensure prescribed by federal law or rule.

(2) The superintendent shall not issue a general real estate appraiser certificate, residential real estate appraiser certificate, residential real estate appraiser license, or real estate appraiser assistant registration to any person who has been convicted of or pleaded guilty to any criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities, including a violation of an existing or former law of this state, any other state, or the United States that substantially is equivalent to such an offense. However, if the applicant has pleaded guilty to or been convicted of such an offense, the superintendent shall not consider the offense if the applicant has proven to the superintendent, by a preponderance of the evidence, that the applicant's activities and employment record since the conviction show that the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that the

applicant will commit such an offense again. 71054

Sec. 4763.06. (A) A person licensed, registered, or certified 71055
under this chapter may obtain a renewal certificate, registration, 71056
or license by filing a renewal application with and paying the 71057
renewal fee set forth in section 4763.09 of the Revised Code and 71058
any amount assessed pursuant to division (A)(2) of section 4763.05 71059
of the Revised Code to the superintendent of real estate. The 71060
renewal application shall include a statement, signed by the 71061
certificate holder, registrant, or licensee, that the certificate 71062
holder, registrant, or licensee has not, during the immediately 71063
preceding twelve-month period, been convicted of or pleaded guilty 71064
to any criminal offense described in division (H)(2) of section 71065
4763.05 of the Revised Code. The certificate holder, registrant, 71066
or licensee shall file the renewal application at least thirty 71067
days, but no earlier than one hundred twenty days, prior to 71068
expiration of the certificate holder's, registrant's, or 71069
licensee's current certificate, registration, or license. 71070

(B) A certificate holder, registrant, or licensee who fails 71071
to renew a certificate, registration, or license prior to its 71072
expiration is ineligible to obtain a renewal certificate, 71073
registration, or license and shall comply with section 4763.05 of 71074
the Revised Code in order to regain certification or licensure, 71075
except that a certificate holder, registrant, or licensee may, 71076
within ~~three~~ twelve months after the expiration of the certificate 71077
holder's, registrant's, or licensee's certificate, registration, 71078
or license, renew the certificate, registration, or license 71079
without having to comply with section 4763.05 of the Revised Code 71080
by payment of all fees for renewal and payment of the late filing 71081
fee set forth in section 4763.09 of the Revised Code. A 71082
certificate holder, registrant, or licensee who applies for late 71083
renewal of the certificate holder's, registrant's, or licensee's 71084
certificate, registration, or license may not engage in ~~all~~ any 71085

activities permitted by the certification, registration, or 71086
license being renewed ~~for~~ during the ~~three-month~~ twelve-month 71087
period following the certificate's, registration's, or license's 71088
normal expiration date until all renewal fees and the late filing 71089
fee have been paid. 71090

Sec. 4763.07. (A) Every state-certified general real estate 71091
appraiser, state-certified residential real estate appraiser, and 71092
state-licensed residential real estate appraiser, ~~and~~ 71093
~~state-registered real estate appraiser assistant~~ shall submit 71094
proof of successfully completing a minimum of fourteen classroom 71095
hours of continuing education instruction in courses or seminars 71096
approved by the real estate appraiser board. The certificate 71097
holder and licensee shall have satisfied the fourteen-hour 71098
continuing education requirements within the one-year period 71099
immediately following the issuance of the initial certificate or 71100
license and shall satisfy those requirements annually thereafter. 71101
A state-registered real estate appraiser assistant who remains in 71102
this classification for more than two years shall satisfy in the 71103
third and successive years this section's requirements. If the 71104
certificate holder ~~or~~, licensee, or registrant fails to submit 71105
proof to the superintendent of meeting these requirements, the 71106
certificate holder's, registrant's, or licensee's certificate ~~or~~, 71107
license, or registration automatically is suspended. The 71108
superintendent shall notify the certificate holder ~~or~~, licensee, 71109
or registrant of the suspension and if the certificate holder ~~or~~, 71110
licensee, or registrant fails to submit proof to the 71111
superintendent of meeting those requirements within three months 71112
from the date of suspension, the superintendent shall revoke the 71113
certificate ~~or~~, license, or registration. If a certificate holder 71114
~~or~~, licensee, or registrant whose certificate ~~or~~, license, or 71115
registration has been revoked under this division desires to be 71116
certified ~~or~~, licensed, or registered under this chapter the 71117

certificate holder ~~or~~, licensee, or registrant shall apply for an 71118
initial certificate ~~or~~, license, or registration and shall meet 71119
all of the requirements of section 4763.05 of the Revised Code for 71120
the issuance of a certificate ~~or~~, license, or registration. 71121

A certificate holder ~~and~~, licensee, or registrant may satisfy 71122
all or a portion of the required hours of classroom instruction in 71123
the following manner: 71124

(1) Completion of an educational program of study determined 71125
by the board to be equivalent, for continuing education purposes, 71126
to courses or seminars approved by the board; 71127

(2) Participation, other than as a student, in educational 71128
processes or programs approved by the board that relate to real 71129
estate appraisal theory, practices, or techniques. 71130

A certificate holder and a licensee shall present to the 71131
superintendent of real estate evidence of the manner in which the 71132
certificate holder and licensee satisfied the requirements of 71133
division (A) of this section. 71134

(B) The board shall adopt rules for implementing a continuing 71135
education program for state-certified general real estate 71136
appraisers, state-certified residential real estate appraisers, 71137
state-licensed residential real estate appraisers, and 71138
state-registered real estate appraiser assistants for the purpose 71139
of assuring that certificate holders ~~and~~, licensees, and 71140
registrants have current knowledge of real estate appraisal 71141
theories, practices, and techniques that will provide a high 71142
degree of service and protection to members of the public. In 71143
addition to any other provisions the board considers appropriate, 71144
the rules adopted by the board shall prescribe the following: 71145

(1) Policies and procedures for obtaining board approval of 71146
courses of instruction and seminars; 71147

(2) Standards, policies, and procedures to be applied in 71148

evaluating the alternative methods of complying with continuing 71149
education requirements set forth in divisions (A)(1) and (2) of 71150
this section; 71151

(3) Standards, monitoring methods, and systems for recording 71152
attendance to be employed by course sponsors as a prerequisite to 71153
approval of courses for continuing education credit. 71154

(C) No amendment or rescission of a rule the board adopts 71155
pursuant to division (B) of this section shall operate to deprive 71156
a certificate holder or licensee of credit toward renewal of 71157
certification or licensure for any course of instruction completed 71158
by the certificate holder or licensee prior to the effective date 71159
of the amendment or rescission that would have qualified for 71160
credit under the rule as it existed prior to amendment or 71161
rescission. 71162

(D) The superintendent of real estate shall not issue a 71163
renewal certificate, registration, or license to any person who 71164
does not meet applicable minimum criteria for state certification, 71165
registration, or licensure prescribed by federal law or rule. 71166

Sec. 4763.09. (A) The real estate appraiser board shall adopt 71167
rules, in accordance with Chapter 119. of the Revised Code, for 71168
the establishment of the following fees: 71169

(1) The examination fee required under division (A) of 71170
section 4763.05 of the Revised Code, up to a maximum of one 71171
hundred fifty dollars, which fee shall be nonrefundable; 71172

(2) The initial state-certified general real estate appraiser 71173
and state-certified residential real estate appraiser 71174
certification and state-licensed residential real estate appraiser 71175
license fees, and the annual renewal thereof, up to a maximum of 71176
one hundred ~~twenty-five~~ seventy-five dollars each; 71177

(3) The initial real estate appraiser assistant registration 71178

fee, and the annual renewal thereof, up to a maximum of ~~fifty one~~ one
hundred dollars; 71179
71180

(4) The late filing fee for renewal of a certification, 71181
registration, or license, which shall be one-half of the 71182
certification, registration, and licensure fees established 71183
pursuant to divisions (A)(2) and (3) of this section; 71184

(5) The amount to be charged to cover the cost of the 71185
issuance of a temporary certificate or license under division 71186
(E)(2) of section 4763.05 of the Revised Code; 71187

(6) Other reasonable fees as needed, including any annual 71188
pass-through charges imposed by the federal government. 71189

(B) An applicant for certification or licensure under this 71190
chapter shall pay the examination fee directly to a testing 71191
service if so prescribed and in such amount as the superintendent 71192
of real estate prescribes. The balance, if any, of the examination 71193
fee shall accompany the application. 71194

Sec. 4763.11. (A) Within ~~five ten~~ ten business days after a 71195
person files a ~~signed~~ written complaint against a person 71196
certified, registered, or licensed under this chapter with the 71197
division of real estate, the superintendent of real estate shall 71198
acknowledge receipt of the complaint ~~or request and send a by~~ 71199
 sending notice to the certificate holder, registrant, or licensee 71200
 ~~describing the acts of which there is a that includes a copy of~~ 71201
 the complaint. The acknowledgement to the complainant and the 71202
notice to the certificate holder, registrant, or licensee ~~shall~~ 71203
 may state that an informal mediation meeting will be held with the 71204
complainant, the certificate holder, registrant, or licensee, and 71205
an investigator from the investigation and audit section of the 71206
division, if the complainant and certificate holder, registrant, 71207
or licensee both file a request for such a meeting within ~~ten~~ 71208
 business twenty calendar days thereafter ~~on a form the~~ 71209

~~superintendent provides after the acknowledgment and notice are~~ 71210
~~mailed.~~ 71211

(B) If the complainant and certificate holder, registrant, or 71212
licensee both file with the division requests for an informal 71213
mediation meeting, the superintendent shall notify the complainant 71214
and certificate holder, registrant, or licensee of the date of the 71215
meeting, ~~which shall be within twenty business days thereafter,~~ 71216
~~except that the complainant, certificate holder, registrant, or~~ 71217
~~licensee may request an extension of up to fifteen business days~~ 71218
~~for good cause shown by regular mail.~~ If the complainant and 71219
certificate holder, registrant, or licensee reach an accommodation 71220
at an informal mediation meeting, the investigator shall ~~so~~ report 71221
the accommodation to the superintendent ~~and to,~~ the complainant, 71222
and the certificate holder, registrant, or licensee and the 71223
complaint file shall be closed, ~~unless, based upon the~~ 71224
~~investigator's report, the superintendent finds evidence that the~~ 71225
~~certificate holder, registrant, or licensee has violated division~~ 71226
~~(G) of this section upon the superintendent receiving satisfactory~~ 71227
notice that the accommodation has been fulfilled. 71228

(C) If the complainant and certificate holder, registrant, or 71229
licensee fail to agree to an informal mediation meeting or fail to 71230
reach an accommodation, ~~or if the superintendent finds evidence of~~ 71231
~~a violation of division (G) of this section pursuant to an~~ 71232
~~investigation conducted pursuant to division (B)(9) of section~~ 71233
~~4763.03 of the Revised Code agreement, or fail to fulfill an~~ 71234
accommodation agreement, the superintendent shall, ~~within five~~ 71235
~~business days of such determination, notify the complainant and~~ 71236
~~certificate holder, registrant, or licensee and investigate assign~~ 71237
the complaint to an investigator for an investigation into the 71238
conduct of the certificate holder, registrant, or licensee against 71239
whom the complaint is filed. 71240

(D) ~~Within sixty business days after receipt of the~~ 71241

~~complaint, or, if an informal meeting is held, within sixty days~~ 71242
~~after such meeting~~ Upon the conclusion of the investigation, the 71243
investigator shall file a written report of the results of the 71244
investigation with the superintendent. ~~Within ten business days~~ 71245
~~thereafter, the~~ The superintendent shall review the report and 71246
determine whether there exists reasonable and substantial evidence 71247
of a violation of division (G) of this section by the certificate 71248
holder, registrant, or licensee. If the superintendent finds such 71249
evidence exists, ~~within five business days of that determination,~~ 71250
the superintendent shall notify the complainant and certificate 71251
holder, registrant, or licensee of the determination. The 71252
certificate holder, registrant, or licensee may request a hearing 71253
pursuant to Chapter 119. of the Revised Code. If a formal hearing 71254
is conducted, the hearing examiner shall file a report of findings 71255
of fact and conclusions of law with the superintendent, the board, 71256
the complainant and the certificate holder, licensee, or 71257
registrant after the conclusion of the formal hearing. Within ten 71258
calendar days of receipt of the copy of the hearing examiner's 71259
finding of fact and conclusions of law, the certificate holder, 71260
licensee, or registrant or the division may file with the board 71261
written objections to the hearing examiner's report, which shall 71262
be considered by the board before approving, modifying, or 71263
rejecting the hearing examiner's report. If the superintendent 71264
finds that such evidence does not exist, ~~within five business days~~ 71265
~~thereafter,~~ the superintendent shall notify the complainant and 71266
certificate holder, registrant, or licensee of that determination 71267
and the basis for the determination. Within fifteen business days 71268
after the superintendent notifies the complainant and certificate 71269
holder, registrant, or licensee that such evidence does not exist, 71270
the complainant may file with the division a request that the real 71271
estate appraiser board review the determination. If the 71272
complainant files such request, the board shall review the 71273
determination at the next regularly scheduled meeting held at 71274

least fifteen business days after the request is filed but no longer than six months after the request is filed. The board may hear the testimony of the complainant, certificate holder, registrant, or licensee at the meeting upon the request of that party. If the board affirms the determination of the superintendent, the superintendent shall notify the complainant and the certificate holder, registrant, or licensee within five business days thereafter. If the board reverses the determination of the superintendent, a hearing before a hearing examiner shall be held and the complainant and certificate holder, registrant, or licensee notified as provided in this division.

(E) The board shall review the referee's or hearing examiner's report and the evidence at the next regularly scheduled board meeting held at least fifteen business days after receipt of the referee's or examiner's report. The board may hear the testimony of the complainant, certificate holder, registrant, or licensee upon request. If the complainant is the Ohio civil rights commission, the board shall review the complaint

(F) If the board determines that a licensee, registrant, or certificate holder has violated this chapter for which disciplinary action may be taken under division (G) of this section, after review of the referee's or examiner's report and the evidence as provided in division (E) of this section, the board shall order the disciplinary action the board considers appropriate, which may include, but is not limited to, any of the following:

(1) Reprimand of the certificate holder, registrant, or licensee;

(2) Imposition of a fine, not exceeding, two thousand five hundred dollars per violation;

(3) Requirement of the completion of additional education

courses. Any course work imposed pursuant to this section shall not count toward continuing education requirements or prelicense or precertification requirements set forth in section 4763.05 of the Revised Code. 71306
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(4) Suspension of the certificate, registration, or license for a specific period of time; 71310
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~~(3) Suspension of the certificate, registration, or license until the certificate holder, registrant, or licensee complies with conditions the board sets, including but not limited to, successful completion of the real estate appraiser examination described in division (D) of section 4763.05 of the Revised Code or completion of a specific number of hours of continuing education instruction in courses or seminars approved by the board;~~ 71312
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~~(4)~~(5) Revocation of the certificate, registration, or license. 71320
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The decision and order of the board is final, subject to review in the manner provided for in Chapter 119. of the Revised Code and appeal to any court of common pleas. 71322
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(G) The board shall take any disciplinary action authorized by this section against a certificate holder, registrant, or licensee who is found to have committed any of the following acts, omissions, or violations during the appraiser's certification, registration, or licensure: 71325
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(1) Procuring or attempting to procure a certificate, registration, or license pursuant to this chapter by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for certification, registration, or licensure, or by any means of fraud or misrepresentation; 71330
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(2) Paying, or attempting to pay, anything of value, other 71336

than the fees or assessments required by this chapter, to any member or employee of the board for the purpose of procuring a certificate, registration, or license;

(3) Being convicted in a criminal proceeding for a felony or a crime involving moral turpitude;

(4) Dishonesty, fraud, or misrepresentation, with the intent to either benefit the certificate holder, registrant, or licensee or another person or injure another person;

(5) Violation of any of the standards for the development ~~or~~, preparation, communication, or reporting of ~~real estate appraisals~~ an appraisal report set forth in this chapter and rules of the board;

(6) Failure or refusal to exercise reasonable diligence in developing ~~an appraisal~~, preparing, or communicating an appraisal report, ~~or communicating an appraisal~~;

(7) Negligence or incompetence in developing ~~an appraisal~~, in preparing, communicating, or reporting an appraisal report, ~~or in communicating an appraisal~~;

(8) ~~Willfully~~ Violating or willfully disregarding ~~or violating this~~ chapter or the rules adopted thereunder;

(9) Accepting an appraisal assignment where the employment is contingent upon the appraiser preparing or reporting a predetermined estimate, analysis, or opinion, or where the fee to be paid for the appraisal is contingent upon the opinion, conclusion, or valuation attained or upon the consequences resulting from the appraisal assignment;

(10) Violating the confidential nature of governmental records to which the certificate holder, registrant, or licensee gained access through employment or engagement as an appraiser by a governmental agency;

(11) Entry of final judgment against the certificate holder, 71367
registrant, or licensee on the grounds of fraud, deceit, 71368
misrepresentation, or gross negligence in the making of any 71369
appraisal of real estate; 71370

(12) Violating any federal or state civil rights law; 71371

(13) Having published advertising, whether printed, radio, 71372
display, or of any other nature, which was misleading or 71373
inaccurate in any material particular, or in any way having 71374
misrepresented any appraisal or specialized service; 71375

(14) Failing to provide copies of records to the 71376
superintendent or failing to maintain records for five years as 71377
required by section 4763.14 of the Revised Code. Failure of a 71378
certificate holder, licensee, or registrant to comply with a 71379
subpoena issued under division (C)(1) of section 4763.03 of the 71380
Revised Code is prima-facie evidence of a violation of division 71381
(G)(14) of section 4763.11 of the Revised Code. 71382

(15) Failing to provide notice to the board as required in 71383
division (I) of this section. 71384

(H) The board immediately shall notify the superintendent of 71385
real estate of any disciplinary action taken under this section 71386
against a certificate holder, registrant, or licensee who also is 71387
licensed under Chapter 4735. of the Revised Code, and also shall 71388
notify any other federal, state, or local agency and any other 71389
public or private association that the board determines is 71390
responsible for licensing or otherwise regulating the professional 71391
or business activity of the appraiser. Additionally, the board 71392
shall notify the complainant and any other party who may have 71393
suffered financial loss because of the certificate holder's, 71394
registrant's, or licensee's violations, that the complainant or 71395
other party may sue for recovery under section 4763.16 of the 71396
Revised Code. The notice provided under this division shall 71397

specify the conduct for which the certificate holder, registrant, 71398
or licensee was disciplined and the disciplinary action taken by 71399
the board and the result of that conduct. 71400

(I) A certificate holder, registrant, or licensee shall 71401
notify the board ~~of the existence of a criminal conviction of the~~ 71402
type within fifteen days of the agency's issuance of an order 71403
revoking or permanently surrendering any professional license, 71404
certificate, or registration by any public entity other than the 71405
division of real estate. A certificate holder, registrant, or 71406
licensee who is convicted of a felony or crime of moral turpitude 71407
as described in division (G)(3) of this section shall notify the 71408
board of the conviction within fifteen days of the conviction. 71409

(J) If the board determines that a certificate holder, 71410
registrant, or licensee has violated this chapter for which 71411
disciplinary action may be taken under division (G) of this 71412
section as a result of an investigation conducted by the 71413
superintendent upon the superintendent's own motion or upon the 71414
request of the board, the superintendent shall notify the 71415
certificate holder, registrant, or licensee of the certificate 71416
holder's, registrant's, or licensee's right to a hearing pursuant 71417
to Chapter 119. of the Revised Code and to an appeal of a final 71418
determination of such administrative proceedings to any court of 71419
common pleas. 71420

(K) All notices, written reports, and determinations issued 71421
pursuant to this section shall be mailed via certified mail, 71422
return receipt requested. If the certified notice is returned 71423
because of failure of delivery or was unclaimed, the notice, 71424
written reports, or determinations are deemed served if the 71425
superintendent sends the notice, written reports, or determination 71426
via regular mail and obtains a certificate of mailing of the 71427
notice, written reports, or determination. Refusal of delivery by 71428
personal service or by mail is not failure of delivery and service 71429

is deemed to be complete. 71430

Sec. 4763.13. (A) In engaging in appraisal activities, a 71431
person certified, registered, or licensed under this chapter shall 71432
comply with the applicable standards prescribed by the board of 71433
governors of the federal reserve system, the federal deposit 71434
insurance corporation, the comptroller of the currency, the office 71435
of thrift supervision, the national credit union administration, 71436
and the resolution trust corporation in connection with federally 71437
related transactions under the jurisdiction of the applicable 71438
agency or instrumentality. A certificate holder, registrant, and 71439
licensee also shall comply with the uniform standards of 71440
professional appraisal practice, as adopted by the appraisal 71441
standards board of the appraisal foundation and such other 71442
standards adopted by the real estate appraiser board, to the 71443
extent that those standards do not conflict with applicable 71444
federal standards in connection with a particular federally 71445
related transaction. 71446

(B) The terms "state-licensed residential real estate 71447
appraiser," "state-certified residential real estate appraiser," 71448
"state-certified general real estate appraiser," and 71449
"state-registered real estate appraiser assistant" shall be used 71450
to refer only to those persons who have been issued the applicable 71451
certificate, registration, or license or renewal certificate, 71452
registration, or license pursuant to this chapter. None of these 71453
terms shall be used following or in connection with the name or 71454
signature of a partnership, corporation, or association or in a 71455
manner that could be interpreted as referring to a person other 71456
than the person to whom the certificate, registration, or license 71457
has been issued. No person shall fail to comply with this 71458
division. 71459

(C) No person, other than a certificate holder, a registrant, 71460

or a licensee, shall assume or use a title, designation, or 71461
abbreviation that is likely to create the impression that the 71462
person possesses certification, registration, or licensure under 71463
this chapter, provided that professional designations containing 71464
the term "certified appraiser" and being used on or before July 71465
26, 1989, shall not be construed as being misleading under this 71466
division. No person other than a person certified or licensed 71467
under this chapter shall describe or refer to an appraisal or 71468
other evaluation of real estate located in this state as being 71469
certified. 71470

(D) The terms "state-certified or state-licensed real estate 71471
appraisal report," "state-certified or state-licensed appraisal 71472
report," or "state-certified or state-licensed appraisal" shall be 71473
used to refer only to those real estate appraisals conducted by a 71474
certificate holder or licensee as a disinterested and unbiased 71475
third party provided that the certificate holder or licensee 71476
provides certification with the appraisal and provided further 71477
that if a licensee is providing the appraisal, such terms shall 71478
only be used if the licensee is acting within the scope of the 71479
licensee's license. No person shall fail to comply with this 71480
division. 71481

(E) Nothing in this chapter shall preclude a partnership, 71482
corporation, or association which employs ~~or~~, retains, or engages 71483
the services of a certificate holder or licensee to advertise that 71484
the partnership, corporation, or association offers 71485
state-certified or state-licensed appraisals through a certificate 71486
holder or licensee if the advertisement clearly states such fact 71487
in accordance with guidelines for such advertisements established 71488
by rule of the real estate appraiser board. 71489

(F) Except as otherwise provided in section 4763.19 of the 71491
Revised Code, nothing in this chapter shall preclude a person who 71492

is not licensed or certified under this chapter from appraising 71493
real estate for compensation. 71494

Sec. 4763.14. A person licensed, registered, or certified 71495
under this chapter shall retain for a period of five years the 71496
original or a true copy of each written contract for the person's 71497
services relating to real estate appraisal work ~~and~~, all appraisal 71498
reports, and all work file documentation and ~~supporting~~ data 71499
assembled ~~and formulated by the person~~ in preparing those reports. 71500
The retention period begins on the date the appraisal is submitted 71501
to the client unless, prior to expiration of the retention period, 71502
the certificate holder, registrant, or licensee is notified that 71503
the appraisal or report is the subject of or is otherwise involved 71504
in pending litigation, in which case the retention period begins 71505
on the date of final disposition of the litigation. 71506

A certificate holder, registrant, and a licensee shall make 71507
available all records required to be maintained under this section 71508
for inspection and copying by the superintendent of real estate or 71509
the real estate appraiser board, or both, upon reasonable notice 71510
to the certificate holder, registrant, or licensee. 71511

Sec. 4763.17. Every partnership, corporation, or association 71512
which employs ~~or~~, retains, or engages the services of a person 71513
licensed, registered, or certified under this chapter, whether the 71514
certificate holder, registrant, or licensee is an independent 71515
contractor or under the supervision or control of the partnership, 71516
corporation, or association, is jointly and severally liable for 71517
any damages incurred by any person as a result of an act or 71518
omission concerning a state-certified or state-licensed real 71519
estate appraisal prepared or facilitated in the preparation by a 71520
certificate holder, registrant, or licensee while employed ~~or~~, 71521
retained, or engaged by the partnership, corporation, or 71522
association. 71523

Sec. 4765.11. (A) The state board of emergency medical services shall adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code and division (C) of this section that establish all of the following:

(1) Procedures for its governance and the control of its actions and business affairs;

(2) Standards for the performance of emergency medical services by first responders, emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic;

(3) Application fees for certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice, which shall be deposited into the trauma and emergency medical services fund created in section 4513.263 of the Revised Code;

(4) Criteria for determining when the application or renewal fee for a certificate to practice may be waived because an applicant cannot afford to pay the fee;

(5) Procedures for issuance and renewal of certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice, including any procedures necessary to ensure that adequate notice of renewal is provided in accordance with division (D) of section 4765.30 of the Revised Code;

(6) Procedures for suspending or revoking certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice;

(7) Grounds for suspension or revocation of a certificate to practice issued under section 4765.30 of the Revised Code and for taking any other disciplinary action against a first responder,

EMT-basic, EMT-I, or paramedic;	71554
(8) Procedures for taking disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	71555 71556
(9) Standards for certificates of accreditation and certificates of approval;	71557 71558
(10) Qualifications for certificates to teach;	71559
(11) Requirements for a certificate to practice;	71560
(12) The curricula, number of hours of instruction and training, and instructional materials to be used in adult and pediatric emergency medical services training programs and adult and pediatric emergency medical services continuing education programs;	71561 71562 71563 71564 71565
(13) Procedures for conducting courses in recognizing symptoms of life-threatening allergic reactions and in calculating proper dosage levels and administering injections of epinephrine to adult and pediatric patients who suffer life-threatening allergic reactions;	71566 71567 71568 71569 71570
(14) Examinations for certificates to practice;	71571
(15) Procedures for administering examinations for certificates to practice;	71572 71573
(16) Procedures for approving examinations that demonstrate competence to have a certificate to practice renewed without completing an emergency medical services continuing education program;	71574 71575 71576 71577
(17) Procedures for granting extensions and exemptions of emergency medical services continuing education requirements;	71578 71579
(18) Procedures for approving the additional emergency medical services first responders are authorized by division (C) of section 4765.35 of the Revised Code to perform, EMTs-basic are authorized by division (C) of section 4765.37 of the Revised Code	71580 71581 71582 71583

to perform, EMTs-I are authorized by division (B)(5) of section 71584
4765.38 of the Revised Code to perform, and paramedics are 71585
authorized by division (B)(6) of section 4765.39 of the Revised 71586
Code to perform; 71587

(19) Standards and procedures for implementing the 71588
requirements of section 4765.06 of the Revised Code, including 71589
designations of the persons who are required to report information 71590
to the board and the types of information to be reported; 71591

(20) Procedures for administering the emergency medical 71592
services grant program established under section 4765.07 of the 71593
Revised Code; 71594

(21) Procedures consistent with Chapter 119. of the Revised 71595
Code for appealing decisions of the board; 71596

(22) Minimum qualifications and peer review and quality 71597
improvement requirements for persons who provide medical direction 71598
to emergency medical service personnel; 71599

(23) The manner in which a patient, or a patient's parent, 71600
guardian, or custodian may consent to the board releasing 71601
identifying information about the patient under division (D) of 71602
section 4765.102 of the Revised Code; 71603

(24) Circumstances under which a training program or 71604
continuing education program, or portion of either type of 71605
program, may be taught by a person who does not hold a certificate 71606
to teach issued under section 4765.23 of the Revised Code; 71607

(25) Certification cycles for certificates issued under 71608
sections 4765.23 and 4765.30 of the Revised Code and certificates 71609
issued by the executive director of the state board of emergency 71610
medical services under section 4765.55 of the Revised Code that 71611
establish a common expiration date for all certificates. 71612

(B) The board may adopt, and may amend and rescind, rules in 71613

accordance with Chapter 119. of the Revised Code and division (C) 71614
of this section that establish the following: 71615

(1) Specifications of information that may be collected under 71616
the trauma system registry and incidence reporting system created 71617
under section 4765.06 of the Revised Code; 71618

(2) Standards and procedures for implementing any of the 71619
recommendations made by any committees of the board or under 71620
section 4765.04 of the Revised Code; 71621

(3) Requirements that a person must meet to receive a 71622
certificate to practice as a first responder pursuant to division 71623
(A)(2) of section 4765.30 of the Revised Code; 71624

(4) Any other rules necessary to implement this chapter. 71625

(C) In developing and administering rules adopted under this 71626
chapter, the state board of emergency medical services shall 71627
consult with regional directors and regional physician advisory 71628
boards created by section 4765.05 of the Revised Code and 71629
emphasize the special needs of pediatric and geriatric patients. 71630

(D) Except as otherwise provided in this division, before 71631
adopting, amending, or rescinding any rule under this chapter, the 71632
board shall submit the proposed rule to the director of public 71633
safety for review. The director may review the proposed rule for 71634
not more than sixty days after the date it is submitted. If, 71635
within this sixty-day period, the director approves the proposed 71636
rule or does not notify the board that the rule is disapproved, 71637
the board may adopt, amend, or rescind the rule as proposed. If, 71638
within this sixty-day period, the director notifies the board that 71639
the proposed rule is disapproved, the board shall not adopt, 71640
amend, or rescind the rule as proposed unless at least twelve 71641
members of the board vote to adopt, amend, or rescind it. 71642

This division does not apply to an emergency rule adopted in 71643
accordance with section 119.03 of the Revised Code. 71644

Sec. 4765.17. (A) The state board of emergency medical 71645
services shall issue the appropriate certificate of accreditation 71646
or certificate of approval to an applicant who is of good 71647
reputation and meets the requirements of section 4765.16 of the 71648
Revised Code. The board shall grant or deny a certificate of 71649
accreditation or certificate of approval within one hundred twenty 71650
days of receipt of the application. The board may issue or renew a 71651
certificate of accreditation or certificate of approval on a 71652
provisional basis to an applicant who is of good reputation and is 71653
in substantial compliance with the requirements of section 4765.16 71654
of the Revised Code. The board shall inform an applicant receiving 71655
such a certificate of the conditions ~~he~~ that must ~~meet~~ be met to 71656
complete compliance with section 4765.16 of the Revised Code. 71657

(B) Except as provided in division (C) of this section, a 71658
certificate of accreditation or certificate of approval is valid 71659
for ~~three~~ up to five years and may be renewed by the board 71660
pursuant to procedures and standards established in rules adopted 71661
under section 4765.11 of the Revised Code. An application for 71662
renewal shall be accompanied by the appropriate renewal fee 71663
established in rules adopted under section 4765.11 of the Revised 71664
Code. 71665

(C) A certificate of accreditation or certificate of approval 71666
issued on a provisional basis is valid for ~~one year and shall not~~ 71667
~~be renewed~~ the length of time established by the board. If the 71668
board finds that the holder of such a certificate has met the 71669
conditions it specifies under division (A) of this section, the 71670
board shall issue the appropriate certificate of accreditation or 71671
certificate of approval. 71672

(D) A certificate of accreditation is valid only for the 71673
emergency medical services training program or programs for which 71674
it is issued. The holder of a certificate of accreditation may 71675

apply to operate additional training programs in accordance with 71676
rules adopted by the board under section 4765.11 of the Revised 71677
Code. Any additional training programs shall expire on the 71678
expiration date of the applicant's current certificate. A 71679
certificate of approval is valid only for the emergency medical 71680
services continuing education program for which it is issued. 71681
Neither is transferable. 71682

(E) The ~~operator holder~~ holder of an accredited a certificate of 71683
accreditation or approved program a certificate of approval may 71684
offer courses ~~from the program~~ at more than one location in 71685
accordance with rules adopted under section 4765.11 of the Revised 71686
Code. 71687

Sec. 4765.23. The state board of emergency medical services 71688
shall issue a certificate to teach in an emergency medical 71689
services training program or an emergency medical services 71690
continuing education program to any applicant who it determines 71691
meets the qualifications established in rules adopted under 71692
section 4765.11 of the Revised Code. The certificate shall 71693
indicate each type of instruction and training the certificate 71694
holder may teach under the certificate. 71695

A certificate to teach ~~is valid for two years~~ shall have a 71696
certification cycle established by the board and may be renewed by 71697
the board pursuant to ~~procedures established in~~ rules adopted 71698
under section 4765.11 of the Revised Code. An application for 71699
renewal shall be accompanied by the appropriate renewal fee 71700
established in rules adopted under section 4765.11 of the Revised 71701
Code. 71702

The board may suspend or revoke a certificate to teach 71703
pursuant to rules adopted under section 4765.11 of the Revised 71704
Code. 71705

Sec. 4765.30. (A)(1) The state board of emergency medical services shall issue a certificate to practice as a first responder to an applicant who meets all of the following conditions:

(a) Except as provided in division (A)(2) of this section, is a volunteer for a nonprofit emergency medical service organization or a nonprofit fire department;

(b) Holds the appropriate certificate of completion issued in accordance with section 4765.24 of the Revised Code;

(c) Passes the appropriate examination conducted under section 4765.29 of the Revised Code;

(d) Is not in violation of any provision of this chapter or the rules adopted under it;

(e) Meets any other certification requirements established in rules adopted under section 4765.11 of the Revised Code.

(2) The board may waive the requirement to be a volunteer for a nonprofit entity if the applicant meets other requirements established in rules adopted under division (B)(3) of section 4765.11 of the Revised Code relative to a person's eligibility to practice as a first responder.

(B) The state board of emergency medical services shall issue a certificate to practice as an emergency medical technician-basic to an applicant who meets all of the following conditions:

(1) Holds a certificate of completion in emergency medical services training-basic issued in accordance with section 4765.24 of the Revised Code;

(2) Passes the examination for emergency medical technicians-basic conducted under section 4765.29 of the Revised Code;

(3) Is not in violation of any provision of this chapter or the rules adopted under it; 71735
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(4) Meets any other certification requirements established in rules adopted under section 4765.11 of the Revised Code. 71737
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(C) The state board of emergency medical services shall issue a certificate to practice as an emergency medical technician-intermediate or emergency medical technician-paramedic to an applicant who meets all of the following conditions: 71739
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(1) Holds a certificate to practice as an emergency medical technician-basic; 71743
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(2) Holds the appropriate certificate of completion issued in accordance with section 4765.24 of the Revised Code; 71745
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(3) Passes the appropriate examination conducted under section 4765.29 of the Revised Code; 71747
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(4) Is not in violation of any provision of this chapter or the rules adopted under it; 71749
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(5) Meets any other certification requirements established in rules adopted under section 4765.11 of the Revised Code. 71751
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(D) A certificate to practice ~~is valid for three years~~ shall have a certification cycle established by the board and may be renewed by the board pursuant to ~~procedures established in~~ rules adopted under section 4765.11 of the Revised Code. Not later than sixty days prior to the expiration date of an individual's certificate to practice, the board shall notify the individual of the scheduled expiration ~~and furnish an application for renewal.~~ 71753
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An application for renewal shall be accompanied by the appropriate renewal fee established in rules adopted under section 4765.11 of the Revised Code, unless the board waives the fee on determining pursuant to those rules that the applicant cannot afford to pay the fee. Except as provided in division (B) of 71760
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section 4765.31 of the Revised Code, the application shall include 71765
evidence of either of the following: 71766

(1) That the applicant received a certificate of completion 71767
from the appropriate emergency medical services continuing 71768
education program pursuant to section 4765.24 of the Revised Code; 71769

(2) That the applicant has successfully passed an examination 71770
that demonstrates the competence to have a certificate renewed 71771
without completing an emergency medical services continuing 71772
education program. The board shall approve such examinations in 71773
accordance with rules adopted under section 4765.11 of the Revised 71774
Code. 71775

(E) The board shall not require an applicant for renewal of a 71776
certificate to practice to take an examination as a condition of 71777
renewing the certificate. This division does not preclude the use 71778
of examinations by operators of approved emergency medical 71779
services continuing education programs as a condition for issuance 71780
of a certificate of completion in emergency medical services 71781
continuing education. 71782

Sec. 4766.09. This chapter does not apply to any of the 71783
following: 71784

(A) A person rendering services with an ambulance in the 71785
event of a disaster situation when licensees' vehicles based in 71786
the locality of the disaster situation are incapacitated or 71787
insufficient in number to render the services needed; 71788

(B) Any person operating an ambulance, ambulette, rotorcraft 71789
air ambulance, or fixed wing air ambulance outside this state 71790
unless receiving a person within this state for transport to a 71791
location within this state; 71792

(C) A publicly owned or operated emergency medical service 71793
organization and the vehicles it owns or leases and operates, 71794

except as provided in section 307.051, division (G) of section 71795
307.055, division (F) of section 505.37, division (B) of section 71796
505.375, and division (B)(3) of section 505.72 of the Revised 71797
Code; 71798

(D) An ambulance, ambulette, rotorcraft air ambulance, fixed 71799
wing air ambulance, or nontransport vehicle owned or leased and 71800
operated by the federal government; 71801

(E) A publicly owned and operated fire department vehicle; 71802

(F) Emergency vehicles owned by a corporation and operating 71803
only on the corporation's premises, for the sole use by that 71804
corporation; 71805

(G) An ambulance, nontransport vehicle, or other emergency 71806
medical service organization vehicle owned and operated by a 71807
municipal corporation; 71808

(H) A motor vehicle titled in the name of a volunteer rescue 71809
service organization, as defined in section 4503.172 of the 71810
Revised Code; 71811

(I) A public emergency medical service organization; 71812

(J) A fire department, rescue squad, or life squad comprised 71813
of volunteers who provide services without expectation of 71814
remuneration and do not receive payment for services other than 71815
reimbursement for expenses; 71816

(K) A private, nonprofit emergency medical service 71817
organization when fifty per cent or more of its personnel are 71818
volunteers, as defined in section 4765.01 of the Revised Code; 71819

(L) Emergency medical service personnel who are regulated by 71820
the state board of emergency medical services under Chapter 4765. 71821
of the Revised Code; 71822

(M) Any of the following that operates a transit bus, as that 71823
term is defined in division (Q) of section 5735.01 of the Revised 71824

Code, unless the entity provides ambulette services that are 71825
reimbursed under the state medicaid plan: 71826

(1) A public nonemergency medical service organization; 71827

(2) An urban or rural public transit system; 71828

(3) A private nonprofit organization that receives grants 71829
under section 5501.07 of the Revised Code. 71830

(N)(1) An entity ~~or vehicle owned by an entity that, to the~~ 71831
~~extent it provides ambulette services, if the entity meets all of~~ 71832
~~the following conditions:~~ 71833

(a) The entity is certified by the department of aging or the 71834
department's designee ~~under in accordance with~~ section 173.391 of 71835
the Revised Code ~~and or operates under a contract or grant~~ 71836
~~agreement with the department or the department's designee in~~ 71837
~~accordance with section 173.392 of the Revised Code.~~ 71838

(b) The entity meets the requirements of section 4766.14 of 71839
the Revised Code, ~~unless the entity or.~~ 71840

(c) The entity does not provide ambulette services that are 71841
reimbursed under the state medicaid plan. 71842

(2) A vehicle, to the extent it is used to provide ambulette 71843
services, if the vehicle meets both of the following conditions: 71844

(a) The vehicle is owned by an entity that meets the 71845
conditions specified in division (N)(1) of this section. 71846

(b) The vehicle ~~provides~~ does not provide ambulette services 71847
that are reimbursed under the state medicaid plan~~+~~. 71848

(O) A vehicle that meets both of the following criteria, 71849
unless the vehicle provides services that are reimbursed under the 71850
state medicaid plan: 71851

(1) The vehicle was purchased with funds from a grant made by 71852
the United States secretary of transportation under 49 U.S.C. 71853

5310; 71854

(2) The department of transportation holds a lien on the 71855
vehicle. 71856

Sec. 4767.05. (A) There is hereby created the Ohio cemetery 71857
dispute resolution commission, which shall consist of nine members 71858
to be appointed by the governor with the advice and consent of the 71859
senate as follows: 71860

(1) One member shall be the management authority of a 71861
municipal, township, or union cemetery and shall be selected from 71862
a list of four names submitted to the governor. Two of the four 71863
names shall be submitted by the Ohio township association and two 71864
names shall be submitted by the Ohio municipal league. 71865

(2) Four members shall be individuals employed in a 71866
management position by a cemetery company or cemetery association. 71867
Two of the four members shall be selected from a list of four 71868
names submitted to the governor by the Ohio association of 71869
cemeteries and two shall be selected from a list of four names 71870
submitted by the Ohio association of cemetery superintendents and 71871
officials. 71872

(3) Two members shall be employed in a management position by 71873
a cemetery that is owned or operated by a religious, fraternal, or 71874
benevolent society and shall be selected from a list of four names 71875
submitted by the Ohio association of cemetery superintendents and 71876
officials. 71877

(4) Two members, at least one of whom shall be at least 71878
sixty-five years of age, shall be representatives of the public 71879
with no financial interest in the death care industry. 71880

Each member of the commission, except for the two members who 71881
represent the public, shall, at the time of appointment, have had 71882
a minimum of five consecutive years of experience in the active 71883

administration and management of a cemetery in this state. 71884

(B) Within ninety days after the effective date of this 71885
section, the governor shall make initial appointments to the 71886
commission. Of the initial appointments, two shall be for terms 71887
ending one year after the effective date of this section, two 71888
shall be for terms ending two years after that date, two shall be 71889
for terms ending three years after that date, and three shall be 71890
for terms ending four years after that date. Thereafter, terms of 71891
office shall be for four years, with each term ending on the same 71892
day of the same month as did the term that it succeeds. Each 71893
member shall hold office from the date of appointment until the 71894
end of the term for which the member was appointed. Vacancies 71895
shall be filled in the manner provided for original appointments, 71896
with each appointee, other than a representative of the public, 71897
being appointed from a list of two names submitted to the governor 71898
by the association or organization that was required to nominate 71899
candidates for initial appointment to the position that has become 71900
vacant. Any member appointed to fill a vacancy occurring prior to 71901
the expiration date of the term for which the member's predecessor 71902
was appointed shall hold office for the remainder of that term. A 71903
member shall continue in office subsequent to the expiration date 71904
of the member's term until the member's successor takes office or 71905
until a period of sixty days has elapsed, whichever occurs first. 71906
No person shall serve as a member of the commission for more than 71907
two consecutive terms, excluding any term served to fill an 71908
initial appointment to a term of less than four years or an 71909
unexpired term caused by a vacancy. 71910

(C) The commission annually shall elect from among its 71911
members a chairperson, vice-chairperson, and secretary, each of 71912
whom shall serve a term of one year in that office. The commission 71913
shall meet at least four times a year. Additional meetings may be 71914
called by the chairperson, or by the vice-chairperson when the 71915

chairperson is disabled, or by a majority of the members of the 71916
commission. A majority of the members constitutes a quorum to 71917
transact and vote on business of the commission. 71918

The chairperson or vice-chairperson may: 71919

(1) Administer oaths; 71920

(2) Issue subpoenas; 71921

(3) Summon witnesses; 71922

(4) Compel the production of books, papers, records, and 71923
other forms of evidence; 71924

(5) Fix the time and place for hearing any matter related to 71925
compliance with sections 1721.19, 1721.20, 1721.21, 1721.211, 71926
4735.02, ~~4735.22~~, and 4767.02 of the Revised Code. 71927

The chairperson shall designate three members of the 71928
commission to serve on the crematory review board in accordance 71929
with section 4717.03 of the Revised Code for such time as the 71930
chairperson finds appropriate. Members designated to serve on the 71931
crematory review board shall perform all functions necessary to 71932
carry out the duties of the board as described in section 4717.03 71933
of the Revised Code. Members who serve on the crematory review 71934
board shall receive no compensation for such service. 71935

(D) Before entering upon the duties of office, each member of 71936
the commission shall take the oath pursuant to section 3.22 of the 71937
Revised Code. The governor may remove any member for misconduct, 71938
neglect of duty, incapacity, or malfeasance in accordance with 71939
section 3.04 of the Revised Code. 71940

(E) Members of the commission shall receive no compensation 71941
but shall be reimbursed for their actual and necessary expenses 71942
incurred in the performance of their duties as members of the 71943
commission. 71944

(F) The division of real estate in the department of commerce 71945

shall provide the commission with meeting space, staff services, 71946
and other technical assistance required by the commission in 71947
carrying out its duties pursuant to sections 4767.05 to 4767.08 of 71948
the Revised Code. 71949

Sec. 4767.07. (A) Any person may file a complaint regarding 71950
the activity, practice, policy, or procedure of, or regarding an 71951
alleged violation of section 1721.19, 1721.20, 1721.21, 1721.211, 71952
4735.02, ~~4735.22~~, or 4767.02 of the Revised Code by, any person 71953
operating or maintaining a cemetery registered pursuant to section 71954
4767.03 of the Revised Code that adversely affects or may 71955
adversely affect the interest of an owner or family member of the 71956
owner of a cemetery lot or burial, entombment, or columbarium 71957
right. All complaints shall be in writing and submitted to the 71958
division of real estate in the department of commerce on forms 71959
provided by the division. 71960

(B) With respect to complaints filed pursuant to division (A) 71961
of this section, the division of real estate shall do all of the 71962
following: 71963

(1) Acknowledge receipt of the complaint by sending written 71964
notice to the person who filed the complaint not more than twenty 71965
days after receipt of the complaint; 71966

(2) Send written notice of the complaint within seven days 71967
after receipt of the complaint to the person responsible for the 71968
operation and maintenance of the cemetery that is the subject of 71969
the complaint; 71970

(3) Before taking further action, allow the owner or the 71971
person responsible for the operation and maintenance of the 71972
cemetery that is the subject of a complaint thirty days after the 71973
date the division sends notice of the complaint to respond to the 71974
division with respect to the complaint. 71975

(C) The cemetery dispute resolution commission shall hear 71976
each complaint filed pursuant to division (A) of this section 71977
within one hundred eighty days after its filing, unless it has 71978
been resolved by the parties to the complaint. 71979

Sec. 4767.08. (A) The Ohio cemetery dispute resolution 71980
commission, on its own motion or as a result of a complaint 71981
received pursuant to section 4767.07 of the Revised Code and with 71982
good cause shown, shall investigate or cause to be investigated 71983
alleged violations of sections 1721.19, 1721.20, 1721.21, 71984
1721.211, 4735.02, ~~4735.22, and 4767.03~~ 4767.02, and 4767.03 of 71985
the Revised Code. If the commission or the superintendent of the 71986
division of real estate in the department of commerce believes 71987
that a violation has occurred, the commission or superintendent 71988
shall do all of the following: 71989

(1) Review the financial records of the cemetery to ensure 71990
compliance with sections 1721.21 and 1721.211 of the Revised Code; 71991

(2) Request the prosecuting attorney of the county in which 71992
the alleged violation occurred to initiate such proceedings as are 71993
appropriate. 71994

(B) If, as a result of an investigation, the commission or 71995
the superintendent believes that a person has violated Chapter 71996
1345. of the Revised Code, the commission or superintendent shall 71997
report the findings to the attorney general. 71998

(C) The commission, at any time, may dismiss a complaint if 71999
it determines there is not good cause shown for the complaint. If 72000
the commission dismisses a complaint, it shall notify the person 72001
who filed the complaint within twenty days of reaching its 72002
decision and identify the reason why the complaint was dismissed. 72003

(D) When necessary for the division of real estate to perform 72004
the duties required by sections 4767.07 and 4767.08 of the Revised 72005

Code, the superintendent of the division, after consultation with 72006
at least a majority of the members of the cemetery dispute 72007
resolution commission, may issue subpoenas and compel the 72008
production of books, papers, records, and other forms of evidence. 72009

Sec. 4774.02. (A)(1) Except as provided in division (B) of 72010
this section, no person shall practice as a radiologist assistant 72011
unless the person holds a current, valid certificate to practice 72012
as a radiologist assistant issued under this chapter. 72013

(2) No person shall use the title "radiologist assistant" or 72014
otherwise hold the person out as a radiologist assistant, unless 72015
the person holds a current, valid certificate to practice as a 72016
radiologist assistant issued under this chapter. 72017

(B) Division (A)(1) of this section does not apply to ~~either~~ 72018
any of the following: 72019

(1) A student participating in an advanced academic program 72020
that must be completed to receive a certificate to practice as a 72021
radiologist assistant, as those programs are described in division 72022
(B)(3) of section 4774.03 of the Revised Code; 72023

(2) A person who is otherwise authorized to perform any of 72024
the activities that a radiologist assistant is authorized to 72025
perform, either pursuant to another provision of the Revised Code 72026
or pursuant to the rules adopted by the state medical board under 72027
section 4731.053 of the Revised Code governing physician 72028
delegation of medical tasks. 72029

(3) An individual who, on or before the effective date of 72030
this amendment, has passed the national certifying examination for 72031
radiology practitioner assistants administered by the 72032
certification board for radiology practitioner assistants. 72033

Sec. 4776.01. As used in this chapter: 72034

(A) "License" means any of the following:	72035
(1) An authorization evidenced by a license, certificate, registration, permit, card, or other authority that is issued or conferred by a licensing agency described in division (C)(1) of this section to a licensee or to an applicant for an initial license by which the licensee or initial license applicant has or claims the privilege to engage in a profession, occupation, or occupational activity, or to have control of and operate certain specific equipment, machinery, or premises, over which the licensing agency has jurisdiction.	72036 72037 72038 72039 72040 72041 72042 72043 72044
(2) An authorization evidenced by a license or certificate that is issued by a licensing agency described in division (C)(2) of this section pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code to a licensee or to an applicant for an initial license by which the licensee or initial license applicant has or claims the privilege to engage in a profession, occupation, or occupational activity over which the licensing agency has jurisdiction.	72045 72046 72047 72048 72049 72050 72051 72052
(B) "Licensee" means the person to whom the license is issued by a licensing agency.	72053 72054
(C) "Licensing agency" means any of the following:	72055
(1) The board authorized by Chapters 4701., 4717., 4725., 4729., 4730., 4731., 4732., 4734., 4740., 4741., 4755., 4757., 4759., 4760., 4761., 4762., and 4779. of the Revised Code to issue a license to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain specified equipment, machinery, or premises.	72056 72057 72058 72059 72060 72061
(2) The state dental board, relative to its authority to issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code.	72062 72063 72064
(D) "Applicant for an initial license" includes persons	72065

seeking a license for the first time and persons seeking a license 72066
by reciprocity, endorsement, or similar manner of a license issued 72067
in another state. 72068

(E) "Applicant for a restored license" includes persons 72069
seeking restoration of a certificate under section 4730.14, 72070
4731.281, 4760.06, or 4762.06 of the Revised Code. 72071

(F) "Criminal records check" has the same meaning as in 72072
division ~~(E)~~(F) of section 109.572 of the Revised Code. 72073

Sec. 4776.02. (A) An applicant for an initial license or 72074
restored license from a licensing agency, or a person seeking to 72075
satisfy the criteria for being a qualified pharmacy technician 72076
that are specified in section 4729.42 of the Revised Code, shall 72077
submit a request to the bureau of criminal identification and 72078
investigation for a criminal records check of the applicant or 72079
person. The request shall be accompanied by a completed copy of 72080
the form prescribed under division (C)(1) of section 109.572 of 72081
the Revised Code, a set of fingerprint impressions obtained as 72082
described in division (C)(2) of that section, and the fee 72083
prescribed under division (C)(3) of that section. The applicant or 72084
person shall ask the superintendent of the bureau of criminal 72085
identification and investigation in the request to obtain from the 72086
federal bureau of investigation any information it has pertaining 72087
to the applicant or person. 72088

An applicant or person requesting a criminal records check 72089
shall provide the bureau of criminal identification and 72090
investigation with the applicant's or person's name and address 72091
and, regarding an applicant, with the licensing agency's name and 72092
address. 72093

(B) Upon receipt of the completed form, the set of 72094
fingerprint impressions, and the fee provided for in division (A) 72095
of this section, the superintendent of the bureau of criminal 72096

identification and investigation shall conduct a criminal records 72097
check of the applicant or person under division (B) of section 72098
109.572 of the Revised Code. Upon completion of the criminal 72099
records check, the superintendent shall do whichever of the 72100
following is applicable: 72101

(1) If the request was submitted by an applicant for an 72102
initial license or restored license, report the results of the 72103
criminal records check and any information the federal bureau of 72104
investigation provides to the licensing agency identified in the 72105
request for a criminal records check; 72106

(2) If the request was submitted by a person seeking to 72107
satisfy the criteria for being a qualified pharmacy technician 72108
that are specified in section 4729.42 of the Revised Code, do both 72109
of the following: 72110

(a) Report the results of the criminal records check and any 72111
information the federal bureau of investigation provides to the 72112
person who submitted the request; 72113

(b) Report the results of the portion of the criminal records 72114
check performed by the bureau of criminal identification and 72115
investigation under division (B)(1) of section 109.572 of the 72116
Revised Code to the employer or potential employer specified in 72117
the request of the person who submitted the request and send a 72118
letter to that employer or potential employer regarding the 72119
information provided by the federal bureau of investigation that 72120
states either that based on that information there is no record of 72121
any conviction or that based on that information the person who 72122
submitted the request may not meet the criteria that are specified 72123
in section ~~4729.02~~ 4729.42 of the Revised Code, whichever is 72124
applicable. 72125

Sec. 4781.01. As used in this chapter: 72126

(A) "Industrialized unit" has the same meaning as in division	72127
(C)(3) of section 3781.06 of the Revised Code.	72128
(B) "Installation" means any of the following:	72129
(1) The temporary or permanent construction of stabilization,	72130
support, and anchoring systems for manufactured housing;	72131
(2) The placement and erection of a manufactured housing unit	72132
or components of a unit on a structural support system;	72133
(3) The supporting, blocking, leveling, securing, anchoring,	72134
underpinning, or adjusting of any section or component of a	72135
manufactured housing unit;	72136
(4) The joining or connecting of all sections or components	72137
of a manufactured housing unit.	72138
(C) "Manufactured home" has the same meaning as in division	72139
(C)(4) of section 3781.06 of the Revised Code.	72140
(D) "Manufactured home park" has the same meaning as in	72141
division (A) of section 3733.01 of the Revised Code.	72142
(E) "Manufactured housing" means manufactured homes and	72143
mobile homes.	72144
(F) "Manufactured housing installer" means an individual who	72145
installs manufactured housing.	72146
(G) "Mobile home" has the same meaning as in division (O) of	72147
section 4501.01 of the Revised Code.	72148
(H) "Model standards" means the federal manufactured home	72149
installation standards established pursuant to 42 U.S.C. 5404.	72150
(I) "Permanent foundation" has the same meaning as in	72151
division (C)(5) of section 3781.06 of the Revised Code.	72152
(J) <u>"Business" includes any activities engaged in by any</u>	72153
<u>person for the object of gain, benefit, or advantage either direct</u>	72154
<u>or indirect.</u>	72155

(K) "Casual sale" means any transfer of a manufactured home or mobile home by a person other than a manufactured housing dealer, manufactured housing salesperson, or manufacturer to an ultimate consumer or a person who purchases the home for use as a residence. 72156
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(L) "Engaging in business" means commencing, conducting, or continuing in business, or liquidating a business when the liquidator thereof holds self out to be conducting such business; making a casual sale or otherwise making transfers in the ordinary course of business when the transfers are made in connection with the disposition of all or substantially all of the transferor's assets is not engaging in business. 72161
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(M) "Manufactured home park operator" has the same meaning as "operator" in section 3733.01 of the Revised Code. 72168
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(N) "Manufactured housing broker" means any person acting as a selling agent on behalf of an owner of a manufactured home or mobile home that is subject to taxation under section 4503.06 of the Revised Code. 72170
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(O) "Manufactured housing dealer" means any person engaged in the business of selling at retail, displaying, offering for sale, or dealing in manufactured homes or mobile homes. 72174
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(P) "Manufacturer" means a person who manufactures, assembles, or imports manufactured homes or mobile homes. 72177
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(O) "Retail sale" or "sale at retail" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a manufactured home or mobile home to an ultimate purchaser for use as a residence. 72179
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(R) "Salesperson" means any individual employed by a manufactured housing dealer or manufactured housing broker to sell, display, and offer for sale, or deal in manufactured homes or mobile homes for a commission, compensation, or other valuable 72183
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consideration, but does not mean any public officer performing
official duties. 72187
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(S) "Ultimate purchaser" means, with respect to any new
manufactured home, the first person, other than a manufactured
housing dealer purchasing in the capacity of a manufactured
housing dealer, who purchases such new manufactured home for
purposes other than resale. 72189
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Sec. 4781.02. (A) There is hereby created the manufactured 72194
homes commission which consists of nine members, with three 72195
members appointed by the governor, three members appointed by the 72196
president of the senate, and three members appointed by the 72197
speaker of the house of representatives. 72198

(B)(1) Commission members shall be residents of this state, 72199
except for members appointed pursuant to divisions (B)(3)(b) and 72200
(B)(4)(a) of this section. Members shall be selected from a list 72201
of persons the Ohio manufactured homes association, or any 72202
successor entity, recommends, except for appointments made 72203
pursuant to division (B)(2) of this section. 72204

(2) The governor shall appoint the following members: 72205

(a) One member to represent the board of building standards, 72206
who may be a member of the board or a board employee not in the 72207
classified civil service, with an initial term ending December 31, 72208
2007; 72209

(b) One member to represent the department of health, who may 72210
be a department employee not in the classified civil service, with 72211
an initial term ending December 31, 2005; 72212

(c) One member whose primary residence is a manufactured 72213
home, with an initial term ending December 31, 2006. 72214

(3) The president of the senate shall appoint the following 72215
members: 72216

(a) Two members who are manufactured housing installers who 72217
have been actively engaged in the installation of manufactured 72218
housing for the five years immediately prior to appointment, with 72219
the initial term of one installer ending December 31, 2007, and 72220
the initial term of the other installer ending December 31, 2005. 72221

(b) One member who manufactures manufactured homes in this 72222
state or who manufactures manufactured homes in another state and 72223
ships homes into this state, to represent manufactured home 72224
manufacturers, with an initial term ending December 31, 2006. 72225

(4) The speaker of the house of representatives shall appoint 72226
the following members: 72227

(a) One member who operates a manufactured or mobile home 72228
retail business in this state to represent manufactured ~~and mobile~~ 72229
~~home retailers~~ housing dealers, with an initial term ending 72230
December 31, 2007; 72231

(b) One member who is a manufactured home park operator or is 72232
employed by an operator, with an initial term ending December 31, 72233
2005; 72234

(c) One member to represent the Ohio manufactured home 72235
association, or any successor entity, who may be the president or 72236
executive director of the association or the successor entity, 72237
with an initial term ending December 31, 2006. 72238

(C)(1) After the initial term, each term of office is for 72239
four years ending on the thirty-first day of December. A member 72240
holds office from the date of appointment until the end of the 72241
term. No member may serve more than two consecutive four-year 72242
terms. 72243

(2) Any member appointed to fill a vacancy that occurs prior 72244
to the expiration of a term continues in office for the remainder 72245
of that term. Any member continues in office subsequent to the 72246
expiration date of the term until the member's successor takes 72247

office or until sixty days have elapsed, which ever occurs first. 72248

(3) A vacancy on the commission does not impair the authority 72249
of the remaining members to exercise all of the commission's 72250
powers. 72251

(D)(1) The governor may remove any member from office for 72252
incompetence, neglect of duty, misfeasance, nonfeasance, 72253
malfeasance, or unprofessional conduct in office. 72254

(2) Vacancies shall be filled in the manner of the original 72255
appointment. 72256

Sec. 4781.04. (A) The manufactured homes commission shall 72257
adopt rules pursuant to Chapter 119. of the Revised Code to do all 72258
of the following: 72259

(1) Establish uniform standards that govern the installation 72260
of manufactured housing. Not later than one hundred eighty days 72261
after the secretary of the United States department of housing and 72262
urban development adopts model standards for the installation of 72263
manufactured housing or amends those standards, the commission 72264
shall amend its standards as necessary to be consistent with, and 72265
not less stringent than, the model standards for the design and 72266
installation of manufactured housing the secretary adopts or any 72267
manufacturers' standards that the secretary determines are equal 72268
to or not less stringent than the model standards. 72269

(2) Govern the inspection of the installation of manufactured 72270
housing. The rules shall specify that the ~~department of health or~~ 72271
~~a licensor, as determined by the director of health, commission,~~ 72272
any building department or personnel of any department, any 72273
licensor or personnel of any licensor, or any private third party, 72274
certified pursuant to section 4781.07 of the Revised Code shall 72275
conduct all inspections of the installation of manufactured 72276
housing located in manufactured home parks to determine compliance 72277

with the uniform installation standards the commission establishes 72278
pursuant to this section. ~~The rules shall specify that all~~ 72279
~~installation inspections in a manufactured home park the~~ 72280
~~department of health or the licensor conducts shall be conducted~~ 72281
~~by a person who has completed an installation training course~~ 72282
~~approved by the commission pursuant to division (B) of section~~ 72283
~~4781.04 of the Revised Code.~~ 72284

As used in division (A)(2) of this section, "licensor" has 72285
the same meaning as in section 3733.01 of the Revised Code. 72286

(3) Govern the design, construction, installation, approval, 72287
and inspection of foundations and the base support systems for 72288
manufactured housing. The rules shall specify that the ~~department~~ 72289
~~of health or the licensor, as determined by the director of~~ 72290
~~health, commission, any building department or personnel of any~~ 72291
~~department, any licensor or personnel of any licensor, or any~~ 72292
~~private third party, certified pursuant to section 4781.07 of the~~ 72293
~~Revised Code~~ shall conduct all inspections of the installation, 72294
foundations, and base support systems of manufactured housing 72295
located in manufactured home parks to determine compliance with 72296
the uniform installation standards and foundation and base support 72297
system design the commission establishes pursuant to this section. 72298
~~The rules shall specify that all foundation and base support~~ 72299
~~system inspections in a manufactured home park the department of~~ 72300
~~health or the licensor conducts shall be conducted by a person who~~ 72301
~~has completed an installation training course approved by the~~ 72302
~~commission pursuant to division (B) of section 4781.04 of the~~ 72303
~~Revised Code.~~ 72304

As used in division (A)(3) of this section, "licensor" has 72305
the same meaning as in section 3733.01 of the Revised Code. 72306

(4) Govern the training, experience, and education 72307
requirements for manufactured housing installers, manufactured 72308
housing dealers, manufactured housing brokers, and manufactured 72309

<u>housing salespersons;</u>	72310
(5) Establish a code of ethics for manufactured housing installers;	72311 72312
(6) Govern the issuance, revocation, and suspension of licenses to manufactured housing installers;	72313 72314
(7) Establish fees for the issuance and renewal of licenses, for conducting inspections to determine an applicant's compliance with this chapter and the rules adopted pursuant to it, and for the commission's expenses incurred in implementing this chapter;	72315 72316 72317 72318
(8) Establish conditions under which a licensee may enter into contracts to fulfill the licensee's responsibilities;	72319 72320
(9) Govern the investigation of complaints concerning any violation of this chapter or the rules adopted pursuant to it or complaints involving the conduct of any licensed manufactured housing installer or person installing manufactured housing without a license, <u>licensed manufactured housing dealer, licensed manufactured housing broker, or manufactured housing salesperson;</u>	72321 72322 72323 72324 72325 72326
(10) Establish a dispute resolution program for the timely resolution of warranty issues involving new manufactured homes, disputes regarding responsibility for the correction or repair of defects in manufactured housing, and the installation of manufactured housing. The rules shall provide for the timely resolution of disputes between manufacturers, retailers <u>manufactured housing dealers</u> , and installers regarding the correction or repair of defects in manufactured housing that are reported by the purchaser of the home during the one-year period beginning on the date of installation of the home. The rules also shall provide that decisions made regarding the dispute under the program are not binding upon the purchaser of the home or the other parties involved in the dispute unless the purchaser so agrees in a written acknowledgement that the purchaser signs and	72327 72328 72329 72330 72331 72332 72333 72334 72335 72336 72337 72338 72339 72340

delivers to the program within ten business days after the 72341
decision is issued. 72342

(11) Establish the requirements and procedures for the 72343
certification of building departments and building department 72344
personnel pursuant to section 4781.07 of the Revised Code; 72345

(12) Establish fees to be charged to building departments and 72346
building department personnel applying for certification and 72347
renewal of certification pursuant to section 4781.07 of the 72348
Revised Code; 72349

(13) Carry out any other provision of this chapter. 72350

(B) The manufactured homes commission shall do all of the 72351
following: 72352

(1) Prepare and administer a licensure examination to 72353
determine an applicant's knowledge of manufactured housing 72354
installation and other aspects of installation the commission 72355
determines appropriate; 72356

(2) Select, provide, or procure appropriate examination 72357
questions and answers for the licensure examination and establish 72358
the criteria for successful completion of the examination; 72359

(3) Prepare and distribute any application form this chapter 72360
requires; 72361

(4) Receive applications for licenses and renewal of licenses 72362
and issue licenses to qualified applicants; 72363

(5) Establish procedures for processing, approving, and 72364
disapproving applications for licensure; 72365

(6) Retain records of applications for licensure, including 72366
all application materials submitted and a written record of the 72367
action taken on each application; 72368

(7) Review the design and plans for manufactured housing 72369
installations, foundations, and support systems; 72370

(8) Inspect a sample of homes at a percentage the commission determines to evaluate the construction and installation of manufactured housing installations, foundations, and support systems to determine compliance with the standards the commission adopts;	72371 72372 72373 72374 72375
(9) Investigate complaints concerning violations of this chapter or the rules adopted pursuant to it, or the conduct of any manufactured housing installer, <u>manufactured housing dealer</u> , <u>manufactured housing broker</u> , or <u>manufactured housing salesperson</u> ;	72376 72377 72378 72379
(10) Determine appropriate disciplinary actions for violations of this chapter;	72380 72381
(11) Conduct audits and inquiries of manufactured housing installers, <u>manufactured housing dealers</u> , and <u>manufactured housing brokers</u> as appropriate for the enforcement of this chapter. The commission, or any person the commission employs for the purpose, may review and audit the business records of any manufactured housing installer, <u>dealer</u> , or <u>broker</u> during normal business hours.	72382 72383 72384 72385 72386 72387
(12) Approve an installation training course, which may be offered by the Ohio manufactured homes association or other entity;	72388 72389 72390
(13) Perform any function or duty necessary to administer this chapter and the rules adopted pursuant to it.	72391 72392
Sec. 4781.05. The executive director of the manufactured homes commission shall do all of the following:	72393 72394
(A) With commission approval, secure and manage office space, supplies, and the professional and clerical staff necessary to effectively perform the executive director's and commission's duties;	72395 72396 72397 72398
(B) Pursuant to rules the commission adopts, review applications for manufactured housing installer licenses,	72399 72400

manufactured housing dealer licenses, manufactured housing broker licenses, and manufactured housing salesperson licenses and on behalf of the commission, issue licenses to qualified persons; 72401
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(C) Administer the dispute resolution program the commission develops if the commission does not contract with the Ohio manufactured homes association or another entity to administer the program; 72404
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(D) Administer any continuing education program the commission develops; 72408
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(E) Collect fees the commission establishes; 72410

(F) Except as provided in divisions (A)(2) and (3) of section 4781.04 of the Revised Code, employ installation inspectors and investigators to serve at the executive director's pleasure to assist in carrying out the executive director's duties under this chapter or the duties the commission delegates to the executive director; 72411
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(G) Serve as secretary of the commission and maintain a written record of the commission's meetings and proceedings; 72417
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(H) Notify manufactured housing installers, manufactured housing dealers, manufactured housing brokers, and manufactured housing salespersons of changes in this chapter and the rules adopted pursuant to it; 72419
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(I) Do all things the commission requests or delegates for the administration and enforcement of this chapter. 72423
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Sec. 4781.06. (A) The manufactured homes commission may delegate to the executive director any of its duties set forth in division (B) of section 4781.04 of the Revised Code. 72425
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(B) The commission may enter into a contract with the Ohio manufactured homes association or another entity to administer the dispute resolution program created pursuant to section 4781.04 of 72428
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the Revised Code. The contract shall specify the terms for the 72431
administration of the program. 72432

(C)(1) The commission may enter into a contract with any 72433
private third party, municipal corporation, township, county, 72434
state agency, or the Ohio manufactured homes association, or any 72435
successor entity, to perform any of the commission's functions set 72436
forth in division (B) of section 4781.04 of the Revised Code that 72437
the commission has not delegated to the executive director. Each 72438
contract shall specify the compensation to be paid to the private 72439
third party, municipal corporation, township, county, state 72440
agency, or the Ohio manufactured homes association, or successor 72441
entity, for the performance of the commission's functions. 72442

(2) Except as provided in this division, the commission shall 72443
not enter into any contract with any person or building department 72444
to accept and approve plans and specifications or to inspect 72445
manufactured housing foundations and the installation of 72446
manufactured housing unless that person or building department is 72447
certified pursuant to section 4781.07 of the Revised Code. The 72448
commission shall ~~not~~ require inspectors the Ohio department of 72449
health employs to obtain certification pursuant to section 4781.07 72450
of the Revised Code, ~~but shall require inspectors to complete an~~ 72451
~~installation training course approved by the commission pursuant~~ 72452
~~to division (B) of section 4781.04 of the Revised Code.~~ 72453

Sec. 4781.07. (A) Pursuant to rules the manufactured homes 72454
commission adopts, the commission may certify municipal, township, 72455
and county building departments and the personnel of those 72456
departments, licensors as defined in section 3733.01 of the 72457
Revised Code and the personnel of those licensors, or any private 72458
third party, to exercise the commission's enforcement authority, 72459
accept and approve plans and specifications for foundations, 72460
support systems and installations, and inspect manufactured 72461

housing foundations, support systems, and manufactured housing 72462
installations. Any certification is effective for three years. 72463

(B) Following an investigation and finding of facts that 72464
support its action, the commission may revoke or suspend 72465
certification. The commission may initiate an investigation on its 72466
own motion or the petition of a person affected by the enforcement 72467
or approval of plans. 72468

Sec. 4781.16. (A) Except as provided in division (E) of this 72469
section, no person shall do any of the following: 72470

(1) Engage in the business of displaying or selling at retail 72471
manufactured homes or mobile homes or assume to engage in that 72472
business, unless the person is licensed as a manufactured housing 72473
dealer under this chapter, or is a salesperson licensed under this 72474
chapter and employed by a licensed manufactured housing dealer; 72475

(2) Make more than five casual sales of manufactured homes or 72476
mobile homes in a twelve-month period without obtaining a license 72477
as a manufactured housing dealer under this chapter; 72478

(3) Engage in the business of brokering manufactured homes 72479
unless that person is licensed as a manufactured housing broker 72480
under this chapter. 72481

(B)(1) Except as provided in this division, no manufactured 72482
housing dealer shall sell, display, offer for sale, or deal in 72483
manufactured homes or mobile homes at any place except an 72484
established place of business that is used exclusively for the 72485
purpose of selling, displaying, offering for sale, or dealing in 72486
manufactured homes or mobile homes. 72487

(2) No manufactured housing broker shall engage in the 72488
business of brokering manufactured or mobile homes at any place 72489
except an established place of business that is used exclusively 72490
for the purpose of brokering manufactured and mobile homes. 72491

(3) A place of business used for the brokering or sale of manufactured homes or mobile homes is considered to be used exclusively for brokering, selling, displaying, offering for sale, or dealing in manufactured or mobile homes even though industrialized units, as defined by section 3781.06 of the Revised Code, are brokered, sold, displayed, offered for sale, or dealt at the same place of business. 72492
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(4) If the licensed manufactured housing dealer is a manufactured home park operator, then all of the following apply: 72499
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(a) An established place of business that is located in the operator's manufactured home park and that is used for selling, leasing, and renting manufactured homes and mobile homes in that manufactured home park is considered to be used exclusively for that purpose even though rent and other activities related to the operation of the manufactured home park take place at the same location or office. 72501
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(b) The dealer's established place of business in the manufactured home park shall be staffed by someone licensed and regulated under this chapter who could reasonably assist any retail customer with or without an appointment, but such established place of business need not satisfy office size, display lot size, and physical barrier requirements applicable to other used motor vehicle dealers. 72508
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(c) The manufactured and mobile homes being offered for sale, lease, or rental by the dealer may be located on individual rental lots inside the operator's manufactured home park. 72515
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(C) Nothing in this chapter shall be construed as prohibiting the sale of a new or used manufactured or mobile home located in a manufactured home park by a licensed manufactured housing dealer. 72518
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(D) Nothing in this section shall be construed to prohibit persons licensed under this chapter from making sales calls. 72521
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(E)(1) This chapter does not apply to mortgagees selling at retail only those manufactured homes or mobile homes that have come into their possession by a default in the terms of a mortgage contract. 72523
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(2) When a partnership licensed under this chapter is dissolved by death, the surviving partners may operate under the manufactured housing dealer license for a period of sixty days, and the heirs or representatives of deceased persons and receivers or trustees in bankruptcy appointed by any competent authority may operate under the license of the person succeeded in possession by that heir, representative, receiver, or trustee in bankruptcy. 72527
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Sec. 4781.17. (A) Each person applying for a manufactured housing dealer's license or manufactured housing broker's license shall complete and deliver to the manufactured homes commission, before the first day of April, a separate application for license for each county in which the business of selling or brokering manufactured or mobile homes is to be conducted. The application shall be in the form prescribed by the commission and accompanied by the fee established by the commission. The applicant shall sign and swear to the application that shall include all of the following: 72535
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(1) Name of applicant and location of principal place of business; 72545
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(2) Name or style under which business is to be conducted and, if a corporation, the state of incorporation; 72547
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(3) Name and address of each owner or partner and, if a corporation, the names of the officers and directors; 72549
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(4) The county in which the business is to be conducted and the address of each place of business therein; 72551
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(5) A statement of the previous history, record, and association of the applicant and of each owner, partner, officer, and director, that is sufficient to establish to the satisfaction of the commission the reputation in business of the applicant; 72553
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(6) A statement showing whether the applicant has previously applied for a manufactured housing dealer's license, manufactured housing broker's license, manufactured housing salesperson's license, or, prior to July 1, 2010, a motor vehicle dealer's license, manufactured home broker's license, or motor vehicle salesperson's license, and the result of the application, and whether the applicant has ever been the holder of any such license that was revoked or suspended; 72557
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(7) If the applicant is a corporation or partnership, a statement showing whether any partner, employee, officer, or director has been refused a manufactured housing dealer's license, manufactured housing broker's license, manufactured housing salesperson's license, or, prior to July 1, 2010, a motor vehicle dealer's license, manufactured home broker's license, or motor vehicle salesperson's license, or has been the holder of any such license that was revoked or suspended; 72565
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(8) Any other information required by the commission. 72573

(B) Each person applying for a manufactured housing salesperson's license shall complete and deliver to the manufactured homes commission before the first day of July an application for license. The application shall be in the form prescribed by the commission and shall be accompanied by the fee established by the commission. The applicant shall sign and swear to the application that shall include all of the following: 72574
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(1) Name and post-office address of the applicant; 72581

(2) Name and post-office address of the manufactured housing dealer or manufactured housing broker for whom the applicant 72582
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<u>intends to act as salesperson;</u>	72584
<u>(3) A statement of the applicant's previous history, record,</u>	72585
<u>and association, that is sufficient to establish to the</u>	72586
<u>satisfaction of the commission the applicant's reputation in</u>	72587
<u>business;</u>	72588
<u>(4) A statement as to whether the applicant intends to engage</u>	72589
<u>in any occupation or business other than that of a manufactured</u>	72590
<u>housing salesperson;</u>	72591
<u>(5) A statement as to whether the applicant has ever had any</u>	72592
<u>previous application for a manufactured housing salesperson</u>	72593
<u>license refused or, prior to July 1, 2010, any application for a</u>	72594
<u>motor vehicle salesperson license refused, and whether the</u>	72595
<u>applicant has previously had a manufactured housing salesperson or</u>	72596
<u>motor vehicle salesperson license revoked or suspended;</u>	72597
<u>(6) A statement as to whether the applicant was an employee</u>	72598
<u>of or salesperson for a manufactured housing dealer or</u>	72599
<u>manufactured housing broker whose license was suspended or</u>	72600
<u>revoked;</u>	72601
<u>(7) A statement of the manufactured housing dealer or</u>	72602
<u>manufactured housing broker named therein, designating the</u>	72603
<u>applicant as the dealer's or broker's salesperson;</u>	72604
<u>(8) Any other information required by the commission.</u>	72605
<u>(C) Any application for a manufactured housing dealer or</u>	72606
<u>manufactured housing broker delivered to the commission under this</u>	72607
<u>section also shall be accompanied by a photograph, as prescribed</u>	72608
<u>by the commission, of each place of business operated, or to be</u>	72609
<u>operated, by the applicant.</u>	72610
<u>(D) The manufactured homes commission shall deposit all</u>	72611
<u>license fees into the state treasury to the credit of the</u>	72612
<u>occupational licensing and regulatory fund.</u>	72613

Sec. 4781.18. (A) The manufactured homes commission shall 72614
deny the application of any person for a license as a manufactured 72615
housing dealer or manufactured housing broker and refuse to issue 72616
the license if the commission finds that any of the following is 72617
true of the applicant: 72618

(1) The applicant has made any false statement of a material 72619
fact in the application. 72620

(2) The applicant has not complied with this chapter or the 72621
rules adopted by the commission under this chapter. 72622

(3) The applicant is of bad business repute or has habitually 72623
defaulted on financial obligations. 72624

(4) The applicant has been guilty of a fraudulent act in 72625
connection with selling or otherwise dealing in manufactured 72626
housing or in connection with brokering manufactured housing. 72627

(5) The applicant has entered into or is about to enter into 72628
a contract or agreement with a manufacturer or distributor of 72629
manufactured homes that is contrary to the requirements of this 72630
chapter. 72631

(6) The applicant is insolvent. 72632

(7) The applicant is of insufficient responsibility to ensure 72633
the prompt payment of any final judgments that might reasonably be 72634
entered against the applicant because of the transaction of 72635
business as a manufactured housing dealer or manufactured housing 72636
broker during the period of the license applied for, or has failed 72637
to satisfy any such judgment. 72638

(8) The applicant has no established place of business that, 72639
where applicable, is used or will be used for the purpose of 72640
selling, displaying, offering for sale or dealing in manufactured 72641
housing at the location for which application is made. 72642

(9) Within less than twelve months prior to making 72643

application, the applicant has been denied a manufactured housing dealer's license or manufactured housing broker's license, or has any such license revoked. 72644
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(B) The commission shall deny the application of any person for a license as a salesperson and refuse to issue the license if the commission finds that any of the following is true of the applicant: 72647
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(1) The applicant has made any false statement of a material fact in the application. 72651
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(2) The applicant has not complied with this chapter or the rules adopted by the commission under this chapter. 72653
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(3) The applicant is of bad business repute or has habitually defaulted on financial obligations. 72655
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(4) The applicant has been guilty of a fraudulent act in connection with selling or otherwise dealing in manufactured housing. 72657
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(5) The applicant has not been designated to act as salesperson for a manufactured housing dealer or manufactured housing broker licensed to do business in this state under this chapter, or intends to act as salesperson for more than one licensed manufactured housing dealer or manufactured housing broker at the same time, unless the licensed dealership is owned or operated by the same corporation, regardless of the county in which the dealership's facility is located. 72660
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(6) The applicant holds a current manufactured housing dealer's or manufactured housing broker's license issued under this chapter, and intends to act as salesperson for another licensed manufactured housing dealer or manufactured housing broker. 72668
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(7) Within less than twelve months prior to making 72673

application, the applicant has been denied a salesperson's license 72674
or had a salesperson's license revoked. 72675

(8) The applicant was salesperson for, or in the employ of, a 72676
manufactured housing dealer or manufactured housing broker at the 72677
time the dealer's or broker's license was revoked. 72678

(C) If an applicant for a manufactured housing dealer or 72679
manufactured housing broker's license is a corporation or 72680
partnership, the commission may refuse to issue a license if any 72681
officer, director, or partner of the applicant has been guilty of 72682
any act or omission that would be cause for refusing or revoking a 72683
license issued to such officer, director, or partner as an 72684
individual. The commission's finding may be based upon facts 72685
contained in the application or upon any other information the 72686
commission may have. 72687

(D) Notwithstanding division (A)(4) of this section, the 72688
commission shall not deny the application of any person and refuse 72689
to issue a license if the commission finds that the applicant is 72690
engaged or will engage in the business of selling at retail any 72691
new manufactured homes and demonstrates that the applicant has 72692
posted a bond, surety, or certificate of deposit with the 72693
commission in an amount not less than one hundred thousand dollars 72694
for the protection and benefit of the applicant's customers. 72695

(E) A decision made by the commission under this section may 72696
be based upon any statement contained in the application or upon 72697
any facts within the commission's knowledge. 72698

(F) Immediately upon denying an application for any of the 72699
reasons in this section, the commission shall enter a final order 72700
together with the commission's findings. If the application is 72701
denied by the executive director of the commission under authority 72702
of section 4781.05 of the Revised Code, the executive director 72703
shall enter a final order together with the director's findings 72704

and certify the same to the commission. The commission shall issue 72705
to the applicant a written notice of refusal to grant a license 72706
that shall disclose the reason for refusal. 72707

Sec. 4781.19. (A) At the time the manufactured homes 72708
commission grants the application of any person for a license as a 72709
manufactured housing dealer, manufactured housing broker, or 72710
manufactured housing salesperson, the commission shall issue to 72711
the person a license that includes the name and post-office 72712
address of the person licensed. If a manufactured housing dealer 72713
or manufactured housing broker has more than one place of business 72714
in a county, the dealer or broker shall make application, in such 72715
form as the commission prescribes, for a certified copy of the 72716
license issued to the dealer or broker for each place of business 72717
in the county. 72718

(B) The commission may require each applicant for a 72719
manufactured housing dealer's license, manufactured housing 72720
broker's license, and manufactured housing salesperson's license 72721
issued under this chapter to pay an additional fee, which shall be 72722
used by the commission to pay the costs of obtaining a record of 72723
any arrests and convictions of the applicant from the bureau of 72724
identification and investigation. The amount of the fee shall be 72725
equal to that paid by the commission to obtain such record. 72726

(C) In the event of the loss, mutilation, or destruction of a 72727
manufactured housing dealer's license, manufactured housing 72728
broker's license, or manufactured housing salesperson's license, 72729
any licensee may make application to the commission, in the form 72730
prescribed by the commission, for a duplicate copy thereof and pay 72731
a fee established by the commission. 72732

(D) All manufactured housing dealers' licenses, all 72733
manufactured housing brokers' licenses, and all manufactured 72734
housing salespersons' licenses issued or renewed shall expire 72735

biennially on a day within the two-year cycle that is prescribed 72736
by the manufactured homes commission, unless sooner suspended or 72737
revoked. Before the first day after the day prescribed by the 72738
commission in the year that the license expires, each licensed 72739
manufactured housing dealer, manufactured housing broker, and 72740
manufactured housing salesperson, in the year in which the license 72741
will expire, shall file an application, in such form as the 72742
commission prescribes, for the renewal of such license. The fee 72743
required by this section for the original license shall accompany 72744
the application. 72745

(E) Each manufactured housing dealer and manufactured housing 72746
broker shall keep the license or a certified copy thereof and a 72747
current list of the dealer's or the broker's licensed 72748
salespersons, showing the names, addresses, and serial numbers of 72749
their licenses, posted in a conspicuous place in each place of 72750
business. Each salesperson shall carry the salesperson's license 72751
or a certified copy thereof and shall exhibit such license or copy 72752
upon demand to any inspector of the commission, state highway 72753
patrol trooper, police officer, or person with whom the 72754
salesperson seeks to transact business as a manufactured housing 72755
salesperson. 72756

Sec. 4781.20. The applications for licenses submitted under 72757
section 4781.17 of the Revised Code are not part of the public 72758
records but are confidential information for the use of the 72759
manufactured homes commission. No person shall divulge any 72760
information contained in such applications and acquired by the 72761
person in the person's capacity as an official or employee of the 72762
manufactured homes commission, except in a report to the 72763
commission, or when called upon to testify in any court or 72764
proceeding. 72765

Sec. 4781.21. (A) The manufactured homes commission may make 72766

rules governing its actions relative to the suspension and 72767
revocation of manufactured housing dealers', manufactured housing 72768
brokers', and manufactured housing salespersons' licenses, and 72769
may, upon its own motion, and shall, upon the verified complaint 72770
in writing of any person, investigate the conduct of any licensee 72771
under this chapter. The commission shall suspend, revoke, or 72772
refuse to renew any manufactured housing dealer's, manufactured 72773
housing broker's, or manufactured housing salesperson's license, 72774
if any ground existed upon which the license might have been 72775
refused, or if a ground exists that would be cause for refusal to 72776
issue a license. 72777

The commission may suspend or revoke any license if the 72778
licensee has in any manner violated the rules adopted by the 72779
commission under this chapter, or has been convicted of committing 72780
a felony or violating any law that in any way relates to the 72781
selling, taxing, licensing, or regulation of sales of manufactured 72782
or mobile homes. 72783

(B) Any salesperson's license shall be suspended upon the 72784
termination, suspension, or revocation of the license of the 72785
manufactured housing dealer or manufactured housing broker for 72786
whom the salesperson is acting, or upon the salesperson leaving 72787
the service of the manufactured housing dealer or manufactured 72788
housing broker. Upon the termination, suspension, or revocation of 72789
the license of the manufactured housing dealer or manufactured 72790
housing broker for whom the salesperson is acting, or upon the 72791
salesperson leaving the service of a licensed manufactured housing 72792
or manufactured housing broker, the licensed salesperson may make 72793
application to the commission, in such form as the commission 72794
prescribes, to have the salesperson's license reinstated, 72795
transferred, and registered as a salesperson for another dealer or 72796
broker. If the information contained in the application is 72797
satisfactory to the commission, the commission shall reinstate, 72798

transfer, or register the salesperson's license as a salesperson 72799
for other dealer or broker. The commission shall establish the fee 72800
for the reinstatement and transfer of license. No license issued 72801
to a dealer, broker, or salesperson under this chapter may be 72802
transferred to any other person. 72803

(C) Any person whose manufactured housing dealer's license, 72804
manufactured housing broker's license, or manufactured housing 72805
salesperson's license is revoked, suspended, denied, or not 72806
renewed may request an adjudication hearing on the matter within 72807
thirty days after receipt of the notice of the action. If no 72808
appeal is taken within thirty days after receipt of the order, the 72809
order is final and conclusive. All appeals must be by petition in 72810
writing and verified under oath by the applicant whose application 72811
for license has been revoked, suspended, denied, or not renewed 72812
and must set forth the reason for the appeal and the reason why, 72813
in the petitioner's opinion, the order is not correct. In such 72814
appeals the board may make investigation to determine the 72815
correctness and legality of the appealed order. The hearing shall 72816
be held in accordance with Chapter 119. of the Revised Code. 72817

Sec. 4781.22. No manufactured housing dealer licensed under 72818
this chapter shall do any of the following: 72819

(A) Directly or indirectly, solicit the sale of a 72820
manufactured home or mobile home through an interested person 72821
other than a salesperson licensed in the employ of a licensed 72822
dealer; 72823

(B) Pay any commission or compensation in any form to any 72824
person in connection with the sale of a manufactured home or 72825
mobile home unless the person is licensed as a salesperson in the 72826
employ of the dealer; 72827

(C) Fail to immediately notify the manufactured homes 72828
commission upon termination of the employment of any person 72829

licensed as a salesperson to sell, display, offer for sale, or 72830
deal in manufactured homes or mobile homes for the dealer. 72831

Sec. 4781.23. (A) Each licensed manufactured housing dealer 72832
and manufactured housing broker shall notify the manufactured 72833
homes commission of any change in status as a manufactured housing 72834
dealer or manufactured housing broker during the period for which 72835
the dealer or broker is licensed, if the change of status concerns 72836
either of the following: 72837

(1) Personnel of owners, partners, officers, or directors; 72838

(2) Location of an office or principal place of business. 72839

(B) The notification required by division (A) of this section 72840
shall be made by filing with the commission, within fifteen days 72841
after the change of status, a supplemental statement in a form 72842
prescribed by the commission showing in what respect the status 72843
has been changed. 72844

The commission may adopt a rule exempting from the 72845
notification requirement of division (A)(1) of this section any 72846
dealer if stock in the dealer or its parent company is publicly 72847
traded and if there are public records filed with and in the 72848
possession of state or federal agencies that provide the 72849
information required by division (A)(1) of this section. 72850

Sec. 4781.24. (A) Every retail sale of a manufactured home or 72851
mobile home shall be preceded by a written contract that shall 72852
contain all of the agreements of the parties and shall be signed 72853
by the buyer and the seller. The seller, upon execution of the 72854
contract and before the delivery of the manufactured or mobile 72855
home, shall deliver to the buyer a copy of the contract that shall 72856
clearly describe all of the following: 72857

(1) The home sold to the buyer, including, where applicable, 72858
its vehicle identification number; 72859

<u>(2) The sale price of the home, and, if applicable, the amount paid down by the buyer;</u>	72860
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<u>(3) The amount credited to the buyer for any trade-in and a description thereof;</u>	72862
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<u>(4) The amount of any finance charge;</u>	72864
<u>(5) The amount charged for any home insurance and a statement of the types of insurance provided by the policy or policies;</u>	72865
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<u>(6) The amount of any other charge and a specification of its purpose;</u>	72867
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<u>(7) The net balance of payment due from the buyer including the terms of the payment of the net balance.</u>	72869
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<u>(B) A manufactured housing dealer may contract for and receive a documentary service charge for a retail sale of a manufactured home or mobile home. The documentary service charge shall be specified in writing without itemization of the individual services provided and shall not be more than the lesser of the following:</u>	72871
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<u>(1) The amount allowed in a retail installment contract;</u>	72877
<u>(2) Ten per cent of the amount the buyer is required to pay pursuant to the contract, excluding tax, title, and registration fees, and any negative equity adjustment.</u>	72878
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<u>(C) This section does not apply to a casual sale of a manufactured home or mobile home.</u>	72881
	72882
<u>Sec. 4781.25. The manufactured homes commission shall adopt rules for the regulation of manufactured housing brokers in accordance with Chapter 119. of the Revised Code. The rules shall require that a manufactured housing broker maintain a bond of a surety company authorized to transact business in this state in an amount determined by the commission. The rules also shall require</u>	72883
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each person licensed as a manufactured housing broker to maintain 72889
at all times a special or trust bank account that is 72890
noninterest-bearing, is separate and distinct from any personal or 72891
other account of the broker, and into which shall be deposited and 72892
maintained all escrow funds, security deposits, and other moneys 72893
received by the broker in a fiduciary capacity. In a form 72894
determined by the commission, a manufactured housing broker shall 72895
submit written proof to the commission of the continued 72896
maintenance of the special or trust account. A depository where 72897
special or trust accounts are maintained in accordance with this 72898
section shall be located in this state. 72899

Sec. 4781.99. (A) Whoever violates division (A) of section 72900
4781.16 of the Revised Code is guilty of a minor misdemeanor on a 72901
first offense and shall be subject to a mandatory fine of one 72902
hundred dollars. On a second offense, the person is guilty of a 72903
misdemeanor of the first degree and shall be subject to a 72904
mandatory fine of one thousand dollars. 72905

(B) Whoever violates section 4781.20 of the Revised Code is 72906
guilty of a minor misdemeanor. 72907

(C) Whoever violates any of the following is guilty of a 72908
misdemeanor of the fourth degree: 72909

(1) Division (B) or (C) of section 4781.16 of the Revised 72910
Code; 72911

(2) Section 4781.22 of the Revised Code; 72912

(3) Section 4781.23 of the Revised Code; 72913

(4) Division (A) of section 4781.24 of the Revised Code; 72914

(5) Section 4781.25 of the Revised Code. 72915

Sec. 4928.01. (A) As used in this chapter: 72916

(1) "Ancillary service" means any function necessary to the provision of electric transmission or distribution service to a retail customer and includes, but is not limited to, scheduling, system control, and dispatch services; reactive supply from generation resources and voltage control service; reactive supply from transmission resources service; regulation service; frequency response service; energy imbalance service; operating reserve-spinning reserve service; operating reserve-supplemental reserve service; load following; back-up supply service; real-power loss replacement service; dynamic scheduling; system black start capability; and network stability service.

(2) "Billing and collection agent" means a fully independent agent, not affiliated with or otherwise controlled by an electric utility, electric services company, electric cooperative, or governmental aggregator subject to certification under section 4928.08 of the Revised Code, to the extent that the agent is under contract with such utility, company, cooperative, or aggregator solely to provide billing and collection for retail electric service on behalf of the utility company, cooperative, or aggregator.

(3) "Certified territory" means the certified territory established for an electric supplier under sections 4933.81 to 4933.90 of the Revised Code.

(4) "Competitive retail electric service" means a component of retail electric service that is competitive as provided under division (B) of this section.

(5) "Electric cooperative" means a not-for-profit electric light company that both is or has been financed in whole or in part under the "Rural Electrification Act of 1936," 49 Stat. 1363, 7 U.S.C. 901, and owns or operates facilities in this state to generate, transmit, or distribute electricity, or a not-for-profit successor of such company.

- (6) "Electric distribution utility" means an electric utility that supplies at least retail electric distribution service. 72949
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- (7) "Electric light company" has the same meaning as in section 4905.03 of the Revised Code and includes an electric services company, but excludes any self-generator to the extent that it consumes electricity it so produces, sells that electricity for resale, or obtains electricity from a generating facility it hosts on its premises. 72951
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- (8) "Electric load center" has the same meaning as in section 4933.81 of the Revised Code. 72957
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- (9) "Electric services company" means an electric light company that is engaged on a for-profit or not-for-profit basis in the business of supplying or arranging for the supply of only a competitive retail electric service in this state. "Electric services company" includes a power marketer, power broker, aggregator, or independent power producer but excludes an electric cooperative, municipal electric utility, governmental aggregator, or billing and collection agent. 72959
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- (10) "Electric supplier" has the same meaning as in section 4933.81 of the Revised Code. 72967
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- (11) "Electric utility" means an electric light company that has a certified territory and is engaged on a for-profit basis either in the business of supplying a noncompetitive retail electric service in this state or in the businesses of supplying both a noncompetitive and a competitive retail electric service in this state. "Electric utility" excludes a municipal electric utility or a billing and collection agent. 72969
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- (12) "Firm electric service" means electric service other than nonfirm electric service. 72976
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- (13) "Governmental aggregator" means a legislative authority of a municipal corporation, a board of township trustees, or a 72978
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board of county commissioners acting as an aggregator for the 72980
provision of a competitive retail electric service under authority 72981
conferred under section 4928.20 of the Revised Code. 72982

(14) A person acts "knowingly," regardless of the person's 72983
purpose, when the person is aware that the person's conduct will 72984
probably cause a certain result or will probably be of a certain 72985
nature. A person has knowledge of circumstances when the person is 72986
aware that such circumstances probably exist. 72987

(15) "Level of funding for low-income customer energy 72988
efficiency programs provided through electric utility rates" means 72989
the level of funds specifically included in an electric utility's 72990
rates on October 5, 1999, pursuant to an order of the public 72991
utilities commission issued under Chapter 4905. or 4909. of the 72992
Revised Code and in effect on October 4, 1999, for the purpose of 72993
improving the energy efficiency of housing for the utility's 72994
low-income customers. The term excludes the level of any such 72995
funds committed to a specific nonprofit organization or 72996
organizations pursuant to a stipulation or contract. 72997

(16) "Low-income customer assistance programs" means the 72998
percentage of income payment plan program, the home energy 72999
assistance program, the home weatherization assistance program, 73000
and the targeted energy efficiency and weatherization program. 73001

(17) "Market development period" for an electric utility 73002
means the period of time beginning on the starting date of 73003
competitive retail electric service and ending on the applicable 73004
date for that utility as specified in section 4928.40 of the 73005
Revised Code, irrespective of whether the utility applies to 73006
receive transition revenues under this chapter. 73007

(18) "Market power" means the ability to impose on customers 73008
a sustained price for a product or service above the price that 73009
would prevail in a competitive market. 73010

(19) "Mercantile customer" means a commercial or industrial customer if the electricity consumed is for nonresidential use and the customer consumes more than seven hundred thousand kilowatt hours per year or is part of a national account involving multiple facilities in one or more states.

(20) "Municipal electric utility" means a municipal corporation that owns or operates facilities to generate, transmit, or distribute electricity.

(21) "Noncompetitive retail electric service" means a component of retail electric service that is noncompetitive as provided under division (B) of this section.

(22) "Nonfirm electric service" means electric service provided pursuant to a schedule filed under section 4905.30 of the Revised Code or pursuant to an arrangement under section 4905.31 of the Revised Code, which schedule or arrangement includes conditions that may require the customer to curtail or interrupt electric usage during nonemergency circumstances upon notification by an electric utility.

(23) "Percentage of income payment plan arrears" means funds eligible for collection through the percentage of income payment plan rider, but uncollected as of July 1, 2000.

(24) "Person" has the same meaning as in section 1.59 of the Revised Code.

(25) "Advanced energy project" means any technologies, products, activities, or management practices or strategies that facilitate the generation or use of electricity or energy and that reduce or support the reduction of energy consumption or support the production of clean, renewable energy for industrial, distribution, commercial, institutional, governmental, research, not-for-profit, or residential energy users, including, but not limited to, advanced energy resources and renewable energy

resources. "Advanced energy project" also includes any project 73042
described in division (A), (B), or (C) of section 4928.621 of the 73043
Revised Code. 73044

(26) "Regulatory assets" means the unamortized net regulatory 73045
assets that are capitalized or deferred on the regulatory books of 73046
the electric utility, pursuant to an order or practice of the 73047
public utilities commission or pursuant to generally accepted 73048
accounting principles as a result of a prior commission 73049
rate-making decision, and that would otherwise have been charged 73050
to expense as incurred or would not have been capitalized or 73051
otherwise deferred for future regulatory consideration absent 73052
commission action. "Regulatory assets" includes, but is not 73053
limited to, all deferred demand-side management costs; all 73054
deferred percentage of income payment plan arrears; 73055
post-in-service capitalized charges and assets recognized in 73056
connection with statement of financial accounting standards no. 73057
109 (receivables from customers for income taxes); future nuclear 73058
decommissioning costs and fuel disposal costs as those costs have 73059
been determined by the commission in the electric utility's most 73060
recent rate or accounting application proceeding addressing such 73061
costs; the undepreciated costs of safety and radiation control 73062
equipment on nuclear generating plants owned or leased by an 73063
electric utility; and fuel costs currently deferred pursuant to 73064
the terms of one or more settlement agreements approved by the 73065
commission. 73066

(27) "Retail electric service" means any service involved in 73067
supplying or arranging for the supply of electricity to ultimate 73068
consumers in this state, from the point of generation to the point 73069
of consumption. For the purposes of this chapter, retail electric 73070
service includes one or more of the following "service 73071
components": generation service, aggregation service, power 73072
marketing service, power brokerage service, transmission service, 73073

distribution service, ancillary service, metering service, and 73074
billing and collection service. 73075

(28) "Starting date of competitive retail electric service" 73076
means January 1, 2001. 73077

(29) "Customer-generator" means a user of a net metering 73078
system. 73079

(30) "Net metering" means measuring the difference in an 73080
applicable billing period between the electricity supplied by an 73081
electric service provider and the electricity generated by a 73082
customer-generator that is fed back to the electric service 73083
provider. 73084

(31) "Net metering system" means a facility for the 73085
production of electrical energy that does all of the following: 73086

(a) Uses as its fuel either solar, wind, biomass, landfill 73087
gas, or hydropower, or uses a microturbine or a fuel cell; 73088

(b) Is located on a customer-generator's premises; 73089

(c) Operates in parallel with the electric utility's 73090
transmission and distribution facilities; 73091

(d) Is intended primarily to offset part or all of the 73092
customer-generator's requirements for electricity. 73093

(32) "Self-generator" means an entity in this state that owns 73094
or hosts on its premises an electric generation facility that 73095
produces electricity primarily for the owner's consumption and 73096
that may provide any such excess electricity to another entity, 73097
whether the facility is installed or operated by the owner or by 73098
an agent under a contract. 73099

(33) "Rate plan" means the standard service offer in effect 73100
on the effective date of the amendment of this section by S.B. 221 73101
of the 127th general assembly, July 31, 2008. 73102

(34) "Advanced energy resource" means any of the following: 73103

(a) Any method or any modification or replacement of any property, process, device, structure, or equipment that increases the generation output of an electric generating facility to the extent such efficiency is achieved without additional carbon dioxide emissions by that facility;

(b) Any distributed generation system consisting of customer cogeneration of electricity and thermal output simultaneously, primarily to meet the energy needs of the customer's facilities;

(c) Clean coal technology that includes a carbon-based product that is chemically altered before combustion to demonstrate a reduction, as expressed as ash, in emissions of nitrous oxide, mercury, arsenic, chlorine, sulfur dioxide, or sulfur trioxide in accordance with the American society of testing and materials standard D1757A or a reduction of metal oxide emissions in accordance with standard D5142 of that society, or clean coal technology that includes the design capability to control or prevent the emission of carbon dioxide, which design capability the commission shall adopt by rule and shall be based on economically feasible best available technology or, in the absence of a determined best available technology, shall be of the highest level of economically feasible design capability for which there exists generally accepted scientific opinion;

(d) Advanced nuclear energy technology consisting of generation III technology as defined by the nuclear regulatory commission; other, later technology; or significant improvements to existing facilities;

(e) Any fuel cell used in the generation of electricity, including, but not limited to, a proton exchange membrane fuel cell, phosphoric acid fuel cell, molten carbonate fuel cell, or solid oxide fuel cell;

(f) Advanced solid waste or construction and demolition

debris conversion technology, including, but not limited to, 73135
advanced stoker technology, and advanced fluidized bed 73136
gasification technology, that results in measurable greenhouse gas 73137
emissions reductions as calculated pursuant to the United States 73138
environmental protection agency's waste reduction model (WARM). 73139
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(g) Demand-side management and any energy efficiency 73141
improvement; 73142

(h) Methane gas emitted from an operating or abandoned coal 73143
mine. 73144

(35) "Renewable energy resource" means solar photovoltaic or 73145
solar thermal energy, wind energy, power produced by a 73146
hydroelectric facility, geothermal energy, solid wastes, as 73147
defined in section 3734.01 of the Revised Code, fuel derived from 73148
such solid wastes, ~~as defined in section 3734.01 of the Revised~~ 73149
~~Code,~~ through fractionation, biological decomposition, or other 73150
process that does not principally involve combustion, biomass 73151
energy, biologically derived methane gas, or energy derived from 73152
nontreated by-products of the pulping process or wood 73153
manufacturing process, including bark, wood chips, sawdust, and 73154
lignin in spent pulping liquors. "Renewable energy resource" 73155
includes, but is not limited to, any fuel cell used in the 73156
generation of electricity, including, but not limited to, a proton 73157
exchange membrane fuel cell, phosphoric acid fuel cell, molten 73158
carbonate fuel cell, or solid oxide fuel cell; wind turbine 73159
located in the state's territorial waters of Lake Erie; storage 73160
facility that will promote the better utilization of a renewable 73161
energy resource that primarily generates off peak; or distributed 73162
generation system used by a customer to generate electricity from 73163
any such energy. As used in division (A)(35) of this section, 73164
"hydroelectric facility" means a hydroelectric generating facility 73165
that is located at a dam on a river, or on any water discharged to 73166

a river, that is within or bordering this state or within or bordering an adjoining state and meets all of the following standards:

(a) The facility provides for river flows that are not detrimental for fish, wildlife, and water quality, including seasonal flow fluctuations as defined by the applicable licensing agency for the facility.

(b) The facility demonstrates that it complies with the water quality standards of this state, which compliance may consist of certification under Section 401 of the "Clean Water Act of 1977," 91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates that it has not contributed to a finding by this state that the river has impaired water quality under Section 303(d) of the "Clean Water Act of 1977," 114 Stat. 870, 33 U.S.C. 1313.

(c) The facility complies with mandatory prescriptions regarding fish passage as required by the federal energy regulatory commission license issued for the project, regarding fish protection for riverine, anadromous, and catadromus fish.

(d) The facility complies with the recommendations of the Ohio environmental protection agency and with the terms of its federal energy regulatory commission license regarding watershed protection, mitigation, or enhancement, to the extent of each agency's respective jurisdiction over the facility.

(e) The facility complies with provisions of the "Endangered Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as amended.

(f) The facility does not harm cultural resources of the area. This can be shown through compliance with the terms of its federal energy regulatory commission license or, if the facility is not regulated by that commission, through development of a plan

approved by the Ohio historic preservation office, to the extent 73198
it has jurisdiction over the facility. 73199

(g) The facility complies with the terms of its federal 73200
energy regulatory commission license or exemption that are related 73201
to recreational access, accommodation, and facilities or, if the 73202
facility is not regulated by that commission, the facility 73203
complies with similar requirements as are recommended by resource 73204
agencies, to the extent they have jurisdiction over the facility; 73205
and the facility provides access to water to the public without 73206
fee or charge. 73207

(h) The facility is not recommended for removal by any 73208
federal agency or agency of any state, to the extent the 73209
particular agency has jurisdiction over the facility. 73210

(B) For the purposes of this chapter, a retail electric 73211
service component shall be deemed a competitive retail electric 73212
service if the service component is competitive pursuant to a 73213
declaration by a provision of the Revised Code or pursuant to an 73214
order of the public utilities commission authorized under division 73215
(A) of section 4928.04 of the Revised Code. Otherwise, the service 73216
component shall be deemed a noncompetitive retail electric 73217
service. 73218

Sec. 4928.201. No governmental aggregator under section 73219
4928.20 of the Revised Code shall fail to distribute in accordance 73220
with this section any monetary award it receives as a result of a 73221
legal action to which it is a party and that was initiated before, 73222
on, or after the effective date of this section and brought in the 73223
interest of the customers of the governmental aggregation or, if 73224
applicable, in the interest of any political subdivisions jointly 73225
participating in the governmental aggregation pursuant to 73226
ordinances adopted under section 4928.20 of the Revised Code. The 73227
governmental aggregator shall distribute such money immediately to 73228

the then current customers of the governmental aggregation or, in 73229
the case of a governmental aggregation in which political 73230
subdivisions so jointly participate, to such then current 73231
governmental participants. 73232

Sec. 4928.64. (A)(1) As used in sections 4928.64 and 4928.65 73233
of the Revised Code, "alternative energy resource" means an 73234
advanced energy resource or renewable energy resource, as defined 73235
in section 4928.01 of the Revised Code, that has a 73236
placed-in-service date of January 1, 1998, or after, or that is 73237
eligible to receive a renewable energy credit through a renewable 73238
energy certificate pursuant to the laws of any state served by a 73239
regional transmission organization that also serves this state 73240
provided such eligibility occurred on or after January 1, 1998; a 73241
renewable energy resource created on or after January 1, 1998, by 73242
the modification or retrofit of any facility placed in service 73243
prior to January 1, 1998; or a mercantile customer-sited advanced 73244
energy resource or renewable energy resource, whether new or 73245
existing, that the mercantile customer commits for integration 73246
into the electric distribution utility's demand-response, energy 73247
efficiency, or peak demand reduction programs as provided under 73248
division (A)(2)(c) of section 4928.66 of the Revised Code, 73249
including, but not limited to, any of the following: 73250

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(a) A resource that has the effect of improving the 73252
relationship between real and reactive power; 73253

(b) A resource that makes efficient use of waste heat or 73254
other thermal capabilities owned or controlled by a mercantile 73255
customer; 73256

(c) Storage technology that allows a mercantile customer more 73257
flexibility to modify its demand or load and usage 73258

characteristics; 73259

(d) Electric generation equipment owned or controlled by a 73260
mercantile customer that uses an advanced energy resource or 73261
renewable energy resource; 73262

(e) Any advanced energy resource or renewable energy resource 73263
of the mercantile customer that can be utilized effectively as 73264
part of any advanced energy resource plan of an electric 73265
distribution utility and would otherwise qualify as an alternative 73266
energy resource if it were utilized directly by an electric 73267
distribution utility. 73268

(2) For the purpose of this section and as it considers 73269
appropriate, the public utilities commission may classify any new 73270
technology as such an advanced energy resource or a renewable 73271
energy resource. 73272

(B) By 2025 and thereafter, an electric distribution utility 73273
shall provide from alternative energy resources, including, at its 73274
discretion, alternative energy resources obtained pursuant to an 73275
electricity supply contract, a portion of the electricity supply 73276
required for its standard service offer under section 4928.141 of 73277
the Revised Code, and an electric services company shall provide a 73278
portion of its electricity supply for retail consumers in this 73279
state from alternative energy resources, including, at its 73280
discretion, alternative energy resources obtained pursuant to an 73281
electricity supply contract. That portion shall equal twenty-five 73282
per cent of the total number of kilowatt hours of electricity sold 73283
by the subject utility or company to any and all retail electric 73284
consumers whose electric load centers are served by that utility 73285
and are located within the utility's certified territory or, in 73286
the case of an electric services company, are served by the 73287
company and are located within this state. However, nothing in 73288
this section precludes a utility or company from providing a 73289
greater percentage. The baseline for a utility's or company's 73290

compliance with the alternative energy resource requirements of 73291
 this section shall be the average of such total kilowatt hours it 73292
 sold in the preceding three calendar years, except that the 73293
 commission may reduce a utility's or company's baseline to adjust 73294
 for new economic growth in the utility's certified territory or, 73295
 in the case of an electric services company, in the company's 73296
 service area in this state. 73297

Of the alternative energy resources implemented by the 73298
 subject utility or company by 2025 and thereafter: 73299

(1) Half may be generated from advanced energy resources; 73300

(2) At least half shall be generated from renewable energy 73301
 resources, including one-half per cent from solar energy 73302
 resources, in accordance with the following benchmarks: 73303
 73304

By end of year	Renewable energy resources	Solar energy resources	
2009	0.25%	0.004%	73305
2010	0.50%	0.010%	73306
2011	1%	0.030%	73307
2012	1.5%	0.060%	73308
2013	2%	0.090%	73309
2014	2.5%	0.12%	73310
2015	3.5%	0.15%	73311
2016	4.5%	0.18%	73312
2017	5.5%	0.22%	73313
2018	6.5%	0.26%	73314
2019	7.5%	0.3%	73315
2020	8.5%	0.34%	73316
2021	9.5%	0.38%	73317
2022	10.5%	0.42%	73318
2023	11.5%	0.46%	73319
2024 and each calendar	12.5%	0.5%	73320

year thereafter

(3) At least one-half of the renewable energy resources 73322
implemented by the utility or company shall be met through 73323
facilities located in this state; the remainder shall be met with 73324
resources that can be shown to be deliverable into this state. 73325

(C)(1) The commission annually shall review an electric 73326
distribution utility's or electric services company's compliance 73327
with the most recent applicable benchmark under division (B)(2) of 73328
this section and, in the course of that review, shall identify any 73329
undercompliance or noncompliance of the utility or company that it 73330
determines is weather-related, related to equipment or resource 73331
shortages for advanced energy or renewable energy resources as 73332
applicable, or is otherwise outside the utility's or company's 73333
control. 73334

(2) Subject to the cost cap provisions of division (C)(3) of 73335
this section, if the commission determines, after notice and 73336
opportunity for hearing, and based upon its findings in that 73337
review regarding avoidable undercompliance or noncompliance, but 73338
subject to division (C)(4) of this section, that the utility or 73339
company has failed to comply with any such benchmark, the 73340
commission shall impose a renewable energy compliance payment on 73341
the utility or company. 73342

(a) The compliance payment pertaining to the solar energy 73343
resource benchmarks under division (B)(2) of this section shall be 73344
an amount per megawatt hour of undercompliance or noncompliance in 73345
the period under review, starting at four hundred fifty dollars 73346
for 2009, four hundred dollars for 2010 and 2011, and similarly 73347
reduced every two years thereafter through 2024 by fifty dollars, 73348
to a minimum of fifty dollars. 73349

(b) The compliance payment pertaining to the renewable energy 73350
resource benchmarks under division (B)(2) of this section shall 73351
equal the number of additional renewable energy credits that the 73352

electric distribution utility or electric services company would 73353
have needed to comply with the applicable benchmark in the period 73354
under review times an amount that shall begin at forty-five 73355
dollars and shall be adjusted annually by the commission to 73356
reflect any change in the consumer price index as defined in 73357
section 101.27 of the Revised Code, but shall not be less than 73358
forty-five dollars. 73359

(c) The compliance payment shall not be passed through by the 73360
electric distribution utility or electric services company to 73361
consumers. The compliance payment shall be remitted to the 73362
commission, for deposit to the credit of the advanced energy fund 73363
created under section 4928.61 of the Revised Code. Payment of the 73364
compliance payment shall be subject to such collection and 73365
enforcement procedures as apply to the collection of a forfeiture 73366
under sections 4905.55 to 4905.60 and 4905.64 of the Revised Code. 73367
73368

(3) An electric distribution utility or an electric services 73369
company need not comply with a benchmark under division (B)(1) or 73370
(2) of this section to the extent that its reasonably expected 73371
cost of that compliance exceeds its reasonably expected cost of 73372
otherwise producing or acquiring the requisite electricity by 73373
three per cent or more. 73374

(4)(a) An electric distribution utility or electric services 73375
company may request the commission to make a force majeure 73376
determination pursuant to this division regarding all or part of 73377
the utility's or company's compliance with any minimum benchmark 73378
under division (B)(2) of this section during the period of review 73379
occurring pursuant to division (C)(2) of this section. The 73380
commission may require the electric distribution utility or 73381
electric services company to make solicitations for renewable 73382
energy resource credits as part of its default service before the 73383
utility's or company's request of force majeure under this 73384

division can be made. 73385

(b) Within ninety days after the filing of a request by an 73386
electric distribution utility or electric services company under 73387
division (C)(4)(a) of this section, the commission shall determine 73388
if renewable energy resources are reasonably available in the 73389
marketplace in sufficient quantities for the utility or company to 73390
comply with the subject minimum benchmark during the review 73391
period. In making this determination, the commission shall 73392
consider whether the electric distribution utility or electric 73393
services company has made a good faith effort to acquire 73394
sufficient renewable energy or, as applicable, solar energy 73395
resources to so comply, including, but not limited to, by banking 73396
or seeking renewable energy resource credits or by seeking the 73397
resources through long-term contracts. Additionally, the 73398
commission shall consider the availability of renewable energy or 73399
solar energy resources in this state and other jurisdictions in 73400
the PJM interconnection regional transmission organization or its 73401
successor and the midwest system operator or its successor. 73402

(c) If, pursuant to division (C)(4)(b) of this section, the 73403
commission determines that renewable energy or solar energy 73404
resources are not reasonably available to permit the electric 73405
distribution utility or electric services company to comply, 73406
during the period of review, with the subject minimum benchmark 73407
prescribed under division (B)(2) of this section, the commission 73408
shall modify that compliance obligation of the utility or company 73409
as it determines appropriate to accommodate the finding. 73410
Commission modification shall not automatically reduce the 73411
obligation for the electric distribution utility's or electric 73412
services company's compliance in subsequent years. If it modifies 73413
the electric distribution utility or electric services company 73414
obligation under division (C)(4)(c) of this section, the 73415
commission may require the utility or company, if sufficient 73416

renewable energy resource credits exist in the marketplace, to 73417
acquire additional renewable energy resource credits in subsequent 73418
years equivalent to the utility's or company's modified obligation 73419
under division (C)(4)(c) of this section. 73420

(5) The commission shall establish a process to provide for 73421
at least an annual review of the alternative energy resource 73422
market in this state and in the service territories of the 73423
regional transmission organizations that manage transmission 73424
systems located in this state. The commission shall use the 73425
results of this study to identify any needed changes to the amount 73426
of the renewable energy compliance payment specified under 73427
divisions (C)(2)(a) and (b) of this section. Specifically, the 73428
commission may increase the amount to ensure that payment of 73429
compliance payments is not used to achieve compliance with this 73430
section in lieu of actually acquiring or realizing energy derived 73431
from renewable energy resources. However, if the commission finds 73432
that the amount of the compliance payment should be otherwise 73433
changed, the commission shall present this finding to the general 73434
assembly for legislative enactment. 73435

(D)(1) The commission annually shall submit to the general 73437
assembly in accordance with section 101.68 of the Revised Code a 73438
report describing the compliance of electric distribution 73439
utilities and electric services companies with division (B) of 73440
this section and any strategy for utility and company compliance 73441
or for encouraging the use of alternative energy resources in 73442
supplying this state's electricity needs in a manner that 73443
considers available technology, costs, job creation, and economic 73444
impacts. The commission shall allow and consider public comments 73445
on the report prior to its submission to the general assembly. 73446
Nothing in the report shall be binding on any person, including 73447
any utility or company for the purpose of its compliance with any 73448

benchmark under division (B) of this section, or the enforcement 73449
of that provision under division (C) of this section. 73450

73451

(2) The governor, in consultation with the commission 73452
chairperson, shall appoint an alternative energy advisory 73453
committee. The committee shall examine available technology for 73454
and related timetables, goals, and costs of the alternative energy 73455
resource requirements under division (B) of this section and shall 73456
submit to the commission a semiannual report of its 73457
recommendations. 73458

(E) All costs incurred by an electric distribution utility in 73459
complying with the requirements of this section shall be 73460
bypassable by any consumer that has exercised choice of supplier 73461
under section 4928.03 of the Revised Code. 73462

Sec. 4929.261. Section 4928.201 of the Revised Code shall 73463
apply also to a governmental aggregator under section 4929.26 or 73464
4929.27 of the Revised Code. 73465

Sec. 5101.073. There is hereby created in the state treasury 73466
the ODJFS general services administration and operating fund. The 73467
director of job and family services may submit a deposit 73468
modification and payment detail report to the treasurer of state 73469
after the completion of the reconciliation of all final 73470
transactions with the federal government regarding a federal grant 73471
for a program the department of job and family services 73472
administers and a final closeout for the grant. On receipt of the 73473
report, the treasurer of state shall transfer the money in the 73474
refunds and audit settlements fund that is the subject of the 73475
report to the ODJFS general services administration and operating 73476
fund. Money in the ODJFS general services administration and 73477
operating fund shall be used to pay for the expenses of the 73478

programs the department administers and the department's 73479
administrative expenses, including the costs of state hearings 73480
under section 5101.35 of the Revised Code, required audit 73481
adjustments, and other related expenses. 73482

Sec. 5101.11. This section does not apply to contracts 73483
entered into under section 5111.90 or 5111.91 of the Revised Code. 73484

(A) As used in this section: 73485

(1) "Entity" includes an agency, board, commission, or 73486
department of the state or a political subdivision of the state; a 73487
private, nonprofit entity; a school district; a private school; or 73488
a public or private institution of higher education. 73489

(2) "Federal financial participation" means the federal 73490
government's share of expenditures made by an entity in 73491
implementing a program administered by the department of job and 73492
family services. 73493

(B) At the request of any public entity having authority to 73494
implement a program administered by the department of job and 73495
family services or any private entity under contract with a public 73496
entity to implement a program administered by the department, the 73497
department may seek to obtain federal financial participation for 73498
costs incurred by the entity. Federal financial participation may 73499
be sought from programs operated pursuant to Title IV-A, Title 73500
IV-E, and Title XIX of the "Social Security Act," 49 Stat. 620 73501
(1935), 42 U.S.C. 301, as amended; the "~~Food Stamp~~ and Nutrition 73502
Act of 1964," ~~78 Stat. 703,~~ 2008 (7 U.S.C. 2011, ~~as amended et~~ 73503
seq.); and any other statute or regulation under which federal 73504
financial participation may be available, except that federal 73505
financial participation may be sought only for expenditures made 73506
with funds for which federal financial participation is available 73507
under federal law. 73508

(C) All funds collected by the department of job and family services pursuant to division (B) of this section shall be distributed to the entities that incurred the costs, except for any amounts retained by the department pursuant to division (D)(3) of this section.

(D) In distributing federal financial participation pursuant to this section, the department may either enter into an agreement with the entity that is to receive the funds or distribute the funds in accordance with rules adopted under division (F) of this section. If the department decides to enter into an agreement to distribute the funds, the agreement may include terms that do any of the following:

(1) Provide for the whole or partial reimbursement of any cost incurred by the entity in implementing the program;

(2) In the event that federal financial participation is disallowed or otherwise unavailable for any expenditure, require the department of job and family services or the entity, whichever party caused the disallowance or unavailability of federal financial participation, to assume responsibility for the expenditures;

(3) Permit the department to retain not more than five per cent of the amount of the federal financial participation to be distributed to the entity;

(4) Require the public entity to certify the availability of sufficient unencumbered funds to match the federal financial participation it receives under this section;

(5) Establish the length of the agreement, which may be for a fixed or a continuing period of time;

(6) Establish any other requirements determined by the department to be necessary for the efficient administration of the agreement.

(E) An entity that receives federal financial participation pursuant to this section for a program aiding children and their families shall establish a process for collaborative planning with the department of job and family services for the use of the funds to improve and expand the program.

(F) The director of job and family services shall adopt rules as necessary to implement this section, including rules for the distribution of federal financial participation pursuant to this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. The director may adopt or amend any statewide plan required by the federal government for a program administered by the department, as necessary to implement this section.

(G) Federal financial participation received pursuant to this section shall not be included in any calculation made under section 5101.16 or 5101.161 of the Revised Code.

Sec. 5101.16. (A) As used in this section and sections 5101.161 and 5101.162 of the Revised Code:

(1) "Disability financial assistance" means the financial assistance program established under Chapter 5115. of the Revised Code.

(2) "Disability medical assistance" means the medical assistance program established under Chapter 5115. of the Revised Code.

(3) "~~Food stamps~~ Supplemental nutrition assistance program" means the program administered by the department of job and family services pursuant to section 5101.54 of the Revised Code.

(4) "Medicaid" means the medical assistance program established by Chapter 5111. of the Revised Code, excluding transportation services provided under that chapter.

(5) "Ohio works first" means the program established by Chapter 5107. of the Revised Code.	73570 73571
(6) "Prevention, retention, and contingency" means the program established by Chapter 5108. of the Revised Code.	73572 73573
(7) "Public assistance expenditures" means expenditures for all of the following:	73574 73575
(a) Ohio works first;	73576
(b) County administration of Ohio works first;	73577
(c) Prevention, retention, and contingency;	73578
(d) County administration of prevention, retention, and contingency;	73579 73580
(e) Disability financial assistance;	73581
(f) Disability medical assistance;	73582
(g) County administration of disability financial assistance;	73583 73584
(h) County administration of disability medical assistance;	73585
(i) County administration of food stamps <u>the supplemental nutrition assistance program</u> ;	73586 73587
(j) County administration of medicaid.	73588
(8) "Title IV-A program" has the same meaning as in section 5101.80 of the Revised Code.	73589 73590
(B) Each board of county commissioners shall pay the county share of public assistance expenditures in accordance with section 5101.161 of the Revised Code. Except as provided in division (C) of this section, a county's share of public assistance expenditures is the sum of all of the following for state fiscal year 1998 and each state fiscal year thereafter:	73591 73592 73593 73594 73595 73596
(1) The amount that is twenty-five per cent of the county's	73597

total expenditures for disability financial assistance and 73598
disability medical assistance and county administration of those 73599
programs during the state fiscal year ending in the previous 73600
calendar year that the department of job and family services 73601
determines are allowable. 73602

(2) The amount that is ten per cent, or other percentage 73603
determined under division (D) of this section, of the county's 73604
total expenditures for county administration of ~~feed-stamps~~ the 73605
supplemental nutrition assistance program and medicaid during the 73606
state fiscal year ending in the previous calendar year that the 73607
department determines are allowable, less the amount of federal 73608
reimbursement credited to the county under division (E) of this 73609
section for the state fiscal year ending in the previous calendar 73610
year; 73611

(3) A percentage of the actual amount of the county share of 73612
program and administrative expenditures during federal fiscal year 73613
1994 for assistance and services, other than child care, provided 73614
under Titles IV-A and IV-F of the "Social Security Act," 49 Stat. 73615
620 (1935), 42 U.S.C. 301, as those titles existed prior to the 73616
enactment of the "Personal Responsibility and Work Opportunity 73617
Reconciliation Act of 1996," 110 Stat. 2105. The department of job 73618
and family services shall determine the actual amount of the 73619
county share from expenditure reports submitted to the United 73620
States department of health and human services. The percentage 73621
shall be the percentage established in rules adopted under 73622
division (F) of this section. 73623

(C)(1) If a county's share of public assistance expenditures 73624
determined under division (B) of this section for a state fiscal 73625
year exceeds one hundred ten per cent of the county's share for 73626
those expenditures for the immediately preceding state fiscal 73627
year, the department of job and family services shall reduce the 73628
county's share for expenditures under divisions (B)(1) and (2) of 73629

this section so that the total of the county's share for 73630
expenditures under division (B) of this section equals one hundred 73631
ten per cent of the county's share of those expenditures for the 73632
immediately preceding state fiscal year. 73633

(2) A county's share of public assistance expenditures 73634
determined under division (B) of this section may be increased 73635
pursuant to section 5101.163 of the Revised Code and a sanction 73636
under section 5101.24 of the Revised Code. An increase made 73637
pursuant to section 5101.163 of the Revised Code may cause the 73638
county's share to exceed the limit established by division (C)(1) 73639
of this section. 73640

(D)(1) If the per capita tax duplicate of a county is less 73641
than the per capita tax duplicate of the state as a whole and 73642
division (D)(2) of this section does not apply to the county, the 73643
percentage to be used for the purpose of division (B)(2) of this 73644
section is the product of ten multiplied by a fraction of which 73645
the numerator is the per capita tax duplicate of the county and 73646
the denominator is the per capita tax duplicate of the state as a 73647
whole. The department of job and family services shall compute the 73648
per capita tax duplicate for the state and for each county by 73649
dividing the tax duplicate for the most recent available year by 73650
the current estimate of population prepared by the department of 73651
development. 73652

(2) If the percentage of families in a county with an annual 73653
income of less than three thousand dollars is greater than the 73654
percentage of such families in the state and division (D)(1) of 73655
this section does not apply to the county, the percentage to be 73656
used for the purpose of division (B)(2) of this section is the 73657
product of ten multiplied by a fraction of which the numerator is 73658
the percentage of families in the state with an annual income of 73659
less than three thousand dollars a year and the denominator is the 73660
percentage of such families in the county. The department of job 73661

and family services shall compute the percentage of families with 73662
an annual income of less than three thousand dollars for the state 73663
and for each county by multiplying the most recent estimate of 73664
such families published by the department of development, by a 73665
fraction, the numerator of which is the estimate of average annual 73666
personal income published by the bureau of economic analysis of 73667
the United States department of commerce for the year on which the 73668
census estimate is based and the denominator of which is the most 73669
recent such estimate published by the bureau. 73670

(3) If the per capita tax duplicate of a county is less than 73671
the per capita tax duplicate of the state as a whole and the 73672
percentage of families in the county with an annual income of less 73673
than three thousand dollars is greater than the percentage of such 73674
families in the state, the percentage to be used for the purpose 73675
of division (B)(2) of this section shall be determined as follows: 73676

(a) Multiply ten by the fraction determined under division 73677
(D)(1) of this section; 73678

(b) Multiply the product determined under division (D)(3)(a) 73679
of this section by the fraction determined under division (D)(2) 73680
of this section. 73681

(4) The department of job and family services shall 73682
determine, for each county, the percentage to be used for the 73683
purpose of division (B)(2) of this section not later than the 73684
first day of July of the year preceding the state fiscal year for 73685
which the percentage is used. 73686

(E) The department of job and family services shall credit to 73687
a county the amount of federal reimbursement the department 73688
receives from the United States departments of agriculture and 73689
health and human services for the county's expenditures for 73690
administration of ~~food stamps~~ the supplemental nutrition 73691
assistance program and medicaid that the department determines are 73692

allowable administrative expenditures. 73693

(F)(1) The director of job and family services shall adopt 73694
rules in accordance with section 111.15 of the Revised Code to 73695
establish all of the following: 73696

(a) The method the department is to use to change a county's 73697
share of public assistance expenditures determined under division 73698
(B) of this section as provided in division (C) of this section; 73699

(b) The allocation methodology and formula the department 73700
will use to determine the amount of funds to credit to a county 73701
under this section; 73702

(c) The method the department will use to change the payment 73703
of the county share of public assistance expenditures from a 73704
calendar-year basis to a state fiscal year basis; 73705

(d) The percentage to be used for the purpose of division 73706
(B)(3) of this section, which shall, except as provided in section 73707
5101.163 of the Revised Code, meet both of the following 73708
requirements: 73709

(i) The percentage shall not be less than seventy-five per 73710
cent nor more than eighty-two per cent; 73711

(ii) The percentage shall not exceed the percentage that the 73712
state's qualified state expenditures is of the state's historic 73713
state expenditures as those terms are defined in 42 U.S.C. 73714
609(a)(7). 73715

(e) Other procedures and requirements necessary to implement 73716
this section. 73717

(2) The director of job and family services may amend the 73718
rule adopted under division (F)(1)(d) of this section to modify 73719
the percentage on determination that the amount the general 73720
assembly appropriates for Title IV-A programs makes the 73721
modification necessary. The rule shall be adopted and amended as 73722

if an internal management rule and in consultation with the 73723
director of budget and management. 73724

Sec. 5101.162. Subject to available federal funds and 73725
appropriations made by the general assembly, the department of job 73726
and family services may, at its sole discretion, use available 73727
federal funds to reimburse county expenditures for county 73728
administration of ~~food stamps~~ the supplemental nutrition 73729
assistance program or medicaid even though the county expenditures 73730
meet or exceed the maximum allowable reimbursement amount 73731
established by rules adopted under section 5101.161 of the Revised 73732
Code. The director may adopt internal management rules in 73733
accordance with section 111.15 of the Revised Code to implement 73734
this section. 73735

Sec. 5101.26. As used in this section and in sections 5101.27 73736
to 5101.30 of the Revised Code: 73737

(A) "County agency" means a county department of job and 73738
family services or a public children services agency. 73739

(B) "Fugitive felon" means an individual who is fleeing to 73740
avoid prosecution, or custody or confinement after conviction, 73741
under the laws of the place from which the individual is fleeing, 73742
for a crime or an attempt to commit a crime that is a felony under 73743
the laws of the place from which the individual is fleeing or, in 73744
the case of New Jersey, a high misdemeanor, regardless of whether 73745
the individual has departed from the individual's usual place of 73746
residence. 73747

(C) "Information" means records as defined in section 149.011 73748
of the Revised Code, any other documents in any format, and data 73749
derived from records and documents that are generated, acquired, 73750
or maintained by the department of job and family services, a 73751
county agency, or an entity performing duties on behalf of the 73752

department or a county agency. 73753

(D) "Law enforcement agency" means the state highway patrol, 73754
an agency that employs peace officers as defined in section 109.71 73755
of the Revised Code, the adult parole authority, a county 73756
department of probation, a prosecuting attorney, the attorney 73757
general, similar agencies of other states, federal law enforcement 73758
agencies, and postal inspectors. "Law enforcement agency" includes 73759
the peace officers and other law enforcement officers employed by 73760
the agency. 73761

(E) "Medical assistance provided under a public assistance 73762
program" means medical assistance provided under the programs 73763
established under sections 5101.49, 5101.50 ~~to 5101.503~~, 5101.51 73764
~~to 5101.5110~~, 5101.52 ~~to 5101.529~~, and 5101.5211 to 5101.5216, 73765
Chapters 5111. and 5115., or any other provision of the Revised 73766
Code. 73767

(F) "Public assistance" means financial assistance, medical 73768
assistance, or social services provided under a program 73769
administered by the department of job and family services or a 73770
county agency pursuant to Chapter 329., 5101., 5104., 5107., 73771
5108., 5111., or 5115. of the Revised Code or an executive order 73772
issued under section 107.17 of the Revised Code. 73773

(G) "Public assistance recipient" means an applicant for or 73774
recipient or former recipient of public assistance. 73775

Sec. 5101.33. (A) As used in this section, "benefits" means 73776
any of the following: 73777

(1) Cash assistance paid under Chapter 5107. or 5115. of the 73778
Revised Code; 73779

(2) ~~Food-stamp~~ Supplemental nutrition assistance program 73780
benefits provided under section 5101.54 of the Revised Code; 73781

(3) Any other program administered by the department of job 73782

and family services under which assistance is provided or service rendered; 73783
73784

(4) Any other program, service, or assistance administered by a person or government entity that the department determines may be delivered through the medium of electronic benefit transfer. 73785
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(B) The department of job and family services may make any payment or delivery of benefits to eligible individuals through the medium of electronic benefit transfer by doing all of the following: 73788
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(1) Contracting with an agent to supply debit cards to the department of job and family services for use by such individuals in accessing their benefits and to credit such cards electronically with the amounts specified by the director of job and family services pursuant to law; 73792
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(2) Informing such individuals about the use of the electronic benefit transfer system and furnishing them with debit cards and information that will enable them to access their benefits through the system; 73797
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(3) Arranging with specific financial institutions or vendors, county departments of job and family services, or persons or government entities for individuals to have their cards credited electronically with the proper amounts at their facilities; 73801
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(4) Periodically preparing vouchers for the payment of such benefits by electronic benefit transfer; 73806
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(5) Satisfying any applicable requirements of federal and state law. 73808
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(C) The department may enter into a written agreement with any person or government entity to provide benefits administered by that person or entity through the medium of electronic benefit 73810
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transfer. A written agreement may require the person or government 73813
entity to pay to the department either or both of the following: 73814

(1) A charge that reimburses the department for all costs the 73815
department incurs in having the benefits administered by the 73816
person or entity provided through the electronic benefit transfer 73817
system; 73818

(2) A fee for having the benefits provided through the 73819
electronic benefit transfer system. 73820

(D) The department may designate which counties will 73821
participate in the medium of electronic benefit transfer, specify 73822
the date a designated county will begin participation, and specify 73823
which benefits will be provided through the medium of electronic 73824
benefit transfer in a designated county. 73825

(E) The department may adopt rules in accordance with Chapter 73826
119. of the Revised Code for the efficient administration of this 73827
section. 73828

Sec. 5101.34. (A) There is hereby created in the department 73829
of job and family services the Ohio commission on fatherhood. The 73830
commission shall consist of the following members: 73831

(1)(a) Four members of the house of representatives appointed 73832
by the speaker of the house, not more than two of whom are members 73833
of the same political party. Two of the members must be from 73834
legislative districts that include a county or part of a county 73835
that is among the one-third of counties in this state with the 73836
highest number per capita of households headed by females. 73837

(b) Two members of the senate appointed by the president of 73838
the senate, each from a different political party. One of the 73839
members must be from a legislative district that includes a county 73840
or part of a county that is among the one-third of counties in 73841
this state with the highest number per capita of households headed 73842

by females. 73843

(2) The governor, or the governor's designee; 73844

(3) One representative of the judicial branch of government 73845
appointed by the chief justice of the supreme court; 73846

(4) The directors of health, job and family services, 73847
rehabilitation and correction, alcohol and drug addiction 73848
services, and youth services and the superintendent of public 73849
instruction, or their designees; 73850

(5) One representative of the Ohio family and children first 73851
cabinet council created under section 121.37 of the Revised Code 73852
appointed by the chairperson of the council; 73853

(6) Five representatives of the general public appointed by 73854
the governor. These members shall have extensive experience in 73855
issues related to fatherhood. 73856

(B) The appointing authorities of the Ohio commission on 73857
fatherhood shall make initial appointments to the commission 73858
within thirty days after ~~the effective date of this section~~ 73859
September 29, 1999. Of the initial appointments to the commission 73860
made pursuant to divisions (A)(3), (5), and (6) of this section, 73861
three of the members shall serve a term of one year and four shall 73862
serve a term of two years. Members so appointed subsequently shall 73863
serve two-year terms. A member appointed pursuant to division 73864
(A)(1) of this section shall serve on the commission until the end 73865
of the general assembly from which the member was appointed or 73866
until the member ceases to serve in the chamber of the general 73867
assembly in which the member serves at the time of appointment, 73868
whichever occurs first. The governor or the governor's designee 73869
shall serve on the commission until the governor ceases to be 73870
governor. The directors and superintendent or their designees 73871
shall serve on the commission until they cease, or the director or 73872
superintendent a designee represents ceases, to be director or 73873

superintendent. Each member shall serve on the commission from the 73874
date of appointment until the end of the term for which the member 73875
was appointed. Members may be reappointed. 73876

Vacancies shall be filled in the manner provided for original 73877
appointments. Any member appointed to fill a vacancy occurring 73878
prior to the expiration date of the term for which the member's 73879
predecessor was appointed shall serve on the commission for the 73880
remainder of that term. A member shall continue to serve on the 73881
commission subsequent to the expiration date of the member's term 73882
until the member's successor is appointed or until a period of 73883
sixty days has elapsed, whichever occurs first. Members shall 73884
serve without compensation but shall be reimbursed for necessary 73885
expenses. 73886

Sec. 5101.47. (A) Except as provided in division (B) of this 73887
section, the director of job and family services may accept 73888
applications, determine eligibility, redetermine eligibility, and 73889
perform related administrative activities for one or more of the 73890
following: 73891

(1) The medicaid program established by Chapter 5111. of the 73892
Revised Code; 73893

(2) The children's health insurance program parts I, II, and 73894
III provided for under sections 5101.50, 5101.51, and 5101.52 of 73895
the Revised Code; 73896

(3) Publicly funded child care provided under Chapter 5104. 73897
of the Revised Code; 73898

(4) The ~~food stamp~~ supplemental nutrition assistance program 73899
administered by the department of job and family services pursuant 73900
to section 5101.54 of the Revised Code; 73901

(5) Other programs the director determines are supportive of 73902
children, adults, or families; 73903

(6) Other programs regarding which the director determines administrative cost savings and efficiency may be achieved through the department accepting applications, determining eligibility, redetermining eligibility, or performing related administrative activities. 73904
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(B) If federal law requires a face-to-face interview to complete an eligibility determination for a program specified in or pursuant to division (A) of this section, the face-to-face interview shall not be conducted by the department of job and family services. 73909
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(C) Subject to division (B) of this section, if the director elects to accept applications, determine eligibility, redetermine eligibility, and perform related administrative activities for a program specified in or pursuant to division (A) of this section, both of the following apply: 73914
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(1) An individual seeking services under the program may apply for the program to the director or to the entity that state law governing the program authorizes to accept applications for the program. 73919
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(2) The director is subject to federal statutes and regulations and state statutes and rules that require, permit, or prohibit an action regarding accepting applications, determining or redetermining eligibility, and performing related administrative activities for the program. 73923
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(D) The director may adopt rules as necessary to implement this section. 73928
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Sec. 5101.50. (A) As used in sections 5101.50 to ~~5101.529~~ 5101.5210 of the Revised Code: 73930
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(1) "Children's health insurance program" means the program authorized by Title XXI of the "Social Security Act," 111 Stat. 73932
73933

552 (1997), 42 U.S.C.A. 1397aa. 73934

(2) "Federal poverty guidelines" has the same meaning as in 73935
section 5101.46 of the Revised Code. 73936

(B) The director of job and family services may continue to 73937
operate the children's health insurance program initially 73938
authorized by an executive order issued under section 107.17 of 73939
the Revised Code as long as federal financial participation is 73940
available for the program. If operated, the program shall provide 73941
health assistance to uninsured individuals under nineteen years of 73942
age with family incomes not exceeding one hundred fifty per cent 73943
of the federal poverty guidelines. In accordance with 42 U.S.C.A. 73944
1397aa, the director may provide for the health assistance to meet 73945
the requirements of 42 U.S.C.A. 1397cc, to be provided under the 73946
medicaid program established under Chapter 5111. of the Revised 73947
Code, or to be a combination of both. 73948

Sec. 5101.504. (A) A school-based health center, as defined 73949
in 42 U.S.C. 1397jj(c)(9), may furnish health assistance services 73950
that the children's health insurance program part I covers if the 73951
center meets the requirements applicable to other providers 73952
providing those services. 73953

(B) The director may adopt rules under section 5101.502 of 73954
the Revised Code pertaining to the billing, reimbursement, and 73955
data collection for school-based health centers. 73956

Sec. 5101.5110. (A) A school-based health center, as defined 73957
in 42 U.S.C. 1397jj(c)(9), may furnish health assistance services 73958
that the children's health insurance program part II covers if the 73959
center meets the requirements applicable to other providers 73960
providing those services. 73961

(B) The director may adopt rules under section 5101.512 of 73962
the Revised Code pertaining to the billing, reimbursement, and 73963

data collection for school-based health centers. 73964

Sec. ~~5101.5110~~ 5101.5111. (A) The director of job and family 73965
services may submit a waiver request to the United States 73966
secretary of health and human services to provide health 73967
assistance to any individual who meets all of the following 73968
requirements: 73969

(1) Is the parent of a child under nineteen years of age who 73970
resides with the parent and is eligible for health assistance 73971
under the children's health insurance program part I or II or the 73972
medicaid program established under Chapter 5111. of the Revised 73973
Code; 73974

(2) Is uninsured; 73975

(3) Has a family income that does not exceed one hundred per 73976
cent of the federal poverty guidelines. 73977

(B) A waiver request the director submits under division (A) 73978
of this section may seek federal funds allotted to the state under 73979
Title XXI of the "Social Security Act," 111 Stat. 558 (1997), 42 73980
U.S.C.A. 1397dd, as amended, that are not otherwise used to fund 73981
the children's health insurance program parts I and II. 73982

(C) If a waiver request the director submits under division 73983
(A) of this section is granted, the director may adopt rules in 73984
accordance with Chapter 119. of the Revised Code as necessary for 73985
the efficient administration of the program authorization by the 73986
waiver. 73987

Sec. 5101.5210. (A) A school-based health center, as defined 73988
in 42 U.S.C. 1397jj(c)(9), may furnish health assistance services 73989
that the children's health insurance program part III covers if 73990
the center meets the requirements applicable to other providers 73991
providing those services. 73992

(B) The director may adopt rules under section 5101.522 of the Revised Code pertaining to the billing, reimbursement, and data collection for school-based health centers.

Sec. 5101.5212. Under the children's buy-in program and subject to section 5101.5213 of the Revised Code, an individual who does both of the following in accordance with rules adopted under section 5101.5215 of the Revised Code qualifies for medical assistance under the program, unless the director of job and family services has adopted rules under division (B) of section 5101.5215 of the Revised Code to limit the number of individuals who may participate in the program at one time and the program is serving the maximum number of individuals specified in the rules:

- (A) Applies for the children's buy-in program;
- (B) Provides satisfactory evidence of all of the following:
 - (1) That the individual is under nineteen years of age;
 - (2) That the individual's countable family income exceeds ~~two~~ three hundred ~~fifty~~ per cent of the federal poverty guidelines;
 - (3) That the individual has not had creditable coverage for at least six months before enrolling in the children's buy-in program, unless the individual lost the only creditable coverage available to the individual because the individual exhausted a lifetime benefit limitation;
 - (4) That one or more of the following apply to the individual:
 - (a) The individual is unable to obtain creditable coverage due to a pre-existing condition of the individual;
 - (b) The individual lost the only creditable coverage available to the individual because the individual has exhausted a

lifetime benefit limitation; 74023

(c) The premium for the only creditable coverage available to 74024
the individual is greater than two hundred per cent of the premium 74025
applicable to the individual under the children's buy-in program; 74026

(d) The individual participates in the program for medically 74027
handicapped children. 74028

(5) That the individual meets the additional eligibility 74029
requirements for the children's buy-in program established in 74030
rules adopted under section 5101.5215 of the Revised Code. 74031

Sec. 5101.5213. (A) An individual participating in the 74032
children's buy-in program shall be charged a monthly premium 74033
established by rules adopted under section 5101.5215 of the 74034
Revised Code. The amount of the monthly premium shall not be less 74035
than the following: 74036

(1) In the case of an individual with countable family income 74037
exceeding ~~two~~ three hundred ~~fifty~~ per cent but not exceeding four 74038
hundred per cent of the federal poverty guidelines, the following 74039
amount: 74040

(a) If no other member of the individual's family receives 74041
medical assistance under the program with the individual, one 74042
hundred dollars; 74043

(b) If one or more members of the individual's family receive 74044
medical assistance under the program with the individual, one 74045
hundred fifty dollars. 74046

(2) In the case of an individual with countable family income 74047
exceeding four hundred per cent but not exceeding five hundred per 74048
cent of the federal poverty guidelines, the following amount: 74049
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(a) If no other member of the individual's family receives 74051
medical assistance under the program with the individual, one 74052

hundred twenty-five dollars; 74053

(b) If one or more members of the individual's family receive 74054
medical assistance under the program with the individual, one 74055
hundred seventy-five dollars. 74056

(3) In the case of an individual with countable family income 74057
exceeding five hundred per cent of the federal poverty guidelines, 74058
the full amount of the actuarially determined cost of the premium. 74059
74060

(B) If the premium for the children's buy-in program is not 74061
paid for two consecutive months, the individual shall lose 74062
eligibility for the program. The individual may not resume 74063
participation in the program until the unpaid premiums that 74064
accrued before the individual lost eligibility are paid. 74065

Sec. 5101.54. (A) The director of job and family services 74066
shall administer the ~~food stamp~~ supplemental nutrition assistance 74067
program in accordance with the "Food Stamp and Nutrition Act of 74068
1977, 91 Stat. 958, 2008 (7 U.S.C.A. 2011, as amended et seq). 74069
The department may: 74070

(1) Prepare and submit to the secretary of the United States 74071
department of agriculture a plan for the administration of the 74072
~~food stamp~~ supplemental nutrition assistance program; 74073

(2) Prescribe forms for applications, certificates, reports, 74074
records, and accounts of county departments of job and family 74075
services, and other matters; 74076

(3) Require such reports and information from each county 74077
department of job and family services as may be necessary and 74078
advisable; 74079

(4) Administer and expend any sums appropriated by the 74080
general assembly for the purposes of ~~this section~~ the supplemental 74081
nutrition assistance program and all sums paid to the state by the 74082

United States as authorized by the Food ~~Stamp~~ and Nutrition Act of 74083
~~1977~~ 2008; 74084

(5) Conduct such investigations as are necessary; 74085

(6) Enter into interagency agreements and cooperate with 74086
investigations conducted by the department of public safety, 74087
including providing information for investigative purposes, 74088
exchanging property and records, passing through federal financial 74089
participation, modifying any agreements with the United States 74090
department of agriculture, providing for the supply, security, and 74091
accounting of ~~food stamp~~ supplemental nutrition assistance program 74092
benefits for investigative purposes, and meeting any other 74093
requirements necessary for the detection and deterrence of illegal 74094
activities in the ~~state food stamp~~ supplemental nutrition 74095
assistance program; 74096

(7) Adopt rules in accordance with Chapter 119. of the 74097
Revised Code governing employment and training requirements of 74098
recipients of ~~food stamp~~ supplemental nutrition assistance program 74099
benefits, including rules specifying which recipients are subject 74100
to the requirements and establishing sanctions for failure to 74101
satisfy the requirements. The rules shall be consistent with 7 74102
U.S.C.A. 2015 and, to the extent practicable, may provide for ~~food~~ 74103
~~stamp benefit~~ the recipients to participate in work activities, 74104
developmental activities, and alternative work activities 74105
established under sections 5107.40 to 5107.69 of the Revised Code 74106
that are comparable to programs authorized by 7 U.S.C.A. 74107
2015(d)(4). The rules may reference rules adopted under section 74108
5107.05 of the Revised Code governing work activities, 74109
developmental activities, and alternative work activities 74110
established under sections 5107.40 to 5107.69 of the Revised Code. 74111

(8) Adopt rules in accordance with section 111.15 of the 74112
Revised Code that are consistent with the Food ~~Stamp~~ and Nutrition 74113
Act of ~~1977~~ 2008, as amended, and regulations adopted thereunder 74114

governing the following:	74115
(a) Eligibility requirements for the food stamp <u>supplemental nutrition assistance</u> program;	74116 74117
(b) Sanctions for failure to comply with eligibility requirements;	74118 74119
(c) Allotment of food stamp <u>supplemental nutrition assistance program</u> benefits;	74120 74121
(d) To the extent permitted under federal statutes and regulations, a system under which some or all recipients of food stamp <u>supplemental nutrition assistance program</u> benefits subject to employment and training requirements established by rules adopted under division (A)(7) of this section receive food stamp <u>the</u> benefits after satisfying the requirements;	74122 74123 74124 74125 74126 74127
(e) Administration of the program by county departments of job and family services;	74128 74129
(f) Other requirements necessary for the efficient administration of the program.	74130 74131
(9) Submit a plan to the United States secretary of agriculture for the department of job and family services to operate a simplified food stamp <u>supplemental nutrition assistance</u> program pursuant to 7 U.S.C.A. 2035 under which requirements governing the Ohio works first program established under Chapter 5107. of the Revised Code also govern the food stamp <u>supplemental nutrition assistance</u> program in the case of households receiving food stamp <u>supplemental nutrition assistance program</u> benefits and participating in Ohio works first.	74132 74133 74134 74135 74136 74137 74138 74139 74140
(B) Except while in the custody of the United States postal service, food stamps and any document necessary to obtain food stamps are the property of the department of job and family services from the time they are received in accordance with	74141 74142 74143 74144

~~federal regulations by the department from the federal agency 74145
responsible for such delivery until they are received by a 74146
household entitled to receive them or by the authorized 74147
representative of the household. 74148~~

~~(C) A household that is entitled to receive food stamps under 74149
the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as 74150
amended, supplemental nutrition assistance program benefits and 74151
that is determined to be in immediate need of ~~food~~ nutrition 74152
assistance, shall receive certification of eligibility for program 74153
benefits, pending verification, within twenty-four hours, or, if 74154
mitigating circumstances occur, within seventy-two hours, after 74155
application, if: 74156~~

~~(1) The results of the application interview indicate that 74157
the household will be eligible upon full verification; 74158~~

~~(2) Information sufficient to confirm the statements in the 74159
application has been obtained from at least one additional source, 74160
not a member of the applicant's household. Such information shall 74161
be recorded in the case file, and shall include: 74162~~

~~(a) The name of the person who provided the name of the 74163
information source; 74164~~

~~(b) The name and address of the information source; 74165~~

~~(c) A summary of the information obtained. 74166~~

~~The period of temporary eligibility shall not exceed one 74167
month from the date of certification of temporary eligibility. If 74168
eligibility is established by full verification, benefits shall 74169
continue without interruption as long as eligibility continues. 74170~~

~~At the time of application, the county department of job and 74171
family services shall provide to a household described in this 74172
division a list of community assistance programs that provide 74173
emergency food. 74174~~

~~(D)~~(C) All applications shall be approved or denied through 74175
full verification within thirty days from receipt of the 74176
application by the county department of job and family services. 74177

~~(E)~~(D) Nothing in this section shall be construed to prohibit 74178
the certification of households that qualify under federal 74179
regulations to receive ~~food stamps~~ supplemental nutrition 74180
assistance program benefits without charge under the "Food Stamp 74181
and Nutrition Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as 74182
amended 2008. 74183

~~(F)~~(E) Any person who applies for ~~food stamps~~ under this 74184
~~section~~ the supplemental nutrition assistance program shall 74185
receive a voter registration application under section 3503.10 of 74186
the Revised Code. 74187

Sec. 5101.541. The ~~food stamp~~ supplemental nutrition 74188
assistance program fund is hereby created in the state treasury. 74189
The fund shall consist of federal reimbursement for ~~food stamp~~ 74190
supplemental nutrition assistance program administrative expenses 74191
and other ~~food stamp~~ supplemental nutrition assistance program 74192
expenses. The department of job and family services shall use the 74193
money credited to the fund to pay for ~~food stamp~~ supplemental 74194
nutrition assistance program administrative expenses and other 74195
~~food stamp~~ supplemental nutrition assistance program expenses. 74196

Sec. 5101.542. Immediately following a county department of 74197
job and family services' certification that a household determined 74198
under division (B) of section 5101.54 of the Revised Code to be in 74199
immediate need of nutrition assistance is eligible for the 74200
supplemental nutrition assistance program, the department of job 74201
and family services shall provide for the household to be sent by 74202
regular United States mail an electronic benefit transfer card 74203
containing the amount of benefits the household is eligible to 74204

receive under the program. The card shall be sent to the member of 74205
the household in whose name application for the supplemental 74206
nutrition assistance program was made or that member's authorized 74207
representative. 74208

Sec. 5101.544. If the benefits of a household are reduced 74209
under a federal, state, or local means-tested public assistance 74210
program for failure of a member of the household to perform an 74211
action required under the program, the household may not receive, 74212
for the duration of the reduction, an increased allotment of ~~food~~ 74213
~~stamp~~ supplemental nutrition assistance program benefits as the 74214
result of a decrease in the income of the household to the extent 74215
that the decrease is the result of the reduction. 74216

The department of job and family services shall adopt rules 74217
in accordance with Chapter 119. of the Revised Code to implement 74218
this section. The rules shall be consistent with 7 U.S.C.A. 74219
2017(d) and federal regulations. 74220

Sec. 5101.571. As used in sections 5101.571 to 5101.591 of 74221
the Revised Code: 74222

(A) "Information" means all of the following: 74223

(1) An individual's name, address, date of birth, and social 74224
security number; 74225

(2) The group or plan number, or other identifier, assigned 74226
by a third party to a policy held by an individual or a plan in 74227
which the individual participates and the nature of the coverage; 74228

(3) Any other data the director of job and family services 74229
specifies in rules adopted under section 5101.591 of the Revised 74230
Code. 74231

(B) "Medical assistance" means medical items or services 74232
provided under any of the following: 74233

(1) Medicaid, as defined in section 5111.01 of the Revised Code;	74234 74235
(2) The children's health insurance program part I, part II, and part III established under sections 5101.50 to 5101.529, <u>5101.51, and 5101.52</u> of the Revised Code;	74236 74237 74238
(3) The disability medical assistance program established under Chapter 5115. of the Revised Code;	74239 74240
(4) The children's buy-in program established under sections 5101.5211 to 5101.5216 of the Revised Code.	74241 74242
(C) "Medical support" means support specified as support for the purpose of medical care by order of a court or administrative agency.	74243 74244 74245
(D) "Public assistance" means medical assistance or assistance under the Ohio works first program established under Chapter 5107. of the Revised Code.	74246 74247 74248
(E)(1) Subject to division (E)(2) of this section, and except as provided in division (E)(3) of this section, "third party" means all of the following:	74249 74250 74251
(a) A person authorized to engage in the business of sickness and accident insurance under Title XXXIX of the Revised Code;	74252 74253
(b) A person or governmental entity providing coverage for medical services or items to individuals on a self-insurance basis;	74254 74255 74256
(c) A health insuring corporation as defined in section 1751.01 of the Revised Code;	74257 74258
(d) A group health plan as defined in 29 U.S.C. 1167;	74259
(e) A service benefit plan as referenced in 42 U.S.C. 1396a(a)(25);	74260 74261
(f) A managed care organization;	74262

(g) A pharmacy benefit manager;	74263
(h) A third party administrator;	74264
(i) Any other person or governmental entity that is, by law, contract, or agreement, responsible for the payment or processing of a claim for a medical item or service for a public assistance recipient or participant.	74265 74266 74267 74268
(2) Except when otherwise provided by 42 U.S.C. 1395y(b), a person or governmental entity listed in division (E)(1) of this section is a third party even if the person or governmental entity limits or excludes payments for a medical item or service in the case of a public assistance recipient.	74269 74270 74271 74272 74273
(3) "Third party" does not include the program for medically handicapped children established under section 3701.023 of the Revised Code.	74274 74275 74276
Sec. 5101.573. (A) Subject to divisions (B) and (C) of this section, a third party shall do all of the following:	74277 74278
(1) Accept the department of job and family services' right of recovery under section 5101.58 of the Revised Code and the assignment of rights to the department that are described in section 5101.59 of the Revised Code;	74279 74280 74281 74282
(2) Respond to an inquiry by the department regarding a claim for payment of a medical item or service that was submitted to the third party not later than three years after the date of the provision of such medical item or service;	74283 74284 74285 74286
(3) Pay a claim described in division (A)(2) of this section;	74287
(4) Not deny a claim submitted by the department solely on the basis of the date of submission of the claim, type or format of the claim form, or a failure by the medical assistance recipient who is the subject of the claim to present proper documentation of coverage at the time of service, if both of the	74288 74289 74290 74291 74292

following are true: 74293

(a) The claim was submitted by the department not later than 74294
three years after the date of the provision of the medical item or 74295
service. 74296

(b) An action by the department to enforce its right of 74297
recovery under section 5101.58 of the Revised Code on the claim 74298
was commenced not later than six years after the department's 74299
submission of the claim. 74300

(5) Consider the department's payment of a claim for a 74301
medical item or service to be the equivalent of the medical 74302
assistance recipient having obtained prior authorization for the 74303
item or service from the third party; 74304

(6) Not deny a claim described in division (A)(5) of this 74305
section that is submitted by the department solely on the basis of 74306
the medical assistance recipient's failure to obtain prior 74307
authorization for the medical item or service. 74308

(B) For purposes of the requirements in division (A) of this 74309
section, a third party shall treat a managed care organization as 74310
the department for a claim in which both of the following are 74311
true: 74312

(1) The individual who is the subject of the claim received a 74313
medical item or service through a managed care organization that 74314
has entered into a contract with the department of job and family 74315
services under section ~~5111.16~~ 5111.17 of the Revised Code; 74316

(2) The department has assigned its right of recovery for the 74317
claim to the managed care organization. 74318

(C) The time limitations associated with the requirements in 74319
divisions (A)(2) and (A)(4) of this section apply only to 74320
submissions of claims to, and payments of claims by, a health 74321
insurer to which 42 U.S.C. 1396a(a)(25)(I) applies. 74322

Sec. 5101.60. As used in sections 5101.60 to 5101.71 of the Revised Code:

(A) "Abuse" means the infliction upon an adult by self or others of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish.

(B) "Adult" means any person sixty years of age or older within this state who is handicapped by the infirmities of aging or who has a physical or mental impairment which prevents the person from providing for the person's own care or protection, and who resides in an independent living arrangement. An "independent living arrangement" is a domicile of a person's own choosing, including, but not limited to, a private home, apartment, trailer, or rooming house. ~~Except as otherwise provided in this division,~~ An "independent living arrangement" includes a community alternative home an adult care facility licensed pursuant to section 3724.03 Chapter 3722. of the Revised Code, but does not include other institutions or facilities licensed by the state, or facilities in which a person resides as a result of voluntary, civil, or criminal commitment. ~~"Independent living arrangement" does include adult care facilities licensed pursuant to Chapter 3722. of the Revised Code.~~

(C) "Caretaker" means the person assuming the responsibility for the care of an adult on a voluntary basis, by contract, through receipt of payment for care, as a result of a family relationship, or by order of a court of competent jurisdiction.

(D) "Court" means the probate court in the county where an adult resides.

(E) "Emergency" means that the adult is living in conditions which present a substantial risk of immediate and irreparable physical harm or death to self or any other person.

(F) "Emergency services" means protective services furnished 74353
to an adult in an emergency. 74354

(G) "Exploitation" means the unlawful or improper act of a 74355
caretaker using an adult or an adult's resources for monetary or 74356
personal benefit, profit, or gain. 74357

(H) "In need of protective services" means an adult known or 74358
suspected to be suffering from abuse, neglect, or exploitation to 74359
an extent that either life is endangered or physical harm, mental 74360
anguish, or mental illness results or is likely to result. 74361

(I) "Incapacitated person" means a person who is impaired for 74362
any reason to the extent that the person lacks sufficient 74363
understanding or capacity to make and carry out reasonable 74364
decisions concerning the person's self or resources, with or 74365
without the assistance of a caretaker. Refusal to consent to the 74366
provision of services shall not be the sole determinative that the 74367
person is incapacitated. "Reasonable decisions" are decisions made 74368
in daily living which facilitate the provision of food, shelter, 74369
clothing, and health care necessary for life support. 74370

(J) "Mental illness" means a substantial disorder of thought, 74371
mood, perception, orientation, or memory that grossly impairs 74372
judgment, behavior, capacity to recognize reality, or ability to 74373
meet the ordinary demands of life. 74374

(K) "Neglect" means the failure of an adult to provide for 74375
self the goods or services necessary to avoid physical harm, 74376
mental anguish, or mental illness or the failure of a caretaker to 74377
provide such goods or services. 74378

(L) "Peace officer" means a peace officer as defined in 74379
section 2935.01 of the Revised Code. 74380

(M) "Physical harm" means bodily pain, injury, impairment, or 74381
disease suffered by an adult. 74382

(N) "Protective services" means services provided by the county department of job and family services or its designated agency to an adult who has been determined by evaluation to require such services for the prevention, correction, or discontinuance of an act of as well as conditions resulting from abuse, neglect, or exploitation. Protective services may include, but are not limited to, case work services, medical care, mental health services, legal services, fiscal management, home health care, homemaker services, housing-related services, guardianship services, and placement services as well as the provision of such commodities as food, clothing, and shelter.

(O) "Working day" means Monday, Tuesday, Wednesday, Thursday, and Friday, except when such day is a holiday as defined in section 1.14 of the Revised Code.

Sec. 5101.61. (A) As used in this section:

(1) "Senior service provider" means any person who provides care or services to a person who is an adult as defined in division (B) of section 5101.60 of the Revised Code.

(2) "Ambulatory health facility" means a nonprofit, public or proprietary freestanding organization or a unit of such an agency or organization that:

(a) Provides preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services furnished to an outpatient or ambulatory patient, by or under the direction of a physician or dentist in a facility which is not a part of a hospital, but which is organized and operated to provide medical care to outpatients;

(b) Has health and medical care policies which are developed with the advice of, and with the provision of review of such policies, an advisory committee of professional personnel,

including one or more physicians, one or more dentists, if dental care is provided, and one or more registered nurses;

(c) Has a medical director, a dental director, if dental care is provided, and a nursing director responsible for the execution of such policies, and has physicians, dentists, nursing, and ancillary staff appropriate to the scope of services provided;

(d) Requires that the health care and medical care of every patient be under the supervision of a physician, provides for medical care in a case of emergency, has in effect a written agreement with one or more hospitals and other centers or clinics, and has an established patient referral system to other resources, and a utilization review plan and program;

(e) Maintains clinical records on all patients;

(f) Provides nursing services and other therapeutic services in accordance with programs and policies, with such services supervised by a registered professional nurse, and has a registered professional nurse on duty at all times of clinical operations;

(g) Provides approved methods and procedures for the dispensing and administration of drugs and biologicals;

(h) Has established an accounting and record keeping system to determine reasonable and allowable costs;

(i) "Ambulatory health facilities" also includes an alcoholism treatment facility approved by the joint commission on accreditation of healthcare organizations as an alcoholism treatment facility or certified by the department of alcohol and drug addiction services, and such facility shall comply with other provisions of this division not inconsistent with such accreditation or certification.

(3) "Community mental health facility" means a facility which

provides community mental health services and is included in the 74443
comprehensive mental health plan for the alcohol, drug addiction, 74444
and mental health service district in which it is located. 74445

(4) "Community mental health service" means services, other 74446
than inpatient services, provided by a community mental health 74447
facility. 74448

(5) "Home health agency" means an institution or a distinct 74449
part of an institution operated in this state which: 74450

(a) Is primarily engaged in providing home health services; 74451

(b) Has home health policies which are established by a group 74452
of professional personnel, including one or more duly licensed 74453
doctors of medicine or osteopathy and one or more registered 74454
professional nurses, to govern the home health services it 74455
provides and which includes a requirement that every patient must 74456
be under the care of a duly licensed doctor of medicine or 74457
osteopathy; 74458

(c) Is under the supervision of a duly licensed doctor of 74459
medicine or doctor of osteopathy or a registered professional 74460
nurse who is responsible for the execution of such home health 74461
policies; 74462

(d) Maintains comprehensive records on all patients; 74463

(e) Is operated by the state, a political subdivision, or an 74464
agency of either, or is operated not for profit in this state and 74465
is licensed or registered, if required, pursuant to law by the 74466
appropriate department of the state, county, or municipality in 74467
which it furnishes services; or is operated for profit in this 74468
state, meets all the requirements specified in divisions (A)(5)(a) 74469
to (d) of this section, and is certified under Title XVIII of the 74470
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 74471
amended. 74472

(6) "Home health service" means the following items and services, provided, except as provided in division (A)(6)(g) of this section, on a visiting basis in a place of residence used as the patient's home:	74473 74474 74475 74476
(a) Nursing care provided by or under the supervision of a registered professional nurse;	74477 74478
(b) Physical, occupational, or speech therapy ordered by the patient's attending physician;	74479 74480
(c) Medical social services performed by or under the supervision of a qualified medical or psychiatric social worker and under the direction of the patient's attending physician;	74481 74482 74483
(d) Personal health care of the patient performed by aides in accordance with the orders of a doctor of medicine or osteopathy and under the supervision of a registered professional nurse;	74484 74485 74486
(e) Medical supplies and the use of medical appliances;	74487
(f) Medical services of interns and residents-in-training under an approved teaching program of a nonprofit hospital and under the direction and supervision of the patient's attending physician;	74488 74489 74490 74491
(g) Any of the foregoing items and services which:	74492
(i) Are provided on an outpatient basis under arrangements made by the home health agency at a hospital or skilled nursing facility;	74493 74494 74495
(ii) Involve the use of equipment of such a nature that the items and services cannot readily be made available to the patient in the patient's place of residence, or which are furnished at the hospital or skilled nursing facility while the patient <u>is</u> there to receive any item or service involving the use of such equipment.	74496 74497 74498 74499 74500
Any attorney, physician, osteopath, podiatrist, chiropractor, dentist, psychologist, any employee of a hospital as defined in	74501 74502

section 3701.01 of the Revised Code, any nurse licensed under 74503
Chapter 4723. of the Revised Code, any employee of an ambulatory 74504
health facility, any employee of a home health agency, any 74505
employee of an adult care facility as defined in section 3722.01 74506
of the Revised Code, ~~any employee of a community alternative home~~ 74507
~~as defined in section 3724.01 of the Revised Code,~~ any employee of 74508
a nursing home, residential care facility, or home for the aging, 74509
as defined in section 3721.01 of the Revised Code, any senior 74510
service provider, any peace officer, coroner, clergyman, any 74511
employee of a community mental health facility, and any person 74512
engaged in social work or counseling having reasonable cause to 74513
believe that an adult is being abused, neglected, or exploited, or 74514
is in a condition which is the result of abuse, neglect, or 74515
exploitation shall immediately report such belief to the county 74516
department of job and family services. This section does not apply 74517
to employees of any hospital or public hospital as defined in 74518
section 5122.01 of the Revised Code. 74519

(B) Any person having reasonable cause to believe that an 74520
adult has suffered abuse, neglect, or exploitation may report, or 74521
cause reports to be made of such belief to the department. 74522

(C) The reports made under this section shall be made orally 74523
or in writing except that oral reports shall be followed by a 74524
written report if a written report is requested by the department. 74525
Written reports shall include: 74526

(1) The name, address, and approximate age of the adult who 74527
is the subject of the report; 74528

(2) The name and address of the individual responsible for 74529
the adult's care, if any individual is, and if the individual is 74530
known; 74531

(3) The nature and extent of the alleged abuse, neglect, or 74532
exploitation of the adult; 74533

(4) The basis of the reporter's belief that the adult has 74534
been abused, neglected, or exploited. 74535

(D) Any person with reasonable cause to believe that an adult 74536
is suffering abuse, neglect, or exploitation who makes a report 74537
pursuant to this section or who testifies in any administrative or 74538
judicial proceeding arising from such a report, or any employee of 74539
the state or any of its subdivisions who is discharging 74540
responsibilities under section 5101.62 of the Revised Code shall 74541
be immune from civil or criminal liability on account of such 74542
investigation, report, or testimony, except liability for perjury, 74543
unless the person has acted in bad faith or with malicious 74544
purpose. 74545

(E) No employer or any other person with the authority to do 74546
so shall discharge, demote, transfer, prepare a negative work 74547
performance evaluation, or reduce benefits, pay, or work 74548
privileges, or take any other action detrimental to an employee or 74549
in any way retaliate against an employee as a result of the 74550
employee's having filed a report under this section. 74551

(F) Neither the written or oral report provided for in this 74552
section nor the investigatory report provided for in section 74553
5101.62 of the Revised Code shall be considered a public record as 74554
defined in section 149.43 of the Revised Code. Information 74555
contained in the report shall upon request be made available to 74556
the adult who is the subject of the report, to agencies authorized 74557
by the department to receive information contained in the report, 74558
and to legal counsel for the adult. 74559

Sec. 5101.84. An individual otherwise ineligible for aid 74560
under Chapter 5107. or 5108. of the Revised Code or ~~food stamps~~ 74561
supplemental nutrition assistance program benefits under the "Food 74562
Stamp and Nutrition Act of 1977," 78 Stat. 703, 2008 (7 U.S.C. 74563
2011, ~~as amended, et seq.)~~ because of paragraph (a) of ~~section 115~~ 74564

~~of the "Personal Responsibility and Work Opportunity~~ 74565
~~Reconciliation Act of 1996," 110 Stat. 2105, 21 U.S.C. 862a,~~ is 74566
eligible for the aid or benefits if the individual meets all other 74567
eligibility requirements for the aid or benefits. 74568

Sec. 5104.041. (A) All type A and type B family day-care 74569
homes shall procure and maintain one of the following: 74570

(1) Liability insurance issued by an insurer authorized to do 74571
business in this state under Chapter 3905. of the Revised Code 74572
insuring the type A or type B family day-care home against 74573
liability arising out of, or in connection with, the operation of 74574
the family day-care home. Liability insurance procured under this 74575
division shall cover any cause for which the type A or type B 74576
family day-care home would be liable, in the amount of at least 74577
one hundred thousand dollars per occurrence and three hundred 74578
thousand dollars in the aggregate. 74579

(2) ~~An affidavit~~ A written statement signed by the parent, 74580
guardian, or custodian of each child receiving child care from the 74581
type A or type B family day-care home that states all of the 74582
following: 74583

(a) The family day-care home does not carry liability 74584
insurance described in division (A)(1) of this section; 74585

(b) If the licensee of a type A family day-care home or the 74586
provider of a type B family day-care home is not the owner of the 74587
real property where the family day-care home is located, the 74588
liability insurance, if any, of the owner of the real property may 74589
not provide for coverage of any liability arising out of, or in 74590
connection with, the operation of the family day-care home. 74591

(B) If the licensee of a type A family day-care home or the 74592
provider of a type B family day-care home is not the owner of the 74593
real property where the family day-care home is located and the 74594

family day-care home procures liability insurance described in 74595
division (A)(1) of this section, that licensee or provider shall 74596
name the owner of the real property as an additional insured party 74597
on the liability insurance policy if all of the following apply: 74598
74599

(1) The owner of the real property requests the licensee or 74600
provider, in writing, to add the owner of the real property to the 74601
liability insurance policy as an additional insured party. 74602

(2) The addition of the owner of the real property does not 74603
result in cancellation or nonrenewal of the insurance policy 74604
procured by the type A or type B family day-care home. 74605

(3) The owner of the real property pays any additional 74606
premium assessed for coverage of the owner of the real property. 74607

(C) Proof of insurance or ~~affidavit~~ written statement 74608
required under division (A) of this section shall be maintained at 74609
the type A or type B family day-care home and made available for 74610
review during inspection or investigation as required under this 74611
chapter. 74612

(D) The director of job and family services shall adopt rules 74613
for the enforcement of this section. 74614

Sec. 5107.05. The director of job and family services shall 74615
adopt rules to implement this chapter. The rules shall be 74616
consistent with Title IV-A, Title IV-D, federal regulations, state 74617
law, the Title IV-A state plan submitted to the United States 74618
secretary of health and human services under section 5101.80 of 74619
the Revised Code, amendments to the plan, and waivers granted by 74620
the United States secretary. Rules governing eligibility, program 74621
participation, and other applicant and participant requirements 74622
shall be adopted in accordance with Chapter 119. of the Revised 74623
Code. Rules governing financial and other administrative 74624

requirements applicable to the department of job and family 74625
services and county departments of job and family services shall 74626
be adopted in accordance with section 111.15 of the Revised Code. 74627

(A) The rules shall specify, establish, or govern all of the 74628
following: 74629

(1) A payment standard for Ohio works first based on federal 74630
and state appropriations that is increased in accordance with 74631
section 5107.04 of the Revised Code; 74632

(2) For the purpose of section 5107.04 of the Revised Code, 74633
the method of determining the amount of cash assistance an 74634
assistance group receives under Ohio works first; 74635

(3) Requirements for initial and continued eligibility for 74636
Ohio works first, including requirements regarding income, 74637
citizenship, age, residence, and assistance group composition; 74638

(4) For the purpose of section 5107.12 of the Revised Code, 74639
application and verification procedures, including the minimum 74640
information an application must contain; 74641

(5) The extent to which a participant of Ohio works first 74642
must notify, pursuant to section 5107.12 of the Revised Code, a 74643
county department of job and family services of additional income 74644
not previously reported to the county department; 74645

(6) For the purpose of section 5107.16 of the Revised Code, 74646
~~standards~~ all of the following: 74647

(a) Standards for the determination of good cause for failure 74648
or refusal to comply in full with a provision of a 74649
self-sufficiency contract; 74650

(b) The compliance form a member of an assistance group may 74651
complete to indicate willingness to come into full compliance with 74652
a provision of a self-sufficiency contract; 74653

(c) The manner by which the compliance form is to be 74654

completed and provided to a county department of job and family services. 74655
74656

(7) The department of job and family services providing 74657
written notice of a sanction under section 5107.161 of the Revised 74658
Code; 74659

(8) For the purpose of division (A)(2) of section 5107.17 of the Revised Code, the period of time by which a county department of job and family services is to receive a compliance form established in rules adopted under division (A)(6)(b) of this section; 74660
74661
74662
74663
74664

(9) Requirements for the collection and distribution of 74665
support payments owed participants of Ohio works first pursuant to 74666
section 5107.20 of the Revised Code; 74667

~~(9)~~(10) For the purpose of section 5107.22 of the Revised 74668
Code, what constitutes cooperating in establishing a minor child's 74669
paternity or establishing, modifying, or enforcing a child support 74670
order and good cause for failure or refusal to cooperate; 74671
74672

~~(10)~~(11) The requirements governing the LEAP program, 74673
including the definitions of "equivalent of a high school diploma" 74674
and "good cause," and the incentives provided under the LEAP 74675
program; 74676

~~(11)~~(12) If the director implements section 5107.301 of the 74677
Revised Code, the requirements governing the award provided under 74678
that section, including the form that the award is to take and 74679
requirements an individual must satisfy to receive the award; 74680

~~(12)~~(13) Circumstances under which a county department of job 74681
and family services may exempt a minor head of household or adult 74682
from participating in a work activity or developmental activity 74683
for all or some of the weekly hours otherwise required by section 74684
5107.43 of the Revised Code. 74685

~~(13)~~(14) The maximum amount of time the department will subsidize positions created by state agencies and political subdivisions under division (C) of section 5107.52 of the Revised Code;

~~(14)~~(15) The implementation of sections 5107.71 to 5107.717 of the Revised Code by county departments of job and family services;

~~(15)~~(16) A domestic violence screening process to be used for the purpose of division (A) of section 5107.71 of the Revised Code;

~~(16)~~(17) The minimum frequency with which county departments of job and family services must redetermine a member of an assistance group's need for a waiver issued under section 5107.714 of the Revised Code.

(B) The rules adopted under division (A)(3) of this section regarding income shall specify what is countable income, gross earned income, and gross unearned income for the purpose of section 5107.10 of the Revised Code.

The rules adopted under division (A)~~(9)~~(10) of this section shall be consistent with 42 U.S.C. 654(29).

The rules adopted under division (A)~~(12)~~(13) of this section shall specify that the circumstances include that a school or place of work is closed due to a holiday or weather or other emergency and that an employer grants the minor head of household or adult leave for illness or earned vacation.

(C) The rules may provide that a county department of job and family services is not required to take action under section 5107.76 of the Revised Code to recover an erroneous payment that is below an amount the department specifies.

Sec. 5107.16. (A) If a member of an assistance group fails or

refuses, without good cause, to comply in full with a provision of 74716
a self-sufficiency contract entered into under section 5107.14 of 74717
the Revised Code, a county department of job and family services 74718
shall sanction the assistance group as follows: 74719

(1) For a first failure or refusal, the county department 74720
shall deny or terminate the assistance group's eligibility to 74721
participate in Ohio works first for one payment month or until the 74722
failure or refusal ceases, whichever is longer; 74723

(2) For a second failure or refusal, the county department 74724
shall deny or terminate the assistance group's eligibility to 74725
participate in Ohio works first for three payment months or until 74726
the failure or refusal ceases, whichever is longer; 74727

(3) For a third or subsequent failure or refusal, the county 74728
department shall deny or terminate the assistance group's 74729
eligibility to participate in Ohio works first for six payment 74730
months or until the failure or refusal ceases, whichever is 74731
longer. 74732

(B) The director of job and family services shall establish 74733
standards for the determination of good cause for failure or 74734
refusal to comply in full with a provision of a self-sufficiency 74735
contract in rules adopted under section 5107.05 of the Revised 74736
Code. 74737

(C) The director of job and family services shall provide a 74738
compliance form established in rules adopted under section 5107.05 74739
of the Revised Code to an assistance group member who fails or 74740
refuses, without good cause, to comply in full with a provision of 74741
a self-sufficiency contract. The member's failure or refusal to 74742
comply in full with the provision shall be deemed to have ceased 74743
on the date a county department of job and family services 74744
receives the compliance form from the member if the compliance 74745
form is completed and provided to the county department in the 74746

manner specified in rules adopted under section 5107.05 of the 74747
Revised Code. 74748

(D) After sanctioning an assistance group under division (A) 74749
of this section, a county department of job and family services 74750
shall continue to work with the assistance group. 74751

~~(D)~~(E) An adult eligible for medicaid pursuant to division 74752
(A)(1)(a) of section 5111.01 of the Revised Code who is sanctioned 74753
under division (A)(3) of this section for a failure or refusal, 74754
without good cause, to comply in full with a provision of a 74755
self-sufficiency contract related to work responsibilities under 74756
sections 5107.40 to 5107.69 of the Revised Code loses eligibility 74757
for medicaid unless the adult is otherwise eligible for medicaid 74758
pursuant to another division of section 5111.01 of the Revised 74759
Code. 74760

An assistance group that would be participating in Ohio works 74761
first if not for a sanction under this section shall continue to 74762
be eligible for all of the following: 74763

(1) Publicly funded child care in accordance with division 74764
(A)(3) of section 5104.30 of the Revised Code; 74765

(2) Support services in accordance with section 5107.66 of 74766
the Revised Code; 74767

(3) To the extent permitted by the "Fair Labor Standards Act 74768
of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended, to participate 74769
in work activities, developmental activities, and alternative work 74770
activities in accordance with sections 5107.40 to 5107.69 of the 74771
Revised Code. 74772

Sec. 5107.17. An assistance group that resumes participation 74773
in Ohio works first following a sanction under section 5107.16 of 74774
the Revised Code is not required to do either of the following: 74775

(A) Reapply under section 5107.12 of the Revised Code, unless 74776

~~it~~ either of the following applies: 74777

(1) It is the assistance group's regularly scheduled time for 74778
an eligibility redetermination; 74779

(2) The county department of job and family services does not 74780
receive the completed compliance form established in rules adopted 74781
under section 5107.05 of the Revised Code within the period of 74782
time specified in rules adopted under that section. 74783

(B) Enter into a new self-sufficiency contract under section 74784
5107.14 of the Revised Code, unless the county department of job 74785
and family services determines it is time for a new appraisal 74786
under section 5107.41 of the Revised Code or the assistance 74787
group's circumstances have changed in a manner necessitating an 74788
amendment to the self-sufficiency contract as determined using 74789
procedures included in the contract under division (B)(9) of 74790
section 5107.14 of the Revised Code. 74791

Sec. 5111.01. As used in this chapter, "medical assistance 74792
program" or "medicaid" means the program that is authorized by 74793
this chapter and provided by the department of job and family 74794
services under this chapter, Title XIX of the "Social Security 74795
Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended, and the 74796
waivers of Title XIX requirements granted to the department by the 74797
centers for medicare and medicaid services of the United States 74798
department of health and human services. 74799

The department of job and family services shall act as the 74800
single state agency to supervise the administration of the 74801
medicaid program. As the single state agency, the department shall 74802
comply with 42 C.F.R. 431.10(e). The department's rules governing 74803
medicaid are binding on other agencies that administer components 74804
of the medicaid program. No agency may establish, by rule or 74805
otherwise, a policy governing medicaid that is inconsistent with a 74806
medicaid policy established, in rule or otherwise, by the director 74807

of job and family services. 74808

(A) The department of job and family services may provide 74809
medical assistance under the medicaid program as long as federal 74810
funds are provided for such assistance, to the following: 74811

(1) Families with children that meet either of the following 74812
conditions: 74813

(a) The family meets the income, resource, and family 74814
composition requirements in effect on July 16, 1996, for the 74815
former aid to dependent children program as those requirements 74816
were established by Chapter 5107. of the Revised Code, federal 74817
waivers granted pursuant to requests made under former section 74818
5101.09 of the Revised Code, and rules adopted by the department 74819
or any changes the department makes to those requirements in 74820
accordance with paragraph (a)(2) of section 114 of the "Personal 74821
Responsibility and Work Opportunity Reconciliation Act of 1996," 74822
110 Stat. 2177, 42 U.S.C.A. 1396u-1, for the purpose of 74823
implementing section ~~5111.019~~ 5111.0120 of the Revised Code. An 74824
adult loses eligibility for medicaid under division (A)(1)(a) of 74825
this section pursuant to division ~~(D)~~(E) of section 5107.16 of the 74826
Revised Code. 74827

(b) The family does not meet the requirements specified in 74828
division (A)(1)(a) of this section but is eligible for medicaid 74829
pursuant to section 5101.18 of the Revised Code. 74830

(2) Aged, blind, and disabled persons who meet the following 74831
conditions: 74832

(a) Receive federal aid under Title XVI of the "Social 74833
Security Act," or are eligible for but are not receiving such aid, 74834
provided that the income from all other sources for individuals 74835
with independent living arrangements shall not exceed one hundred 74836
seventy-five dollars per month. The income standards hereby 74837
established shall be adjusted annually at the rate that is used by 74838

the United States department of health and human services to 74839
adjust the amounts payable under Title XVI. 74840

(b) Do not receive aid under Title XVI, but meet any of the 74841
following criteria: 74842

(i) Would be eligible to receive such aid, except that their 74843
income, other than that excluded from consideration as income 74844
under Title XVI, exceeds the maximum under division (A)(2)(a) of 74845
this section, and incurred expenses for medical care, as 74846
determined under federal regulations applicable to section 209(b) 74847
of the "Social Security Amendments of 1972," 86 Stat. 1381, 42 74848
U.S.C.A. 1396a(f), as amended, equal or exceed the amount by which 74849
their income exceeds the maximum under division (A)(2)(a) of this 74850
section; 74851

(ii) Received aid for the aged, aid to the blind, or aid for 74852
the permanently and totally disabled prior to January 1, 1974, and 74853
continue to meet all the same eligibility requirements; 74854

(iii) Are eligible for medicaid pursuant to section 5101.18 74855
of the Revised Code. 74856

(3) Persons to whom federal law requires, as a condition of 74857
state participation in the medicaid program, that medicaid be 74858
provided; 74859

(4) Persons under age twenty-one who meet the income 74860
requirements for the Ohio works first program established under 74861
Chapter 5107. of the Revised Code but do not meet other 74862
eligibility requirements for the program. The director shall adopt 74863
rules in accordance with Chapter 119. of the Revised Code 74864
specifying which Ohio works first requirements shall be waived for 74865
the purpose of providing medicaid eligibility under division 74866
(A)(4) of this section. 74867

(B) ~~If sufficient funds are appropriated for the medicaid~~ 74868
~~program, the~~ The department ~~may~~ shall not provide medical 74869

assistance under the medicaid program to persons in groups 74870
designated by federal law as groups to which a state, at its 74871
option, may provide medical assistance under the medicaid program, 74872
unless either of the following is the case: 74873

(1) The medicaid program covers the group on the effective 74874
date of this amendment; 74875

(2) State statute enacted after the effective date of this 74876
amendment expressly authorizes the medicaid program to cover the 74877
group. 74878

(C) The department may expand eligibility for the medicaid 74879
program to include individuals under age nineteen with family 74880
incomes at or below one hundred fifty per cent of the federal 74881
poverty guidelines, except that the eligibility expansion shall 74882
not occur unless the department receives the approval of the 74883
federal government. The department may implement the eligibility 74884
expansion authorized under this division on any date selected by 74885
the department, but not sooner than January 1, 1998. 74886

(D) In addition to any other authority or requirement to 74887
adopt rules under this chapter, the director may adopt rules in 74888
accordance with section 111.15 of the Revised Code as the director 74889
considers necessary to establish standards, procedures, and other 74890
requirements regarding the provision of medical assistance under 74891
the medicaid program. The rules may establish requirements to be 74892
followed in applying for medicaid, making determinations of 74893
eligibility for medicaid, and verifying eligibility for medicaid. 74894
The rules may include special conditions as the department 74895
determines appropriate for making applications, determining 74896
eligibility, and verifying eligibility for any medical assistance 74897
that the department may provide under the medicaid program 74898
pursuant to division (C) of this section and section 5111.014 or 74899
~~5111.019~~ 5111.0120 of the Revised Code. 74900

Sec. ~~5111.019~~ 5111.0120. The director of job and family services shall submit to the United States secretary of health and human services an amendment to the state medicaid plan to make an individual eligible for medicaid who meets all of the following requirements:

(A) The individual is the parent of a child under nineteen years of age and resides with the child;

(B) The individual's family income does not exceed ninety per cent of the federal poverty guidelines;

(C) The individual is not otherwise eligible for medicaid;

(D) The individual satisfies all relevant requirements established by rules adopted under division (D) of section 5111.01 of the Revised Code.

Sec. 5111.0121. (A) Subject to division (B) of this section, a county department of job and family services may permit a parent who is eligible for the medicaid program pursuant to section 5111.0120 of the Revised Code to not have to undergo a redetermination of eligibility for the medicaid program more often than once every twelve months unless there are reasonable grounds to believe that circumstances have changed that may affect the parent's eligibility.

(B) A county department may not implement division (A) of this section if implementation would violate federal law governing the medicaid program unless the United States secretary of health and human services grants a federal medicaid waiver authorizing implementation of division (A) of this section. The director of job and family services shall apply for such a federal medicaid waiver if a waiver is needed for the implementation of division (A) of this section.

Sec. 5111.023. (A) As used in this section:	74930
(1) "Community mental health facility" means a community mental health facility that has a quality assurance program accredited by the joint commission on accreditation of healthcare organizations or is certified by the department of mental health or department of job and family services.	74931 74932 74933 74934 74935
(2) "Mental health professional" means a person qualified to work with mentally ill persons under the standards established by the director of mental health pursuant to section 5119.611 of the Revised Code.	74936 74937 74938 74939
(B) The state medicaid plan shall include provision of the following mental health services when provided by community mental health facilities:	74940 74941 74942
(1) Outpatient mental health services, including, but not limited to, preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, monitored, and reviewed;	74943 74944 74945 74946 74947 74948
(2) Partial-hospitalization mental health services rendered by persons directly supervised by a mental health professional;	74949 74950
(3) Unscheduled, emergency mental health services of a kind ordinarily provided to persons in crisis when rendered by persons supervised by a mental health professional;	74951 74952 74953
(4) Subject to receipt of federal approval, assertive community treatment and intensive home-based mental health services.	74954 74955 74956
(C) The comprehensive annual plan shall certify the availability of sufficient unencumbered community mental health state subsidy and local funds, <u>and may certify the availability of</u>	74957 74958 74959

unencumbered community mental health local funds, to match federal 74960
medicaid reimbursement funds earned by community mental health 74961
facilities. 74962

(D) The department of job and family services shall enter 74963
into a separate contract with the department of mental health 74964
under section 5111.91 of the Revised Code with regard to the 74965
component of the medicaid program provided for by this section. 74966

(E) Not later than July 21, 2006, the department of job and 74967
family services shall request federal approval to provide 74968
assertive community treatment and intensive home-based mental 74969
health services under medicaid pursuant to this section. 74970

(F) On receipt of federal approval sought under division (E) 74971
of this section, the director of job and family services shall 74972
adopt rules in accordance with Chapter 119. of the Revised Code 74973
for assertive community treatment and intensive home-based mental 74974
health services provided under medicaid pursuant to this section. 74975
The director shall consult with the department of mental health in 74976
adopting the rules. 74977

Sec. 5111.028. (A) Pursuant to section 5111.02 of the Revised 74978
Code, the director of job and family services shall adopt rules 74979
establishing procedures for the use of time-limited provider 74980
agreements under the medicaid program. Except as provided in 74981
division (E) of this section, all provider agreements shall be 74982
time-limited in accordance with the procedures established in the 74983
rules. 74984

The department of job and family services shall phase-in the 74985
use of time-limited provider agreements pursuant to this section 74986
during a period commencing not later than January 1, 2008, and 74987
ending January 1, ~~2011~~ 2015. 74988

(B) In the use of time-limited provider agreements pursuant 74989

to this section, all of the following apply: 74990

(1) Each provider agreement shall expire not later than ~~three~~ 74991
seven years from the effective date of the agreement. 74992

(2) During the phase-in period specified in division (A) of 74993
this section, the department may provide for the conversion of a 74994
provider agreement without a time limit to a provider agreement 74995
with a time limit. The department may take an action to convert 74996
the provider agreement by sending a notice by regular mail to the 74997
address of the provider on record with the department advising the 74998
provider of the conversion. 74999

(3) The department may make the effective date of a provider 75000
agreement retroactive for a period not to exceed one year from the 75001
date of the provider's application for the agreement, as long as 75002
the provider met all medicaid program requirements during that 75003
period. 75004

(C) The rules for use of time-limited provider agreements 75005
pursuant to this section shall include a process for re-enrollment 75006
of providers. All of the following apply to the re-enrollment 75007
process: 75008

(1) The department of job and family services may terminate a 75009
time-limited provider agreement or deny re-enrollment when a 75010
provider fails to file an application for re-enrollment within the 75011
time and in the manner required under the re-enrollment process. 75012
75013

(2) If a provider files an application for re-enrollment 75014
within the time and in the manner required under the re-enrollment 75015
process, but the provider agreement expires before the department 75016
acts on the application or before the effective date of the 75017
department's decision on the application, the provider may 75018
continue operating under the terms of the expired provider 75019
agreement until the effective date of the department's decision. 75020

(3) A decision by the department to approve an application 75021
for re-enrollment becomes effective on the date of the 75022
department's decision. A decision by the department to deny 75023
re-enrollment shall take effect not sooner than thirty days after 75024
the date the department mails written notice of the decision to 75025
the provider. The department shall specify in the notice the date 75026
on which the provider is required to cease operating under the 75027
provider agreement. 75028

(D) Pursuant to section 5111.06 of the Revised Code, the 75029
department is not required to take the actions specified in 75030
division (C)(1) of this section by issuing an order pursuant to an 75031
adjudication conducted in accordance with Chapter 119. of the 75032
Revised Code. 75033

(E) The use of time-limited provider agreements pursuant to 75034
this section does not apply to provider agreements issued to the 75035
following, including any provider agreements issued to the 75036
following that are otherwise time-limited under the medicaid 75037
program: 75038

(1) A managed care organization under contract with the 75039
department pursuant to section 5111.17 of the Revised Code; 75040

(2) A nursing facility, as defined in section 5111.20 of the 75041
Revised Code; 75042

(3) An intermediate care facility for the mentally retarded, 75043
as defined in section 5111.20 of the Revised Code; 75044

(4) A hospital. 75045

Sec. 5111.0210. (A) As used in this section: 75046

(1) "High-technology radiological service" means a 75047
radiological service that the director of job and family services 75048
identifies in rules adopted under section 5111.02 of the Revised 75049
Code as involving highly advanced or specialized systems or 75050

devices. "High-technology radiological service" includes a 75051
radiological service that involves computed tomography, magnetic 75052
resonance imaging, nuclear cardiology, or a positron emission 75053
tomography modality. 75054

(2) "Medicaid managed care organization" means a managed care 75055
organization under contract with the department of job and family 75056
services under section 5111.17 of the Revised Code. 75057

(B) Effective November 1, 2009, and except as provided in 75058
division (C) of this section, neither the department of job and 75059
family services nor a medicaid managed care organization shall 75060
reimburse a provider for providing a high-technology radiological 75061
service to a medicaid recipient unless the high-technology 75062
radiological service is prior authorized in accordance with rules 75063
adopted under section 5111.02 of the Revised Code. 75064

(C) Medicaid reimbursement for providing a high-technology 75065
radiological service is not subject to prior authorization if 75066
either of the following applies: 75067

(1) The high-technology radiological service is needed due to 75068
a documented, medical emergency. 75069

(2) The high-technology radiological service is used as part 75070
of a mammography screening or cytological screening covered by the 75071
medicaid program under section 5111.024 of the Revised Code. 75072

(D) The rules the director of job and family services adopts 75073
under division (A) of section 5111.02 of the Revised Code shall 75074
include rules to implement this section. The rules shall establish 75075
a prior authorization system for high-technology radiological 75076
services that applies evidence-based criteria in decisions 75077
regarding the medical necessity for a high-technology radiological 75078
service. 75079

Sec. 5111.0211. The medicaid program shall not cover a 75080

service that federal law designates as a service that a state, at 75081
its option, may cover under its medicaid program, unless either of 75082
the following is the case: 75083

(A) The medicaid program covers the service on the effective 75084
date of this section; 75085

(B) State statute enacted after the effective date of this 75086
section expressly authorizes the medicaid program to cover the 75087
service. 75088

Sec. 5111.032. (A) As used in this section: 75089

(1) "Criminal records check" has the same meaning as in 75090
section 109.572 of the Revised Code. 75091

(2) "Department" includes a designee of the department of job 75092
and family services. 75093

(3) "Owner" means a person who has an ownership interest in a 75094
provider in an amount designated by the department of job and 75095
family services in rules adopted under this section. 75096

(4) "Provider" means a person, institution, or entity that 75097
has a provider agreement with the department of job and family 75098
services pursuant to Title XIX of the "Social Security Act," 49 75099
State. 620 (1965), 42 U.S.C. 1396, as amended. 75100

(B)(1) Except as provided in division (B)(2) of this section, 75101
the department of job and family services may require that any 75102
provider, applicant to be a provider, employee or prospective 75103
employee of a provider, owner or prospective owner of a provider, 75104
officer or prospective officer of a provider, or board member or 75105
prospective board member of a provider submit to a criminal 75106
records check as a condition of obtaining a provider agreement, 75107
continuing to hold a provider agreement, being employed by a 75108
provider, having an ownership interest in a provider, or being an 75109

officer or board member of a provider. The department may 75110
designate the categories of persons who are subject to the 75111
criminal records check requirement. The department shall designate 75112
the times at which the criminal records checks must be conducted. 75113

(2) The section does not apply to providers, applicants to be 75114
providers, employees of a provider, or prospective employees of a 75115
provider who are subject to criminal records checks under section 75116
5111.033 or 5111.034 of the Revised Code. 75117

(C)(1) The department shall inform each provider or applicant 75118
to be a provider whether the provider or applicant is subject to a 75119
criminal records check requirement under division (B) of this 75120
section. For providers, the information shall be given at times 75121
designated in rules adopted under this section. For applicants to 75122
be providers, the information shall be given at the time of 75123
initial application. When the information is given, the department 75124
shall specify which of the provider's or applicant's employees or 75125
prospective employees, owners or prospective owners, officers or 75126
prospective officers, or board members or prospective board 75127
members are subject to the criminal records check requirement. 75128

(2) At times designated in rules adopted under this section, 75129
a provider that is subject to the criminal records check 75130
requirement shall inform each person specified by the department 75131
under division (C)(1) of this section that the person is required, 75132
as applicable, to submit to a criminal records check for final 75133
consideration for employment in a full-time, part-time, or 75134
temporary position; as a condition of continued employment; or as 75135
a condition of becoming or continuing to be an officer, board 75136
member or owner of a provider. 75137

(D)(1) If a provider or applicant to be a provider is subject 75138
to a criminal records check under this section, the department 75139
shall require the conduct of a criminal records check by the 75140
superintendent of the bureau of criminal identification and 75141

investigation. If a provider or applicant to be a provider for 75142
whom a criminal records check is required does not present proof 75143
of having been a resident of this state for the five-year period 75144
immediately prior to the date the criminal records check is 75145
requested or provide evidence that within that five-year period 75146
the superintendent has requested information about the individual 75147
from the federal bureau of investigation in a criminal records 75148
check, the department shall require the provider or applicant to 75149
request that the superintendent obtain information from the 75150
federal bureau of investigation as part of the criminal records 75151
check of the provider or applicant. Even if a provider or 75152
applicant for whom a criminal records check request is required 75153
presents proof of having been a resident of this state for the 75154
five-year period, the department may require that the provider or 75155
applicant request that the superintendent obtain information from 75156
the federal bureau of investigation and include it in the criminal 75157
records check of the provider or applicant. 75158

(2) A provider shall require the conduct of a criminal 75159
records check by the superintendent with respect to each of the 75160
persons specified by the department under division (C)(1) of this 75161
section. If the person for whom a criminal records check is 75162
required does not present proof of having been a resident of this 75163
state for the five-year period immediately prior to the date the 75164
criminal records check is requested or provide evidence that 75165
within that five-year period the superintendent of the bureau of 75166
criminal identification and investigation has requested 75167
information about the individual from the federal bureau of 75168
investigation in a criminal records check, the individual shall 75169
request that the superintendent obtain information from the 75170
federal bureau of investigation as part of the criminal records 75171
check of the individual. Even if an individual for whom a criminal 75172
records check request is required presents proof of having been a 75173
resident of this state for the five-year period, the department 75174

may require the provider to request that the superintendent obtain 75175
information from the federal bureau of investigation and include 75176
it in the criminal records check of the person. 75177

(E)(1) Criminal records checks required under this section 75178
for providers or applicants to be providers shall be obtained as 75179
follows: 75180

(a) The department shall provide each provider or applicant 75181
information about accessing and completing the form prescribed 75182
pursuant to division (C)(1) of section 109.572 of the Revised Code 75183
and the standard fingerprint impression sheet prescribed pursuant 75184
to division (C)(2) of that section. 75185

(b) The provider or applicant shall submit the required form 75186
and one complete set of fingerprint impressions directly to the 75187
superintendent for purposes of conducting the criminal records 75188
check using the applicable methods prescribed by division (C) of 75189
section 109.572 of the Revised Code. The applicant or provider 75190
shall pay all fees associated with obtaining the criminal records 75191
check. 75192

(c) The superintendent shall conduct the criminal records 75193
check in accordance with section 109.572 of the Revised Code. The 75194
provider or applicant shall instruct the superintendent to submit 75195
the report of the criminal records check directly to the director 75196
of job and family services. 75197

(2) Criminal records checks required under this section for 75198
persons specified by the department under division (C)(1) of this 75199
section shall be obtained as follows: 75200

(a) The provider shall give to each person subject to 75201
criminal records check requirement information about accessing and 75202
completing the form prescribed pursuant to division (C)(1) of 75203
section 109.572 of the Revised Code and the standard fingerprint 75204
impression sheet prescribed pursuant to division (C)(2) of that 75205

section. 75206

(b) The person shall submit the required form and one 75207
complete set of fingerprint impressions directly to the 75208
superintendent for purposes of conducting the criminal records 75209
check using the applicable methods prescribed by division (C) of 75210
section 109.572 of the Revised Code. The person shall pay all fees 75211
associated with obtaining the criminal records check. 75212

(c) The superintendent shall conduct the criminal records 75213
check in accordance with section 109.572 of the Revised Code. The 75214
person subject to the criminal records check shall instruct the 75215
superintendent to submit the report of the criminal records check 75216
directly to the provider. The department may require the provider 75217
to submit the report to the department. 75218

(F) If a provider or applicant to be a provider is given the 75219
information specified in division (E)(1)(a) of this section but 75220
fails to obtain a criminal records check, the department shall, as 75221
applicable, terminate the provider agreement or deny the 75222
application to be a provider. 75223

If a person is given the information specified in division 75224
(E)(2)(a) of this section but fails to obtain a criminal records 75225
check, the provider shall not, as applicable, permit the person to 75226
be an employee, owner, officer, or board member of the provider. 75227

(G) Except as provided in rules adopted under division (J) of 75228
this section, the department shall terminate the provider 75229
agreement of a provider or the department shall not issue a 75230
provider agreement to an applicant if the provider or applicant is 75231
subject to a criminal records check under this section and the 75232
provider or applicant has been convicted of, has pleaded guilty 75233
to, or has been found eligible for intervention in lieu of 75234
conviction for any of the following, regardless of the date of the 75235
conviction, the date of entry of the guilty plea, or the date the 75236

applicant or provider was found eligible for intervention in lieu of conviction: 75237
75238

(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 75239
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 75240
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 75241
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 75242
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 75243
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 75244
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 75245
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 75246
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 75247
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 75248
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 75249
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 75250
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 75251
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 75252
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 75253
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 75254
penetration in violation of former section 2907.12 of the Revised 75255
Code, a violation of section 2905.04 of the Revised Code as it 75256
existed prior to July 1, 1996, a violation of section 2919.23 of 75257
the Revised Code that would have been a violation of section 75258
2905.04 of the Revised Code as it existed prior to July 1, 1996, 75259
had the violation been committed prior to that date; 75260

(2) ~~An~~ A violation of an existing or former municipal 75261
ordinance or law of this state, any other state, or the United 75262
States that is substantially equivalent to any of the offenses 75263
listed in division (G)(1) of this section. 75264

(H)(1)(a) Except as provided in rules adopted under division 75265
(J) of this section and subject to division (H)(2) of this 75266
section, no provider shall permit a person to be an employee, 75267
owner, officer, or board member of the provider if the person is 75268

subject to a criminal records check under this section and the 75269
person has been convicted of, has pleaded guilty to, or has been 75270
found eligible for intervention in lieu of conviction for any of 75271
the offenses specified in division (G)(1) or (2) of this section. 75272

(b) No provider shall employ a person who has been excluded 75273
from participating in the medicaid program, the medicare program 75274
operated pursuant to Title XVIII of the "Social Security Act," or 75275
any other federal health care program. 75276

(2)(a) A provider may employ conditionally a person for whom 75277
a criminal records check is required under this section prior to 75278
obtaining the results of a criminal records check regarding the 75279
person, but only if the person submits a request for a criminal 75280
records check not later than five business days after the 75281
individual begins conditional employment. 75282

(b) A provider that employs a person conditionally under 75283
authority of division (H)(2)(a) of this section shall terminate 75284
the person's employment if the results of the criminal records 75285
check request are not obtained within the period ending sixty days 75286
after the date the request is made. Regardless of when the results 75287
of the criminal records check are obtained, if the results 75288
indicate that the individual has been convicted of, has pleaded 75289
guilty to, or has been found eligible for intervention in lieu of 75290
conviction for any of the offenses specified in division (G)(1) or 75291
(2) of this section, the provider shall terminate the person's 75292
employment unless the provider chooses to employ the individual 75293
pursuant to division (J) of this section. 75294

(I) The report of a criminal records check conducted pursuant 75295
to this section is not a public record for the purposes of section 75296
149.43 of the Revised Code and shall not be made available to any 75297
person other than the following: 75298

(1) The person who is the subject of the criminal records 75299

check or the person's representative; 75300

(2) The director of job and family services and the staff of 75301
the department in the administration of the medicaid program; 75302

(3) A court, hearing officer, or other necessary individual 75303
involved in a case dealing with the denial or termination of a 75304
provider agreement; 75305

(4) A court, hearing officer, or other necessary individual 75306
involved in a case dealing with a person's denial of employment, 75307
termination of employment, or employment or unemployment benefits. 75308

(J) The department may adopt rules in accordance with Chapter 75309
119. of the Revised Code to implement this section. The rules may 75310
specify circumstances under which the department may continue a 75311
provider agreement or issue a provider agreement to an applicant 75312
when the provider or applicant has been convicted of, has pleaded 75313
guilty to, or has been found eligible for intervention in lieu of 75314
conviction for any of the offenses specified in division (G)(1) or 75315
(2) of this section. The rules may also specify circumstances 75316
under which a provider may permit a person to be an employee, 75317
owner, officer, or board member of the provider, when the person 75318
has been convicted of, has pleaded guilty to, or has been found 75319
eligible for intervention in lieu of conviction for any of the 75320
offenses specified in division (G)(1) or (2) of this section. 75321

Sec. 5111.033. (A) As used in this section: 75322

(1) "Applicant" means a person who is under final 75323
consideration for employment or, after September 26, 2003, an 75324
existing employee with a waiver agency in a full-time, part-time, 75325
or temporary position that involves providing home and 75326
community-based waiver services to a person with disabilities. 75327
"Applicant" also means an existing employee with a waiver agency 75328
in a full-time, part-time, or temporary position that involves 75329

providing home and community-based waiver services to a person 75330
with disabilities after September 26, 2003. 75331

(2) "Criminal records check" has the same meaning as in 75332
section 109.572 of the Revised Code. 75333

(3) "Waiver agency" means a person or government entity that 75334
is not certified under the medicare program and is accredited by 75335
the community health accreditation program or the joint commission 75336
on accreditation of health care organizations or a company that 75337
provides home and community-based waiver services to persons with 75338
disabilities through department of job and family services 75339
administered home and community-based waiver programs. 75340

(4) "Home and community-based waiver services" means services 75341
furnished under the provision of 42 C.F.R. 441, subpart G, that 75342
permit individuals to live in a home setting rather than a nursing 75343
facility or hospital. Home and community-based waiver services are 75344
approved by the centers for medicare and medicaid for specific 75345
populations and are not otherwise available under the medicaid 75346
state plan. 75347

(B)(1) The chief administrator of a waiver agency shall 75348
require each applicant to request that the superintendent of the 75349
bureau of criminal identification and investigation conduct a 75350
criminal records check with respect to the applicant. If an 75351
applicant for whom a criminal records check request is required 75352
under this division does not present proof of having been a 75353
resident of this state for the five-year period immediately prior 75354
to the date the criminal records check is requested or provide 75355
evidence that within that five-year period the superintendent has 75356
requested information about the applicant from the federal bureau 75357
of investigation in a criminal records check, the chief 75358
administrator shall require the applicant to request that the 75359
superintendent obtain information from the federal bureau of 75360
investigation as part of the criminal records check of the 75361

applicant. Even if an applicant for whom a criminal records check 75362
request is required under this division presents proof of having 75363
been a resident of this state for the five-year period, the chief 75364
administrator may require the applicant to request that the 75365
superintendent include information from the federal bureau of 75366
investigation in the criminal records check. 75367

(2) The chief administrator shall provide the following to 75368
each applicant for whom a criminal records check request is 75369
required under division (B)(1) of this section: 75370

(a) Information about accessing, completing, and forwarding 75371
to the superintendent of the bureau of criminal identification and 75372
investigation the form prescribed pursuant to division (C)(1) of 75373
section 109.572 of the Revised Code and the standard fingerprint 75374
impression sheet prescribed pursuant to division (C)(2) of that 75375
section; 75376

(b) Written notification that the applicant is to instruct 75377
the superintendent to submit the completed report of the criminal 75378
records check directly to the chief administrator. 75379

(3) An applicant given information and notification under 75380
divisions (B)(2)(a) and (b) of this section who fails to access, 75381
complete, and forward to the superintendent the form or the 75382
standard fingerprint impression sheet, or who fails to instruct 75383
the superintendent to submit the completed report of the criminal 75384
records check directly to the chief administrator, shall not be 75385
employed in any position in a waiver agency for which a criminal 75386
records check is required by this section. 75387

(C)(1) Except as provided in rules adopted by the department 75388
of job and family services in accordance with division (F) of this 75389
section and subject to division (C)(2) of this section, no waiver 75390
agency shall employ a person in a position that involves providing 75391
home and community-based waiver services to persons with 75392

disabilities if the person has been convicted of, has pleaded 75393
guilty to, or has been found eligible for intervention in lieu of 75394
conviction for any of the following, regardless of the date of the 75395
conviction, the date of entry of the guilty plea, or the date the 75396
person was found eligible for intervention in lieu of conviction: 75397

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 75398
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 75399
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 75400
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 75401
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 75402
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 75403
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 75404
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 75405
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 75406
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 75407
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 75408
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 75409
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 75410
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 75411
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 75412
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 75413
penetration in violation of former section 2907.12 of the Revised 75414
Code, a violation of section 2905.04 of the Revised Code as it 75415
existed prior to July 1, 1996, a violation of section 2919.23 of 75416
the Revised Code that would have been a violation of section 75417
2905.04 of the Revised Code as it existed prior to July 1, 1996, 75418
had the violation been committed prior to that date; 75419

(b) ~~An~~ A violation of an existing or former municipal 75420
ordinance or law of this state, any other state, or the United 75421
States that is substantially equivalent to any of the offenses 75422
listed in division (C)(1)(a) of this section. 75423

(2)(a) A waiver agency may employ conditionally an applicant 75424

for whom a criminal records check request is required under 75425
division (B) of this section prior to obtaining the results of a 75426
criminal records check regarding the individual, provided that the 75427
agency shall require the individual to request a criminal records 75428
check regarding the individual in accordance with division (B)(1) 75429
of this section not later than five business days after the 75430
individual begins conditional employment. 75431

(b) A waiver agency that employs an individual conditionally 75432
under authority of division (C)(2)(a) of this section shall 75433
terminate the individual's employment if the results of the 75434
criminal records check request under division (B) of this section, 75435
other than the results of any request for information from the 75436
federal bureau of investigation, are not obtained within the 75437
period ending sixty days after the date the request is made. 75438
Regardless of when the results of the criminal records check are 75439
obtained, if the results indicate that the individual has been 75440
convicted of, has pleaded guilty to, or has been found eligible 75441
for intervention in lieu of conviction for any of the offenses 75442
listed or described in division (C)(1) of this section, the agency 75443
shall terminate the individual's employment unless the agency 75444
chooses to employ the individual pursuant to division (F) of this 75445
section. 75446

(D)(1) The fee prescribed pursuant to division (C)(3) of 75447
section 109.572 of the Revised Code for each criminal records 75448
check conducted pursuant to a request made under division (B) of 75449
this section shall be paid to the bureau of criminal 75450
identification and investigation by the applicant or the waiver 75451
agency. 75452

(2) If a waiver agency pays the fee, it may charge the 75453
applicant a fee not exceeding the amount the agency pays under 75454
division (D)(1) of this section. An agency may collect a fee only 75455
if the agency notifies the person at the time of initial 75456

application for employment of the amount of the fee and that, 75457
unless the fee is paid, the person will not be considered for 75458
employment. 75459

(E) The report of any criminal records check conducted 75460
pursuant to a request made under this section is not a public 75461
record for the purposes of section 149.43 of the Revised Code and 75462
shall not be made available to any person other than the 75463
following: 75464

(1) The individual who is the subject of the criminal records 75465
check or the individual's representative; 75466

(2) The chief administrator of the agency requesting the 75467
criminal records check or the administrator's representative; 75468

(3) An administrator at the department; 75469

(4) A court, hearing officer, or other necessary individual 75470
involved in a case dealing with a denial of employment of the 75471
applicant or dealing with employment or unemployment benefits of 75472
the applicant. 75473

(F) The department shall adopt rules in accordance with 75474
Chapter 119. of the Revised Code to implement this section. The 75475
rules shall specify circumstances under which a waiver agency may 75476
employ a person who has been convicted of, has pleaded guilty to, 75477
or has been found eligible for intervention in lieu of conviction 75478
for an offense listed or described in division (C)(1) of this 75479
section. 75480

(G) The chief administrator of a waiver agency shall inform 75481
each person, at the time of initial application for a position 75482
that involves providing home and community-based waiver services 75483
to a person with a disability, that the person is required to 75484
provide a set of fingerprint impressions and that a criminal 75485
records check is required to be conducted if the person comes 75486
under final consideration for employment. 75487

(H)(1) A person who, on September 26, 2003, is an employee of a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based waiver services to a person with disabilities shall comply with this section within sixty days after September 26, 2003, unless division (H)(2) of this section applies.

(2) This section shall not apply to a person to whom all of the following apply:

(a) On September 26, 2003, the person is an employee of a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based waiver services to a person with disabilities.

(b) The person previously had been the subject of a criminal background check relating to that position;

(c) The person has been continuously employed in that position since that criminal background check had been conducted.

Sec. 5111.034. (A) As used in this section:

(1) "Anniversary date" means the later of the effective date of the provider agreement relating to the independent provider or sixty days after September 26, 2003.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(3) "Department" includes a designee of the department of job and family services.

(4) "Independent provider" means a person who is submitting an application for a provider agreement or who has a provider agreement as an independent provider in a department of job and family services administered home and community-based services program providing home and community-based waiver services to consumers with disabilities.

(5) "Home and community-based waiver services" has the same meaning as in section 5111.033 of the Revised Code.

(B)(1) The department of job and family services shall inform each independent provider, at the time of initial application for a provider agreement that involves providing home and community-based waiver services to consumers with disabilities, that the independent provider is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted if the person is to become an independent provider in a department administered home and community-based waiver program.

(2) Beginning on September 26, 2003, the department shall inform each enrolled medicaid independent provider on or before time of the anniversary date of the provider agreement that involves providing home and community-based waiver services to consumers with disabilities that the independent provider is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted.

(C)(1) The department shall require the independent provider to complete a criminal records check prior to entering into a provider agreement with the independent provider and at least annually thereafter. If an independent provider for whom a criminal records check is required under this division does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent of the bureau of criminal identification and investigation has requested information about the independent provider from the federal bureau of investigation in a criminal records check, the department shall request that the independent provider obtain through the superintendent a criminal records request from the federal bureau of investigation as part

of the criminal records check of the independent provider. Even if 75550
an independent provider for whom a criminal records check request 75551
is required under this division presents proof of having been a 75552
resident of this state for the five-year period, the department 75553
may request that the independent provider obtain information 75554
through the superintendent from the federal bureau of 75555
investigation in the criminal records check. 75556

(2) The department shall provide the following to each 75557
independent provider for whom a criminal records check request is 75558
required under division (C)(1) of this section: 75559

(a) Information about accessing, completing, and forwarding 75560
to the superintendent of the bureau of criminal identification and 75561
investigation the form prescribed pursuant to division (C)(1) of 75562
section 109.572 of the Revised Code and the standard fingerprint 75563
impression sheet prescribed pursuant to division (C)(2) of that 75564
section; 75565

(b) Written notification that the independent provider is to 75566
instruct the superintendent to submit the completed report of the 75567
criminal records check directly to the department. 75568

(3) An independent provider given information and 75569
notification under divisions (C)(2)(a) and (b) of this section who 75570
fails to access, complete, and forward to the superintendent the 75571
form or the standard fingerprint impression sheet, or who fails to 75572
instruct the superintendent to submit the completed report of the 75573
criminal records check directly to the department, shall not be 75574
approved as an independent provider. 75575

(D) Except as provided in rules adopted by the department in 75576
accordance with division (G) of this section, the department shall 75577
not issue a new provider agreement to, and shall terminate an 75578
existing provider agreement of, an independent provider if the 75579
person has been convicted of, has pleaded guilty to, or has been 75580

found eligible for intervention in lieu of conviction for any of 75581
the following, regardless of the date of the conviction, the date 75582
of entry of the guilty plea, or the date the person was found 75583
eligible for intervention in lieu of conviction: 75584

(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 75585
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 75586
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 75587
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 75588
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 75589
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 75590
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 75591
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 75592
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 75593
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 75594
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 75595
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 75596
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 75597
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 75598
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 75599
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 75600
penetration in violation of former section 2907.12 of the Revised 75601
Code, a violation of section 2905.04 of the Revised Code as it 75602
existed prior to July 1, 1996, a violation of section 2919.23 of 75603
the Revised Code that would have been a violation of section 75604
2905.04 of the Revised Code as it existed prior to July 1, 1996, 75605
had the violation been committed prior to that date; 75606

(2) ~~An~~ A violation of an existing or former municipal 75607
ordinance or law of this state, any other state, or the United 75608
States that is substantially equivalent to any of the offenses 75609
listed in division (D)(1) of this section. 75610

(E) Each independent provider shall pay to the bureau of 75611
criminal identification and investigation the fee prescribed 75612

pursuant to division (C)(3) of section 109.572 of the Revised Code 75613
for each criminal records check conducted pursuant to a request 75614
made under division (C) of this section. 75615

(F) The report of any criminal records check conducted by the 75616
bureau of criminal identification and investigation in accordance 75617
with section 109.572 of the Revised Code and pursuant to a request 75618
made under division (C) of this section is not a public record for 75619
the purposes of section 149.43 of the Revised Code and shall not 75620
be made available to any person other than the following: 75621

(1) The person who is the subject of the criminal records 75622
check or the person's representative; 75623

(2) An administrator at the department or the administrator's 75624
representative; 75625

(3) A court, hearing officer, or other necessary individual 75626
involved in a case dealing with a denial or termination of a 75627
provider agreement related to the criminal records check. 75628

(G) The department shall adopt rules in accordance with 75629
Chapter 119. of the Revised Code to implement this section. The 75630
rules shall specify circumstances under which the department may 75631
either issue a provider agreement to an independent provider or 75632
allow an independent provider to maintain an existing provider 75633
agreement when the independent provider has been convicted of, has 75634
pleaded guilty to, or has been found eligible for intervention in 75635
lieu of conviction for an offense listed or described in division 75636
~~(C)(1)~~(D)(1) or (2) of this section. 75637

Sec. 5111.035. (A) Each medicaid provider selected by the 75638
department of job and family services shall give bond with surety 75639
to the department, in the amount the department determines and to 75640
the satisfaction of the department, for the faithful adherence by 75641
the provider to the requirements of section 5111.03 of the Revised 75642

Code. 75643

(B) The department shall determine which providers are 75644
subject to division (A) of this section, but at a minimum shall 75645
apply the bond requirement to each provider who has been 75646
investigated for any criminal offense of fraud, as defined in 75647
Chapter 2913. of the Revised Code. The department shall set the 75648
amount of the bond at a level that reflects, as determined by the 75649
director of job and family services, the level of risk of fraud by 75650
the provider. 75651

Sec. 5111.06. (A)(1) As used in this section and in sections 75652
5111.061 and 5111.062 of the Revised Code: 75653

(a) "Provider" means any person, institution, or entity that 75654
furnishes medicaid services under a provider agreement with the 75655
department of job and family services pursuant to Title XIX of the 75656
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 75657
amended. 75658

(b) "Party" has the same meaning as in division (G) of 75659
section 119.01 of the Revised Code. 75660

(c) "Adjudication" has the same meaning as in division (D) of 75661
section 119.01 of the Revised Code. 75662

(2) This section does not apply to any action taken by the 75663
department of job and family services under sections 5111.35 to 75664
5111.62 of the Revised Code. 75665

(B) Except as provided in division (D) of this section and 75666
section 5111.914 of the Revised Code, the department shall do 75667
either of the following by issuing an order pursuant to an 75668
adjudication conducted in accordance with Chapter 119. of the 75669
Revised Code: 75670

(1) Enter into or refuse to enter into a provider agreement 75671

with a provider, or suspend, terminate, renew, or refuse to renew 75672
an existing provider agreement with a provider; 75673

(2) Take any action based upon a final fiscal audit of a 75674
provider. 75675

(C) Any party who is adversely affected by the issuance of an 75676
adjudication order under division (B) of this section may appeal 75677
to the court of common pleas of Franklin county in accordance with 75678
section 119.12 of the Revised Code. 75679

(D) The department is not required to comply with division 75680
(B)(1) of this section whenever any of the following occur: 75681

(1) The terms of a provider agreement require the provider to 75682
hold a license, permit, or certificate or maintain a certification 75683
issued by an official, board, commission, department, division, 75684
bureau, or other agency of state or federal government other than 75685
the department of job and family services, and the license, 75686
permit, certificate, or certification has been denied, revoked, 75687
not renewed, suspended, or otherwise limited. 75688

(2) The terms of a provider agreement require the provider to 75689
hold a license, permit, or certificate or maintain certification 75690
issued by an official, board, commission, department, division, 75691
bureau, or other agency of state or federal government other than 75692
the department of job and family services, and the provider has 75693
not obtained the license, permit, certificate, or certification. 75694

(3) The provider agreement is denied, terminated, or not 75695
renewed due to the termination, refusal to renew, or denial of a 75696
license, permit, certificate, or certification by an official, 75697
board, commission, department, division, bureau, or other agency 75698
of this state other than the department of job and family 75699
services, notwithstanding the fact that the provider may hold a 75700
license, permit, certificate, or certification from an official, 75701
board, commission, department, division, bureau, or other agency 75702

of another state. 75703

(4) The provider agreement is denied, terminated, or not 75704
renewed pursuant to division (C) or (F) of section 5111.03 of the 75705
Revised Code. 75706

(5) The provider agreement is denied, terminated, or not 75707
renewed due to the provider's termination, suspension, or 75708
exclusion from the medicare program established under Title XVIII 75709
of the "Social Security Act," and the termination, suspension, or 75710
exclusion is binding on the provider's participation in the 75711
medicaid program. 75712

(6) The provider agreement is denied, terminated, or not 75713
renewed due to the provider's pleading guilty to or being 75714
convicted of a criminal activity materially related to either the 75715
medicare or medicaid program. 75716

(7) The provider agreement is denied, terminated, or 75717
suspended as a result of action by the United States department of 75718
health and human services and that action is binding on the 75719
provider's participation in the medicaid program. 75720

(8) The provider agreement is suspended pursuant to section 75721
5111.031 of the Revised Code pending indictment of the provider. 75722

(9) The provider agreement is denied, terminated, or not 75723
renewed because the provider or its owner, officer, authorized 75724
agent, associate, manager, or employee has been convicted of one 75725
of the offenses that caused the provider agreement to be suspended 75726
pursuant to section 5111.031 of the Revised Code. 75727

(10) The provider agreement is converted under section 75728
5111.028 of the Revised Code from a provider agreement that is not 75729
time-limited to a provider agreement that is time-limited. 75730

(11) The provider agreement is terminated or an application 75731
for re-enrollment is denied because the provider has failed to 75732

apply for re-enrollment within the time or in the manner specified 75733
for re-enrollment pursuant to section 5111.028 of the Revised 75734
Code. 75735

(12) The provider agreement is terminated or not renewed 75736
because the provider has not billed or otherwise submitted a 75737
medicaid claim to the department for two years or longer, ~~and the~~ 75738
~~department has determined that the provider has moved from the~~ 75739
~~address on record with the department without leaving an active~~ 75740
~~forwarding address with the department.~~ 75741

(13) The provider agreement is denied, terminated, or not 75742
renewed because the provider fails to provide to the department 75743
the national provider identifier assigned the provider by the 75744
national provider system pursuant to 45 C.F.R. 162. 408. 75745

In the case of a provider described in division (D)(12) or 75746
(13) of this section, the department may ~~terminate or not renew~~ 75747
~~the~~ take its proposed action against a provider agreement by 75748
sending a notice explaining the ~~department's~~ proposed action to 75749
the provider. The notice shall be sent to the provider's address 75750
on record with the department. The notice may be sent by regular 75751
mail. 75752

(E) The department may withhold payments for services 75753
rendered by a medicaid provider under the ~~medical assistance~~ 75754
medicaid program during the pendency of proceedings initiated 75755
under division (B)(1) of this section. If the proceedings are 75756
initiated under division (B)(2) of this section, the department 75757
may withhold payments only to the extent that they equal amounts 75758
determined in a final fiscal audit as being due the state. This 75759
division does not apply if the department fails to comply with 75760
section 119.07 of the Revised Code, requests a continuance of the 75761
hearing, or does not issue a decision within thirty days after the 75762
hearing is completed. This division does not apply to nursing 75763
facilities and intermediate care facilities for the mentally 75764

retarded as defined in section 5111.20 of the Revised Code. 75765

Sec. 5111.071. (A) As used in this section: 75766

(1) "Covered entity" has the same meaning as in 42 U.S.C. 256b(a)(4). 75767
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(2) "Covered outpatient drug" means a drug subject to an agreement entered into by the United States secretary of health and human services pursuant to 42 U.S.C. 256b(a). 75769
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(3) "Licensed health professional authorized to prescribe drugs" has the same meaning as in section 4729.01 of the Revised Code. 75772
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(4) "Pharmacist-provider" means a licensed pharmacist who has entered into a medicaid provider agreement with the department of job and family services. 75775
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(B) Commencing in December, 1986, and every second December thereafter, the director of job and family services shall establish a dispensing fee, effective the following January, for licensed pharmacists who are providers under this chapter to be paid to a pharmacist-provider for each prescription the pharmacist-provider fills for a medicaid recipient, other than a prescription for a covered outpatient drug that was issued as described in division (C) of this section. The dispensing fee shall take into consideration the results of the survey conducted under section 5111.07 of the Revised Code. 75778
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(C) The director of job and family services shall pay a pharmacist-provider a dispensing fee of twelve dollars for each prescription for a covered outpatient drug the pharmacist-provider fills for a medicaid recipient if both of the following conditions are met: 75788
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(1) The prescription was issued by a licensed health professional authorized to prescribe drugs while the professional 75793
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was treating the patient as part of the professional's 75795
responsibilities as an employee or agent of, or volunteer for, a 75796
covered entity. 75797

(2) The per unit price that the covered entity paid to 75798
acquire the covered outpatient drug from a manufacturer of 75799
dangerous drugs is equal to or greater than twenty dollars. 75800

Sec. 5111.081. The director of job and family services, in 75801
rules adopted under section 5111.02 of the Revised Code, may 75802
establish and implement a supplemental drug rebate program under 75803
which drug manufacturers may be required to provide the department 75804
of job and family services a supplemental rebate as a condition of 75805
having the drug manufacturers' drug products covered by the 75806
medicaid program without prior approval. The department may 75807
receive a supplemental rebate negotiated under the program for a 75808
drug dispensed to a medicaid recipient pursuant to a prescription 75809
or a drug purchased by a medicaid provider for administration to a 75810
medicaid recipient in the provider's primary place of business. If 75811
necessary, the director may apply to the United States secretary 75812
of health and human services for a waiver of federal statutes and 75813
regulations to establish the supplemental drug rebate program. 75814

If the director establishes a supplemental drug rebate 75815
program, the director shall consult with drug manufacturers 75816
regarding the establishment and implementation of the program. 75817

The director may cooperate with the director of health to 75818
obtain rebates for all drugs that are covered by the program 75819
established under this section and the drug rebate program for 75820
medically handicapped children established under section 3701.021 75821
of the Revised Code. The director of job and family services may 75822
authorize the department of job and family services to serve as 75823
the administrative agent for the collection of drug rebates for 75824
purposes of the program for medically handicapped children. 75825

Sec. 5111.083. (A) As used in this section, "licensed health professional authorized to prescribe drugs" has the same meaning as in section 4729.01 of the Revised Code.

(B) The director of job and family services ~~may~~ shall establish an e-prescribing system for the medicaid program under which a medicaid provider who is a licensed health professional authorized to prescribe drugs shall use an electronic system to prescribe a drug for a medicaid recipient when required to do so by division (C) of this section. The e-prescribing system shall eliminate the need for such medicaid providers to make prescriptions for medicaid recipients by handwriting or telephone. The e-prescribing system also shall provide such medicaid providers with an up-to-date, clinically relevant drug information database and a system of electronically monitoring medicaid recipients' medical history, drug regimen compliance, and fraud and abuse.

(C) ~~If the director establishes~~ In establishing an e-prescribing system under division (B) of this section, the director shall do all of the following:

(1) Require that a medicaid provider who is a licensed health professional authorized to prescribe drugs use the e-prescribing system during a fiscal year if the medicaid provider was one of the ten medicaid providers who, during the calendar year that precedes that fiscal year, issued the most prescriptions for medicaid recipients receiving hospital services;

(2) Before the beginning of each fiscal year, determine the ten medicaid providers that issued the most prescriptions for medicaid recipients receiving hospital services during the calendar year that precedes the upcoming fiscal year and notify those medicaid providers that they must use the e-prescribing system for the upcoming fiscal year;

(3) Seek the most federal financial participation available 75857
for the development and implementation of the e-prescribing 75858
system. 75859

Sec. 5111.084. (A) There is hereby established the pharmacy 75860
and therapeutics committee of the department of job and family 75861
services. The committee shall assist the department with 75862
developing and maintaining a preferred drug list. 75863

The committee shall review and recommend to the director of 75864
job and family services the drugs that should be included on the 75865
preferred drug list. The recommendations shall be made based on 75866
the evaluation of competent evidence regarding the relative 75867
safety, efficacy, and effectiveness of prescription drugs within a 75868
class or classes of prescription drugs. 75869

(B) The committee shall consist of ten members and shall be 75870
appointed by the director of job and family services. The director 75871
shall seek recommendations for membership from relevant 75872
professional organizations. A candidate for membership recommended 75873
by a professional organization shall have professional experience 75874
working with medicaid recipients. The director shall not appoint a 75875
member who is employed by the department. 75876

The membership of the committee shall include: 75877

~~(A)~~(1) Three pharmacists licensed under Chapter 4729. of the 75878
Revised Code; 75879

~~(B)~~(2) Two doctors of medicine and two doctors of osteopathy 75880
who hold certificates to practice issued under Chapter 4731. of 75881
the Revised Code, one of whom is a family practice physician; 75882

~~(C)~~(3) A registered nurse licensed under Chapter 4723. of the 75883
Revised Code; 75884

~~(D)~~(4) A pharmacologist who has a doctoral degree; 75885

~~(E)~~(5) A psychiatrist who holds a certificate to practice 75886

issued under Chapter 4731. of the Revised Code and specializes in 75887
psychiatry. 75888

(C) The committee shall elect ~~one of~~ from among its members 75889
as a chairperson. Five committee members constitute a quorum. 75890

The committee shall establish guidelines necessary for the 75891
committee's operation. 75892

The committee may establish one or more subcommittees to 75893
investigate and analyze issues consistent with the duties of the 75894
committee under this section. The subcommittees may submit 75895
proposals regarding the issues to the committee and the committee 75896
may adopt, reject, or modify the proposals. 75897

A vote by a majority of a quorum is necessary to make 75898
recommendations to the director. In the case of a tie, the 75899
chairperson shall decide the outcome. 75900

(D) The director shall act on the committee's recommendations 75901
not later than thirty days after the recommendation is posted on 75902
the department's web site under division (F) of this section. If 75903
the director does not accept a recommendation of the committee, 75904
the director shall present the basis for this determination not 75905
later than fourteen days after making the determination or at the 75906
next scheduled meeting of the committee, whichever is sooner. 75907

(E) An interested party may request, and shall be permitted, 75908
to make a presentation or submit written materials to the 75909
committee during a committee meeting. The presentation or other 75910
materials shall be relevant to an issue under consideration by the 75911
committee and any written material, including a transcript of 75912
testimony to be given on the day of the meeting, may be submitted 75913
to the committee in advance of the meeting. 75914

(F) The department shall post the following on the 75915
department's web site: 75916

<u>(1) Guidelines established by the committee under division</u>	75917
<u>(C) of this section;</u>	75918
<u>(2) A detailed committee agenda not later than fourteen days</u>	75919
<u>prior to the date of a regularly scheduled meeting and not later</u>	75920
<u>than seventy-two hours prior to the date of a special meeting</u>	75921
<u>called by the committee;</u>	75922
<u>(3) Committee recommendations not later than seven days after</u>	75923
<u>the meeting at which the recommendation was approved;</u>	75924
<u>(4) The director's final determination as to the</u>	75925
<u>recommendations made by the committee under this section.</u>	75926
<u>Sec. 5111.085. (A) As used in this section:</u>	75927
<u>(1) "Covered entity" has the same meaning as in 42 U.S.C.</u>	75928
<u>256b(a)(4).</u>	75929
<u>(2) "Covered outpatient drug" means a drug subject to an</u>	75930
<u>agreement entered into by the United States secretary of health</u>	75931
<u>and human services pursuant to 42 U.S.C. 256b(a).</u>	75932
<u>(3) "Licensed health professional authorized to prescribe</u>	75933
<u>drugs" has the same meaning as in section 4729.01 of the Revised</u>	75934
<u>Code.</u>	75935
<u>(4) "Manufacturer of dangerous drugs" and "terminal</u>	75936
<u>distributor of dangerous drugs" have the same meanings as in</u>	75937
<u>section 4729.01 of the Revised Code.</u>	75938
<u>(B) Notwithstanding the existence of a state maximum</u>	75939
<u>allowable cost for a covered outpatient drug under the state</u>	75940
<u>maximum allowable cost program established pursuant to section</u>	75941
<u>5111.082 of the Revised Code, or the establishment of a federal</u>	75942
<u>upper reimbursement limit for a covered outpatient drug under 42</u>	75943
<u>U.S.C. 1396r-8(e)(4), the amount that a terminal distributor of</u>	75944
<u>dangerous drugs is reimbursed for a covered outpatient drug</u>	75945
<u>dispensed to a medicaid recipient under the circumstances</u>	75946

described in division (C) of section 5111.071 of the Revised Code 75947
shall be an amount equal to the product of the following: 75948

(1) The per unit price that the covered entity paid to 75949
acquire the covered outpatient drug from a manufacturer of 75950
dangerous drugs; 75951

(2) The total number of units of the drug dispensed. 75952

Sec. 5111.092. (A) Not later than January 1, 2010, and each 75953
year thereafter, the department of job and family services shall 75954
prepare a report on the department's efforts to minimize fraud, 75955
waste, and abuse in the medicaid program. In preparing the report, 75956
the department shall collaborate with other medicaid program 75957
fraud, waste, and abuse personnel from all of the following: 75958

(1) The medicaid fraud control unit of the office of the 75959
attorney general; 75960

(2) The fraud and investigative audit group of the auditor of 75961
state; 75962

(3) State agencies with which the department contracts under 75963
section 5111.91 of the Revised Code to administer one or more 75964
components of the medicaid program or one or more aspects of a 75965
component; 75966

(4) County departments of job and family services. 75967

(B) Each report shall include at least both of the following 75968
with regard to minimizing fraud, waste, and abuse in the medicaid 75969
program: 75970

(1) Goals and objectives that are mutually agreed upon by the 75971
department and the entities with which it collaborates under 75972
division (A) of this section; 75973

(2) Performance measures for monitoring all state and local 75974
activities. 75975

(C) Each report shall be made available on the department's web site. Copies of the report shall be made available to the public on request. 75976
75977
75978

Sec. 5111.093. (A) As used in this section, "local medicaid administrative agency" means all of the following: 75979
75980

(1) A county department of job and family services; 75981

(2) A county board of mental retardation and developmental disabilities; 75982
75983

(3) A board of alcohol, drug addiction, and mental health services; 75984
75985

(4) A PASSPORT administrative agency; 75986

(5) A board of education of a city, local, or exempted village school district; 75987
75988

(6) The governing authority of a community school established under Chapter 3314. of the Revised Code. 75989
75990

(B) Each local medicaid administrative agency shall report annually to the department of job and family services and office of budget and management all of the following information regarding the previous calendar year: 75991
75992
75993
75994

(1) The total amount of local government funds the local medicaid administrative agency expended for the medicaid program; 75995
75996

(2) The portion of the total reported under division (B)(1) of this section that represents funds raised by local property tax levies; 75997
75998
75999

(3) The local medicaid administrative agency's total administrative costs for the medicaid program; 76000
76001

(4) The local medicaid administrative agency's administrative costs for the medicaid program for which the agency receives no federal financial participation; 76002
76003
76004

(5) The total amount of state funds provided to the local 76005
medicaid administrative agency for the medicaid program. 76006

Sec. 5111.141. (A) The department of job and family services 76007
shall implement a disease management component of the medicaid 76008
program. Medicaid recipients participating in the care management 76009
system established under section 5111.16 of the Revised Code shall 76010
be excluded from the disease management component. The disease 76011
management component shall consist of a system of coordinated 76012
health care interventions and patient communications for groups of 76013
medicaid recipients who have medical conditions for which the 76014
department determines patient self-care efforts are significant. 76015
The disease management component shall do all of the following: 76016

(1) Support physicians, the professional relationship between 76017
patients and their medical caregivers, and patients' plans of 76018
care; 76019

(2) Emphasize prevention of exacerbations and complications 76020
of medical conditions using evidence-based practice guidelines and 76021
patient empowerment strategies; 76022

(3) Evaluate clinical, humanistic, and economic outcomes on 76023
an ongoing basis with the goal of improving overall health. 76024

(B) To the extent the department considers appropriate, 76025
contracts that the department enters into with other state 76026
agencies under section 5111.91 of the Revised Code shall provide 76027
for the other state agencies to include the disease management 76028
component in the component of the medicaid program that the other 76029
state agency administers pursuant to the contract. 76030

(C) The department may implement the disease management 76031
component as part of the alternative care management program 76032
established under section 5111.165 of the Revised Code. 76033

Sec. 5111.142. The department of job and family services 76034

shall conduct a review of case management services provided under 76035
the fee-for-service component of the medicaid program. The 76036
department shall identify which groups of medicaid recipients are 76037
ineligible to participate in the care management system 76038
established under section 5111.16 of the Revised Code and 76039
designate those individuals as participants in an alternative care 76040
management model included in the alternative care management 76041
program established under section 5111.165 of the Revised Code. 76042

Sec. 5111.16. (A) As part of the medicaid program, the 76043
department of job and family services shall establish a care 76044
management system. The department shall submit, if necessary, 76045
applications to the United States department of health and human 76046
services for waivers of federal medicaid requirements that would 76047
otherwise be violated in the implementation of the system. 76048

(B) The department shall implement the care management system 76049
in some or all counties and shall designate the medicaid 76050
recipients who are required or permitted to participate in the 76051
system. In the department's implementation of the system and 76052
designation of participants, all of the following apply: 76053

(1) In the case of individuals who receive medicaid on the 76054
basis of being included in the category identified by the 76055
department as covered families and children, the department shall 76056
implement the care management system in all counties. All 76057
individuals included in the category shall be designated for 76058
participation, except for ~~individuals~~ individuals included in one 76059
or more of the medicaid recipient groups specified in 42 C.F.R. 76060
438.50(d). ~~The department shall designate the participants not~~ 76061
~~later than January 1, 2006. Beginning not later than December 31,~~ 76062
~~2006,~~ the department shall ensure that all participants are 76063
enrolled in health insuring corporations under contract with the 76064
department pursuant to section 5111.17 of the Revised Code. 76065

(2) In the case of individuals who receive medicaid on the 76066
basis of being aged, blind, or disabled, as specified in division 76067
(A)(2) of section 5111.01 of the Revised Code, the department 76068
shall implement the care management system in all counties. All 76069
individuals included in the category shall be designated for 76070
participation, except for the individuals specified in divisions 76071
(B)(2)(a) to (e) of this section. ~~Beginning not later than~~ 76072
~~December 31, 2006, the~~ The department shall ensure that all 76073
participants are enrolled in health insuring corporations under 76074
contract with the department pursuant to section 5111.17 of the 76075
Revised Code. 76076

In designating participants who receive medicaid on the basis 76077
of being aged, blind, or disabled, the department shall not 76078
include any of the following: 76079

(a) Individuals who are under twenty-one years of age; 76080

(b) Individuals who are institutionalized; 76081

(c) Individuals who become eligible for medicaid by spending 76082
down their income or resources to a level that meets the medicaid 76083
program's financial eligibility requirements; 76084

(d) Individuals who are dually eligible under the medicaid 76085
program and the medicare program established under Title XVIII of 76086
the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as 76087
amended; 76088

(e) Individuals to the extent that they are receiving 76089
medicaid services through a medicaid waiver component, as defined 76090
in section 5111.85 of the Revised Code. 76091

(3) Alcohol, drug addiction, and mental health services 76092
covered by medicaid shall not be included in any component of the 76093
care management system when the nonfederal share of the cost of 76094
those services is provided by a board of alcohol, drug ~~addiction~~ 76095
addiction, and mental health services or a state agency other than 76096

the department of job and family services, but the recipients of 76097
those services may otherwise be designated for participation in 76098
the system. 76099

(C) Subject to division (B) of this section, the department 76100
may do both of the following under the care management system: 76101

(1) Require or permit participants in the system to obtain 76102
health care services from providers designated by the department; 76103

(2) Require or permit participants in the system to obtain 76104
health care services through managed care organizations under 76105
contract with the department pursuant to section 5111.17 of the 76106
Revised Code. 76107

(D)(1) The department shall prepare an annual report on the 76108
care management system. The report shall address the department's 76109
ability to implement the system, including all of the following 76110
components: 76111

(a) The required designation of participants included in the 76112
category identified by the department as covered families and 76113
children; 76114

(b) The required designation of participants included in the 76115
aged, blind, or disabled category of medicaid recipients; 76116

~~(c) The conduct of the pilot program for chronically ill 76117
children established under section 5111.163 of the Revised Code; 76118~~

~~(d) The use of any programs for enhanced care management. 76119~~

(2) The department shall submit each annual report to the 76120
general assembly. The first report shall be submitted not later 76121
than October 1, 2007. 76122

(E) The director of job and family services may adopt rules 76123
in accordance with Chapter 119. of the Revised Code to implement 76124
this section. 76125

Sec. 5111.165. (A) The department of job and family services shall develop and implement an alternative care management program for medicaid recipients not participating in the care management program established under section 5111.16 of the Revised Code. The purpose of the program shall be to test and evaluate multiple alternative care management models for providing health care services to medicaid recipients designated under this section as participants in the program.

(B) The program shall be implemented not later than October 1, 2009, or, if by that date the department has not received any necessary federal approval to implement the program, as soon as practicable after receiving the approval. From among the medicaid recipients who are not participants in the care management system established under section 5111.16 of the Revised Code, the department shall designate the medicaid recipients who are required to participate in the alternative care management program established under this section, including the medicaid recipients specified in section 5111.142 of the Revised Code.

In implementing the program, the department shall ensure that each model included in the program is operated in at least three counties selected by the department. The department may extend its operation of a model program into other counties if the department determines that such an expansion is necessary to evaluate the effectiveness of the model program.

(C) The department may periodically alter the requirements, design, or eligible participants in the program in order to test and evaluate the effectiveness of varying alternative care management models for providing medicaid services, except that each model included in the program shall be in effect for a duration necessary to evaluate the effectiveness of the model.

(D) The department shall conduct an evaluation of each

alternative care management model included in the program. As part 76157
of the evaluation, the department shall maintain statistics on 76158
physician expenditures, hospital expenditures, preventable 76159
hospitalizations, costs for each participant, effectiveness, and 76160
health outcomes for participants. 76161

(E) The department shall adopt rules in accordance with 76162
Chapter 119. of the Revised Code as necessary to implement this 76163
section. The rules shall specify standards and procedures to be 76164
used in designating participants of the program. 76165

Sec. 5111.176. (A) As used in this section: 76166

(1) "Medicaid health insuring corporation" means a health 76167
insuring corporation that holds a certificate of authority under 76168
Chapter 1751. of the Revised Code and has entered into a contract 76169
with the department of job and family services pursuant to section 76170
5111.17 of the Revised Code. 76171

(2) "Managed care premium" means any premium payment, 76172
capitation payment, or other payment a medicaid health insuring 76173
corporation receives for providing, or arranging for the provision 76174
of, health care services to its members or enrollees residing in 76175
this state. 76176

(B) Except as provided in division (C) of this section, all 76177
of the following apply: 76178

(1) Each medicaid health insuring corporation shall pay to 76179
the department of job and family services a franchise permit fee 76180
for the period December 1, 2005, through December 31, 2005, and 76181
each calendar quarter occurring ~~thereafter~~ between January 1, 76182
2006, and September 30, 2009. 76183

(2) The fee to be paid is an amount that is equal to a 76184
percentage of the managed care premiums the medicaid health 76185
insuring corporation received in the period December 1, 2005, 76186

through December 31, 2005, and in the subsequent quarter to which 76187
the fee applies, excluding the amount of any managed care premiums 76188
the corporation returned or refunded to enrollees, members, or 76189
premium payers during the period December 1, 2005, through 76190
December 31, 2005, or the subsequent quarter to which the fee 76191
applies. 76192

(3) The percentage to be used in calculating the fee shall be 76193
four and one-half per cent, unless the department adopts rules 76194
under division (L) of this section decreasing the percentage below 76195
four and one-half per cent or increasing the percentage to not 76196
more than six per cent. 76197

(C) The department shall reduce the franchise permit fee 76198
imposed under this section or terminate its collection of the fee 76199
if the department determines either of the following: 76200

(1) That the reduction or termination is required to comply 76201
with federal statutes or regulations; 76202

(2) That the fee does not qualify as a state share of 76203
medicaid expenditures eligible for federal financial 76204
participation. 76205

(D) The franchise permit fee shall be paid on or before the 76206
thirtieth day following the end of the period December 1, 2005, 76207
through December 31, 2005, or the calendar quarter to which the 76208
fee applies. At the time the fee is submitted, the medicaid health 76209
insuring corporation shall file with the department a report on a 76210
form prescribed by the department. The corporation shall provide 76211
on the form all information required by the department and shall 76212
include with the form any necessary supporting documentation. 76213

(E) The department may audit the records of any medicaid 76214
health insuring corporation to determine whether the corporation 76215
is in compliance with this section. The department may audit the 76216
records that pertain to the period December 1, 2005, through 76217

December 31, 2005, or a particular calendar quarter, at any time 76218
during the five years following the date the franchise permit fee 76219
payment for that period or quarter was due. 76220

(F)(1) A medicaid health insuring corporation that does not 76221
pay the franchise permit fee in full by the date the payment is 76222
due is subject to any or all of the following: 76223

(a) A monetary penalty in the amount of five hundred dollars 76224
for each day any part of the fee remains unpaid, except that the 76225
penalty shall not exceed an amount equal to five per cent of the 76226
total fee that was due; 76227

(b) Withholdings from future managed care premiums pursuant 76228
to division (G) of this section; 76229

(c) Termination of the corporation's medicaid provider 76230
agreement pursuant to division (H) of this section. 76231

(2) Penalties imposed under division (F)(1)(a) of this 76232
section are in addition to and not in lieu of the franchise permit 76233
fee. 76234

(G) If a medicaid health insuring corporation fails to pay 76235
the full amount of its franchise permit fee when due, or the full 76236
amount of a penalty imposed under division (F)(1)(a) of this 76237
section, the department may withhold an amount equal to the 76238
remaining amount due from any future managed care premiums to be 76239
paid to the corporation under the medicaid program. The department 76240
may withhold amounts under this division without providing notice 76241
to the corporation. The amounts may be withheld until the amount 76242
due has been paid. 76243

(H) The department may commence actions to terminate a 76244
medicaid health insuring corporation's medicaid provider 76245
agreement, and may terminate the agreement subject to division (I) 76246
of this section, if the corporation does any of the following: 76247

(1) Fails to pay its franchise permit fee or fails to pay the fee promptly;	76248 76249
(2) Fails to pay a penalty imposed under division (F)(1)(a) of this section or fails to pay the penalty promptly;	76250 76251
(3) Fails to cooperate with an audit conducted under division (E) of this section.	76252 76253
(I) At the request of a medicaid health insuring corporation, the department shall grant the corporation a hearing in accordance with Chapter 119. of the Revised Code, if either of the following is the case:	76254 76255 76256 76257
(1) The department has determined that the corporation owes an additional franchise permit fee or penalty as the result of an audit conducted under division (E) of this section.	76258 76259 76260
(2) The department is proposing to terminate the corporation's medicaid provider agreement and the provisions of section 5111.06 of the Revised Code requiring an adjudication in accordance with Chapter 119. of the Revised Code are applicable.	76261 76262 76263 76264
(J)(1) At the request of a medicaid corporation, the department shall grant the corporation a reconsideration of any issue that arises out of the provisions of this section and is not subject to division (I) of this section. The department's decision at the conclusion of the reconsideration is not subject to appeal under Chapter 119. of the Revised Code or any other provision of the Revised Code.	76265 76266 76267 76268 76269 76270 76271
(2) In conducting a reconsideration, the department shall do at least the following:	76272 76273
(a) Specify the time frames within which a corporation must act in order to exercise its opportunity for a reconsideration;	76274 76275
(b) Permit the corporation to present written arguments or other materials that support the corporation's position.	76276 76277

(K) There is hereby created in the state treasury the managed care assessment fund. Money collected from the franchise permit fees and penalties imposed under this section shall be credited to the fund. The department shall use the money in the fund to pay for medicaid services, the department's administrative costs, and contracts with medicaid health insuring corporations.

(L) The director of job and family services may adopt rules to implement and administer this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 5111.21. (A) In order to be eligible for medicaid payments, the operator of a nursing facility or intermediate care facility for the mentally retarded shall do all of the following:

(1) Enter into a provider agreement with the department as provided in section 5111.22, 5111.671, or 5111.672 of the Revised Code;

(2) Apply for and maintain a valid license to operate if so required by law;

(3) ~~Comply~~ Subject to division (B) of this section, comply with all applicable state and federal laws and rules.

(B) A state rule that requires the operator of an intermediate care facility for the mentally retarded to have received approval of a plan for the proposed facility pursuant to section 5123.042 of the Revised Code as a condition of the operator being eligible for medicaid payments for the facility does not apply if, under section 5123.193 of the Revised Code, a residential facility license was obtained for the facility without obtaining approval of such a plan.

(C)(1) Except as provided in division ~~(B)~~(C)(2) of this section, the operator of a nursing facility that elects to obtain and maintain eligibility for payments under the medicaid program

shall qualify all of the facility's medicaid-certified beds in the 76308
medicare program established by Title XVIII. The director of job 76309
and family services may adopt rules under section 5111.02 of the 76310
Revised Code to establish the time frame in which a nursing 76311
facility must comply with this requirement. 76312

(2) The Ohio veteran's home agency is not required to qualify 76313
all of the medicaid-certified beds in a nursing facility the 76314
agency maintains and operates under section 5907.01 of the Revised 76315
Code in the medicare program. 76316

Sec. 5111.211. (A) The Except as provided in division (C) of 76317
this section, the department of mental retardation and 76318
developmental disabilities is responsible for the nonfederal share 76319
of claims submitted for services that are covered by the medicaid 76320
program and provided to an eligible medicaid recipient by an 76321
intermediate care facility for the mentally retarded if all of the 76322
following are the case: 76323

(1) The services are provided on or after July 1, 2003; 76324

(2) The facility receives initial certification by the 76325
director of health as an intermediate care facility for the 76326
mentally retarded on or after June 1, 2003; 76327

(3) The facility, or a portion of the facility, is licensed 76328
by the director of mental retardation and developmental 76329
disabilities as a residential facility under section 5123.19 of 76330
the Revised Code; 76331

(4) There is a valid provider agreement for the facility. 76332

(B) Each month, the department of job and family services 76333
shall invoice the department of mental retardation and 76334
developmental disabilities by interagency transfer voucher for the 76335
claims for which the department of mental retardation and 76336
developmental disabilities is responsible pursuant to this 76337

section. 76338

(C) Division (A) of this section does not apply to claims 76339
submitted for an intermediate care facility for the mentally 76340
retarded if, under section 5123.193 of the Revised Code, a 76341
residential facility license was obtained for the facility without 76342
obtaining approval of a plan for the proposed residential facility 76343
pursuant to section 5123.042 of the Revised Code. 76344

Sec. 5111.222. (A) Except as otherwise provided by sections 76345
5111.20 to 5111.33 of the Revised Code and by division (B) of this 76346
section, the payments that the department of job and family 76347
services shall agree to make to the provider of a nursing facility 76348
pursuant to a provider agreement shall equal the sum of all of the 76349
following: 76350

(1) The rate for direct care costs determined for the nursing 76351
facility under section 5111.231 of the Revised Code; 76352

(2) The rate for ancillary and support costs determined for 76353
the nursing facility's ancillary and support cost peer group under 76354
section 5111.24 of the Revised Code; 76355

(3) The rate for tax costs determined for the nursing 76356
facility under section 5111.242 of the Revised Code; 76357

(4) The rate for franchise permit fees determined for the 76358
nursing facility under section 5111.243 of the Revised Code; 76359

(5) The quality incentive payment paid to the nursing 76360
facility under section 5111.244 of the Revised Code; 76361

(6) The ~~median~~ rate for capital costs determined for the 76362
~~nursing facilities in the nursing facility's capital costs peer~~ 76363
~~group as determined~~ facility under section 5111.25 of the Revised 76364
Code. 76365

(B) ~~The~~ For fiscal year 2013, and each fiscal year 76366
thereafter, the department shall adjust the ~~rates otherwise~~ sum 76367

determined under ~~divisions (A)(1), (2), (3), and (6)~~ division (A) 76368
of this section ~~as directed by the general assembly through the~~ 76369
~~enactment of law governing medicaid payments to providers of~~ 76370
~~nursing facilities, including any law that does either of the~~ 76371
~~following:~~ 76372

~~(1) Establishes factors by which the rates are to be~~ 76373
~~adjusted;~~ 76374

~~(2) Establishes a methodology for phasing in the rates~~ 76375
~~determined for fiscal year 2006 under uncodified law the general~~ 76376
~~assembly enacts to rates determined for subsequent fiscal years~~ 76377
~~under sections 5111.20 to 5111.33 of the Revised Code by the~~ 76378
market basket index used in calculating the prospective payment 76379
rates for skilled nursing facilities under the medicare program 76380
established under Title XVIII. In making the adjustment under this 76381
division for a fiscal year, the department shall use the skilled 76382
nursing facility market basket index used in calculating the 76383
prospective payment rates that went into effect the first day of 76384
October preceding the fiscal year. 76385

Sec. 5111.231. (A) As used in this section, "applicable 76386
calendar year" means the following: 76387

(1) For the purpose of the department of job and family 76388
services' ~~initial determination~~ determinations under division (D) 76389
of this section of each peer group's cost per case-mix unit for 76390
fiscal years preceding fiscal year 2015, calendar year 2003; 76391

(2) For the purpose of the department's ~~subsequent~~ 76392
determinations under division (D) of this section of each peer 76393
group's cost per case-mix unit for fiscal year 2015 and 76394
thereafter, the calendar year the department selects. 76395

(B) The department of job and family services shall pay a 76396
provider for each of the provider's eligible nursing facilities a 76397

per resident per day rate for direct care costs determined 76398
semiannually by multiplying the cost per case-mix unit determined 76399
under division (D) of this section for the facility's peer group 76400
by the facility's semiannual case-mix score determined under 76401
section 5111.232 of the Revised Code. 76402

(C) For the purpose of determining nursing facilities' rate 76403
for direct care costs, the department shall establish three peer 76404
groups. 76405

Each nursing facility located in any of the following 76406
counties shall be placed in peer group one: Brown, Butler, 76407
Clermont, Clinton, Hamilton, and Warren. 76408

Each nursing facility located in any of the following 76409
counties shall be placed in peer group two: Ashtabula, Champaign, 76410
Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, 76411
Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, 76412
Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, 76413
Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, Union, 76414
and Wood. 76415

Each nursing facility located in any of the following 76416
counties shall be placed in peer group three: Adams, Allen, 76417
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 76418
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 76419
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 76420
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 76421
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 76422
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 76423
Washington, Wayne, Williams, and Wyandot. 76424

(D)(1) ~~At least once every ten years, the~~ The department 76425
shall determine a cost per case-mix unit for each peer group 76426
established under division (C) of this section. The department 76427
shall make the determination at least once every ten years except 76428

that the department shall make the determination more often as 76429
necessary to implement the amendments that Am. Sub. H.B. 1 of the 76430
128th general assembly makes to divisions (D)(1)(b) and (c) of 76431
this section. A cost per case-mix unit determined under this 76432
division for a peer group shall be used for subsequent years until 76433
the department redetermines it. To determine a peer group's cost 76434
per case-mix unit, the department shall do all of the following: 76435

(a) Determine the cost per case-mix unit for each nursing 76436
facility in the peer group for the applicable calendar year by 76437
dividing each facility's desk-reviewed, actual, allowable, per 76438
diem direct care costs for the applicable calendar year by the 76439
facility's annual average case-mix score determined under section 76440
5111.232 of the Revised Code for the applicable calendar year. 76441
76442

(b) Subject to division (D)(2) of this section, identify 76443
which nursing facility in the peer group is at the ~~twenty-fifth~~ 76444
percentile median of the cost per case-mix units determined under 76445
division (D)(1)(a) of this section. 76446

(c) Calculate the amount that is ~~seven per cent~~ the following 76447
percentage above the cost per case-mix unit determined under 76448
division (D)(1)(a) of this section for the nursing facility 76449
identified under division (D)(1)(b) of this section: 76450

(i) For each peer group in fiscal year 2010, zero per cent; 76451

(ii) For peer group one in fiscal year 2011, six and one-half 76452
per cent; 76453

(iii) For peer group two in fiscal year 2011, six and 76454
three-quarters per cent; 76455

(iv) For peer group three in fiscal year 2011, seven and 76456
one-half per cent; 76457

(v) For peer group one in fiscal year 2012 and each fiscal 76458

year thereafter, ten per cent; 76459

(vi) For peer group two in fiscal year 2012 and each fiscal 76460
year thereafter, eleven per cent; 76461

(vii) For peer group three in fiscal year 2012 and each 76462
fiscal year thereafter, fifteen per cent. 76463

(d) Multiply the amount calculated under division (D)(1)(c) 76464
of this section by the rate of inflation for the eighteen-month 76465
period beginning on the first day of July of the applicable 76466
calendar year and ending the last day of December of the calendar 76467
year immediately following the applicable calendar year using the 76468
following: 76469

(i) The employment cost index for total compensation, ~~health~~ 76470
~~services component~~ nursing and residential care facilities 76471
occupational group, published by the United States bureau of labor 76472
statistics; 76473

(ii) If the United States bureau of labor statistics ceases 76474
to publish the index specified in division (D)(1)(d)(i) of this 76475
section, the index the bureau subsequently publishes that covers 76476
nursing facilities' staff costs. 76477

(2) In making the identification under division (D)(1)(b) of 76478
this section, the department shall exclude both of the following: 76479

(a) Nursing facilities that participated in the medicaid 76480
program under the same provider for less than twelve months in the 76481
applicable calendar year; 76482

(b) Nursing facilities whose cost per case-mix unit is more 76483
than one standard deviation from the mean cost per case-mix unit 76484
for all nursing facilities in the nursing facility's peer group 76485
for the applicable calendar year. 76486

(3) The department shall not redetermine a peer group's cost 76487
per case-mix unit under this division based on additional 76488

information that it receives after the peer group's per case-mix unit is determined. The department shall redetermine a peer group's cost per case-mix unit only if it made an error in determining the peer group's cost per case-mix unit based on information available to the department at the time of the original determination.

Sec. 5111.232. (A)(1) The department of job and family services shall determine semiannual and annual average case-mix scores for nursing facilities by using all of the following:

(a) Data from a resident assessment instrument specified in rules adopted under section 5111.02 of the Revised Code pursuant to section 1919(e)(5) of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1396r(e)(5), as amended, for the following residents:

(i) When determining ~~semi-annual~~ semiannual case-mix scores, each resident who is a medicaid recipient;

(ii) When determining annual average case-mix scores, each resident regardless of payment source.

(b) Except as provided in rules authorized by ~~division~~ divisions (A)(2)(a) and (b) of this section, the case-mix values established by the United States department of health and human services;

(c) Except as modified in rules authorized by division (A)(2)(c) of this section, the grouper methodology used on June 30, 1999, by the United States department of health and human services for prospective payment of skilled nursing facilities under the medicare program established by Title XVIII.

(2) The director of job and family services may adopt rules under section 5111.02 of the Revised Code that do any of the following:

(a) Adjust the case-mix values specified in division 76519
(A)(1)(b) of this section to reflect changes in relative wage 76520
differentials that are specific to this state; 76521

(b) Express all of those case-mix values in numeric terms 76522
that are different from the terms specified by the United States 76523
department of health and human services but that do not alter the 76524
relationship of the case-mix values to one another; 76525

(c) Modify the grouper methodology specified in division 76526
(A)(1)(c) of this section as follows: 76527

(i) Establish a different hierarchy for assigning residents 76528
to case-mix categories under the methodology; 76529

(ii) Prohibit the use of the index maximizer element of the 76530
methodology; 76531

(iii) Incorporate changes to the methodology the United 76532
States department of health and human services makes after June 76533
30, 1999; 76534

(iv) Make other changes the department determines are 76535
necessary. 76536

(B) The department shall determine case-mix scores for 76537
intermediate care facilities for the mentally retarded using data 76538
for each resident, regardless of payment source, from a resident 76539
assessment instrument and grouper methodology prescribed in rules 76540
adopted under section 5111.02 of the Revised Code and expressed in 76541
case-mix values established by the department in those rules. 76542

(C) Each calendar quarter, each provider shall compile 76543
complete assessment data, from the resident assessment instrument 76544
specified in rules authorized by division (A) or (B) of this 76545
section, for each resident of each of the provider's facilities, 76546
regardless of payment source, who was in the facility or on 76547
hospital or therapeutic leave from the facility on the last day of 76548

the quarter. Providers of a nursing facility shall submit the data 76549
to the department of health and, if required by rules, the 76550
department of job and family services. Providers of an 76551
intermediate care facility for the mentally retarded shall submit 76552
the data to the department of job and family services. The data 76553
shall be submitted not later than fifteen days after the end of 76554
the calendar quarter for which the data is compiled. 76555

Except as provided in division (D) of this section, the 76556
department, every six months and after the end of each calendar 76557
year, shall calculate a semiannual and annual average case-mix 76558
score for each nursing facility using the facility's quarterly 76559
case-mix scores for that six-month period or calendar year. Also 76560
except as provided in division (D) of this section, the 76561
department, after the end of each calendar year, shall calculate 76562
an annual average case-mix score for each intermediate care 76563
facility for the mentally retarded using the facility's quarterly 76564
case-mix scores for that calendar year. The department shall make 76565
the calculations pursuant to procedures specified in rules adopted 76566
under section 5111.02 of the Revised Code. 76567

(D)(1) If a provider does not timely submit information for a 76568
calendar quarter necessary to calculate a facility's case-mix 76569
score, or submits incomplete or inaccurate information for a 76570
calendar quarter, the department may assign the facility a 76571
quarterly average case-mix score that is five per cent less than 76572
the facility's quarterly average case-mix score for the preceding 76573
calendar quarter. If the facility was subject to an exception 76574
review under division (C) of section 5111.27 of the Revised Code 76575
for the preceding calendar quarter, the department may assign a 76576
quarterly average case-mix score that is five per cent less than 76577
the score determined by the exception review. If the facility was 76578
assigned a quarterly average case-mix score for the preceding 76579
quarter, the department may assign a quarterly average case-mix 76580

score that is five per cent less than that score assigned for the 76581
preceding quarter. 76582

The department may use a quarterly average case-mix score 76583
assigned under division (D)(1) of this section, instead of a 76584
quarterly average case-mix score calculated based on the 76585
provider's submitted information, to calculate the facility's rate 76586
for direct care costs being established under section 5111.23 or 76587
5111.231 of the Revised Code for one or more months, as specified 76588
in rules authorized by division (E) of this section, of the 76589
quarter for which the rate established under section 5111.23 or 76590
5111.231 of the Revised Code will be paid. 76591

Before taking action under division (D)(1) of this section, 76592
the department shall permit the provider a reasonable period of 76593
time, specified in rules authorized by division (E) of this 76594
section, to correct the information. In the case of an 76595
intermediate care facility for the mentally retarded, the 76596
department shall not assign a quarterly average case-mix score due 76597
to late submission of corrections to assessment information unless 76598
the provider fails to submit corrected information prior to the 76599
eighty-first day after the end of the calendar quarter to which 76600
the information pertains. In the case of a nursing facility, the 76601
department shall not assign a quarterly average case-mix score due 76602
to late submission of corrections to assessment information unless 76603
the provider fails to submit corrected information prior to the 76604
earlier of the ~~eighty-first~~ forty-sixth day after the end of the 76605
calendar quarter to which the information pertains or the deadline 76606
for submission of such corrections established by regulations 76607
adopted by the United States department of health and human 76608
services under Titles XVIII and XIX. 76609

(2) If a provider is paid a rate for a facility calculated 76610
using a quarterly average case-mix score assigned under division 76611
(D)(1) of this section for more than six months in a calendar 76612

year, the department may assign the facility a cost per case-mix unit that is five per cent less than the facility's actual or assigned cost per case-mix unit for the preceding calendar year. The department may use the assigned cost per case-mix unit, instead of calculating the facility's actual cost per case-mix unit in accordance with section 5111.23 or 5111.231 of the Revised Code, to establish the facility's rate for direct care costs for the following fiscal year.

(3) The department shall take action under division (D)(1) or (2) of this section only in accordance with rules authorized by division (E) of this section. The department shall not take an action that affects rates for prior payment periods except in accordance with sections 5111.27 and 5111.28 of the Revised Code.

(E) The director shall adopt rules under section 5111.02 of the Revised Code that do all of the following:

(1) Specify whether providers of a nursing facility must submit the assessment data to the department of job and family services;

(2) Specify the medium or media through which the completed assessment data shall be submitted;

(3) Establish procedures under which the assessment data shall be reviewed for accuracy and providers shall be notified of any data that requires correction;

(4) Establish procedures for providers to correct assessment data and specify a reasonable period of time by which providers shall submit the corrections. The procedures may limit the content of corrections by providers of nursing facilities in the manner required by regulations adopted by the United States department of health and human services under Titles XVIII and XIX.

(5) Specify when and how the department will assign case-mix scores or costs per case-mix unit under division (D) of this

section if information necessary to calculate the facility's 76644
case-mix score is not provided or corrected in accordance with the 76645
procedures established by the rules. Notwithstanding any other 76646
provision of sections 5111.20 to 5111.33 of the Revised Code, the 76647
rules also may provide for the following: 76648

(a) Exclusion of case-mix scores assigned under division (D) 76649
of this section from calculation of an intermediate care facility 76650
for the mentally retarded's annual average case-mix score and the 76651
maximum cost per case-mix unit for the facility's peer group; 76652

(b) Exclusion of case-mix scores assigned under division (D) 76653
of this section from calculation of a nursing facility's 76654
semiannual or annual average case-mix score and the cost per 76655
case-mix unit for the facility's peer group. 76656

Sec. 5111.233. The costs of day programming shall be part of 76657
the direct care costs of an intermediate care facility for the 76658
mentally retarded as off-site day programming if the area in which 76659
the day programming is provided is not certified by the director 76660
of health as an intermediate care facility for the mentally 76661
retarded under Title XIX and regardless of either of the 76662
following: 76663

(A) Whether or not the area in which the day programming is 76664
provided is less than two hundred feet away from the intermediate 76665
care facility for the mentally retarded; 76666

(B) Whether or not the day programming is provided by an 76667
individual who, or organization that, is a related party to the 76668
provider of the intermediate care facility for the mentally 76669
retarded. 76670

Sec. 5111.236. (A) As used in this section, "medically 76671
fragile child" means an individual under eighteen years of age who 76672
requires both of the following: 76673

(1) The services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the individual's medical condition; 76674
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(2) The services of a registered nurse on a daily basis. 76677

(B) The medicaid program shall cover oxygen services that a medical supplier with a valid medicaid provider agreement provides to a medicaid recipient who is a medically fragile child and resides in an intermediate care facility for the mentally retarded. The medicaid program shall cover such oxygen services regardless of any of the following: 76678
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(1) The percentage of the medicaid recipient's arterial oxygen saturation at rest, exercise, or sleep; 76684
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(2) The type of system used in delivering the oxygen to the medicaid recipient; 76686
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(3) Whether the intermediate care facility for the mentally retarded in which the medicaid recipient resides purchases or rents the equipment used in the delivery of the oxygen to the recipient. 76688
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(C) A medical supplier of an oxygen service shall bill the department of job and family services directly for oxygen services the medicaid program covers under this section. The provider of an intermediate care facility for the mentally retarded may not include the cost of an oxygen service covered by the medicaid program under this section in the facility's cost report unless the facility is the medical supplier of the oxygen service. 76692
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Sec. 5111.24. (A) As used in this section, "applicable calendar year" means the following: 76699
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(1) For the purpose of the department of job and family services' ~~initial determination~~ determinations under division (D) of this section of each peer group's rate for ancillary and 76701
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76703

support costs for fiscal years preceding fiscal year 2015, 76704
calendar year 2003; 76705

(2) For the purpose of the department's ~~subsequent~~ 76706
determinations under division (D) of this section of each peer 76707
group's rate for ancillary and support costs for fiscal year 2015 76708
and thereafter, the calendar year the department selects. 76709

(B) The department of job and family services shall pay a 76710
provider for each of the provider's eligible nursing facilities a 76711
per resident per day rate for ancillary and support costs 76712
determined for the nursing facility's peer group under division 76713
(D) of this section. 76714

(C) For the purpose of determining nursing facilities' rate 76715
for ancillary and support costs, the department shall establish 76716
six peer groups. 76717

Each nursing facility located in any of the following 76718
counties shall be placed in peer group one or two: Brown, Butler, 76719
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 76720
located in any of those counties that has fewer than one hundred 76721
beds shall be placed in peer group one. Each nursing facility 76722
located in any of those counties that has one hundred or more beds 76723
shall be placed in peer group two. 76724

Each nursing facility located in any of the following 76725
counties shall be placed in peer group three or four: Ashtabula, 76726
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 76727
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 76728
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 76729
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 76730
Union, and Wood. Each nursing facility located in any of those 76731
counties that has fewer than one hundred beds shall be placed in 76732
peer group three. Each nursing facility located in any of those 76733
counties that has one hundred or more beds shall be placed in peer 76734

group four. 76735

Each nursing facility located in any of the following 76736
counties shall be placed in peer group five or six: Adams, Allen, 76737
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 76738
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 76739
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 76740
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 76741
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 76742
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 76743
Washington, Wayne, Williams, and Wyandot. Each nursing facility 76744
located in any of those counties that has fewer than one hundred 76745
beds shall be placed in peer group five. Each nursing facility 76746
located in any of those counties that has one hundred or more beds 76747
shall be placed in peer group six. 76748

(D)(1) ~~At least once every ten years, the~~ The department 76749
shall determine the rate for ancillary and support costs for each 76750
peer group established under division (C) of this section. The 76751
department shall make the determination at least once every ten 76752
years except that the department shall make the determination more 76753
often as necessary to implement the amendments that Am. Sub. H.B. 76754
1 of the 128th general assembly makes to division (D)(1)(b) and 76755
(c) of this section. The rate for ancillary and support costs 76756
determined under this division for a peer group shall be used for 76757
subsequent years until the department redetermines it. To 76758
determine a peer group's rate for ancillary and support costs, the 76759
department shall do all of the following: 76760

(a) Determine the rate for ancillary and support costs for 76761
each nursing facility in the peer group for the applicable 76762
calendar year by using the greater of the nursing facility's 76763
actual inpatient days for the applicable calendar year or the 76764
inpatient days the nursing facility would have had for the 76765
applicable calendar year if its occupancy rate had been ninety per 76766

cent. For the purpose of determining a nursing facility's 76767
occupancy rate under division (D)(1)(a) of this section, the 76768
department shall include any beds that the nursing facility 76769
removes from its medicaid-certified capacity unless the nursing 76770
facility also removes the beds from its licensed bed capacity. 76771

(b) Subject to division (D)(2) of this section, identify 76772
which nursing facility in the peer group is at the ~~twenty-fifth~~ 76773
following percentile of the rate for ancillary and support costs 76774
~~for the applicable calendar year~~ determined under division 76775
(D)(1)(a) of this section: 76776

(i) For fiscal years 2010 and 2011, the twenty-fifth 76777
percentile; 76778

(ii) For fiscal year 2012 and each fiscal year thereafter, 76779
the fiftieth percentile. 76780

(c) Calculate the amount that is ~~three per cent~~ the following 76781
percentage above the rate for ancillary and support costs 76782
determined under division (D)(1)(a) of this section for the 76783
nursing facility identified under division (D)(1)(b) of this 76784
section: 76785

(i) For fiscal years 2010 and 2011, three per cent; 76786

(ii) For fiscal year 2012, zero per cent; 76787

(iii) For fiscal year 2013 and each fiscal year thereafter, 76788
five per cent. 76789

(d) Multiply the amount calculated under division (D)(1)(c) 76790
of this section by the rate of inflation for the eighteen-month 76791
period beginning on the first day of July of the applicable 76792
calendar year and ending the last day of December of the calendar 76793
year immediately following the applicable calendar year using the 76794
following: 76795

(i) The consumer price index for all items for all urban 76796

consumers for the ~~north-central~~ midwest region, published by the United States bureau of labor statistics;

(ii) If the United States bureau of labor statistics ceases to publish the index specified in division (D)(1)(d)(i) of this section, the index the bureau subsequently publishes that covers urban consumers' prices for items for the region that includes this state.

(2) In making the identification under division (D)(1)(b) of this section, the department shall exclude both of the following:

(a) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year;

(b) Nursing facilities whose ancillary and support costs are more than one standard deviation from the mean desk-reviewed, actual, allowable, per diem ancillary and support cost for all nursing facilities in the nursing facility's peer group for the applicable calendar year.

(3) The department shall not redetermine a peer group's rate for ancillary and support costs under this division based on additional information that it receives after the rate is determined. The department shall redetermine a peer group's rate for ancillary and support costs only if it made an error in determining the rate based on information available to the department at the time of the original determination.

Sec. 5111.25. (A) As used in this section, "applicable calendar year" means the following:

(1) For the purpose of the department of job and family services' initial determination under division (D) of this section of each peer group's median rate for capital costs, calendar year 2003;

(2) For the purpose of the department's subsequent 76827
determinations under division (D) of this section of each peer 76828
group's median rate for capital costs, the calendar year the 76829
department selects. 76830

(B) The department of job and family services shall pay a 76831
provider for each of the provider's eligible nursing facilities a 76832
per resident per day rate for capital costs. A nursing facility's 76833
rate for capital costs shall be the greater of the following: 76834

(1) The median rate for capital costs for the nursing 76835
facilities in the nursing facility's peer group as determined 76836
under division (D) of this section; 76837

(2) The sum of the following: 76838

(a) The capital costs portion of the nursing facility's 76839
medicaid reimbursement per diem rate on June 30, 2005, regardless 76840
of whether the nursing facility has undergone a change of 76841
operator, as defined in section 5111.65 of the Revised Code, after 76842
that date or, if the nursing facility did not have a medicaid 76843
reimbursement per diem rate on June 30, 2005, the capital costs 76844
portion of the nursing facility's initial rate established under 76845
section 5111.254 of the Revised Code; 76846

(b) Any per diem for which the nursing facility qualified 76847
under Section 309.30.42 of Am. Sub. H.B. 119 of the 127th general 76848
assembly, as amended by Am. Sub. H.B. 562 of the 127th general 76849
assembly. 76850

(C) For the purpose of determining nursing facilities' median 76851
rate for capital costs, the department shall establish six peer 76852
groups. 76853

Each nursing facility located in any of the following 76854
counties shall be placed in peer group one or two: Brown, Butler, 76855
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 76856
located in any of those counties that has fewer than one hundred 76857

beds shall be placed in peer group one. Each nursing facility 76858
located in any of those counties that has one hundred or more beds 76859
shall be placed in peer group two. 76860

Each nursing facility located in any of the following 76861
counties shall be placed in peer group three or four: Ashtabula, 76862
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 76863
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 76864
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 76865
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 76866
Union, and Wood. Each nursing facility located in any of those 76867
counties that has fewer than one hundred beds shall be placed in 76868
peer group three. Each nursing facility located in any of those 76869
counties that has one hundred or more beds shall be placed in peer 76870
group four. 76871

Each nursing facility located in any of the following 76872
counties shall be placed in peer group five or six: Adams, Allen, 76873
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 76874
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 76875
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 76876
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 76877
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 76878
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 76879
Washington, Wayne, Williams, and Wyandot. Each nursing facility 76880
located in any of those counties that has fewer than one hundred 76881
beds shall be placed in peer group five. Each nursing facility 76882
located in any of those counties that has one hundred or more beds 76883
shall be placed in peer group six. 76884

(D)(1) At least once every ten years, the department shall 76885
determine the median rate for capital costs for each peer group 76886
established under division (C) of this section. The median rate 76887
for capital costs determined under this division for a peer group 76888
shall be used for subsequent years until the department 76889

redetermines it. To determine a peer group's median rate for
capital costs, the department shall do both of the following:

(a) Subject to division (D)(2) of this section, use the
greater of each nursing facility's actual inpatient days for the
applicable calendar year or the inpatient days the nursing
facility would have had for the applicable calendar year if its
occupancy rate had been one hundred per cent.

(b) Exclude both of the following:

(i) Nursing facilities that participated in the medicaid
program under the same provider for less than twelve months in the
applicable calendar year;

(ii) Nursing facilities whose capital costs are more than one
standard deviation from the mean desk-reviewed, actual, allowable,
per diem capital cost for all nursing facilities in the nursing
facility's peer group for the applicable calendar year.

(2) For the purpose of determining a nursing facility's
occupancy rate under division (D)(1)(a) of this section, the
department shall include any beds that the nursing facility
removes from its medicaid-certified capacity after June 30, 2005,
unless the nursing facility also removes the beds from its
licensed bed capacity.

(E) Buildings shall be depreciated using the straight line
method over forty years or over a different period approved by the
department. Components and equipment shall be depreciated using
the straight-line method over a period designated in rules adopted
under section 5111.02 of the Revised Code, consistent with the
guidelines of the American hospital association, or over a
different period approved by the department. Any rules authorized
by this division that specify useful lives of buildings,
components, or equipment apply only to assets acquired on or after
July 1, 1993. Depreciation for costs paid or reimbursed by any

government agency shall not be included in capital costs unless 76921
that part of the payment under sections 5111.20 to 5111.33 of the 76922
Revised Code is used to reimburse the government agency. 76923

(F) The capital cost basis of nursing facility assets shall 76924
be determined in the following manner: 76925

(1) Except as provided in division (F)(3) of this section, 76926
for purposes of calculating the rates to be paid for facilities 76927
with dates of licensure on or before June 30, 1993, the capital 76928
cost basis of each asset shall be equal to the desk-reviewed, 76929
actual, allowable, capital cost basis that is listed on the 76930
facility's cost report for the calendar year preceding the fiscal 76931
year during which the rate will be paid. 76932

(2) For facilities with dates of licensure after June 30, 76933
1993, the capital cost basis shall be determined in accordance 76934
with the principles of the medicare program established under 76935
Title XVIII, except as otherwise provided in sections 5111.20 to 76936
5111.33 of the Revised Code. 76937

(3) Except as provided in division (F)(4) of this section, if 76938
a provider transfers an interest in a facility to another provider 76939
after June 30, 1993, there shall be no increase in the capital 76940
cost basis of the asset if the providers are related parties or 76941
the provider to which the interest is transferred authorizes the 76942
provider that transferred the interest to continue to operate the 76943
facility under a lease, management agreement, or other 76944
arrangement. If the previous sentence does not prohibit the 76945
adjustment of the capital cost basis under this division, the 76946
basis of the asset shall be adjusted by the lesser of the 76947
following: 76948

(a) One-half of the change in construction costs during the 76949
time that the transferor held the asset, as calculated by the 76950
department of job and family services using the "Dodge building 76951

cost indexes, northeastern and north central states," published by Marshall and Swift;

(b) One-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, during the time that the transferor held the asset.

(4) If a provider transfers an interest in a facility to another provider who is a related party, the capital cost basis of the asset shall be adjusted as specified in division (F)(3) of this section if all of the following conditions are met:

(a) The related party is a relative of owner;

(b) Except as provided in division (F)(4)(c)(ii) of this section, the provider making the transfer retains no ownership interest in the facility;

(c) The department of job and family services determines that the transfer is an arm's length transaction pursuant to rules adopted under section 5111.02 of the Revised Code. The rules shall provide that a transfer is an arm's length transaction if all of the following apply:

(i) Once the transfer goes into effect, the provider that made the transfer has no direct or indirect interest in the provider that acquires the facility or the facility itself, including interest as an owner, officer, director, employee, independent contractor, or consultant, but excluding interest as a creditor.

(ii) The provider that made the transfer does not reacquire an interest in the facility except through the exercise of a creditor's rights in the event of a default. If the provider reacquires an interest in the facility in this manner, the department shall treat the facility as if the transfer never occurred when the department calculates its reimbursement rates

for capital costs. 76983

(iii) The transfer satisfies any other criteria specified in 76984
the rules. 76985

(d) Except in the case of hardship caused by a catastrophic 76986
event, as determined by the department, or in the case of a 76987
provider making the transfer who is at least sixty-five years of 76988
age, not less than twenty years have elapsed since, for the same 76989
facility, the capital cost basis was adjusted most recently under 76990
division (F)(4) of this section or actual, allowable cost of 76991
ownership was determined most recently under division (G)(9) of 76992
this section. 76993

(G) As used in this division: 76994

"Imputed interest" means the lesser of the prime rate plus 76995
two per cent or ten per cent. 76996

"Lease expense" means lease payments in the case of an 76997
operating lease and depreciation expense and interest expense in 76998
the case of a capital lease. 76999

"New lease" means a lease, to a different lessee, of a 77000
nursing facility that previously was operated under a lease. 77001

(1) Subject to division (B) of this section, for a lease of a 77002
facility that was effective on May 27, 1992, the entire lease 77003
expense is an actual, allowable capital cost during the term of 77004
the existing lease. The entire lease expense also is an actual, 77005
allowable capital cost if a lease in existence on May 27, 1992, is 77006
renewed under either of the following circumstances: 77007

(a) The renewal is pursuant to a renewal option that was in 77008
existence on May 27, 1992; 77009

(b) The renewal is for the same lease payment amount and 77010
between the same parties as the lease in existence on May 27, 77011
1992. 77012

(2) Subject to division (B) of this section, for a lease of a facility that was in existence but not operated under a lease on May 27, 1992, actual, allowable capital costs shall include the lesser of the annual lease expense or the annual depreciation expense and imputed interest expense that would be calculated at the inception of the lease using the lessor's entire historical capital asset cost basis, adjusted by the lesser of the following amounts:

(a) One-half of the change in construction costs during the time the lessor held each asset until the beginning of the lease, as calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift;

(b) One-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, during the time the lessor held each asset until the beginning of the lease.

(3) Subject to division (B) of this section, for a lease of a facility with a date of licensure on or after May 27, 1992, that is initially operated under a lease, actual, allowable capital costs shall include the annual lease expense if there was a substantial commitment of money for construction of the facility after December 22, 1992, and before July 1, 1993. If there was not a substantial commitment of money after December 22, 1992, and before July 1, 1993, actual, allowable capital costs shall include the lesser of the annual lease expense or the sum of the following:

(a) The annual depreciation expense that would be calculated at the inception of the lease using the lessor's entire historical capital asset cost basis;

(b) The greater of the lessor's actual annual amortization of

financing costs and interest expense at the inception of the lease 77044
or the imputed interest expense calculated at the inception of the 77045
lease using seventy per cent of the lessor's historical capital 77046
asset cost basis. 77047

(4) Subject to division (B) of this section, for a lease of a 77048
facility with a date of licensure on or after May 27, 1992, that 77049
was not initially operated under a lease and has been in existence 77050
for ten years, actual, allowable capital costs shall include the 77051
lesser of the annual lease expense or the annual depreciation 77052
expense and imputed interest expense that would be calculated at 77053
the inception of the lease using the entire historical capital 77054
asset cost basis of the lessor, adjusted by the lesser of the 77055
following: 77056

(a) One-half of the change in construction costs during the 77057
time the lessor held each asset until the beginning of the lease, 77058
as calculated by the department using the "Dodge building cost 77059
indexes, northeastern and north central states," published by 77060
Marshall and Swift; 77061

(b) One-half of the change in the consumer price index for 77062
all items for all urban consumers, as published by the United 77063
States bureau of labor statistics, during the time the lessor held 77064
each asset until the beginning of the lease. 77065

(5) Subject to division (B) of this section, for a new lease 77066
of a facility that was operated under a lease on May 27, 1992, 77067
actual, allowable capital costs shall include the lesser of the 77068
annual new lease expense or the annual old lease payment. If the 77069
old lease was in effect for ten years or longer, the old lease 77070
payment from the beginning of the old lease shall be adjusted by 77071
the lesser of the following: 77072

(a) One-half of the change in construction costs from the 77073
beginning of the old lease to the beginning of the new lease, as 77074

calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift; 77075
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(b) One-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, from the beginning of the old lease to the beginning of the new lease. 77078
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(6) Subject to division (B) of this section, for a new lease of a facility that was not in existence or that was in existence but not operated under a lease on May 27, 1992, actual, allowable capital costs shall include the lesser of annual new lease expense or the annual amount calculated for the old lease under division (G)(2), (3), (4), or (6) of this section, as applicable. If the old lease was in effect for ten years or longer, the lessor's historical capital asset cost basis shall be adjusted by the lesser of the following for purposes of calculating the annual amount under division (G)(2), (3), (4), or (6) of this section: 77082
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(a) One-half of the change in construction costs from the beginning of the old lease to the beginning of the new lease, as calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift; 77092
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(b) One-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, from the beginning of the old lease to the beginning of the new lease. 77097
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In the case of a lease under division (G)(3) of this section of a facility for which a substantial commitment of money was made after December 22, 1992, and before July 1, 1993, the old lease payment shall be adjusted for the purpose of determining the annual amount. 77101
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(7) For any revision of a lease described in division (G)(1), 77106
(2), (3), (4), (5), or (6) of this section, or for any subsequent 77107
lease of a facility operated under such a lease, other than 77108
execution of a new lease, the portion of actual, allowable capital 77109
costs attributable to the lease shall be the same as before the 77110
revision or subsequent lease. 77111

(8) Except as provided in division (G)(9) of this section, if 77112
a provider leases an interest in a facility to another provider 77113
who is a related party or previously operated the facility, the 77114
related party's or previous operator's actual, allowable capital 77115
costs shall include the lesser of the annual lease expense or the 77116
reasonable cost to the lessor. 77117

(9) If a provider leases an interest in a facility to another 77118
provider who is a related party, regardless of the date of the 77119
lease, the related party's actual, allowable capital costs shall 77120
include the annual lease expense, subject to the limitations 77121
specified in divisions (G)(1) to (7) of this section, if all of 77122
the following conditions are met: 77123

(a) The related party is a relative of owner; 77124

(b) If the lessor retains an ownership interest, it is, 77125
except as provided in division (G)(9)(c)(ii) of this section, in 77126
only the real property and any improvements on the real property; 77127

(c) The department of job and family services determines that 77128
the lease is an arm's length transaction pursuant to rules adopted 77129
under section 5111.02 of the Revised Code. The rules shall provide 77130
that a lease is an arm's length transaction if all of the 77131
following apply: 77132

(i) Once the lease goes into effect, the lessor has no direct 77133
or indirect interest in the lessee or, except as provided in 77134
division (G)(9)(b) of this section, the facility itself, including 77135
interest as an owner, officer, director, employee, independent 77136

contractor, or consultant, but excluding interest as a lessor. 77137

(ii) The lessor does not reacquire an interest in the 77138
facility except through the exercise of a lessor's rights in the 77139
event of a default. If the lessor reacquires an interest in the 77140
facility in this manner, the department shall treat the facility 77141
as if the lease never occurred when the department calculates its 77142
reimbursement rates for capital costs. 77143

(iii) The lease satisfies any other criteria specified in the 77144
rules. 77145

(d) Except in the case of hardship caused by a catastrophic 77146
event, as determined by the department, or in the case of a lessor 77147
who is at least sixty-five years of age, not less than twenty 77148
years have elapsed since, for the same facility, the capital cost 77149
basis was adjusted most recently under division (F)(4) of this 77150
section or actual, allowable capital costs were determined most 77151
recently under division (G)(9) of this section. 77152

(10) This division does not apply to leases of specific items 77153
of equipment. 77154

(H) After the date on which a transaction of sale is closed, 77155
the provider shall refund to the department the amount of excess 77156
depreciation paid to the provider for the facility by the 77157
department for each year the provider has operated the facility 77158
under a provider agreement and prorated according to the number of 77159
medicaid patient days for which the provider has received payment 77160
for the facility. The provider of a facility that is sold or that 77161
voluntarily terminates participation in the medicaid program also 77162
shall refund any other amount that the department properly finds 77163
to be due after the audit conducted under this division. For the 77164
purposes of this division, "depreciation paid to the provider for 77165
the facility" means the amount paid to the provider for the 77166
nursing facility for capital costs pursuant to this section less 77167

any amount paid for interest costs, amortization of financing costs, and lease expenses. For the purposes of this division, "excess depreciation" is the nursing facility's depreciated basis, which is the provider's cost less accumulated depreciation, subtracted from the purchase price net of selling costs but not exceeding the amount of depreciation paid to the provider for the facility.

Sec. 5111.261. Except as otherwise provided in section 5111.264 of the Revised Code, the department of job and family services, in determining whether an intermediate care facility for the mentally retarded's direct care costs and indirect care costs are allowable, shall place no limit on specific categories of reasonable costs other than compensation of owners, compensation of relatives of owners, and compensation of administrators ~~and costs for resident meals that are prepared and consumed outside the facility.~~

Compensation cost limits for owners and relatives of owners shall be based on compensation costs for individuals who hold comparable positions but who are not owners or relatives of owners, as reported on facility cost reports. As used in this section, "comparable position" means the position that is held by the owner or the owner's relative, if that position is listed separately on the cost report form, or if the position is not listed separately, the group of positions that is listed on the cost report form and that includes the position held by the owner or the owner's relative. In the case of an owner or owner's relative who serves the facility in a capacity such as corporate officer, proprietor, or partner for which no comparable position or group of positions is listed on the cost report form, the compensation cost limit shall be based on civil service equivalents and shall be specified in rules adopted under section 5111.02 of the Revised Code.

Compensation cost limits for administrators shall be based on 77200
compensation costs for administrators who are not owners or 77201
relatives of owners, as reported on facility cost reports. 77202
Compensation cost limits for administrators of four or more 77203
intermediate care facilities for the mentally retarded shall be 77204
the same as the limits for administrators of intermediate care 77205
facilities for the mentally retarded with one hundred fifty or 77206
more beds. 77207

Sec. 5111.65. As used in sections 5111.65 to ~~5111.688~~ 77208
5111.689 of the Revised Code: 77209

(A) "Change of operator" means an entering operator becoming 77210
the operator of a nursing facility or intermediate care facility 77211
for the mentally retarded in the place of the exiting operator. 77212

(1) Actions that constitute a change of operator include the 77213
following: 77214

(a) A change in an exiting operator's form of legal 77215
organization, including the formation of a partnership or 77216
corporation from a sole proprietorship; 77217

(b) A transfer of all the exiting operator's ownership 77218
interest in the operation of the facility to the entering 77219
operator, regardless of whether ownership of any or all of the 77220
real property or personal property associated with the facility is 77221
also transferred; 77222

(c) A lease of the facility to the entering operator or the 77223
exiting operator's termination of the exiting operator's lease; 77224

(d) If the exiting operator is a partnership, dissolution of 77225
the partnership; 77226

(e) If the exiting operator is a partnership, a change in 77227
composition of the partnership unless both of the following apply: 77228

(i) The change in composition does not cause the 77229

partnership's dissolution under state law. 77230

(ii) The partners agree that the change in composition does 77231
not constitute a change in operator. 77232

(f) If the operator is a corporation, dissolution of the 77233
corporation, a merger of the corporation into another corporation 77234
that is the survivor of the merger, or a consolidation of one or 77235
more other corporations to form a new corporation. 77236

(2) The following, alone, do not constitute a change of 77237
operator: 77238

(a) A contract for an entity to manage a nursing facility or 77239
intermediate care facility for the mentally retarded as the 77240
operator's agent, subject to the operator's approval of daily 77241
operating and management decisions; 77242

(b) A change of ownership, lease, or termination of a lease 77243
of real property or personal property associated with a nursing 77244
facility or intermediate care facility for the mentally retarded 77245
if an entering operator does not become the operator in place of 77246
an exiting operator; 77247

(c) If the operator is a corporation, a change of one or more 77248
members of the corporation's governing body or transfer of 77249
ownership of one or more shares of the corporation's stock, if the 77250
same corporation continues to be the operator. 77251

(B) "Effective date of a change of operator" means the day 77252
the entering operator becomes the operator of the nursing facility 77253
or intermediate care facility for the mentally retarded. 77254

(C) "Effective date of a facility closure" means the last day 77255
that the last of the residents of the nursing facility or 77256
intermediate care facility for the mentally retarded resides in 77257
the facility. 77258

(D) "Effective date of a voluntary termination" means the day 77259

the intermediate care facility for the mentally retarded ceases to 77260
accept medicaid patients. 77261

(E) "Effective date of a voluntary withdrawal of 77262
participation" means the day the nursing facility ceases to accept 77263
new medicaid patients other than the individuals who reside in the 77264
nursing facility on the day before the effective date of the 77265
voluntary withdrawal of participation. 77266

(F) "Entering operator" means the person or government entity 77267
that will become the operator of a nursing facility or 77268
intermediate care facility for the mentally retarded when a change 77269
of operator occurs. 77270

(G) "Exiting operator" means any of the following: 77271

(1) An operator that will cease to be the operator of a 77272
nursing facility or intermediate care facility for the mentally 77273
retarded on the effective date of a change of operator; 77274

(2) An operator that will cease to be the operator of a 77275
nursing facility or intermediate care facility for the mentally 77276
retarded on the effective date of a facility closure; 77277

(3) An operator of an intermediate care facility for the 77278
mentally retarded that is undergoing or has undergone a voluntary 77279
termination; 77280

(4) An operator of a nursing facility that is undergoing or 77281
has undergone a voluntary withdrawal of participation. 77282

(H)(1) "Facility closure" means discontinuance of the use of 77283
the building, or part of the building, that houses the facility as 77284
a nursing facility or intermediate care facility for the mentally 77285
retarded that results in the relocation of all of the facility's 77286
residents. A facility closure occurs regardless of any of the 77287
following: 77288

(a) The operator completely or partially replacing the 77289

facility by constructing a new facility or transferring the 77290
facility's license to another facility; 77291

(b) The facility's residents relocating to another of the 77292
operator's facilities; 77293

(c) Any action the department of health takes regarding the 77294
facility's certification under Title XIX of the "Social Security 77295
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended, that may 77296
result in the transfer of part of the facility's survey findings 77297
to another of the operator's facilities; 77298

(d) Any action the department of health takes regarding the 77299
facility's license under Chapter 3721. of the Revised Code; 77300

(e) Any action the department of mental retardation and 77301
developmental disabilities takes regarding the facility's license 77302
under section 5123.19 of the Revised Code. 77303

(2) A facility closure does not occur if all of the 77304
facility's residents are relocated due to an emergency evacuation 77305
and one or more of the residents return to a medicaid-certified 77306
bed in the facility not later than thirty days after the 77307
evacuation occurs. 77308

(I) "Fiscal year," "franchise permit fee," "intermediate care 77309
facility for the mentally retarded," "nursing facility," 77310
"operator," "owner," and "provider agreement" have the same 77311
meanings as in section 5111.20 of the Revised Code. 77312

(J) "Qualified affiliated operator" means an operator to whom 77313
all of the following apply: 77314

(1) The operator is affiliated with either of the following: 77315

(a) The exiting operator for whom the affiliated operator is 77316
to assume liability for the entire amount of the exiting 77317
operator's debt under the medicaid program or the portion of the 77318
debt that represents the franchise permit fee the exiting operator 77319

owes: 77320

(b) The entering operator involved in the change of operator with the exiting operator specified in division (J)(1)(a) of this section. 77321
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(2) The operator has one or more valid provider agreements. 77324

(3) During the twelve-month period preceding the month in which the department of job and family services receives the notice of the facility closure, voluntary termination, or voluntary withdrawal of participation under section 5111.66 of the Revised Code or the notice of the change of operator under section 5111.67 of the Revised Code, the average monthly medicaid payment made to the operator pursuant to the operator's one or more provider agreements equals at least ninety per cent of the average monthly medicaid payment made to the exiting operator pursuant to the exiting operator's provider agreement. 77325
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(K) "Voluntary termination" means an operator's voluntary election to terminate the participation of an intermediate care facility for the mentally retarded in the medicaid program but to continue to provide service of the type provided by a residential facility as defined in section 5123.19 of the Revised Code. 77335
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~~(K)~~(L) "Voluntary withdrawal of participation" means an operator's voluntary election to terminate the participation of a nursing facility in the medicaid program but to continue to provide service of the type provided by a nursing facility. 77340
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Sec. 5111.651. Sections 5111.65 to ~~5111.688~~ 5111.689 of the Revised Code do not apply to a nursing facility or intermediate care facility for the mentally retarded that undergoes a facility closure, voluntary termination, voluntary withdrawal of participation, or change of operator on or before September 30, 2005, if the exiting operator provided written notice of the 77344
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facility closure, voluntary termination, voluntary withdrawal of 77350
participation, or change of operator to the department of job and 77351
family services on or before June 30, 2005. 77352

Sec. 5111.68. (A) On receipt of a written notice under 77353
section 5111.66 of the Revised Code of a facility closure, 77354
voluntary termination, or voluntary withdrawal of participation or 77355
a written notice under section 5111.67 of the Revised Code of a 77356
change of operator, the department of job and family services 77357
shall ~~determine~~ estimate the amount of any overpayments made under 77358
the medicaid program to the exiting operator, including 77359
overpayments the exiting operator disputes, and other actual and 77360
potential debts the exiting operator owes or may owe to the 77361
department and United States centers for medicare and medicaid 77362
services under the medicaid program, including a franchise permit 77363
fee. ~~In determining~~ 77364

(B) In estimating the exiting operator's other actual and 77365
potential debts to the department and the United States centers 77366
for medicare and medicaid services under the medicaid program, the 77367
department shall ~~include~~ use a debt estimation methodology the 77368
director of job and family services shall establish in rules 77369
adopted under section 5111.689 of the Revised Code. The 77370
methodology shall provide for estimating all of the following that 77371
the department determines ~~is~~ are applicable: 77372

(1) Refunds due the department under section 5111.27 of the 77373
Revised Code; 77374

(2) Interest owed to the department and United States centers 77375
for medicare and medicaid services; 77376

(3) Final civil monetary and other penalties for which all 77377
right of appeal has been exhausted; 77378

(4) Money owed the department and United States centers for 77379

medicare and medicaid services from any outstanding final fiscal 77380
audit, including a final fiscal audit for the last fiscal year or 77381
portion thereof in which the exiting operator participated in the 77382
medicaid program; 77383

(5) Other amounts the department determines are applicable. 77384

~~(B) If the department is unable to determine the amount of 77385
the overpayments and other debts for any period before the 77386
effective date of the entering operator's provider agreement or 77387
the effective date of the facility closure, voluntary termination, 77388
or voluntary withdrawal of participation, the department shall 77389
make a reasonable estimate of the overpayments and other debts for 77390
the period. The department shall make the estimate using 77391
information available to the department, including prior 77392
determinations of overpayments and other debts. 77393~~

(C) The department shall provide the exiting operator written 77394
notice of the department's estimate under division (A) of this 77395
section not later than thirty days after the department receives 77396
the notice under section 5111.66 of the Revised Code of the 77397
facility closure, voluntary termination, or voluntary withdrawal 77398
of participation or the notice under section 5111.67 of the 77399
Revised Code of the change of operator. The department's written 77400
notice shall include the basis for the estimate. 77401

Sec. 5111.681. (A) Except as provided in ~~division~~ divisions 77402
(B) and (C) of this section, the department of job and family 77403
services ~~shall~~ may withhold ~~the greater of the following~~ from 77404
payment due an exiting operator under the medicaid program; 77405

~~(1) The the total amount of any overpayments made under the 77406
medicaid program to the exiting operator, including overpayments 77407
the exiting operator disputes, and other actual and potential 77408
debts, including any unpaid penalties, specified in the notice 77409
provided under division (C) of section 5111.68 of the Revised Code 77410~~

that the exiting operator owes or may owe to the department and 77411
United States centers for medicare and medicaid services under the 77412
medicaid program. 77413

~~(2) An amount equal to the average amount of monthly payments 77414
to the exiting operator under the medicaid program for the 77415
twelve month period immediately preceding the month that includes 77416
the last day the exiting operator's provider agreement is in 77417
effect or, in the case of a voluntary withdrawal of participation, 77418
the effective date of the voluntary withdrawal of participation. 77419~~

(B) The In the case of a change of operator, the following 77420
shall apply regarding a withholding under division (A) of this 77421
section if the entering operator or a qualified affiliated 77422
operator executes a successor liability agreement in a manner 77423
prescribed by the department to assume liability for the entire 77424
amount specified in the notice provided under division (C) of 77425
section 5111.68 of the Revised Code or the portion of that amount 77426
that represents the franchise permit fee the exiting operator 77427
owes: 77428

(1) If the entering operator or a qualified affiliated 77429
operator assumes liability for the entire amount specified in the 77430
notice, the department may choose shall not to make the 77431
withholding under division (A) of this section if an entering 77432
operator does both of the following: 77433

~~(1) Enters into a nontransferable, unconditional, written 77434
agreement with the department to pay the department any debt the 77435
exiting operator owes the department under the medicaid program; 77436~~

~~(2) Provides the department a copy of the entering operator's 77437
balance sheet that assists the department in determining whether 77438
to make the withholding under division (A) of this section. 77439~~

(2) If the entering operator or qualified affiliated operator 77440
assumes liability for only the portion of the amount specified in 77441

the notice that represents the franchise permit fee the exiting operator owes, the department shall exclude from the withholding the amount for which the entering operator or qualified affiliated operator assumes liability. 77442
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(C) In the case of a voluntary termination, voluntary withdrawal of participation, or facility closure, the following shall apply regarding a withholding under division (A) of this section if the exiting operator or a qualified affiliated operator executes a successor liability agreement in a manner prescribed by the department to assume liability for the entire amount specified in the notice provided under division (C) of section 5111.68 of the Revised Code or the portion of that amount that represents the franchise permit fee the exiting operator owes: 77446
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(1) If the exiting operator or qualified affiliated operator assumes liability for the entire amount specified in the notice, the department shall not make the withholding. 77455
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(2) If the exiting operator or qualified affiliated operator assumes liability for only the portion of the amount specified in the notice that represents the franchise permit fee the exiting operator owes, the department shall exclude from the withholding the amount for which the exiting operator or qualified affiliated operator assumes liability. 77458
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(D) Execution of a successor liability agreement does not waive an exiting operator's right to contest the amount specified in the notice the department provides the exiting operator under division (C) of section 5111.68 of the Revised Code. 77464
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Sec. 5111.685. The department of job and family services shall determine the actual amount of debt an exiting operator owes the department and the United States centers for medicare and 77469
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medicaid services under the medicaid program by completing all 77472
final fiscal audits not already completed and performing all other 77473
appropriate actions the department determines to be necessary. The 77474
department shall issue ~~a~~ an initial debt summary report on this 77475
matter not later than ~~ninety~~ sixty days after the date the exiting 77476
operator files the properly completed cost report required by 77477
section 5111.682 of the Revised Code with the department or, if 77478
the department waives the cost report requirement for the exiting 77479
operator, ~~ninety~~ sixty days after the date the department waives 77480
the cost report requirement. The report shall include the 77481
department's findings and the amount of debt the department 77482
determines the exiting operator owes the department and United 77483
States centers for medicare and medicaid services under the 77484
medicaid program. ~~Only the parts~~ 77485

The exiting operator and a qualified affiliated operator who 77486
executes a successor liability agreement under section 5111.681 of 77487
the Revised Code, if any, may request an informal settlement 77488
conference to contest any of the department's findings included in 77489
the initial debt summary report. The request for the conference 77490
must be submitted to the department not later than thirty days 77491
after the date the department issues the initial debt summary 77492
report. If the department has withheld money from payment due the 77493
exiting operator under division (A) of section 5111.681 of the 77494
Revised Code, the department shall conclude the conference not 77495
later than sixty days after the date the department receives the 77496
timely request for the conference unless the department and 77497
exiting operator or qualified affiliated operator agree to a later 77498
conclusion date. The exiting operator or qualified affiliated 77499
operator may submit information to the department explaining what 77500
the operator contests before and during the conference, including 77501
documentation of the amount of any debt the department owes the 77502
operator. The department shall issue a revised debt summary report 77503
after the conference's conclusion. If the department has withheld 77504

money from payment due the exiting operator under division (A) of 77505
section 5111.681 of the Revised Code, the department shall issue 77506
the revised debt summary report not later than sixty days after 77507
the conference's conclusion. The revised debt summary report shall 77508
include the department's findings and the amount of debt the 77509
department determines the exiting operator owes the department and 77510
United States centers for medicare and medicaid services under the 77511
medicaid program. The department shall explain its findings and 77512
determination in the revised debt summary report. 77513

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The exiting operator and a qualified affiliated operator who 77515
executes a successor liability agreement under section 5111.681 of 77516
the Revised Code, if any, may request an adjudication regarding 77517
any part of the report that are subject to an adjudication as 77518
specified in section 5111.30 of the Revised Code are subject to an 77519
adjudication conducted initial and revised debt summary reports in 77520
accordance with Chapter 119. of the Revised Code. However, an 77521
initial debt summary report is not subject to the adjudication if 77522
a revised debt summary report is issued following an informal 77523
conference settlement conducted regarding it; the revised debt 77524
summary report is subject to the adjudication instead. The 77525
adjudication shall be consolidated with any other uncompleted 77526
adjudication that concerns a matter addressed in the initial or 77527
revised debt summary report. If the department has withheld money 77528
from payment due the exiting operator under division (A) of 77529
section 5111.681 of the Revised Code, the department shall 77530
complete the adjudication not later than sixty days after the 77531
department receives a request for the adjudication. 77532

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Sec. 5111.686. The department of job and family services 77534
shall release the actual amount withheld under division (A) of 77535
section 5111.681 of the Revised Code, less any amount the exiting 77536

operator owes the department and United States centers for 77537
medicare and medicaid services under the medicaid program, as 77538
follows: 77539

(A) ~~Ninety one days after the date the exiting operator files~~ 77540
~~a properly completed cost report required by section 5111.682 of~~ 77541
~~the Revised Code unless~~ Unless the department issues the initial 77542
debt summary report required by section 5111.685 of the Revised 77543
Code not later than ~~ninety~~ sixty days after the date the exiting 77544
operator files the properly completed cost report required by 77545
section 5111.682 of the Revised Code, sixty-one days after the 77546
date the exiting operator files the properly completed cost 77547
report; 77548

(B) ~~Not later than thirty days after the exiting operator~~ 77549
~~agrees to a final fiscal audit resulting from the report required~~ 77550
~~by section 5111.685 of the Revised Code if~~ If the department 77551
issues the initial debt summary report required by section 77552
5111.685 of the Revised Code not later than ~~ninety~~ sixty days 77553
after the date the exiting operator files a properly completed 77554
cost report required by section 5111.682 of the Revised Code, not 77555
later than the following: 77556

(1) Thirty days after the later of the deadline for 77557
requesting an informal settlement conference under section 77558
5111.685 of the Revised Code and the deadline for requesting an 77559
adjudication under that section regarding the initial debt summary 77560
report if the exiting operator and a qualified affiliated operator 77561
who executes a successor liability agreement under section 77562
5111.681 of the Revised Code, if any, fail to request both the 77563
conference and the adjudication on or before the deadline; 77564

(2) Thirty days after the deadline for requesting an 77565
adjudication under section 5111.685 of the Revised Code regarding 77566
a revised debt summary report issued under that section if the 77567

exiting operator or a qualified affiliated operator who executes a 77568
successor liability agreement under section 5111.681 of the 77569
Revised Code, if any, requests an informal settlement conference 77570
under that section on or before the deadline for requesting the 77571
conference but fails to request an adjudication regarding the 77572
revised debt summary report on or before the deadline for 77573
requesting the adjudication; 77574

(3) Thirty days after the completion of an adjudication of 77575
the initial or revised debt summary report if the exiting operator 77576
or a qualified affiliated operator who executes a successor 77577
liability agreement under section 5111.681 of the Revised Code, if 77578
any, requests the adjudication on or before the deadline for 77579
requesting the adjudication. 77580

~~(C) Ninety one days after the date the department waives the~~ 77581
~~cost report requirement of section 5111.682 of the Revised Code~~ 77582
unless Unless the department issues the initial debt summary 77583
report required by section 5111.685 of the Revised Code not later 77584
than ~~ninety~~ sixty days after the date the department waives the 77585
cost report requirement of section 5111.682 of the Revised Code, 77586
sixty-one days after the date the department waives the cost 77587
report requirement; 77588

~~(D) Not later than thirty days after the exiting operator~~ 77589
~~agrees to a final fiscal audit resulting from the report required~~ 77590
~~by section 5111.685 of the Revised Code if~~ If the department 77591
issues the initial debt summary report required by section 77592
5111.685 of the Revised Code not later than ~~ninety~~ sixty days 77593
after the date the department waives the cost report requirement 77594
of section 5111.682 of the Revised Code, not later than the 77595
following: 77596

(1) Thirty days after the later of the deadline for 77597
requesting an informal settlement conference under section 77598
5111.685 of the Revised Code and the deadline for requesting an 77599

adjudication under that section regarding the initial debt summary report if the exiting operator and a qualified affiliated operator who executes a successor liability agreement under section 5111.681 of the Revised Code, if any, fail to request both the conference and the adjudication on or before the deadline; 77600
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(2) Thirty days after the deadline for requesting an adjudication under section 5111.685 of the Revised Code regarding a revised debt summary report issued under that section if the exiting operator or a qualified affiliated operator who executes a successor liability agreement under section 5111.681 of the Revised Code, if any, requests an informal settlement conference under that section on or before the deadline for requesting the conference but fails to request an adjudication regarding the revised debt summary report on or before the deadline for requesting the adjudication; 77605
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(3) Thirty days after the completion of an adjudication of the initial or revised debt summary report if the exiting operator or a qualified affiliated operator who executes a successor liability agreement under section 5111.681 of the Revised Code, if any, requests the adjudication on or before the deadline for requesting the adjudication. 77615
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Sec. 5111.688. (A) All amounts withheld under section 5111.681 of the Revised Code from payment due an exiting operator under the medicaid program shall be deposited into the medicaid payment withholding fund created by the controlling board pursuant to section 131.35 of the Revised Code. Money in the fund shall be used as follows: 77621
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(1) To pay an exiting operator when a withholding is released to the exiting operator under section 5111.686 or 5111.687 of the Revised Code; 77627
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(2) To pay the department of job and family services and 77630

United States centers for medicare and medicaid services the 77631
amount an exiting operator owes the department and United States 77632
centers under the medicaid program. 77633

(B) Amounts paid from the medicaid payment withholding fund 77634
pursuant to division (A)(2) of this section shall be deposited 77635
into the appropriate department fund. 77636

Sec. ~~5111.688~~ 5111.689. The director of job and family 77637
services ~~may~~ shall adopt rules under section 5111.02 of the 77638
Revised Code to implement sections 5111.65 to ~~5111.688~~ 5111.689 of 77639
the Revised Code, including rules applicable to an exiting 77640
operator that provides written notification under section 5111.66 77641
of the Revised Code of a voluntary withdrawal of participation. 77642
Rules adopted under this section shall comply with section 77643
1919(c)(2)(F) of the "Social Security Act," 79 Stat. 286 (1965), 77644
42 U.S.C. 1396r(c)(2)(F), regarding restrictions on transfers or 77645
discharges of nursing facility residents in the case of a 77646
voluntary withdrawal of participation. The rules may prescribe a 77647
medicaid reimbursement methodology and other procedures that are 77648
applicable after the effective date of a voluntary withdrawal of 77649
participation that differ from the reimbursement methodology and 77650
other procedures that would otherwise apply. 77651

Sec. 5111.705. No individual shall be denied eligibility for 77652
the medicaid buy-in for workers with disabilities program on the 77653
basis that the individual receives services under a home and 77654
community-based services medicaid waiver component as defined in 77655
section ~~5111.851~~ 5111.85 of the Revised Code. 77656

Sec. 5111.85. (A) As used in this section and sections 77657
5111.851 to 5111.856 of the Revised Code, ~~"medicaid:~~ 77658

"Home and community-based services medicaid waiver component" 77659
means a medicaid waiver component under which home and 77660

community-based services are provided as an alternative to hospital, nursing facility, or intermediate care facility for the mentally retarded services. 77661
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"Hospital" has the same meaning as in section 3727.01 of the Revised Code. 77664
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"Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code. 77666
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"Medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States department of health and human services under section 1115 or 1915 of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1315 or 1396n. "Medicaid waiver component" does not include a care management system established under section 5111.16 of the Revised Code. 77668
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"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code. 77675
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(B) The director of job and family services may adopt rules under Chapter 119. of the Revised Code governing medicaid waiver components that establish all of the following: 77677
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(1) Eligibility requirements for the medicaid waiver components; 77680
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(2) The type, amount, duration, and scope of services the medicaid waiver components provide; 77682
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(3) The conditions under which the medicaid waiver components cover services; 77684
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(4) The amount the medicaid waiver components pay for services or the method by which the amount is determined; 77686
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(5) The manner in which the medicaid waiver components pay for services; 77688
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(6) Safeguards for the health and welfare of medicaid 77690

recipients receiving services under a medicaid waiver component; 77691

(7) Procedures for both of the following: 77692

(a) Identifying individuals who meet all of the following requirements: 77693

(i) Are eligible for a home and community-based services medicaid waiver component and on a waiting list for the component; 77695

(ii) Are receiving inpatient hospital services or residing in an intermediate care facility for the mentally retarded or nursing facility (as appropriate for the component); 77697

(iii) Choose to be enrolled in the component. 77700

(b) Approving the enrollment of individuals identified under the procedures established under division (B)(7)(a) of this section into the home and community-based services medicaid waiver component. 77701

(8) Procedures for enforcing the rules, including establishing corrective action plans for, and imposing financial and administrative sanctions on, persons and government entities that violate the rules. Sanctions shall include terminating medicaid provider agreements. The procedures shall include due process protections. 77705

~~(8)~~(9) Other policies necessary for the efficient administration of the medicaid waiver components. 77706

(C) The director of job and family services may adopt different rules for the different medicaid waiver components. The rules shall be consistent with the terms of the waiver authorizing the medicaid waiver component. 77707

(D) Any procedures established under division (B)(7) of this section for the PASSPORT program shall be consistent with section 173.401 of the Revised Code. Any procedures established under division (B)(7) of this section for the assisted living program 77708

shall be consistent with section 5111.894 of the Revised Code. 77721

Sec. 5111.851. (A) As used in sections 5111.851 to 5111.855 77722
of the Revised Code: 77723

"Administrative agency" means, with respect to a home and 77724
community-based services medicaid waiver component, the department 77725
of job and family services or, if a state agency or political 77726
subdivision contracts with the department under section 5111.91 of 77727
the Revised Code to administer the component, that state agency or 77728
political subdivision. 77729

~~"Home and community based services medicaid waiver component"~~ 77730
~~means a medicaid waiver component under which home and~~ 77731
~~community based services are provided as an alternative to~~ 77732
~~hospital, nursing facility, or intermediate care facility for the~~ 77733
~~mentally retarded services.~~ 77734

~~"Hospital" has the same meaning as in section 3727.01 of the~~ 77735
~~Revised Code.~~ 77736

~~"Intermediate care facility for the mentally retarded" has~~ 77737
~~the same meaning as in section 5111.20 of the Revised Code.~~ 77738

"Level of care determination" means a determination of 77739
whether an individual needs the level of care provided by a 77740
hospital, nursing facility, or intermediate care facility for the 77741
mentally retarded and whether the individual, if determined to 77742
need that level of care, would receive hospital, nursing facility, 77743
or intermediate care facility for the mentally retarded services 77744
if not for a home and community-based services medicaid waiver 77745
component. 77746

"Medicaid buy-in for workers with disabilities program" means 77747
the component of the medicaid program established under sections 77748
5111.70 to 5111.7011 of the Revised Code. 77749

~~"Nursing facility" has the same meaning as in section 5111.20~~ 77750

~~of the Revised Code.~~ 77751

"Skilled nursing facility" means a facility certified as a 77752
skilled nursing facility under Title XVIII of the "Social Security 77753
Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 77754

(B) The following requirements apply to each home and 77755
community-based services medicaid waiver component: 77756

(1) Only an individual who qualifies for a component shall 77757
receive that component's services. 77758

(2) A level of care determination shall be made as part of 77759
the process of determining whether an individual qualifies for a 77760
component and shall be made each year after the initial 77761
determination if, during such a subsequent year, the 77762
administrative agency determines there is a reasonable indication 77763
that the individual's needs have changed. 77764

(3) A written plan of care or individual service plan based 77765
on an individual assessment of the services that an individual 77766
needs to avoid needing admission to a hospital, nursing facility, 77767
or intermediate care facility for the mentally retarded shall be 77768
created for each individual determined eligible for a component. 77769

(4) Each individual determined eligible for a component shall 77770
receive that component's services in accordance with the 77771
individual's level of care determination and written plan of care 77772
or individual service plan. 77773

(5) No individual may receive services under a component 77774
while the individual is a hospital inpatient or resident of a 77775
skilled nursing facility, nursing facility, or intermediate care 77776
facility for the mentally retarded. 77777

(6) No individual may receive prevocational, educational, or 77778
supported employment services under a component if the individual 77779
is eligible for such services that are funded with federal funds 77780

provided under 29 U.S.C. 730 or the "Individuals with Disabilities
Education Act," 111 Stat. 37 (1997), 20 U.S.C. 1400, as amended. 77781
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(7) Safeguards shall be taken to protect the health and 77783
welfare of individuals receiving services under a component, 77784
including safeguards established in rules adopted under section 77785
5111.85 of the Revised Code and safeguards established by 77786
licensing and certification requirements that are applicable to 77787
the providers of that component's services. 77788

(8) No services may be provided under a component by a 77789
provider that is subject to standards that 42 U.S.C. 1382e(e)(1) 77790
requires be established if the provider fails to comply with the 77791
standards applicable to the provider. 77792

(9) Individuals determined to be eligible for a component, or 77793
such individuals' representatives, shall be informed of that 77794
component's services, including any choices that the individual or 77795
representative may make regarding the component's services, and 77796
given the choice of either receiving services under that component 77797
or, as appropriate, hospital, nursing facility, or intermediate 77798
care facility for the mentally retarded services. 77799

(10) No individual shall lose eligibility for services under 77800
a component, or have the services reduced or otherwise disrupted, 77801
on the basis that the individual also receives services under the 77802
medicaid buy-in for workers with disabilities program. 77803

(11) No individual shall lose eligibility for services under 77804
a component, or have the services reduced or otherwise disrupted, 77805
on the basis that the individual's income or resources increase to 77806
an amount above the eligibility limit for the component if the 77807
individual is participating in the medicaid buy-in for workers 77808
with disabilities program and the amount of the individual's 77809
income or resources does not exceed the eligibility limit for the 77810
medicaid buy-in for workers with disabilities program. 77811

(12) No individual receiving services under a component shall be required to pay any cost sharing expenses for the services for any period during which the individual also participates in the medicaid buy-in for workers with disabilities program.

Sec. 5111.861. (A) As used in this section:

(1) "Assisted living program" means the medicaid waiver component created under section 5111.89 of the Revised Code.

(2) "Choices program" means the medicaid waiver component created under section 173.403 of the Revised Code.

(3) "Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.

(4) "PASSPORT program" means the medicaid waiver component created under section 173.40 of the Revised Code.

(B) The director of job and family services shall submit a request to the United States secretary of health and human services pursuant to 42 U.S.C. 1396n to obtain a federal medicaid waiver that consolidates the following medicaid waiver components into one medicaid waiver component:

(1) The assisted living program;

(2) The choices program;

(3) The PASSPORT program.

(C) In seeking a consolidated federal medicaid waiver under this section, the director of job and family services shall work with the director of aging and provide for the waiver to do all of the following:

(1) For the part of the waiver that concerns the assisted living program, include the provisions that sections 5111.89 to 5111.894 of the Revised Code establish for the assisted living program;

(2) For the part of the waiver that concerns the choices program, include the provisions that section 173.403 of the Revised Code establish for the choices program; 77841
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(3) For the part of the waiver that concerns the PASSPORT program, include the provisions that sections 173.40 to 173.402 of the Revised Code establish for the PASSPORT program; 77844
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(4) For each part of the waiver, including the part that concerns the choices program, be available statewide. 77847
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(D) If the United States secretary approves the consolidated federal medicaid waiver sought under this section, all of the following shall apply: 77849
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(1) The department of job and family services shall enter into a contract with the department of aging under section 5111.91 of the Revised Code for the department of aging to administer the consolidated federal medicaid waiver, except that the department of job and family services, rather than the department of aging, shall administer the part of the waiver that concerns the assisted living program if the director of budget and management does not approve the contract; 77852
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(2) The director of job and family services shall adopt rules under section 5111.85 of the Revised Code to authorize the director of aging to adopt rules in accordance with Chapter 119. of the Revised Code that are needed to implement the consolidated federal medicaid waiver, except that the director of job and family services shall adopt rules under section 5111.85 of the Revised Code that are needed to implement the part of the waiver that concerns the assisted living program if the director of budget and management does not approve the contract the departments of job and family services and aging enter into under division (D)(1) of this section; 77860
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(3) Any statutory reference to the assisted living program 77871

shall mean the part of the consolidated federal medicaid waiver 77872
that concerns the assisted living program; 77873

(4) Any statutory reference to the choices program shall mean 77874
the part of the consolidated federal medicaid waiver that concerns 77875
the choices program; 77876

(5) Any statutory references to the PASSPORT program shall 77877
mean the part of the consolidated federal medicaid waiver that 77878
concerns the PASSPORT program. 77879

Sec. 5111.874. (A) As used in sections 5111.874 to 5111.8710 77880
of the Revised Code: 77881

"Home and community-based services" has the same meaning as 77882
in section 5123.01 of the Revised Code. 77883

"ICF/MR services" means intermediate care facility for the 77884
mentally retarded services covered by the medicaid program that an 77885
intermediate care facility for the mentally retarded provides to a 77886
resident of the facility who is a medicaid recipient eligible for 77887
medicaid-covered intermediate care facility for the mentally 77888
retarded services. 77889

"Intermediate care facility for the mentally retarded" means 77890
an intermediate care facility for the mentally retarded that is 77891
certified as in compliance with applicable standards for the 77892
medicaid program by the director of health in accordance with 77893
Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 77894
U.S.C. 1396, as amended, and licensed as a residential facility 77895
under section 5123.19 of the Revised Code. 77896

"Residential facility" has the same meaning as in section 77897
5123.19 of the Revised Code. 77898

(B) For the purpose of increasing the number of slots 77899
available for home and community-based services and subject to 77900
sections 5111.877 and 5111.878 of the Revised Code, the operator 77901

of an intermediate care facility for the mentally retarded may 77902
convert all of the beds in the facility from providing ICF/MR 77903
services to providing home and community-based services if all of 77904
the following requirements are met: 77905

(1) The operator provides the directors of health, job and 77906
family services, and mental retardation and developmental 77907
disabilities at least ninety days' notice of the operator's intent 77908
to relinquish the facility's certification as an intermediate care 77909
facility for the mentally retarded and to begin providing home and 77910
community-based services. 77911

(2) The operator complies with the requirements of sections 77912
5111.65 to ~~5111.688~~ 5111.689 of the Revised Code regarding a 77913
voluntary termination as defined in section 5111.65 of the Revised 77914
Code if those requirements are applicable. 77915

(3) The operator notifies each of the facility's residents 77916
that the facility is to cease providing ICF/MR services and inform 77917
each resident that the resident may do either of the following: 77918

(a) Continue to receive ICF/MR services by transferring to 77919
another facility that is an intermediate care facility for the 77920
mentally retarded willing and able to accept the resident if the 77921
resident continues to qualify for ICF/MR services; 77922

(b) Begin to receive home and community-based services 77923
instead of ICF/MR services from any provider of home and 77924
community-based services that is willing and able to provide the 77925
services to the resident if the resident is eligible for the 77926
services and a slot for the services is available to the resident. 77927

(4) The operator meets the requirements for providing home 77928
and community-based services, including the following: 77929

(a) Such requirements applicable to a residential facility if 77930
the operator maintains the facility's license as a residential 77931
facility; 77932

(b) Such requirements applicable to a facility that is not 77933
licensed as a residential facility if the operator surrenders the 77934
facility's residential facility license under section 5123.19 of 77935
the Revised Code. 77936

(5) The director of mental retardation and developmental 77937
disabilities approves the conversion. 77938

(C) The notice to the director of mental retardation and 77939
developmental disabilities under division (B)(1) of this section 77940
shall specify whether the operator wishes to surrender the 77941
facility's license as a residential facility under section 5123.19 77942
of the Revised Code. 77943

(D) If the director of mental retardation and developmental 77944
disabilities approves a conversion under division (B) of this 77945
section, the director of health shall terminate the certification 77946
of the intermediate care facility for the mentally retarded to be 77947
converted. The director of health shall notify the director of job 77948
and family services of the termination. On receipt of the director 77949
of health's notice, the director of job and family services shall 77950
terminate the operator's medicaid provider agreement that 77951
authorizes the operator to provide ICF/MR services at the 77952
facility. The operator is not entitled to notice or a hearing 77953
under Chapter 119. of the Revised Code before the director of job 77954
and family services terminates the medicaid provider agreement. 77955
77956

Sec. 5111.875. (A) For the purpose of increasing the number 77957
of slots available for home and community-based services and 77958
subject to sections 5111.877 and 5111.878 of the Revised Code, a 77959
person who acquires, through a request for proposals issued by the 77960
director of mental retardation and developmental disabilities, a 77961
residential facility that is an intermediate care facility for the 77962
mentally retarded and for which the license as a residential 77963

facility was previously surrendered or revoked may convert some or 77964
all of the facility's beds from providing ICF/MR services to 77965
providing home and community-based services if all of the 77966
following requirements are met: 77967

(1) The person provides the directors of health, job and 77968
family services, and mental retardation and developmental 77969
disabilities at least ninety days' notice of the person's intent 77970
to make the conversion. 77971

(2) The person complies with the requirements of sections 77972
5111.65 to ~~5111.688~~ 5111.689 of the Revised Code regarding a 77973
voluntary termination as defined in section 5111.65 of the Revised 77974
Code if those requirements are applicable. 77975

(3) If the person intends to convert all of the facility's 77976
beds, the person notifies each of the facility's residents that 77977
the facility is to cease providing ICF/MR services and informs 77978
each resident that the resident may do either of the following: 77979

(a) Continue to receive ICF/MR services by transferring to 77980
another facility that is an intermediate care facility for the 77981
mentally retarded willing and able to accept the resident if the 77982
resident continues to qualify for ICF/MR services; 77983

(b) Begin to receive home and community-based services 77984
instead of ICF/MR services from any provider of home and 77985
community-based services that is willing and able to provide the 77986
services to the resident if the resident is eligible for the 77987
services and a slot for the services is available to the resident. 77988

(4) If the person intends to convert some but not all of the 77989
facility's beds, the person notifies each of the facility's 77990
residents that the facility is to convert some of its beds from 77991
providing ICF/MR services to providing home and community-based 77992
services and inform each resident that the resident may do either 77993

of the following: 77994

(a) Continue to receive ICF/MR services from any provider of 77995
ICF/MR services that is willing and able to provide the services 77996
to the resident if the resident continues to qualify for ICF/MR 77997
services; 77998

(b) Begin to receive home and community-based services 77999
instead of ICF/MR services from any provider of home and 78000
community-based services that is willing and able to provide the 78001
services to the resident if the resident is eligible for the 78002
services and a slot for the services is available to the resident. 78003

(5) The person meets the requirements for providing home and 78004
community-based services at a residential facility. 78005

(B) The notice provided to the directors under division 78006
(A)(1) of this section shall specify whether some or all of the 78007
facility's beds are to be converted. If some but not all of the 78008
beds are to be converted, the notice shall specify how many of the 78009
facility's beds are to be converted and how many of the beds are 78010
to continue to provide ICF/MR services. 78011

(C) On receipt of a notice under division (A)(1) of this 78012
section, the director of health shall do the following: 78013

(1) Terminate the certification of the intermediate care 78014
facility for the mentally retarded if the notice specifies that 78015
all of the facility's beds are to be converted; 78016

(2) Reduce the facility's certified capacity by the number of 78017
beds being converted if the notice specifies that some but not all 78018
of the beds are to be converted. 78019

(D) The director of health shall notify the director of job 78020
and family services of the termination or reduction under division 78021
(C) of this section. On receipt of the director of health's 78022
notice, the director of job and family services shall do the 78023

following: 78024

(1) Terminate the person's medicaid provider agreement that 78025
authorizes the person to provide ICF/MR services at the facility 78026
if the facility's certification was terminated; 78027

(2) Amend the person's medicaid provider agreement to reflect 78028
the facility's reduced certified capacity if the facility's 78029
certified capacity is reduced. 78030

The person is not entitled to notice or a hearing under 78031
Chapter 119. of the Revised Code before the director of job and 78032
family services terminates or amends the medicaid provider 78033
agreement. 78034

Sec. 5111.88. (A) As used in sections 5111.88 to 5111.8811 of 78035
the Revised Code: 78036

(1) "Adult" means an individual at least eighteen years of 78037
age. 78038

(2) "Authorized representative" means the following: 78039

(a) In the case of a consumer who is a minor, the consumer's 78040
parent, custodian, or guardian; 78041

(b) In the case of a consumer who is an adult, an individual 78042
selected by the consumer pursuant to section 5111.8810 of the 78043
Revised Code to act on the consumer's behalf for purposes 78044
regarding home care attendant services. 78045

(3) "Authorizing health care professional" means a health 78046
care professional who, pursuant to section 5111.887 of the Revised 78047
Code, authorizes a home care attendant to assist a consumer with 78048
self-administration of medication, nursing tasks, or both. 78049

(4) "Consumer" means an individual to whom all of the 78050
following apply: 78051

(a) The individual is enrolled in a participating medicaid 78052

waiver component. 78053

(b) The individual has a medically determinable physical impairment to which both of the following apply: 78054
78055

(i) It is expected to last for a continuous period of not less than twelve months. 78056
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(ii) It causes the individual to require assistance with activities of daily living, self-care, and mobility, including either assistance with self-administration of medication or the performance of nursing tasks, or both. 78058
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(c) In the case of an individual who is an adult, the individual is mentally alert and is, or has an authorized representative who is, capable of selecting, directing the actions of, and dismissing a home care attendant. 78062
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(d) In the case of an individual who is a minor, the individual has an authorized representative who is capable of selecting, directing the actions of, and dismissing a home care attendant. 78066
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(5) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 78070
78071

(6) "Custodian" has the same meaning as in section 2151.011 of the Revised Code. 78072
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(7) "Gastrostomy tube" means a percutaneously inserted catheter that terminates in the stomach. 78074
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(8) "Guardian" has the same meaning as in section 2111.01 of the Revised Code. 78076
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(9) "Health care professional" means a physician or registered nurse. 78078
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(10) "Home care attendant" means an individual holding a valid medicaid provider agreement in accordance with section 5111.881 of the Revised Code that authorizes the individual to 78080
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provide home care attendant services to consumers. 78083

(11) "Home care attendant services" means all of the following as provided by a home care attendant: 78084
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(a) Personal care aide services; 78086

(b) Assistance with the self-administration of medication; 78087

(c) Assistance with nursing tasks. 78088

(12) "Jejunostomy tube" means a percutaneously inserted catheter that terminates in the jejunum. 78089
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(13) "Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code. 78091
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(14) "Medication" means a drug as defined in section 4729.01 of the Revised Code. 78093
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(15) "Minor" means an individual under eighteen years of age. 78095

(16) "Participating medicaid waiver component" means both of the following: 78096
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(a) The medicaid waiver component known as Ohio home care that the department of job and family services administers; 78098
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(b) The medicaid waiver component known as Ohio transitions II aging carve-out that the department of job and family services administers. 78100
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(17) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 78103
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(18) "Practice of nursing as a registered nurse," "practice of nursing as a licensed practical nurse," and "registered nurse" have the same meanings as in section 4723.01 of the Revised Code. "Registered nurse" includes an advanced practice nurse, as defined in section 4723.01 of the Revised Code. 78106
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(19) "Schedule II," "schedule III," "schedule IV," and 78111

"schedule V" have the same meanings as in section 3719.01 of the Revised Code. 78112
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(B) The director of job and family services may submit requests to the United States secretary of health and human services to amend the federal medicaid waivers authorizing the participating medicaid waiver components to have those components cover home care attendant services in accordance with sections 5111.88 to 5111.8810 and rules adopted under section 5111.8811 of the Revised Code. Notwithstanding sections 5111.881 to 5111.8811 of the Revised Code, those sections shall be implemented regarding a participating medicaid waiver component only if the secretary approves a waiver amendment for the component. 78114
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Sec. 5111.881. The director of job and family services shall enter into a medicaid provider agreement with an individual to authorize the individual to provide home care attendant services to consumers if the individual does both of the following: 78124
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(A) Agrees to comply with the requirements of sections 5111.88 to 5111.8810 and rules adopted under section 5111.8811 of the Revised Code; 78128
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(B) Provides the director evidence satisfactory to the director of all of the following: 78131
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(1) That the individual either meets the personnel qualifications specified in 42 C.F.R. 484.4 for home health aides or has successfully completed at least one of the following: 78133
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78135

(a) A competency evaluation program or training and competency evaluation program approved or conducted by the director of health under section 3721.31 of the Revised Code; 78136
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(b) A training program approved by the department of job and family services that includes training in at least all of the following and provides training equivalent to a training and 78139
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<u>competency evaluation program specified in division (B)(1)(a) of</u>	78142
<u>this section or meets the requirements of 42 C.F.R. 484.36(a):</u>	78143
<u>(i) Basic home safety;</u>	78144
<u>(ii) Universal precautions for the prevention of disease</u>	78145
<u>transmission, including hand-washing and proper disposal of bodily</u>	78146
<u>waste and medical instruments that are sharp or may produce sharp</u>	78147
<u>pieces if broken;</u>	78148
<u>(iii) Personal care aide services;</u>	78149
<u>(iv) The labeling, counting, and storage requirements for</u>	78150
<u>schedule II, III, IV, and V medications.</u>	78151
<u>(2) That the individual has obtained a certificate of</u>	78152
<u>completion of a course in first aid from a first aid course to</u>	78153
<u>which all of the following apply:</u>	78154
<u>(a) It is not provided solely through the internet.</u>	78155
<u>(b) It includes hands-on training provided by a first aid</u>	78156
<u>instructor who is qualified to provide such training according to</u>	78157
<u>standards set in rules adopted under section 5111.8811 of the</u>	78158
<u>Revised Code.</u>	78159
<u>(c) It requires the individual to demonstrate successfully</u>	78160
<u>that the individual has learned the first aid taught in the</u>	78161
<u>course.</u>	78162
<u>(3) That the individual meets any other requirements for the</u>	78163
<u>medicaid provider agreement specified in rules adopted under</u>	78164
<u>section 5111.8811 of the Revised Code.</u>	78165
<u>Sec. 5111.882. A home care attendant shall complete not less</u>	78166
<u>than twelve hours of in-service continuing education regarding</u>	78167
<u>home care attendant services each year and provide the director of</u>	78168
<u>job and family services evidence satisfactory to the director that</u>	78169
<u>the attendant satisfied this requirement. The evidence shall be</u>	78170

submitted to the director not later than the annual anniversary of 78171
the issuance of the home care attendant's initial medicaid 78172
provider agreement. 78173

Sec. 5111.883. A home care attendant shall do all of the 78174
following: 78175

(A) Maintain a clinical record for each consumer to whom the 78176
attendant provides home care attendant services in a manner that 78177
protects the consumer's privacy; 78178

(B) Participate in a face-to-face visit every ninety days 78179
with all of the following to monitor the health and welfare of 78180
each of the consumers to whom the attendant provides home care 78181
attendant services: 78182

(1) The consumer; 78183

(2) The consumer's authorized representative, if any; 78184

(3) A registered nurse who agrees to answer any questions 78185
that the attendant, consumer, or authorized representative has 78186
about consumer care needs, medications, and other issues. 78187

(C) Document the activities of each visit required by 78188
division (B) of this section in the consumer's clinical record 78189
with the assistance of the registered nurse. 78190

Sec. 5111.884. (A) A home care attendant may assist a 78191
consumer with nursing tasks or self-administration of medication 78192
only after the attendant does both of the following: 78193

(1) Subject to division (B) of this section, completes 78194
consumer-specific training in how to provide the assistance that 78195
the authorizing health care professional authorizes the attendant 78196
to provide to the consumer; 78197

(2) At the request of the consumer, consumer's authorized 78198

representative, or authorizing health care professional, 78199
successfully demonstrates that the attendant has learned how to 78200
provide the authorized assistance to the consumer. 78201

(B) The training required by division (A)(1) of this section 78202
shall be provided by either of the following: 78203

(1) The authorizing health care professional; 78204

(2) The consumer or consumer's authorized representative in 78205
cooperation with the authorizing health care professional. 78206

Sec. 5111.885. A home care attendant shall comply with both 78207
of the following when assisting a consumer with nursing tasks or 78208
self-administration of medication: 78209

(A) The written consent of the consumer or consumer's 78210
authorized representative provided to the director of job and 78211
family services under section 5111.886 of the Revised Code; 78212

(B) The authorizing health care professional's written 78213
authorization provided to the director under section 5111.887 of 78214
the Revised Code. 78215

Sec. 5111.886. To consent to a home care attendant assisting 78216
a consumer with nursing tasks or self-administration of 78217
medication, the consumer or consumer's authorized representative 78218
shall provide the director of job and family services a written 78219
statement signed by the consumer or authorized representative 78220
under which the consumer or authorized representative consents to 78221
both of the following: 78222

(A) Having the attendant assist the consumer with nursing 78223
tasks or self-administration of medication; 78224

(B) Assuming responsibility for directing the attendant when 78225
the attendant assists the consumer with nursing tasks or 78226
self-administration of medication. 78227

Sec. 5111.887. To authorize a home care attendant to assist a 78228
consumer with nursing tasks or self-administration of medication, 78229
a health care professional shall provide the director of job and 78230
family services a written statement signed by the health care 78231
professional that includes all of the following: 78232

(A) The consumer's name and address; 78233

(B) A description of the nursing tasks or self-administration 78234
of medication with which the attendant is to assist the consumer, 78235
including, in the case of assistance with self-administration of 78236
medication, the name and dosage of the medication; 78237

(C) The times or intervals when the attendant is to assist 78238
the consumer with the self-administration of each dosage of the 78239
medication or nursing tasks; 78240

(D) The dates the attendant is to begin and cease providing 78241
the assistance; 78242

(E) A list of severe adverse reactions the attendant must 78243
report to the health care professional should the consumer 78244
experience one or more of the reactions; 78245

(F) At least one telephone number at which the attendant can 78246
reach the health care professional in an emergency; 78247

(G) Instructions the attendant is to follow when assisting 78248
the consumer with nursing tasks or self-administration of 78249
medication, including instructions for maintaining sterile 78250
conditions and for storage of task-related equipment and supplies; 78251

(H) The health care professional's attestation of both of the 78252
following: 78253

(1) That the consumer or consumer's authorized representative 78254
has demonstrated to the health care professional the ability to 78255
direct the attendant; 78256

(2) That the attendant has demonstrated to the health care professional the ability to provide the consumer assistance with nursing tasks or self-administration of medication that the health care professional has specifically authorized the attendant to provide and that the consumer or consumer's authorized representative has indicated to the health care professional that the consumer or authorized representative is satisfied with the attendant's demonstration. 78257
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Sec. 5111.888. When authorizing a home care attendant to assist a consumer with nursing tasks or self-administration of medication a health care professional may not authorize a home care attendant to do any of the following: 78265
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(A) Perform a task that is outside of the health care professional's scope of practice; 78269
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(B) Assist the consumer with the self-administration of a medication, including a schedule II, schedule III, schedule IV, or schedule V drug unless both of the following apply: 78271
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(1) The medication is administered orally, topically, or via a gastrostomy tube or jejunostomy tube, including through any of the following: 78274
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(a) In the case of an oral medication, a metered dose inhaler; 78277
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(b) In the case of a topical medication, including a transdermal medication, either of the following: 78279
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(i) An eye, ear, or nose drop or spray; 78281

(ii) A vaginal or rectal suppository. 78282

(c) In the case of a gastrostomy tube or jejunostomy tube, only through a pre-programmed pump. 78283
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(2) The medication is in its original container and the label 78285

<u>attached to the container displays all of the following:</u>	78286
<u>(a) The consumer's full name in print;</u>	78287
<u>(b) The medication's dispensing date, which must not be more than twelve months before the date the attendant assists the consumer with self-administration of the medication;</u>	78288 78289 78290
<u>(c) The exact dosage and means of administration that match the health care professional's authorization to the attendant.</u>	78291 78292
<u>(C) Assist the consumer with the self-administration of a schedule II, schedule III, schedule IV, or schedule V medication unless, in addition to meeting the requirements of division (B) of this section, all of the following apply:</u>	78293 78294 78295 78296
<u>(1) The medication has a warning label on its container.</u>	78297
<u>(2) The attendant counts the medication in the consumer's or authorized representative's presence when the medication is administered to the consumer and records the count on a form used for the count as specified in rules adopted under section 5111.8811 of the Revised Code.</u>	78298 78299 78300 78301 78302
<u>(3) The attendant recounts the medication in the consumer's or authorized representative's presence at least monthly and reconciles the recount on a log located in the consumer's clinical record.</u>	78303 78304 78305 78306
<u>(4) The medication is stored separately from all other medications and is secured and locked at all times when not being administered to the consumer to prevent unauthorized access.</u>	78307 78308 78309
<u>(D) Perform an intramuscular injection;</u>	78310
<u>(E) Perform a subcutaneous injection unless it is for a routine dose of insulin;</u>	78311 78312
<u>(F) Program a pump used to deliver a medication unless the pump is used to deliver a routine dose of insulin;</u>	78313 78314

<u>(G) Insert, remove, or discontinue an intravenous access device;</u>	78315
	78316
<u>(H) Engage in intravenous medication administration;</u>	78317
<u>(I) Insert or initiate an infusion therapy;</u>	78318
<u>(J) Perform a central line dressing change.</u>	78319
<u>Sec. 5111.889. A home care attendant who provides home care attendant services to a consumer in accordance with the authorizing health care professional's authorization does not engage in the practice of nursing as a registered nurse or in the practice of nursing as a licensed practical nurse in violation of section 4723.03 of the Revised Code.</u>	78320
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<u>A consumer or the consumer's authorized representative shall report to the director of job and family services if a home care attendant engages in the practice of nursing as a registered nurse or the practice of nursing as a licensed practical nurse beyond the authorizing health care professional's authorization. The director shall forward a copy of each report to the board of nursing.</u>	78326
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<u>Sec. 5111.8810. A consumer who is an adult may select an individual to act on the consumer's behalf for purposes regarding home care attendant services by submitting a written notice of the consumer's selection of an authorized representative to the director of job and family services. The notice shall specifically identify the individual the consumer selects as authorized representative and may limit what the authorized representative may do on the consumer's behalf regarding home care attendant services. A consumer may not select the consumer's home care attendant to be the consumer's authorized representative.</u>	78333
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Sec. 5111.8811. The director of job and family services shall 78344
adopt rules under section 5111.85 of the Revised Code as necessary 78345
for the implementation of sections 5111.88 to 5111.8810 of the 78346
Revised Code. The rules shall be consistent with federal and state 78347
law. 78348

Sec. 5111.89. (A) As used in sections 5111.89 to 5111.894 of 78349
the Revised Code: 78350

"Area agency on aging" has the same meaning as in section 78351
173.14 of the Revised Code. 78352

"Assisted living program" means the ~~medicaid waiver component~~ 78353
~~for which the director of job and family services is authorized by~~ 78354
program created under this section to request a medicaid waiver. 78355

"Assisted living services" means the following home and 78356
community-based services: personal care, homemaker, chore, 78357
attendant care, companion, medication oversight, and therapeutic 78358
social and recreational programming. 78359

"County or district home" means a county or district home 78360
operated under Chapter 5155. of the Revised Code. 78361

"Long-term care consultation program" means the program the 78362
department of aging is required to develop under section 173.42 of 78363
the Revised Code. 78364

"Long-term care consultation program administrator" or 78365
"administrator" means the department of aging or, if the 78366
department contracts with an area agency on aging or other entity 78367
to administer the long-term care consultation program for a 78368
particular area, that agency or entity. 78369

"Medicaid waiver component" has the same meaning as in 78370
section 5111.85 of the Revised Code. 78371

"Nursing facility" has the same meaning as in section 5111.20 78372

of the Revised Code. 78373

"Residential care facility" has the same meaning as in 78374
section 3721.01 of the Revised Code. 78375

"State administrative agency" means the department of job and 78376
family services if the department of job and family services 78377
administers the assisted living program or the department of aging 78378
if the department of aging administers the assisted living 78379
program. 78380

~~(B) The director of job and family services may submit a 78381
request to the United States secretary of health and human 78382
services under 42 U.S.C. 1396n to obtain a waiver of federal 78383
medicaid requirements that would otherwise be violated in the 78384
creation and implementation of a program under which There is 78385
hereby created the assisted living program. The program shall 78386
provide assisted living services ~~are provided to not more than one 78387
thousand eight hundred~~ individuals who meet the program's 78388
eligibility requirements established under section 5111.891 of the 78389
Revised Code. The program may not serve more individuals than the 78390
number that is set by the United States secretary of health and 78391
human services when the medicaid waiver authorizing the program is 78392
approved. The program shall be operated as a separate medicaid 78393
waiver component until the United States secretary approves the 78394
consolidated federal medicaid waiver sought under section 5111.861 78395
of the Revised Code. The program shall be part of the consolidated 78396
federal medicaid waiver sought under that section if the United 78397
States secretary approves the waiver. 78398~~

~~If the secretary approves the medicaid waiver requested under 78399
this section and the director of budget and management approves 78400
the contract, the department of job and family services shall 78401
enter into a contract with the department of aging under section 78402
5111.91 of the Revised Code that provides for the department of 78403
aging to administer the assisted living program. The contract 78404~~

shall include an estimate of the program's costs. 78405

The director of job and family services may adopt rules under 78406
section 5111.85 of the Revised Code regarding the assisted living 78407
program. The director of aging may adopt rules under Chapter 119. 78408
of the Revised Code regarding the program that the rules adopted 78409
by the director of job and family services authorize the director 78410
of aging to adopt. 78411

Sec. 5111.891. To be eligible for the assisted living 78412
program, an individual must meet all of the following 78413
requirements: 78414

(A) Need an intermediate level of care as determined under 78415
rule 5101:3-3-06 of the Administrative Code; 78416

(B) At the time the individual applies for the assisted 78417
living program, be one of the following: 78418

(1) A nursing facility resident who is seeking to move to a 78419
residential care facility and would remain in a nursing facility 78420
for long term care if not for the assisted living program; 78421

(2) A participant of any of the following medicaid waiver 78422
components who would move to a nursing facility if not for the 78423
assisted living program: 78424

(a) The PASSPORT program created under section 173.40 of the 78425
Revised Code; 78426

(b) The ~~medicaid waiver component called the choices program~~ 78427
~~that the department of aging administers~~ created under section 78428
173.403 of the Revised Code; 78429

(c) A medicaid waiver component that the department of job 78430
and family services administers. 78431

(3) A resident of a residential care facility who has resided 78432
in a residential care facility for at least six months immediately 78433

before the date the individual applies for the assisted living program. 78434
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(C) At the time the individual receives assisted living services under the assisted living program, reside in a residential care facility that is authorized by a valid medicaid provider agreement to participate in the assisted living program, including both of the following: 78436
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(1) A residential care facility that is owned or operated by a metropolitan housing authority that has a contract with the United States department of housing and urban development to receive an operating subsidy or rental assistance for the residents of the facility; 78441
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(2) A county or district home licensed as a residential care facility. 78446
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(D) Meet all other eligibility requirements for the assisted living program established in rules adopted under section 5111.85 of the Revised Code. 78448
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Sec. 5111.894. The state administrative agency may establish one or more waiting lists for the assisted living program. Only individuals eligible for the medicaid program may be placed on a waiting list. 78451
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Each month, each area agency on aging shall determine whether any individual who resides in the area that the area agency on aging serves and is on a waiting list for the assisted living program has been admitted to a nursing facility. If an area agency on aging determines that such an individual has been admitted to a nursing facility and that there is a vacancy in a residential care facility participating in the assisted living program that is acceptable to the individual, the agency shall notify the long-term care consultation program administrator serving the area 78455
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in which the individual resides about the determination. The 78464
administrator shall determine whether the assisted living program 78465
is appropriate for the individual and whether the individual would 78466
rather participate in the assisted living program than continue 78467
residing in the nursing facility. If the administrator determines 78468
that the assisted living program is appropriate for the individual 78469
and the individual would rather participate in the assisted living 78470
program than continue residing in the nursing facility, the 78471
administrator shall so notify the state administrative agency. 78472
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On receipt of the notice from the administrator, the state 78474
administrative agency shall approve the individual's enrollment in 78475
the assisted living program regardless of any waiting list for the 78476
assisted living program, unless the enrollment would cause the 78477
assisted living program to exceed ~~the~~ any limit on the number of 78478
individuals who may participate in the program as set by ~~section~~ 78479
~~5111.89 of the Revised Code~~ the United States secretary of health 78480
and human services when the medicaid waiver authorizing the 78481
program is approved. Each quarter, the state administrative agency 78482
shall certify to the director of budget and management the 78483
estimated increase in costs of the assisted living program 78484
resulting from enrollment of individuals in the assisted living 78485
program pursuant to this section. 78486

~~Not later than the last day of each calendar year, the 78487
director of job and family services shall submit to the general 78488
assembly a report regarding the number of individuals enrolled in 78489
the assisted living program pursuant to this section and the costs 78490
incurred and savings achieved as a result of the enrollments.~~ 78491

Sec. 5111.912. (A) If the department of job and family 78492
services enters into a contract with the department of mental 78493
health under section 5111.91 of the Revised Code, the department 78494

of mental health and boards of alcohol, drug addiction, and mental 78495
health services shall pay the nonfederal share of any medicaid 78496
payment to a provider for services under the component, or aspect 78497
of the component, the department of mental health administers. 78498
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(B) A board of alcohol, drug addiction, and mental health 78500
services shall use state funds provided to the board for the 78501
purpose of funding community mental health services to make the 78502
payments required by this section. In addition, a board may use 78503
money available to the board that is raised by a county tax levy 78504
to make the payments if using the money for that purpose is 78505
consistent with the purpose for which the tax was levied. 78506

Sec. 5111.913. (A) If the department of job and family 78507
services enters into a contract with the department of alcohol and 78508
drug addiction services under section 5111.91 of the Revised Code, 78509
the department of alcohol and drug addiction services and boards 78510
of alcohol, drug addiction, and mental health services shall pay 78511
the nonfederal share of any medicaid payment to a provider for 78512
services under the component, or aspect of the component, the 78513
department of alcohol and drug addiction services administers. 78514
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(B) A board of alcohol, drug addiction, and mental health 78516
services shall use state funds provided to the board for the 78517
purpose of funding community alcohol and drug addiction services 78518
to make the payments required by this section. In addition, a 78519
board may use money available to the board that is raised by a 78520
county tax levy to make the payments if using the money for that 78521
purpose is consistent with the purpose for which the tax was 78522
levied. 78523

Sec. 5111.971. (A) As used in this section, "long-term care 78524

medicaid waiver component" means any of the following: 78525

(1) The PASSPORT program created under section 173.40 of the Revised Code; 78526
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(2) The ~~medicaid waiver component called the~~ choices program 78528
~~that the department of aging administers~~ created under section 78529
173.403 of the Revised Code; 78530

(3) A medicaid waiver component that the department of job and family services administers. 78531
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(B) The director of job and family services shall submit a request to the United States secretary of health and human services for a waiver of federal medicaid requirements that would be otherwise violated in the creation of a pilot program under which not more than two hundred individuals who meet the pilot program's eligibility requirements specified in division (D) of this section receive a spending authorization to pay for the cost of medically necessary home and community-based services that the pilot program covers. The spending authorization shall be in an amount not exceeding seventy per cent of the average cost under the medicaid program for providing nursing facility services to an individual. An individual participating in the pilot program shall also receive necessary support services, including fiscal intermediary and other case management services, that the pilot program covers. 78533
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(C) If the United States secretary of health and human services approves the waiver submitted under division (B) of this section, the department of job and family services shall enter into a contract with the department of aging under section 5111.91 of the Revised Code that provides for the department of aging to administer the pilot program that the waiver authorizes. 78548
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(D) To be eligible to participate in the pilot program 78554

created under division (B) of this section, an individual must 78555
meet all of the following requirements: 78556

(1) Need an intermediate level of care as determined under 78557
rule 5101:3-3-06 of the Administrative Code or a skilled level of 78558
care as determined under rule 5101:3-3-05 of the Administrative 78559
Code; 78560

(2) At the time the individual applies to participate in the 78561
pilot program, be one of the following: 78562

(a) A nursing facility resident who would remain in a nursing 78563
facility if not for the pilot program; 78564

(b) A participant of any long-term care medicaid waiver 78565
component who would move to a nursing facility if not for the 78566
pilot program. 78567

(3) Meet all other eligibility requirements for the pilot 78568
program established in rules adopted under section 5111.85 of the 78569
Revised Code. 78570

(E) The director of job and family services may adopt rules 78571
under section 5111.85 of the Revised Code as the director 78572
considers necessary to implement the pilot program created under 78573
division (B) of this section. The director of aging may adopt 78574
rules under Chapter 119. of the Revised Code as the director 78575
considers necessary for the pilot program's implementation. The 78576
rules may establish a list of medicaid-covered services not 78577
covered by the pilot program that an individual participating in 78578
the pilot program may not receive if the individual also receives 78579
medicaid-covered services outside of the pilot program. 78580

Sec. 5112.30. As used in sections 5112.30 to 5112.39 of the 78581
Revised Code: 78582

(A) "Intermediate care facility for the mentally retarded" 78583
has the same meaning as in section 5111.20 of the Revised Code, 78584

~~except that it does not include any such facility operated by the~~ 78585
~~department of mental retardation and developmental disabilities.~~ 78586

(B) "Medicaid" has the same meaning as in section 5111.01 of 78587
the Revised Code. 78588

Sec. 5112.31. The department of job and family services shall 78589
do all of the following: 78590

(A) For the purposes specified in sections 5112.37 ~~and,~~ 78591
5112.371, and 5112.372 of the Revised Code, annually assess each 78592
intermediate care facility for the mentally retarded a franchise 78593
permit fee equal to ~~eleven~~ fourteen dollars and ~~ninety-eight~~ 78594
twenty-five cents multiplied by the product of the following: 78595

(1) The number of beds certified under Title XIX of the 78596
"Social Security Act" on the first day of May of the calendar year 78597
in which the assessment is determined pursuant to division (A) of 78598
section 5112.33 of the Revised Code; 78599

(2) The number of days in the fiscal year beginning on the 78600
first day of July of the same calendar year. 78601

(B) Beginning July 1, ~~2009~~ 2011, and the first day of each 78602
July thereafter, adjust fees determined under division (A) of this 78603
section in accordance with the composite inflation factor 78604
established in rules adopted under section 5112.39 of the Revised 78605
Code. 78606

(C) If the United States secretary of health and human 78607
services determines that the franchise permit fee established by 78608
sections 5112.30 to 5112.39 of the Revised Code would be an 78609
impermissible health care-related tax under section 1903(w) of the 78610
"Social Security Act," 42 U.S.C.A. 1396b(w), as amended, take all 78611
necessary actions to cease implementation of those sections in 78612
accordance with rules adopted under section 5112.39 of the Revised 78613
Code. 78614

Sec. 5112.37. There is hereby created in the state treasury 78615
the home and community-based services for the mentally retarded 78616
and developmentally disabled fund. ~~Ninety-four~~ Seventy-four and 78617
~~twenty-eight~~ eighty-nine hundredths per cent of all installment 78618
payments and penalties paid by an intermediate care facility for 78619
the mentally retarded under sections 5112.33 and 5112.34 of the 78620
Revised Code for state fiscal year 2010 shall be deposited into 78621
the fund. Seventy and sixty-seven hundredths per cent of all 78622
installment payments and penalties paid by an intermediate care 78623
facility for the mentally retarded under sections 5112.33 and 78624
5112.34 of the Revised Code for state fiscal year 2011 and 78625
thereafter shall be deposited into the fund. The department of job 78626
and family services shall distribute the money in the fund in 78627
accordance with rules adopted under section 5112.39 of the Revised 78628
Code. The departments of job and family services and mental 78629
retardation and developmental disabilities shall use the money for 78630
the medicaid program established under Chapter 5111. of the 78631
Revised Code and home and community-based services to mentally 78632
retarded and developmentally disabled persons. 78633

Sec. 5112.371. There is hereby created in the state treasury 78634
the children with intensive behavioral needs programs fund. ~~Five~~ 78635
~~Three~~ and ~~seventy-two~~ seventy-eight hundredths per cent of all 78636
installment payments and penalties paid by an intermediate care 78637
facility for the mentally retarded under sections 5112.33 and 78638
5112.34 of the Revised Code for state fiscal year 2010 shall be 78639
deposited in the fund. Three and fifty-seven hundredths per cent 78640
of all installment payments and penalties paid by an intermediate 78641
care facility for the mentally retarded under sections 5112.33 and 78642
5112.34 of the Revised Code for state fiscal year 2011 and 78643
thereafter shall be deposited into the fund. The money in the fund 78644
shall be used for the programs the director of mental retardation 78645

and developmental disabilities establishes under section 5123.0417 78646
of the Revised Code. 78647

Sec. 5112.372. There is hereby created in the state treasury 78648
the ODMR/DD operating and services fund. Twenty-one and 78649
thirty-three hundredths per cent of all installment payments and 78650
penalties paid by an intermediate care facility for the mentally 78651
retarded under sections 5112.33 and 5112.34 of the Revised Code 78652
for state fiscal year 2010 shall be deposited into the fund. 78653
Twenty-five and seventy-six hundredths per cent of all installment 78654
payments and penalties paid by an intermediate care facility for 78655
the mentally retarded under sections 5112.33 and 5112.34 of the 78656
Revised Code for state fiscal year 2011 and thereafter shall be 78657
deposited into the fund. The money in the fund shall be used for 78658
the expenses of the programs that the department of mental 78659
retardation and developmental disabilities administers and the 78660
department's administrative expenses. 78661

Sec. 5119.16. As used in this section, "free clinic" has the 78662
same meaning as in section 2305.2341 of the Revised Code. 78663

(A) The department of mental health ~~is hereby designated to~~ 78664
may provide certain goods and services for the department of 78665
mental health, the department of mental retardation and 78666
developmental disabilities, the department of rehabilitation and 78667
correction, the department of youth services, and other state, 78668
county, or municipal agencies requesting such goods and services 78669
when the department of mental health determines that it is in the 78670
public interest, and considers it advisable, to provide these 78671
goods and services. The department of mental health also may 78672
provide goods and services to agencies operated by the United 78673
States government and to public or private nonprofit agencies, 78674
other than free clinics, that are funded in whole or in part by 78675

the state if the public or private nonprofit agencies are 78676
designated for participation in this program by the director of 78677
mental health for community mental health agencies, the director 78678
of mental retardation and developmental disabilities for community 78679
mental retardation and developmental disabilities agencies, the 78680
director of rehabilitation and correction for community 78681
rehabilitation and correction agencies, or the director of youth 78682
services for community youth services agencies. 78683

Designated community agencies shall receive goods and 78684
services through the department of mental health only in those 78685
cases where the designating state agency certifies that providing 78686
such goods and services to the agency will conserve public 78687
resources to the benefit of the public and where the provision of 78688
such goods and services is considered feasible by the department 78689
of mental health. 78690

(B) The department of mental health may permit free clinics 78691
to purchase certain goods and services to the extent the purchases 78692
fall within the exemption to the Robinson-Patman Act, 15 U.S.C. 13 78693
et seq., applicable to ~~non-profit~~ nonprofit institutions, in 15 78694
U.S.C. 13c, as amended. 78695

(C) The goods and services ~~to~~ that may be provided by the 78696
department of mental health under divisions (A) and (B) of this 78697
section may include: 78698

(1) Procurement, storage, processing, and distribution of 78699
food and professional consultation on food operations; 78700

(2) Procurement, storage, and distribution of medical and 78701
laboratory supplies, dental supplies, medical records, forms, 78702
optical supplies, and sundries, subject to section 5120.135 of the 78703
Revised Code; 78704

(3) Procurement, storage, repackaging, distribution, and 78705
dispensing of drugs, the provision of professional pharmacy 78706

consultation, and drug information services; 78707

(4) Other goods and services ~~as may be agreed to.~~ 78708

(D) The department of mental health ~~shall~~ may provide the 78709
goods and services designated in division (C) of this section to 78710
its institutions and to state-operated community-based mental 78711
health services. 78712

(E) After consultation with and advice from the director of 78713
mental retardation and developmental disabilities, the director of 78714
rehabilitation and correction, and the director of youth services, 78715
the department of mental health ~~shall~~ may provide the goods and 78716
services designated in division (C) of this section to the 78717
department of mental retardation and developmental disabilities, 78718
the department of rehabilitation and correction, and the 78719
department of youth services. 78720

(F) The cost of administration of this section shall be 78721
determined by the department of mental health and paid by the 78722
agencies or free clinics receiving the goods and services to the 78723
department for deposit in the state treasury to the credit of the 78724
mental health fund, which is hereby created. The fund shall be 78725
used to pay the cost of administration of this section to the 78726
department. 78727

(G) ~~If the goods or services designated in division (C) of 78728
this section are not provided in a satisfactory manner by the 78729
department of mental health to the agencies described in division 78730
(A) of this section, the director of mental retardation and 78731
developmental disabilities, the director of rehabilitation and 78732
correction, the director of youth services, or the managing 78733
officer of a department of mental health institution shall attempt 78734
to resolve unsatisfactory service with the director of mental 78735
health. If, after such attempt, the provision of goods or services 78736
continues to be unsatisfactory, the director or officer shall 78737~~

~~notify the director of mental health. If within thirty days of 78738
such notice the department of mental health does not provide the 78739
specified goods and services in a satisfactory manner, the 78740
director of mental retardation and developmental disabilities, the 78741
director of rehabilitation and correction, the director of youth 78742
services, or the managing officer of the department of mental 78743
health institution shall notify the director of mental health of 78744
the director's or managing officer's intent to cease purchasing 78745
goods and services from the department. Following a sixty day 78746
cancellation period from the date of such notice, the department 78747
of mental retardation, department of rehabilitation and 78748
correction, department of youth services, or the department of 78749
mental health institution may obtain the goods and services from a 78750
source other than the department of mental health, if the 78751
department certifies to the department of administrative services 78752
that the requirements of this division have been met. 78753~~

~~(H)~~ Whenever a state agency fails to make a payment for goods 78754
and services provided under this section within thirty-one days 78755
after the date the payment was due, the office of budget and 78756
management may transfer moneys from the state agency to the 78757
department of mental health. The amount transferred shall not 78758
exceed the amount of overdue payments. Prior to making a transfer 78759
under this division, the office of budget and management shall 78760
apply any credits the state agency has accumulated in payments for 78761
goods and services provided under this section. 78762

~~(I)~~(H) Purchases of goods and services under this section are 78763
not subject to section 307.86 of the Revised Code. 78764

Sec. 5119.61. Any provision in this chapter that refers to a 78765
board of alcohol, drug addiction, and mental health services also 78766
refers to the community mental health board in an alcohol, drug 78767
addiction, and mental health service district that has a community 78768

mental health board. 78769

The director of mental health with respect to all facilities 78770
and programs established and operated under Chapter 340. of the 78771
Revised Code for mentally ill and emotionally disturbed persons, 78772
shall do all of the following: 78773

(A) Adopt rules pursuant to Chapter 119. of the Revised Code 78774
that may be necessary to carry out the purposes of Chapter 340. 78775
and sections 5119.61 to 5119.63 of the Revised Code. 78776

(1) The rules shall include all of the following: 78777

(a) Rules governing a community mental health agency's 78778
services under section 340.091 of the Revised Code to an 78779
individual referred to the agency under division (C)(2) of section 78780
173.35 of the Revised Code; 78781

(b) For the purpose of division (A)(16) of section 340.03 of 78782
the Revised Code, rules governing the duties of mental health 78783
agencies and boards of alcohol, drug addiction, and mental health 78784
services under section 3722.18 of the Revised Code regarding 78785
referrals of individuals with mental illness or severe mental 78786
disability to adult care facilities and effective arrangements for 78787
ongoing mental health services for the individuals. The rules 78788
shall do at least the following: 78789

(i) Provide for agencies and boards to participate fully in 78790
the procedures owners and managers of adult care facilities must 78791
follow under division (A)~~(2)~~ of section 3722.18 of the Revised 78792
Code; 78793

(ii) Specify the manner in which boards are accountable for 78794
ensuring that ongoing mental health services are effectively 78795
arranged for individuals with mental illness or severe mental 78796
disability who are referred by the board or mental health agency 78797
under contract with the board to an adult care facility. 78798

(c) Rules governing a board of alcohol, drug addiction, and mental health services when making a report to the director of health under section 3722.17 of the Revised Code regarding the quality of care and services provided by an adult care facility to a person with mental illness or a severe mental disability.

(2) Rules may be adopted to govern the method of paying a community mental health facility, as defined in section 5111.023 of the Revised Code, for providing services listed in division (B) of that section. Such rules must be consistent with the contract entered into between the departments of job and family services and mental health under section 5111.91 of the Revised Code and include requirements ensuring appropriate service utilization.

(B) Review and evaluate, and, taking into account the findings and recommendations of the board of alcohol, drug addiction, and mental health services of the district served by the program and the requirements and priorities of the state mental health plan, including the needs of residents of the district now residing in state mental institutions, approve and allocate funds to support community programs, and make recommendations for needed improvements to boards of alcohol, drug addiction, and mental health services;

(C) Withhold state and federal funds for any program, in whole or in part, from a board of alcohol, drug addiction, and mental health services in the event of failure of that program to comply with Chapter 340. or section 5119.61, 5119.611, 5119.612, or 5119.62 of the Revised Code or rules of the department of mental health. The director shall identify the areas of noncompliance and the action necessary to achieve compliance. The director shall offer technical assistance to the board to achieve compliance. The director shall give the board a reasonable time within which to comply or to present its position that it is in compliance. Before withholding funds, a hearing shall be conducted

to determine if there are continuing violations and that either 78831
assistance is rejected or the board is unable to achieve 78832
compliance. Subsequent to the hearing process, if it is determined 78833
that compliance has not been achieved, the director may allocate 78834
all or part of the withheld funds to a public or private agency to 78835
provide the services not in compliance until the time that there 78836
is compliance. The director shall establish rules pursuant to 78837
Chapter 119. of the Revised Code to implement this division. 78838

(D) Withhold state or federal funds from a board of alcohol, 78839
drug addiction, and mental health services that denies available 78840
service on the basis of religion, race, color, creed, sex, 78841
national origin, age, disability as defined in section 4112.01 of 78842
the Revised Code, developmental disability, or the inability to 78843
pay; 78844

(E) Provide consultative services to community mental health 78845
agencies with the knowledge and cooperation of the board of 78846
alcohol, drug addiction, and mental health services; 78847

(F) Provide to boards of alcohol, drug addiction, and mental 78848
health services state or federal funds, in addition to those 78849
allocated under section 5119.62 of the Revised Code, for special 78850
programs or projects the director considers necessary but for 78851
which local funds are not available; 78852

(G) Establish criteria by which a board of alcohol, drug 78853
addiction, and mental health services reviews and evaluates the 78854
quality, effectiveness, and efficiency of services provided 78855
through its community mental health plan. The criteria shall 78856
include requirements ensuring appropriate service utilization. The 78857
department shall assess a board's evaluation of services and the 78858
compliance of each board with this section, Chapter 340. or 78859
section 5119.62 of the Revised Code, and other state or federal 78860
law and regulations. The department, in cooperation with the 78861
board, periodically shall review and evaluate the quality, 78862

effectiveness, and efficiency of services provided through each board. The department shall collect information that is necessary to perform these functions.

(H) Develop and operate a community mental health information system or systems.

Boards of alcohol, drug abuse, and mental health services shall submit information requested by the department in the form and manner prescribed by the department. Information collected by the department shall include, but not be limited to, all of the following:

(1) Information regarding units of services provided in whole or in part under contract with a board, including diagnosis and special needs, demographic information, the number of units of service provided, past treatment, financial status, and service dates in accordance with rules adopted by the department in accordance with Chapter 119. of the Revised Code;

(2) Financial information other than price or price-related data regarding expenditures of boards and community mental health agencies, including units of service provided, budgeted and actual expenses by type, and sources of funds.

Boards shall submit the information specified in division (H)(1) of this section no less frequently than annually for each client, and each time the client's case is opened or closed. The department shall not collect any personal information ~~for the purpose of identifying by name any person who receives a service through a board of alcohol, drug addiction, and mental health services, from the boards except as required or permitted by state or federal law to validate appropriate reimbursement. For the purposes of division (H)(1) of this section, the department shall use an identification system that is consistent with applicable nationally recognized standards for purposes related to payment,~~

health care operations, program and service evaluation, reporting 78894
activities, research, system administration, and oversight. 78895

(I) Review each board's community mental health plan 78896
submitted pursuant to section 340.03 of the Revised Code and 78897
approve or disapprove it in whole or in part. Periodically, in 78898
consultation with representatives of boards and after considering 78899
the recommendations of the medical director, the director shall 78900
issue criteria for determining when a plan is complete, criteria 78901
for plan approval or disapproval, and provisions for conditional 78902
approval. The factors that the director considers may include, but 78903
are not limited to, the following: 78904

(1) The mental health needs of all persons residing within 78905
the board's service district, especially severely mentally 78906
disabled children, adolescents, and adults; 78907

(2) The demonstrated quality, effectiveness, efficiency, and 78908
cultural relevance of the services provided in each service 78909
district, the extent to which any services are duplicative of 78910
other available services, and whether the services meet the needs 78911
identified above; 78912

(3) The adequacy of the board's accounting for the 78913
expenditure of funds. 78914

If the director disapproves all or part of any plan, the 78915
director shall provide the board an opportunity to present its 78916
position. The director shall inform the board of the reasons for 78917
the disapproval and of the criteria that must be met before the 78918
plan may be approved. The director shall give the board a 78919
reasonable time within which to meet the criteria, and shall offer 78920
technical assistance to the board to help it meet the criteria. 78921

If the approval of a plan remains in dispute thirty days 78922
prior to the conclusion of the fiscal year in which the board's 78923
current plan is scheduled to expire, the board or the director may 78924

request that the dispute be submitted to a mutually agreed upon 78925
third-party mediator with the cost to be shared by the board and 78926
the department. The mediator shall issue to the board and the 78927
department recommendations for resolution of the dispute. Prior to 78928
the conclusion of the fiscal year in which the current plan is 78929
scheduled to expire, the director, taking into consideration the 78930
recommendations of the mediator, shall make a final determination 78931
and approve or disapprove the plan, in whole or in part. 78932

Sec. 5119.613. For purposes of Chapter 3722. of the Revised 78933
Code, the director of mental health shall approve a standardized 78934
form to be used in all areas of this state by adult care 78935
facilities and boards of alcohol, drug addiction, and mental 78936
health services when entering into mental health resident program 78937
participation agreements. As part of approving the form, the 78938
director shall specify the requirements that adult care facilities 78939
must meet in order to be authorized to admit residents who are 78940
receiving or are eligible for publicly funded mental health 78941
services. 78942

Sec. 5120.09. Under the supervision and control of the 78943
director of rehabilitation and correction, the division of 78944
business administration shall do all of the following: 78945

(A) Submit the budgets for the several divisions of the 78946
department of rehabilitation and correction, as prepared by the 78947
respective chiefs of those divisions, to the director. The 78948
director, with the assistance of the chief of the division of 78949
business administration, shall compile a departmental budget that 78950
contains all proposals submitted by the chiefs of the divisions 78951
and shall forward the departmental budget to the governor with 78952
comments and recommendations that the director considers 78953
necessary. 78954

(B) Maintain accounts and records and compile statistics that 78955
the director prescribes; 78956

(C) Under the control of the director, coordinate and make 78957
the necessary purchases and requisitions for the department and 78958
its divisions, except ~~as provided under~~ when goods and services 78959
are provided to the department as described in section 5119.16 of 78960
the Revised Code; 78961

(D) Administer within this state federal criminal justice 78962
acts that the governor requires the department to administer. In 78963
order to improve the criminal justice system of this state, the 78964
division of business administration shall apply for, allocate, 78965
disburse, and account for grants that are made available pursuant 78966
to those federal criminal justice acts and grants that are made 78967
available from other federal government sources, state government 78968
sources, or private sources. As used in this division, "criminal 78969
justice system" and "federal criminal justice acts" have the same 78970
meanings as in section 5502.61 of the Revised Code. 78971

(E) Audit the activities of governmental entities, persons as 78972
defined in section 1.59 of the Revised Code, and other types of 78973
nongovernmental entities that are financed in whole or in part by 78974
funds that the department allocates or disburses and that are 78975
derived from grants described in division (D) of this section; 78976

(F) Enter into contracts, including contracts with federal, 78977
state, or local governmental entities, persons as defined in 78978
section 1.59 of the Revised Code, foundations, and other types of 78979
nongovernmental entities, that are necessary for the department to 78980
carry out its duties and that neither the director nor another 78981
section of the Revised Code authorizes another division of the 78982
department to enter; 78983

(G) Exercise other powers and perform other duties that the 78984
director may assign to the division of business administration. 78985

Sec. 5122.31. (A) All certificates, applications, records, 78986
and reports made for the purpose of this chapter and sections 78987
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 78988
Code, other than court journal entries or court docket entries, 78989
and directly or indirectly identifying a patient or former patient 78990
or person whose hospitalization has been sought under this 78991
chapter, shall be kept confidential and shall not be disclosed by 78992
any person except: 78993

(1) If the person identified, or the person's legal guardian, 78994
if any, or if the person is a minor, the person's parent or legal 78995
guardian, consents, and if the disclosure is in the best interests 78996
of the person, as may be determined by the court for judicial 78997
records and by the chief clinical officer for medical records; 78998

(2) When disclosure is provided for in this chapter or 78999
section 5123.60 of the Revised Code; 79000

(3) That hospitals, boards of alcohol, drug addiction, and 79001
mental health services, and community mental health agencies may 79002
release necessary medical information to insurers and other 79003
third-party payers, including government entities responsible for 79004
processing and authorizing payment, to obtain payment for goods 79005
and services furnished to the patient; 79006

(4) Pursuant to a court order signed by a judge; 79007

(5) That a patient shall be granted access to the patient's 79008
own psychiatric and medical records, unless access specifically is 79009
restricted in a patient's treatment plan for clear treatment 79010
reasons; 79011

(6) That hospitals and other institutions and facilities 79012
within the department of mental health may exchange psychiatric 79013
records and other pertinent information with other hospitals, 79014
institutions, and facilities of the department, and with community 79015

mental health agencies and boards of alcohol, drug addiction, and 79016
mental health services with which the department has a current 79017
agreement for patient care or services. Records and information 79018
that may be released pursuant to this division shall be limited to 79019
medication history, physical health status and history, financial 79020
status, summary of course of treatment in the hospital, summary of 79021
treatment needs, and a discharge summary, if any. 79022

(7) That hospitals within the department, other institutions 79023
and facilities within the department, and community mental health 79024
agencies may exchange psychiatric records and other pertinent 79025
information with other providers of treatment and health services 79026
if the purpose of the exchange is to facilitate continuity of care 79027
for a patient; 79028

(8) That a patient's family member who is involved in the 79029
provision, planning, and monitoring of services to the patient may 79030
receive medication information, a summary of the patient's 79031
diagnosis and prognosis, and a list of the services and personnel 79032
available to assist the patient and the patient's family, if the 79033
patient's treating physician determines that the disclosure would 79034
be in the best interests of the patient. No such disclosure shall 79035
be made unless the patient is notified first and receives the 79036
information and does not object to the disclosure. 79037

~~(8)~~(9) That community mental health agencies may exchange 79038
psychiatric records and certain other information with the board 79039
of alcohol, drug addiction, and mental health services and other 79040
agencies in order to provide services to a person involuntarily 79041
committed to a board. Release of records under this division shall 79042
be limited to medication history, physical health status and 79043
history, financial status, summary of course of treatment, summary 79044
of treatment needs, and discharge summary, if any. 79045

~~(9)~~ (10) That information may be disclosed to the executor or 79046
the administrator of an estate of a deceased patient when the 79047

information is necessary to administer the estate; 79048

~~(10)~~(11) That records in the possession of the Ohio 79049
historical society may be released to the closest living relative 79050
of a deceased patient upon request of that relative; 79051

~~(11)~~(12) That information may be disclosed to staff members 79052
of the appropriate board or to staff members designated by the 79053
director of mental health for the purpose of evaluating the 79054
quality, effectiveness, and efficiency of services and determining 79055
if the services meet minimum standards. Information obtained 79056
during such evaluations shall not be retained with the name of any 79057
patient. 79058

~~(12)~~(13) That records pertaining to the patient's diagnosis, 79059
course of treatment, treatment needs, and prognosis shall be 79060
disclosed and released to the appropriate prosecuting attorney if 79061
the patient was committed pursuant to section 2945.38, 2945.39, 79062
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 79063
attorney designated by the board for proceedings pursuant to 79064
involuntary commitment under this chapter. 79065

~~(13)~~(14) That the department of mental health may exchange 79066
psychiatric hospitalization records, other mental health treatment 79067
records, and other pertinent information with the department of 79068
rehabilitation and correction to ensure continuity of care for 79069
inmates who are receiving mental health services in an institution 79070
of the department of rehabilitation and correction. The department 79071
shall not disclose those records unless the inmate is notified, 79072
receives the information, and does not object to the disclosure. 79073
The release of records under this division is limited to records 79074
regarding an inmate's medication history, physical health status 79075
and history, summary of course of treatment, summary of treatment 79076
needs, and a discharge summary, if any. 79077

~~(14)~~(15) That a community mental health agency that ceases to 79078

operate may transfer to either a community mental health agency 79079
that assumes its caseload or to the board of alcohol, drug 79080
addiction, and mental health services of the service district in 79081
which the patient resided at the time services were most recently 79082
provided any treatment records that have not been transferred 79083
elsewhere at the patient's request. 79084

(B) Before records are disclosed pursuant to divisions 79085
(A)(3), (6), (7), and ~~(8)~~(9) of this section, the custodian of the 79086
records shall attempt to obtain the patient's consent for the 79087
disclosure. No person shall reveal the contents of a medical 79088
record of a patient except as authorized by law. 79089

(C) The managing officer of a hospital who releases necessary 79090
medical information under division (A)(3) of this section to allow 79091
an insurance carrier or other third party payor to comply with 79092
section 5121.43 of the Revised Code shall neither be subject to 79093
criminal nor civil liability. 79094

Sec. 5123.049. The director of mental retardation and 79095
developmental disabilities shall adopt rules in accordance with 79096
Chapter 119. of the Revised Code governing the authorization and 79097
payment of home and community-based services and medicaid case 79098
management services. The rules shall provide for private providers 79099
of the services to receive one hundred per cent of the medicaid 79100
allowable payment amount and for government providers of the 79101
services to receive the federal share of the medicaid allowable 79102
payment, less the amount withheld as a fee under section 5123.0412 79103
of the Revised Code ~~and any amount that may be required by rules~~ 79104
~~adopted under section 5123.0413 of the Revised Code to be~~ 79105
~~deposited into the state MR/DD risk fund.~~ The rules shall 79106
establish the process by which county boards of mental retardation 79107
and developmental disabilities shall certify and provide the 79108
nonfederal share of medicaid expenditures that the county board is 79109

required by sections 5126.059 and 5126.0510 of the Revised Code to 79110
pay. The process shall require a county board to certify that the 79111
county board has funding available at one time for two months 79112
costs for those expenditures. The process may permit a county 79113
board to certify that the county board has funding available at 79114
one time for more than two months costs for those expenditures. 79115

Sec. 5123.0412. (A) The department of mental retardation and 79116
developmental disabilities shall charge each county board of 79117
mental retardation and developmental disabilities an annual fee 79118
equal to one and one-half per cent of the total value of all 79119
medicaid paid claims for home and community-based services 79120
provided during the year to an individual eligible for services 79121
from the county board. No county board shall pass the cost of a 79122
fee charged to the county board under this section on to another 79123
provider of these services. 79124

(B) The fees collected under this section shall be deposited 79125
into the ODMR/DD administration and oversight fund and the ODJFS 79126
administration and oversight fund, both of which are hereby 79127
created in the state treasury. The portion of the fees to be 79128
deposited into the ODMR/DD administration and oversight fund and 79129
the portion of the fees to be deposited into the ODJFS 79130
administration and oversight fund shall be the portion specified 79131
in an interagency agreement entered into under division (C) of 79132
this section. The department of mental retardation and 79133
developmental disabilities shall use the money in the ODMR/DD 79134
administration and oversight fund and the department of job and 79135
family services shall use the money in the ODJFS administration 79136
and oversight fund for both of the following purposes: 79137

(1) The Medicaid administrative costs, including 79138
administrative and oversight costs of medicaid case management 79139
services and home and community-based services. The administrative 79140

and oversight costs of medicaid case management services and home 79141
and community-based services shall include costs for staff, 79142
systems, and other resources the departments need and dedicate 79143
solely to the following duties associated with the services: 79144
79145

(a) Eligibility determinations; 79146

(b) Training; 79147

(c) Fiscal management; 79148

(d) Claims processing; 79149

(e) Quality assurance oversight; 79150

(f) Other duties the departments identify. 79151

(2) Providing technical support to county boards' local 79152
administrative authority under section 5126.055 of the Revised 79153
Code for the services. 79154

(C) The departments of mental retardation and developmental 79155
disabilities and job and family services shall enter into an 79156
interagency agreement to do both of the following: 79157

(1) Specify which portion of the fees collected under this 79158
section is to be deposited into the ODMR/DD administration and 79159
oversight fund and which portion is to be deposited into the ODJFS 79160
administration and oversight fund; 79161

(2) Provide for the departments to coordinate the staff whose 79162
costs are paid for with money in the ODMR/DD administration and 79163
oversight fund and the ODJFS administration and oversight fund. 79164

(D) The departments shall submit an annual report to the 79165
director of budget and management certifying how the departments 79166
spent the money in the ODMR/DD administration and oversight fund 79167
and the ODJFS administration and oversight fund for the purposes 79168
specified in division (B) of this section. 79169

Sec. 5123.0413. ~~(A) The department of mental retardation and developmental disabilities, in consultation with the department of job and family services, office of budget and management, and county boards of mental retardation and developmental disabilities, shall adopt rules in accordance with Chapter 119. of the Revised Code no later than January 1, 2002, establishing a method of paying for extraordinary costs, including extraordinary costs for services to individuals with mental retardation or other developmental disability, and ensure the availability of adequate funds to establish both of the following in the event a county property tax levy for services for individuals with mental retardation or other developmental disability fails. The rules may provide for using and managing either or both of the following:~~

~~(1) A state MR/DD risk fund, which is hereby created in the state treasury;~~

~~(2) A state insurance against MR/DD risk fund, which is hereby created in the state treasury.~~

~~(B) Beginning January 1, 2002, the department of job and family services may not request approval from the United States secretary of health and human services to increase the number of slots for home and community based services until the rules required by division (A) of this section are in effect;~~

(A) A method of paying for home and community-based services;

(B) A method of reducing the number of individuals a county board would otherwise be required by section 5126.0512 of the Revised Code to ensure are enrolled in a medicaid waiver component under which home and community-based services are provided.

Sec. 5123.19. (A) As used in this section and in sections 5123.191, 5123.193, 5123.194, 5123.196, 5123.198, and 5123.20 of the Revised Code:

(1)(a) "Residential facility" means a home or facility in 79200
which a mentally retarded or developmentally disabled person 79201
resides, except the home of a relative or legal guardian in which 79202
a mentally retarded or developmentally disabled person resides, a 79203
respite care home certified under section 5126.05 of the Revised 79204
Code, a county home or district home operated pursuant to Chapter 79205
5155. of the Revised Code, or a dwelling in which the only 79206
mentally retarded or developmentally disabled residents are in an 79207
independent living arrangement or are being provided supported 79208
living. 79209

(b) "Intermediate care facility for the mentally retarded" 79210
means a residential facility that is considered an intermediate 79211
care facility for the mentally retarded for the purposes of 79212
Chapter 5111. of the Revised Code. 79213

(2) "Political subdivision" means a municipal corporation, 79214
county, or township. 79215

(3) "Independent living arrangement" means an arrangement in 79216
which a mentally retarded or developmentally disabled person 79217
resides in an individualized setting chosen by the person or the 79218
person's guardian, which is not dedicated principally to the 79219
provision of residential services for mentally retarded or 79220
developmentally disabled persons, and for which no financial 79221
support is received for rendering such service from any 79222
governmental agency by a provider of residential services. 79223

(4) "Licensee" means the person or government agency that has 79224
applied for a license to operate a residential facility and to 79225
which the license was issued under this section. 79226

(5) "Related party" has the same meaning as in section 79227
5123.16 of the Revised Code except that "provider" as used in the 79228
definition of "related party" means a person or government entity 79229
that held or applied for a license to operate a residential 79230

facility, rather than a person or government entity certified to 79231
provide supported living. 79232

(B) Every person or government agency desiring to operate a 79233
residential facility shall apply for licensure of the facility to 79234
the director of mental retardation and developmental disabilities 79235
unless the residential facility is subject to section 3721.02, 79236
3722.04, 5103.03, or 5119.20 of the Revised Code. Notwithstanding 79237
Chapter 3721. of the Revised Code, a nursing home that is 79238
certified as an intermediate care facility for the mentally 79239
retarded under Title XIX of the "Social Security Act," 79 Stat. 79240
286 (1965), 42 U.S.C.A. 1396, as amended, shall apply for 79241
licensure of the portion of the home that is certified as an 79242
intermediate care facility for the mentally retarded. 79243

(C) Subject to section 5123.196 of the Revised Code, the 79244
director of mental retardation and developmental disabilities 79245
shall license the operation of residential facilities. An initial 79246
license shall be issued for a period that does not exceed one 79247
year, unless the director denies the license under division (D) of 79248
this section. A license shall be renewed for a period that does 79249
not exceed three years, unless the director refuses to renew the 79250
license under division (D) of this section. The director, when 79251
issuing or renewing a license, shall specify the period for which 79252
the license is being issued or renewed. A license remains valid 79253
for the length of the licensing period specified by the director, 79254
unless the license is terminated, revoked, or voluntarily 79255
surrendered. 79256

(D) If it is determined that an applicant or licensee is not 79257
in compliance with a provision of this chapter that applies to 79258
residential facilities or the rules adopted under such a 79259
provision, the director may deny issuance of a license, refuse to 79260
renew a license, terminate a license, revoke a license, issue an 79261
order for the suspension of admissions to a facility, issue an 79262

order for the placement of a monitor at a facility, issue an order 79263
for the immediate removal of residents, or take any other action 79264
the director considers necessary consistent with the director's 79265
authority under this chapter regarding residential facilities. In 79266
the director's selection and administration of the sanction to be 79267
imposed, all of the following apply: 79268

(1) The director may deny, refuse to renew, or revoke a 79269
license, if the director determines that the applicant or licensee 79270
has demonstrated a pattern of serious noncompliance or that a 79271
violation creates a substantial risk to the health and safety of 79272
residents of a residential facility. 79273

(2) The director may terminate a license if more than twelve 79274
consecutive months have elapsed since the residential facility was 79275
last occupied by a resident or a notice required by division (K) 79276
of this section is not given. 79277

(3) The director may issue an order for the suspension of 79278
admissions to a facility for any violation that may result in 79279
sanctions under division (D)(1) of this section and for any other 79280
violation specified in rules adopted under division (H)(2) of this 79281
section. If the suspension of admissions is imposed for a 79282
violation that may result in sanctions under division (D)(1) of 79283
this section, the director may impose the suspension before 79284
providing an opportunity for an adjudication under Chapter 119. of 79285
the Revised Code. The director shall lift an order for the 79286
suspension of admissions when the director determines that the 79287
violation that formed the basis for the order has been corrected. 79288

(4) The director may order the placement of a monitor at a 79289
residential facility for any violation specified in rules adopted 79290
under division (H)(2) of this section. The director shall lift the 79291
order when the director determines that the violation that formed 79292
the basis for the order has been corrected. 79293

(5) If the director determines that two or more residential facilities owned or operated by the same person or government entity are not being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, and the director's findings are based on the same or a substantially similar action, practice, circumstance, or incident that creates a substantial risk to the health and safety of the residents, the director shall conduct a survey as soon as practicable at each residential facility owned or operated by that person or government entity. The director may take any action authorized by this section with respect to any facility found to be operating in violation of a provision of this chapter that applies to residential facilities or the rules adopted under such a provision.

(6) When the director initiates license revocation proceedings, no opportunity for submitting a plan of correction shall be given. The director shall notify the licensee by letter of the initiation of the proceedings. The letter shall list the deficiencies of the residential facility and inform the licensee that no plan of correction will be accepted. The director shall also send a copy of the letter to the county board of mental retardation and developmental disabilities. The county board shall send a copy of the letter to each of the following:

(a) Each resident who receives services from the licensee;

(b) The guardian of each resident who receives services from the licensee if the resident has a guardian;

(c) The parent or guardian of each resident who receives services from the licensee if the resident is a minor.

(7) Pursuant to rules which shall be adopted in accordance with Chapter 119. of the Revised Code, the director may order the immediate removal of residents from a residential facility

whenever conditions at the facility present an immediate danger of physical or psychological harm to the residents.

(8) In determining whether a residential facility is being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, or whether conditions at a residential facility present an immediate danger of physical or psychological harm to the residents, the director may rely on information obtained by a county board of mental retardation and developmental disabilities or other governmental agencies.

(9) In proceedings initiated to deny, refuse to renew, or revoke licenses, the director may deny, refuse to renew, or revoke a license regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing.

(E) The director shall establish a program under which public notification may be made when the director has initiated license revocation proceedings or has issued an order for the suspension of admissions, placement of a monitor, or removal of residents. The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this division. The rules shall establish the procedures by which the public notification will be made and specify the circumstances for which the notification must be made. The rules shall require that public notification be made if the director has taken action against the facility in the eighteen-month period immediately preceding the director's latest action against the facility and the latest action is being taken for the same or a substantially similar violation of a provision of this chapter that applies to residential facilities or the rules adopted under such a provision. The rules shall specify a method for removing or amending the public notification if the director's action is found to have been unjustified or the

violation at the residential facility has been corrected. 79357

(F)(1) Except as provided in division (F)(2) of this section, 79358
appeals from proceedings initiated to impose a sanction under 79359
division (D) of this section shall be conducted in accordance with 79360
Chapter 119. of the Revised Code. 79361

(2) Appeals from proceedings initiated to order the 79362
suspension of admissions to a facility shall be conducted in 79363
accordance with Chapter 119. of the Revised Code, unless the order 79364
was issued before providing an opportunity for an adjudication, in 79365
which case all of the following apply: 79366

(a) The licensee may request a hearing not later than ten 79367
days after receiving the notice specified in section 119.07 of the 79368
Revised Code. 79369

(b) If a timely request for a hearing that includes the 79370
licensee's current address is made, the hearing shall commence not 79371
later than thirty days after the department receives the request. 79372

(c) After commencing, the hearing shall continue 79373
uninterrupted, except for Saturdays, Sundays, and legal holidays, 79374
unless other interruptions are agreed to by the licensee and the 79375
director. 79376

(d) If the hearing is conducted by a hearing examiner, the 79377
hearing examiner shall file a report and recommendations not later 79378
than ten days after the last of the following: 79379

(i) The close of the hearing; 79380

(ii) If a transcript of the proceedings is ordered, the 79381
hearing examiner receives the transcript; 79382

(iii) If post-hearing briefs are timely filed, the hearing 79383
examiner receives the briefs. 79384

(e) A copy of the written report and recommendation of the 79385
hearing examiner shall be sent, by certified mail, to the licensee 79386

and the licensee's attorney, if applicable, not later than five 79387
days after the report is filed. 79388

(f) Not later than five days after the hearing examiner files 79389
the report and recommendations, the licensee may file objections 79390
to the report and recommendations. 79391

(g) Not later than fifteen days after the hearing examiner 79392
files the report and recommendations, the director shall issue an 79393
order approving, modifying, or disapproving the report and 79394
recommendations. 79395

(h) Notwithstanding the pendency of the hearing, the director 79396
shall lift the order for the suspension of admissions when the 79397
director determines that the violation that formed the basis for 79398
the order has been corrected. 79399

(G) Neither a person or government agency whose application 79400
for a license to operate a residential facility is denied nor a 79401
related party of the person or government agency may apply for a 79402
license to operate a residential facility before the date that is 79403
one year after the date of the denial. Neither a licensee whose 79404
residential facility license is revoked nor a related party of the 79405
licensee may apply for a residential facility license before the 79406
date that is five years after the date of the revocation. 79407

(H) In accordance with Chapter 119. of the Revised Code, the 79408
director shall adopt and may amend and rescind rules for licensing 79409
and regulating the operation of residential facilities, including 79410
intermediate care facilities for the mentally retarded. The rules 79411
for intermediate care facilities for the mentally retarded may 79412
differ from those for other residential facilities. The rules 79413
shall establish and specify the following: 79414

(1) Procedures and criteria for issuing and renewing 79415
licenses, including procedures and criteria for determining the 79416
length of the licensing period that the director must specify for 79417

each license when it is issued or renewed;	79418
(2) Procedures and criteria for denying, refusing to renew, terminating, and revoking licenses and for ordering the suspension of admissions to a facility, placement of a monitor at a facility, and the immediate removal of residents from a facility;	79419 79420 79421 79422
(3) Fees for issuing and renewing licenses, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;	79423 79424 79425
(4) Procedures for surveying residential facilities;	79426
(5) Requirements for the training of residential facility personnel;	79427 79428
(6) Classifications for the various types of residential facilities;	79429 79430
(7) Certification procedures for licensees and management contractors that the director determines are necessary to ensure that they have the skills and qualifications to properly operate or manage residential facilities;	79431 79432 79433 79434
(8) The maximum number of persons who may be served in a particular type of residential facility;	79435 79436
(9) Uniform procedures for admission of persons to and transfers and discharges of persons from residential facilities;	79437 79438
(10) Other standards for the operation of residential facilities and the services provided at residential facilities;	79439 79440
(11) Procedures for waiving any provision of any rule adopted under this section.	79441 79442
(I) Before issuing a license, the director of the department or the director's designee shall conduct a survey of the residential facility for which application is made. The director or the director's designee shall conduct a survey of each licensed residential facility at least once during the period the license	79443 79444 79445 79446 79447

is valid and may conduct additional inspections as needed. A 79448
survey includes but is not limited to an on-site examination and 79449
evaluation of the residential facility, its personnel, and the 79450
services provided there. 79451

In conducting surveys, the director or the director's 79452
designee shall be given access to the residential facility; all 79453
records, accounts, and any other documents related to the 79454
operation of the facility; the licensee; the residents of the 79455
facility; and all persons acting on behalf of, under the control 79456
of, or in connection with the licensee. The licensee and all 79457
persons on behalf of, under the control of, or in connection with 79458
the licensee shall cooperate with the director or the director's 79459
designee in conducting the survey. 79460

Following each survey, unless the director initiates a 79461
license revocation proceeding, the director or the director's 79462
designee shall provide the licensee with a report listing any 79463
deficiencies, specifying a timetable within which the licensee 79464
shall submit a plan of correction describing how the deficiencies 79465
will be corrected, and, when appropriate, specifying a timetable 79466
within which the licensee must correct the deficiencies. After a 79467
plan of correction is submitted, the director or the director's 79468
designee shall approve or disapprove the plan. A copy of the 79469
report and any approved plan of correction shall be provided to 79470
any person who requests it. 79471

The director shall initiate disciplinary action against any 79472
department employee who notifies or causes the notification to any 79473
unauthorized person of an unannounced survey of a residential 79474
facility by an authorized representative of the department. 79475

(J) In addition to any other information which may be 79476
required of applicants for a license pursuant to this section, the 79477
director shall require each applicant to provide a copy of an 79478
approved plan for a proposed residential facility pursuant to 79479

section 5123.042 of the Revised Code. This division does not apply 79480
to renewal of a license or to an applicant for a license who meets 79481
the requirements of section 5123.193 of the Revised Code. 79482

(K) A licensee shall notify the owner of the building in 79483
which the licensee's residential facility is located of any 79484
significant change in the identity of the licensee or management 79485
contractor before the effective date of the change if the licensee 79486
is not the owner of the building. 79487

Pursuant to rules which shall be adopted in accordance with 79488
Chapter 119. of the Revised Code, the director may require 79489
notification to the department of any significant change in the 79490
ownership of a residential facility or in the identity of the 79491
licensee or management contractor. If the director determines that 79492
a significant change of ownership is proposed, the director shall 79493
consider the proposed change to be an application for development 79494
by a new operator pursuant to section 5123.042 of the Revised Code 79495
and shall advise the applicant within sixty days of the 79496
notification that the current license shall continue in effect or 79497
a new license will be required pursuant to this section. If the 79498
director requires a new license, the director shall permit the 79499
facility to continue to operate under the current license until 79500
the new license is issued, unless the current license is revoked, 79501
refused to be renewed, or terminated in accordance with Chapter 79502
119. of the Revised Code. 79503

(L) A county board of mental retardation and developmental 79504
disabilities, the legal rights service, and any interested person 79505
may file complaints alleging violations of statute or department 79506
rule relating to residential facilities with the department. All 79507
complaints shall be in writing and shall state the facts 79508
constituting the basis of the allegation. The department shall not 79509
reveal the source of any complaint unless the complainant agrees 79510
in writing to waive the right to confidentiality or until so 79511

ordered by a court of competent jurisdiction. 79512

The department shall adopt rules in accordance with Chapter 79513
119. of the Revised Code establishing procedures for the receipt, 79514
referral, investigation, and disposition of complaints filed with 79515
the department under this division. 79516

(M) The department shall establish procedures for the 79517
notification of interested parties of the transfer or interim care 79518
of residents from residential facilities that are closing or are 79519
losing their license. 79520

(N) Before issuing a license under this section to a 79521
residential facility that will accommodate at any time more than 79522
one mentally retarded or developmentally disabled individual, the 79523
director shall, by first class mail, notify the following: 79524

(1) If the facility will be located in a municipal 79525
corporation, the clerk of the legislative authority of the 79526
municipal corporation; 79527

(2) If the facility will be located in unincorporated 79528
territory, the clerk of the appropriate board of county 79529
commissioners and the fiscal officer of the appropriate board of 79530
township trustees. 79531

The director shall not issue the license for ten days after 79532
mailing the notice, excluding Saturdays, Sundays, and legal 79533
holidays, in order to give the notified local officials time in 79534
which to comment on the proposed issuance. 79535

Any legislative authority of a municipal corporation, board 79536
of county commissioners, or board of township trustees that 79537
receives notice under this division of the proposed issuance of a 79538
license for a residential facility may comment on it in writing to 79539
the director within ten days after the director mailed the notice, 79540
excluding Saturdays, Sundays, and legal holidays. If the director 79541
receives written comments from any notified officials within the 79542

specified time, the director shall make written findings 79543
concerning the comments and the director's decision on the 79544
issuance of the license. If the director does not receive written 79545
comments from any notified local officials within the specified 79546
time, the director shall continue the process for issuance of the 79547
license. 79548

(O) Any person may operate a licensed residential facility 79549
that provides room and board, personal care, habilitation 79550
services, and supervision in a family setting for at least six but 79551
not more than eight persons with mental retardation or a 79552
developmental disability as a permitted use in any residential 79553
district or zone, including any single-family residential district 79554
or zone, of any political subdivision. These residential 79555
facilities may be required to comply with area, height, yard, and 79556
architectural compatibility requirements that are uniformly 79557
imposed upon all single-family residences within the district or 79558
zone. 79559

(P) Any person may operate a licensed residential facility 79560
that provides room and board, personal care, habilitation 79561
services, and supervision in a family setting for at least nine 79562
but not more than sixteen persons with mental retardation or a 79563
developmental disability as a permitted use in any multiple-family 79564
residential district or zone of any political subdivision, except 79565
that a political subdivision that has enacted a zoning ordinance 79566
or resolution establishing planned unit development districts may 79567
exclude these residential facilities from those districts, and a 79568
political subdivision that has enacted a zoning ordinance or 79569
resolution may regulate these residential facilities in 79570
multiple-family residential districts or zones as a conditionally 79571
permitted use or special exception, in either case, under 79572
reasonable and specific standards and conditions set out in the 79573
zoning ordinance or resolution to: 79574

(1) Require the architectural design and site layout of the residential facility and the location, nature, and height of any walls, screens, and fences to be compatible with adjoining land uses and the residential character of the neighborhood;	79575 79576 79577 79578
(2) Require compliance with yard, parking, and sign regulation;	79579 79580
(3) Limit excessive concentration of these residential facilities.	79581 79582
(Q) This section does not prohibit a political subdivision from applying to residential facilities nondiscriminatory regulations requiring compliance with health, fire, and safety regulations and building standards and regulations.	79583 79584 79585 79586
(R) Divisions (O) and (P) of this section are not applicable to municipal corporations that had in effect on June 15, 1977, an ordinance specifically permitting in residential zones licensed residential facilities by means of permitted uses, conditional uses, or special exception, so long as such ordinance remains in effect without any substantive modification.	79587 79588 79589 79590 79591 79592
(S)(1) The director may issue an interim license to operate a residential facility to an applicant for a license under this section if either of the following is the case:	79593 79594 79595
(a) The director determines that an emergency exists requiring immediate placement of persons in a residential facility, that insufficient licensed beds are available, and that the residential facility is likely to receive a permanent license under this section within thirty days after issuance of the interim license.	79596 79597 79598 79599 79600 79601
(b) The director determines that the issuance of an interim license is necessary to meet a temporary need for a residential facility.	79602 79603 79604

(2) To be eligible to receive an interim license, an applicant must meet the same criteria that must be met to receive a permanent license under this section, except for any differing procedures and time frames that may apply to issuance of a permanent license.

(3) An interim license shall be valid for thirty days and may be renewed by the director for a period not to exceed one hundred fifty days.

(4) The director shall adopt rules in accordance with Chapter 119. of the Revised Code as the director considers necessary to administer the issuance of interim licenses.

(T) Notwithstanding rules adopted pursuant to this section establishing the maximum number of persons who may be served in a particular type of residential facility, a residential facility shall be permitted to serve the same number of persons being served by the facility on the effective date of the rules or the number of persons for which the facility is authorized pursuant to a current application for a certificate of need with a letter of support from the department of mental retardation and developmental disabilities and which is in the review process prior to April 4, 1986.

(U) The director or the director's designee may enter at any time, for purposes of investigation, any home, facility, or other structure that has been reported to the director or that the director has reasonable cause to believe is being operated as a residential facility without a license issued under this section.

The director may petition the court of common pleas of the county in which an unlicensed residential facility is located for an order enjoining the person or governmental agency operating the facility from continuing to operate without a license. The court may grant the injunction on a showing that the person or

governmental agency named in the petition is operating a 79636
residential facility without a license. The court may grant the 79637
injunction, regardless of whether the residential facility meets 79638
the requirements for receiving a license under this section. 79639

Sec. 5123.193. An applicant for a residential facility 79640
license under section 5123.19 of the Revised Code is not required 79641
to obtain approval of a plan for the proposed residential facility 79642
pursuant to section 5123.042 of the Revised Code if all of the 79643
following apply: 79644

(A) All of the following apply to the facility for which the 79645
residential facility license is sought: 79646

(1) It is licensed as a nursing home under section 3721.02 of 79647
the Revised Code on the effective date of this section and the 79648
nursing home license authorizes the facility to have fifty nursing 79649
home beds. 79650

(2) It was previously certified as an intermediate care 79651
facility for the mentally retarded before July 1, 1992. 79652

(3) It is operated as a nonprofit organization exempt from 79653
federal income tax under section 501(c)(3) of the Internal Revenue 79654
Code. 79655

(4) Its governing board has passed a resolution to close the 79656
facility unless a residential facility license is obtained for the 79657
facility. 79658

(B) The license application seeks authorization to operate a 79659
residential facility with not more than twenty-five beds on the 79660
same site on which the facility is operated under its nursing home 79661
license on the effective date of this section. 79662

(C) The applicant applies to the director of health to have 79663
the facility certified as an intermediate care facility for the 79664
mentally retarded. 79665

(D) The applicant agrees to have the nursing home's licensed capacity reduced to not more than twenty-five nursing home beds effective on the date the director of mental retardation and developmental disabilities issues the residential facility license and agrees to surrender the nursing home license, ending the applicant's right to have any nursing home beds in the facility, effective on the date the director of health certifies the facility as an intermediate care facility for the mentally retarded. 79666
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(E) The applicant provides the director of mental retardation and developmental disabilities assurances that the applicant will cooperate with the department of job and family services in having each resident of the facility who needs a greater or lesser level of care than intermediate care facilities for the mentally retarded provide relocated to another facility or residence that is authorized to provide the level of care the resident needs and is willing to accept the resident's placement in the facility or residence. 79675
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(F) The applicant submits the application for the residential facility license to the director of mental retardation and developmental disabilities not later than one hundred twenty days after the effective date of this section. 79684
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Sec. 5126.044. (A) As used in this section, ~~"eligible:~~ 79688

(1) "Eligible person" has the same meaning as in section 5126.03 of the Revised Code. 79689
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(2) "Treatment" means the provision, coordination, or management of services provided to an eligible person. 79691
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(3) "Payment" means activities undertaken by a service provider or governmental entity to obtain or provide reimbursement for services to an eligible person. 79693
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(B) Except as provided in division ~~(D)~~(C) of this section, no person shall disclose the identity of an individual who requests programs or services under this chapter or release a record or report regarding an eligible person that is maintained by a county board of mental retardation and developmental disabilities or an entity under contract with a county board unless one of the following circumstances exists:

(1) The individual, eligible person, or the individual's guardian, or, if the individual is a minor, the individual's parent or guardian, makes a written request to the county board or entity for or approves in writing disclosure of the individual's identity or release of the record or report regarding the eligible person.

(2) Disclosure of the identity of an individual is needed for approval of a direct services contract under section 5126.032 or 5126.033 of the Revised Code. The county board shall release only the individual's name and the general nature of the services to be provided.

(3) Disclosure of the identity of the individual is needed to ascertain that the county board's waiting lists for programs or services are being maintained in accordance with section 5126.042 of the Revised Code and the rules adopted under that section. The county board shall release only the individual's name, the general nature of the programs or services to be provided the individual, the individual's rank on each waiting list that includes the individual, and any circumstances under which the individual was given priority when placed on a waiting list.

(4) Disclosure of the identity of an individual who is an eligible person is needed for treatment of or payment for services provided to the individual.

~~(C) A board or entity that discloses an individual's identity~~

~~or releases a record or report regarding an eligible person shall~~ 79727
~~maintain a record of when and to whom the disclosure or release~~ 79728
~~was made.~~ 79729

~~(D)~~(1) At the request of an eligible person or the person's 79730
guardian or, if the eligible person is a minor, the person's 79731
parent or guardian, a county board or entity under contract with a 79732
county board shall provide the person who made the request access 79733
to records and reports regarding the eligible person. On written 79734
request, the county board or entity shall provide copies of the 79735
records and reports to the eligible person, guardian, or parent. 79736
The county board or entity may charge a reasonable fee to cover 79737
the costs of copying. The county board or entity may waive the fee 79738
in cases of hardship. 79739

(2) A county board shall provide access to any waiting list 79740
or record or report regarding an eligible person maintained by the 79741
board to any state agency responsible for monitoring and reviewing 79742
programs and services provided or arranged by the county board, 79743
any state agency involved in the coordination of services for an 79744
eligible person, and any agency under contract with the department 79745
of mental retardation and developmental disabilities for the 79746
provision of protective service pursuant to section 5123.56 of the 79747
Revised Code. 79748

(3) When an eligible person who requests programs or services 79749
under this chapter dies, the county board or entity under contract 79750
with the county board, shall, on written request, provide to both 79751
of the following persons any reports and records in the board or 79752
entity's possession concerning the eligible person: 79753

(a) If the report or records are necessary to administer the 79754
estate of the person who is the subject of the reports or records, 79755
to the executor or administrator of the person's estate; 79756

(b) To the guardian of the person who is the subject of the 79757

reports or records or, if the individual had no guardian at the 79758
time of death, to a person in the first applicable of the 79759
following categories: 79760

- (i) The person's spouse; 79761
- (ii) The person's children; 79762
- (iii) The person's parents; 79763
- (iv) The person's brothers or sisters; 79764
- (v) The person's uncles or aunts; 79765
- (vi) The person's closest relative by blood or adoption; 79766
- (vii) The person's closest relative by marriage. 79767

The county board or entity shall provide the reports and 79768
records as required by division ~~(D)~~(C)(3) of this section not 79769
later than thirty days after receipt of the request. 79770

~~(E)~~(D) A county board shall notify an eligible person, the 79771
person's guardian, or, if the eligible person is a minor, the 79772
person's parent or guardian, prior to destroying any record or 79773
report regarding the eligible person. 79774

Sec. 5126.054. (A) Each county board of mental retardation 79775
and developmental disabilities shall, by resolution, develop a 79776
three-calendar year plan that includes the following three 79777
components: 79778

(1) An assessment component that includes all of the 79779
following: 79780

(a) The number of individuals with mental retardation or 79781
other developmental disability residing in the county who need the 79782
level of care provided by an intermediate care facility for the 79783
mentally retarded, may seek home and community-based services, are 79784
given priority for the services pursuant to division (D) of 79785
section 5126.042 of the Revised Code; the service needs of those 79786

individuals; and the projected annualized cost for services; 79787

(b) The source of funds available to the county board to pay 79788
the nonfederal share of medicaid expenditures that the county 79789
board is required by sections 5126.059 and 5126.0510 of the 79790
Revised Code to pay; 79791

(c) Any other applicable information or conditions that the 79792
department of mental retardation and developmental disabilities 79793
requires as a condition of approving the component under section 79794
5123.046 of the Revised Code. 79795

(2) ~~A~~ preliminary implementation component that specifies 79796
the number of individuals to be provided, during the first year 79797
that the plan is in effect, home and community-based services 79798
pursuant to the priority given to them under divisions (D)(1) and 79799
(2) of section 5126.042 of the Revised Code and the types of home 79800
and community-based services the individuals are to receive; 79801

(3) A component that provides for the implementation of 79802
medicaid case management services and home and community-based 79803
services for individuals who begin to receive the services on or 79804
after the date the plan is approved under section 5123.046 of the 79805
Revised Code. A county board shall include all of the following in 79806
the component: 79807

(a) If the department of mental retardation and developmental 79808
disabilities or department of job and family services requires, an 79809
agreement to pay the nonfederal share of medicaid expenditures 79810
that the county board is required by sections 5126.059 and 79811
5126.0510 of the Revised Code to pay; 79812

(b) How the services are to be phased in over the period the 79813
plan covers, including how the county board will serve individuals 79814
on a waiting list established under division (C) of section 79815
5126.042 who are given priority status under division (D)(1) of 79816
that section; 79817

(c) Any agreement or commitment regarding the county board's 79818
funding of home and community-based services that the county board 79819
has with the department at the time the county board develops the 79820
component; 79821

(d) Assurances adequate to the department that the county 79822
board will comply with all of the following requirements: 79823

(i) To provide the types of home and community-based services 79824
specified in the preliminary implementation component required by 79825
division (A)(2) of this section to at least the number of 79826
individuals specified in that component; 79827

(ii) To use any additional funds the county board receives 79828
for the services to improve the county board's resource 79829
capabilities for supporting such services available in the county 79830
at the time the component is developed and to expand the services 79831
to accommodate the unmet need for those services in the county; 79832

(iii) To employ or contract with a business manager ~~who is~~ 79833
~~either a new employee who has earned at least a bachelor's degree~~ 79834
~~in business administration or a current employee who has the~~ 79835
~~equivalent experience of a bachelor's degree in business~~ 79836
~~administration~~ or enter into an agreement with another county 79837
board of mental retardation and developmental disabilities that 79838
employs or contracts with a business manager to have the business 79839
manager serve both county boards. ~~If the county board will employ~~ 79840
~~a new employee, the county board shall include in the component a~~ 79841
~~timeline for employing the employee.~~ No superintendent of a county 79842
board may serve as the county board's business manager. 79843

(iv) To employ or contract with a medicaid services manager 79844
~~who is either a new employee who has earned at least a bachelor's~~ 79845
~~degree or a current employee who has the equivalent experience of~~ 79846
~~a bachelor's degree~~ or enter into an agreement with another county 79847
board of mental retardation and developmental disabilities that 79848

~~employs or contracts with a medicaid services manager to have the
medicaid services manager serve both county boards. If the county
board will employ a new employee, the county board shall include
in the component a timeline for employing the employee. Two or
three county boards that have a combined total enrollment in
county board services not exceeding one thousand individuals as
determined pursuant to certifications made under division (B) of
section 5126.12 of the Revised Code may satisfy this requirement
by sharing the services of a medicaid services manager or using
the services of a medicaid services manager employed by or under
contract with a regional council that the county boards establish
under section 5126.13 of the Revised Code. No superintendent of a
county board may serve as the county board's medicaid services
manager.~~

(e) Programmatic and financial accountability measures and
projected outcomes expected from the implementation of the plan;

(f) Any other applicable information or conditions that the
department requires as a condition of approving the component
under section 5123.046 of the Revised Code.

(B) A county board whose plan developed under division (A) of
this section is approved by the department under section 5123.046
of the Revised Code shall update and renew the plan in accordance
with a schedule the department shall develop.

Sec. 5126.055. (A) Except as provided in section 5126.056 of
the Revised Code, a county board of mental retardation and
developmental disabilities has medicaid local administrative
authority to, and shall, do all of the following for an individual
with mental retardation or other developmental disability who
resides in the county that the county board serves and seeks or
receives home and community-based services:

(1) Perform assessments and evaluations of the individual. As

part of the assessment and evaluation process, the county board 79880
shall do all of the following: 79881

(a) Make a recommendation to the department of mental 79882
retardation and developmental disabilities on whether the 79883
department should approve or deny the individual's application for 79884
the services, including on the basis of whether the individual 79885
needs the level of care an intermediate care facility for the 79886
mentally retarded provides; 79887

(b) If the individual's application is denied because of the 79888
county board's recommendation and the individual requests a 79889
hearing under section 5101.35 of the Revised Code, present, with 79890
the department of mental retardation and developmental 79891
disabilities or department of job and family services, whichever 79892
denies the application, the reasons for the recommendation and 79893
denial at the hearing; 79894

(c) If the individual's application is approved, recommend to 79895
the departments of mental retardation and developmental 79896
disabilities and job and family services the services that should 79897
be included in the individual's individualized service plan and, 79898
if either department approves, reduces, denies, or terminates a 79899
service included in the individual's individualized service plan 79900
under section 5111.871 of the Revised Code because of the county 79901
board's recommendation, present, with the department that made the 79902
approval, reduction, denial, or termination, the reasons for the 79903
recommendation and approval, reduction, denial, or termination at 79904
a hearing under section 5101.35 of the Revised Code. 79905

(2) In accordance with the rules adopted under section 79906
5126.046 of the Revised Code, perform the county board's duties 79907
under that section regarding assisting the individual's right to 79908
choose a qualified and willing provider of the services and, at a 79909
hearing under section 5101.35 of the Revised Code, present 79910
evidence of the process for appropriate assistance in choosing 79911

providers; 79912

(3) If the county board is certified under section 5123.161 79913
of the Revised Code to provide the services and agrees to provide 79914
the services to the individual and the individual chooses the 79915
county board to provide the services, furnish, in accordance with 79916
the county board's medicaid provider agreement and for the 79917
authorized reimbursement rate, the services the individual 79918
requires; 79919

(4) Monitor the services provided to the individual and 79920
ensure the individual's health, safety, and welfare. The 79921
monitoring shall include quality assurance activities. If the 79922
county board provides the services, the department of mental 79923
retardation and developmental disabilities shall also monitor the 79924
services. 79925

(5) Develop, with the individual and the provider of the 79926
individual's services, an effective individualized service plan 79927
that includes coordination of services, recommend that the 79928
departments of mental retardation and developmental disabilities 79929
and job and family services approve the plan, and implement the 79930
plan unless either department disapproves it+. The individualized 79931
service plan shall include a summary page, agreed to by the county 79932
board, provider, and individual receiving services, that clearly 79933
outlines the amount, duration, and scope of services to be 79934
provided under the plan. 79935

(6) Have an investigative agent conduct investigations under 79936
section 5126.313 of the Revised Code that concern the individual; 79937

(7) Have a service and support administrator perform the 79938
duties under division (B)(9) of section 5126.15 of the Revised 79939
Code that concern the individual. 79940

(B) A county board shall perform its medicaid local 79941
administrative authority under this section in accordance with all 79942

of the following: 79943

(1) The county board's plan that the department of mental 79944
retardation and developmental disabilities approves under section 79945
5123.046 of the Revised Code; 79946

(2) All applicable federal and state laws; 79947

(3) All applicable policies of the departments of mental 79948
retardation and developmental disabilities and job and family 79949
services and the United States department of health and human 79950
services; 79951

(4) The department of job and family services' supervision 79952
under its authority under section 5111.01 of the Revised Code to 79953
act as the single state medicaid agency; 79954

(5) The department of mental retardation and developmental 79955
disabilities' oversight. 79956

(C) The departments of mental retardation and developmental 79957
disabilities and job and family services shall communicate with 79958
and provide training to county boards regarding medicaid local 79959
administrative authority granted by this section. The 79960
communication and training shall include issues regarding audit 79961
protocols and other standards established by the United States 79962
department of health and human services that the departments 79963
determine appropriate for communication and training. County 79964
boards shall participate in the training. The departments shall 79965
assess the county board's compliance against uniform standards 79966
that the departments shall establish. 79967

(D) A county board may not delegate its medicaid local 79968
administrative authority granted under this section but may 79969
contract with a person or government entity, including a council 79970
of governments, for assistance with its medicaid local 79971
administrative authority. A county board that enters into such a 79972
contract shall notify the director of mental retardation and 79973

developmental disabilities. The notice shall include the tasks and 79974
responsibilities that the contract gives to the person or 79975
government entity. The person or government entity shall comply in 79976
full with all requirements to which the county board is subject 79977
regarding the person or government entity's tasks and 79978
responsibilities under the contract. The county board remains 79979
ultimately responsible for the tasks and responsibilities. 79980

(E) A county board that has medicaid local administrative 79981
authority under this section shall, through the departments of 79982
mental retardation and developmental disabilities and job and 79983
family services, reply to, and cooperate in arranging compliance 79984
with, a program or fiscal audit or program violation exception 79985
that a state or federal audit or review discovers. The department 79986
of job and family services shall timely notify the department of 79987
mental retardation and developmental disabilities and the county 79988
board of any adverse findings. After receiving the notice, the 79989
county board, in conjunction with the department of mental 79990
retardation and developmental disabilities, shall cooperate fully 79991
with the department of job and family services and timely prepare 79992
and send to the department a written plan of correction or 79993
response to the adverse findings. The county board is liable for 79994
any adverse findings that result from an action it takes or fails 79995
to take in its implementation of medicaid local administrative 79996
authority. 79997

(F) If the department of mental retardation and developmental 79998
disabilities or department of job and family services determines 79999
that a county board's implementation of its medicaid local 80000
administrative authority under this section is deficient, the 80001
department that makes the determination shall require that county 80002
board do the following: 80003

(1) If the deficiency affects the health, safety, or welfare 80004
of an individual with mental retardation or other developmental 80005

disability, correct the deficiency within twenty-four hours; 80006

(2) If the deficiency does not affect the health, safety, or 80007
welfare of an individual with mental retardation or other 80008
developmental disability, receive technical assistance from the 80009
department or submit a plan of correction to the department that 80010
is acceptable to the department within sixty days and correct the 80011
deficiency within the time required by the plan of correction. 80012

Sec. 5126.0512. (A) As used in this section, "medicaid waiver 80013
component" means a medicaid waiver component as defined in section 80014
5111.85 of the Revised Code under which home and community-based 80015
services are provided. 80016

(B) Effective July 1, 2007, and except as provided in rules 80017
adopted under section 5123.0413 of the Revised Code, each county 80018
board of mental retardation and developmental disabilities shall 80019
ensure, for each medicaid waiver component, that the number of 80020
individuals eligible under section 5126.041 of the Revised Code 80021
for services from the county board who are enrolled in a medicaid 80022
waiver component is no less than the sum of the following: 80023

(1) The number of individuals eligible for services from the 80024
county board who are enrolled in the medicaid waiver component on 80025
June 30, 2007; 80026

(2) The number of medicaid waiver component slots the county 80027
board requested before July 1, 2007, that were assigned to the 80028
county board before that date but in which no individual was 80029
enrolled before that date. 80030

(C) An individual enrolled in a medicaid waiver component 80031
after March 1, 2007, due to an emergency reserve capacity waiver 80032
assignment shall not be counted in determining the number of 80033
individuals a county board must ensure under division (B) of this 80034
section are enrolled in a medicaid waiver component. 80035

(D) An individual who is enrolled in a medicaid waiver component to comply with the terms of the consent order filed March 5, 2007, in *Martin v. Strickland*, Case No. 89-CV-00362, in the United States district court for the southern district of Ohio, eastern division, shall be excluded in determining whether a county board has complied with division (B) of this section.

(E) A county board shall make as many requests for individuals to be enrolled in a medicaid waiver component as necessary for the county board to comply with division (B) of this section.

Sec. 5126.19. (A) The director of mental retardation and developmental disabilities may grant temporary funding from the community mental retardation and developmental disabilities trust fund based on allocations to county boards of mental retardation and developmental disabilities. The director may distribute all or part of the funding directly to a county board, the persons who provide the services for which the funding is granted, or persons with mental retardation or developmental disabilities who are to receive those services.

(B) Funding granted under division (A) of this section shall be granted according to the availability of moneys in the fund and priorities established by the director. Funding may be granted for any of the following purposes:

(1) Behavioral or short-term interventions for persons with mental retardation or developmental disabilities that assist them in remaining in the community by preventing institutionalization;

(2) Emergency respite care services, as defined in section 5126.11 of the Revised Code;

(3) Family support services provided under section 5126.11 of the Revised Code;

(4) Supported living, as defined in section 5126.01 of the Revised Code;	80066 80067
(5) Staff training for county board employees, employees of providers of residential services as defined in section 5126.01 of the Revised Code, and other personnel under contract with a county board, to provide the staff with necessary training in serving mentally retarded or developmentally disabled persons in the community;	80068 80069 80070 80071 80072 80073
(6) Short-term provision of early childhood services provided under section 5126.05, adult services provided under sections 5126.05 and 5126.051, and service and support administration provided under section 5126.15 of the Revised Code, when local moneys are insufficient to meet the need for such services due to the successive failure within a two-year period of three or more proposed levies for the services;	80074 80075 80076 80077 80078 80079 80080
(7) Contracts with providers of residential services to maintain persons with mental retardation and developmental disabilities in their programs and avoid institutionalization.	80081 80082 80083
(C) If the trust fund contains more than ten million dollars on the first day of July the director shall use one million dollars for payments under section 5126.18 of the Revised Code, two million dollars for subsidies to county boards for supported living, and one million dollars for subsidies to county boards for early childhood services and adult services provided under section 5126.05 of the Revised Code. Distributions of funds under this division shall be made prior to August 31 of the state fiscal year in which the funds are available. The funds shall be allocated to a county board in an amount equal to the same percentage of the total amount allocated to the county board the immediately preceding state fiscal year.	80084 80085 80086 80087 80088 80089 80090 80091 80092 80093 80094 80095
(D) In addition to making grants under division (A) of this	80096

~~section, the director may use money available in the trust fund 80097
for the same purposes that rules adopted under section 5123.0413 80098
of the Revised Code provide for money in the state MR/DD risk fund 80099
and the state insurance against MR/DD risk fund, both created 80100
under that section, to be used. 80101~~

Sec. 5139.43. (A) The department of youth services shall 80102
operate a felony delinquent care and custody program that shall be 80103
operated in accordance with the formula developed pursuant to 80104
section 5139.41 of the Revised Code, subject to the conditions 80105
specified in this section. 80106

(B)(1) Each juvenile court shall use the moneys disbursed to 80107
it by the department of youth services pursuant to division (B) of 80108
section 5139.41 of the Revised Code in accordance with the 80109
applicable provisions of division (B)(2) of this section and shall 80110
transmit the moneys to the county treasurer for deposit in 80111
accordance with this division. The county treasurer shall create 80112
in the county treasury a fund that shall be known as the felony 80113
delinquent care and custody fund and shall deposit in that fund 80114
the moneys disbursed to the juvenile court pursuant to division 80115
(B) of section 5139.41 of the Revised Code. The county treasurer 80116
also shall deposit into that fund the state subsidy funds granted 80117
to the county pursuant to section 5139.34 of the Revised Code. The 80118
moneys disbursed to the juvenile court pursuant to division (B) of 80119
section 5139.41 of the Revised Code and deposited pursuant to this 80120
division in the felony delinquent care and custody fund shall not 80121
be commingled with any other county funds except state subsidy 80122
funds granted to the county pursuant to section 5139.34 of the 80123
Revised Code; shall not be used for any capital construction 80124
projects; upon an order of the juvenile court and subject to 80125
appropriation by the board of county commissioners, shall be 80126
disbursed to the juvenile court for use in accordance with the 80127
applicable provisions of division (B)(2) of this section; shall 80128

not revert to the county general fund at the end of any fiscal 80129
year; and shall carry over in the felony delinquent care and 80130
custody fund from the end of any fiscal year to the next fiscal 80131
year. ~~At~~ The maximum balance carry-over at the end of each 80132
respective fiscal year, beginning June 30, 2008, the balance in 80133
the felony delinquent care and custody fund in any county ~~shall~~ 80134
~~not exceed the total moneys from funds~~ allocated to the county 80135
pursuant to sections 5139.34 and 5139.41 of the Revised Code 80136
~~during~~ in the previous fiscal year shall not exceed an amount to 80137
be calculated as provided in the formula set forth in this 80138
division, unless that county has applied for and been granted an 80139
exemption by the director of youth services. Beginning June 30, 80140
2008, the maximum balance carry-over at the end of each respective 80141
fiscal year shall be determined by the following formula: for 80142
fiscal year 2008, the maximum balance carry-over shall be one 80143
hundred per cent of the allocation for fiscal year 2007, to be 80144
applied in determining the fiscal year 2009 allocation; for fiscal 80145
year 2009, it shall be fifty per cent of the allocation for fiscal 80146
year 2008, to be applied in determining the fiscal year 2010 80147
allocation; for fiscal year 2010, it shall be twenty-five per cent 80148
of the allocation for fiscal year 2009, to be applied in 80149
determining the fiscal year 2011 allocation; and for each fiscal 80150
year subsequent to fiscal year 2010, it shall be twenty-five per 80151
cent of the allocation for the immediately preceding fiscal year, 80152
to be applied in determining the allocation for the next immediate 80153
fiscal year. The department shall withhold from future payments to 80154
a county an amount equal to any moneys in the felony delinquent 80155
care and custody fund of the county that exceed the total ~~moneys~~ 80156
~~allocated pursuant to those sections to the county during the~~ 80157
~~preceding fiscal year~~ maximum balance carry-over that applies for 80158
that county for the fiscal year in which the payments are being 80159
made and shall reallocate the withheld amount. The department 80160
shall adopt rules for the withholding and reallocation of moneys 80161

disbursed under sections 5139.34 and 5139.41 of the Revised Code 80162
and for the criteria and process for a county to obtain an 80163
exemption from the withholding requirement. The moneys disbursed 80164
to the juvenile court pursuant to division (B) of section 5139.41 80165
of the Revised Code and deposited pursuant to this division in the 80166
felony delinquent care and custody fund shall be in addition to, 80167
and shall not be used to reduce, any usual annual increase in 80168
county funding that the juvenile court is eligible to receive or 80169
the current level of county funding of the juvenile court and of 80170
any programs or services for delinquent children, unruly children, 80171
or juvenile traffic offenders. 80172

(2)(a) A county and the juvenile court that serves the county 80173
shall use the moneys in its felony delinquent care and custody 80174
fund in accordance with rules that the department of youth 80175
services adopts pursuant to division (D) of section 5139.04 of the 80176
Revised Code and as follows: 80177

(i) The moneys in the fund that represent state subsidy funds 80178
granted to the county pursuant to section 5139.34 of the Revised 80179
Code shall be used to aid in the support of prevention, early 80180
intervention, diversion, treatment, and rehabilitation programs 80181
that are provided for alleged or adjudicated unruly children or 80182
delinquent children or for children who are at risk of becoming 80183
unruly children or delinquent children. The county shall not use 80184
for capital improvements more than fifteen per cent of the moneys 80185
in the fund that represent the applicable annual grant of those 80186
state subsidy funds. 80187

(ii) The moneys in the fund that were disbursed to the 80188
juvenile court pursuant to division (B) of section 5139.41 of the 80189
Revised Code and deposited pursuant to division (B)(1) of this 80190
section in the fund shall be used to provide programs and services 80191
for the training, treatment, or rehabilitation of felony 80192
delinquents that are alternatives to their commitment to the 80193

department, including, but not limited to, community residential 80194
programs, day treatment centers, services within the home, and 80195
electronic monitoring, and shall be used in connection with 80196
training, treatment, rehabilitation, early intervention, or other 80197
programs or services for any delinquent child, unruly child, or 80198
juvenile traffic offender who is under the jurisdiction of the 80199
juvenile court. 80200

The fund also may be used for prevention, early intervention, 80201
diversion, treatment, and rehabilitation programs that are 80202
provided for alleged or adjudicated unruly children, delinquent 80203
children, or juvenile traffic offenders or for children who are at 80204
risk of becoming unruly children, delinquent children, or juvenile 80205
traffic offenders. Consistent with division (B)(1) of this 80206
section, a county and the juvenile court of a county shall not use 80207
any of those moneys for capital construction projects. 80208

(iii) Moneys in the fund shall not be used to support 80209
programs or services that do not comply with federal juvenile 80210
justice and delinquency prevention core requirements or to support 80211
programs or services that research has shown to be ineffective. 80212

(iv) The county and the juvenile court that serves the county 80213
may use moneys in the fund to provide out-of-home placement of 80214
children only in detention centers, community rehabilitation 80215
centers, or community corrections facilities approved by the 80216
department pursuant to standards adopted by the department, 80217
licensed by an authorized state agency, or accredited by the 80218
American correctional association or another national organization 80219
recognized by the department. 80220

(b) Each juvenile court shall comply with division (B)(3)(d) 80221
of this section as implemented by the department. If a juvenile 80222
court fails to comply with division (B)(3)(d) of this section, the 80223
department shall not be required to make any disbursements in 80224
accordance with division (C) or (D) of section 5139.41 or division 80225

(C)(2) of section 5139.34 of the Revised Code. 80226

(3) In accordance with rules adopted by the department 80227
pursuant to division (D) of section 5139.04 of the Revised Code, 80228
each juvenile court and the county served by that juvenile court 80229
shall do all of the following that apply: 80230

(a) The juvenile court shall prepare an annual grant 80231
agreement and application for funding that satisfies the 80232
requirements of this section and section 5139.34 of the Revised 80233
Code and that pertains to the use, upon an order of the juvenile 80234
court and subject to appropriation by the board of county 80235
commissioners, of the moneys in its felony delinquent care and 80236
custody fund for specified programs, care, and services as 80237
described in division (B)(2)(a) of this section, shall submit that 80238
agreement and application to the county family and children first 80239
council, the regional family and children first council, or the 80240
local intersystem services to children cluster as described in 80241
sections 121.37 and 121.38 of the Revised Code, whichever is 80242
applicable, and shall file that agreement and application with the 80243
department for its approval. The annual grant agreement and 80244
application for funding shall include a method of ensuring equal 80245
access for minority youth to the programs, care, and services 80246
specified in it. 80247

The department may approve an annual grant agreement and 80248
application for funding only if the juvenile court involved has 80249
complied with the preparation, submission, and filing requirements 80250
described in division (B)(3)(a) of this section. If the juvenile 80251
court complies with those requirements and the department approves 80252
that agreement and application, the juvenile court and the county 80253
served by the juvenile court may expend the state subsidy funds 80254
granted to the county pursuant to section 5139.34 of the Revised 80255
Code only in accordance with division (B)(2)(a) of this section, 80256
the rules pertaining to state subsidy funds that the department 80257

adopts pursuant to division (D) of section 5139.04 of the Revised Code, and the approved agreement and application. 80258
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(b) By the thirty-first day of August of each year, the juvenile court shall file with the department a report that contains all of the statistical and other information for each month of the prior state fiscal year. If the juvenile court fails to file the report required by division (B)(3)(b) of this section by the thirty-first day of August of any year, the department shall not disburse any payment of state subsidy funds to which the county otherwise is entitled pursuant to section 5139.34 of the Revised Code and shall not disburse pursuant to division (B) of section 5139.41 of the Revised Code the applicable allocation until the juvenile court fully complies with division (B)(3)(b) of this section. 80260
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(c) If the department requires the juvenile court to prepare monthly statistical reports and to submit the reports on forms provided by the department, the juvenile court shall file those reports with the department on the forms so provided. If the juvenile court fails to prepare and submit those monthly statistical reports within the department's timelines, the department shall not disburse any payment of state subsidy funds to which the county otherwise is entitled pursuant to section 5139.34 of the Revised Code and shall not disburse pursuant to division (B) of section 5139.41 of the Revised Code the applicable allocation until the juvenile court fully complies with division (B)(3)(c) of this section. If the juvenile court fails to prepare and submit those monthly statistical reports within one hundred eighty days of the date the department establishes for their submission, the department shall not disburse any payment of state subsidy funds to which the county otherwise is entitled pursuant to section 5139.34 of the Revised Code and shall not disburse pursuant to division (B) of section 5139.41 of the Revised Code 80272
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the applicable allocation, and the state subsidy funds and the 80290
remainder of the applicable allocation shall revert to the 80291
department. If a juvenile court states in a monthly statistical 80292
report that the juvenile court adjudicated within a state fiscal 80293
year five hundred or more children to be delinquent children for 80294
committing acts that would be felonies if committed by adults and 80295
if the department determines that the data in the report may be 80296
inaccurate, the juvenile court shall have an independent auditor 80297
or other qualified entity certify the accuracy of the data on a 80298
date determined by the department. 80299

(d) If the department requires the juvenile court and the 80300
county to participate in a fiscal monitoring program or another 80301
monitoring program that is conducted by the department to ensure 80302
compliance by the juvenile court and the county with division (B) 80303
of this section, the juvenile court and the county shall 80304
participate in the program and fully comply with any guidelines 80305
for the performance of audits adopted by the department pursuant 80306
to that program and all requests made by the department pursuant 80307
to that program for information necessary to reconcile fiscal 80308
accounting. If an audit that is performed pursuant to a fiscal 80309
monitoring program or another monitoring program described in this 80310
division determines that the juvenile court or the county used 80311
moneys in the county's felony delinquent care and custody fund for 80312
expenses that are not authorized under division (B) of this 80313
section, within forty-five days after the department notifies the 80314
county of the unauthorized expenditures, the county either shall 80315
repay the amount of the unauthorized expenditures from the county 80316
general revenue fund to the state's general revenue fund or shall 80317
file a written appeal with the department. If an appeal is timely 80318
filed, the director of the department shall render a decision on 80319
the appeal and shall notify the appellant county or its juvenile 80320
court of that decision within forty-five days after the date that 80321
the appeal is filed. If the director denies an appeal, the 80322

county's fiscal agent shall repay the amount of the unauthorized 80323
expenditures from the county general revenue fund to the state's 80324
general revenue fund within thirty days after receiving the 80325
director's notification of the appeal decision. 80326

(C) The determination of which county a reduction of the care 80327
and custody allocation will be charged against for a particular 80328
youth shall be made as outlined below for all youths who do not 80329
qualify as public safety beds. The determination of which county a 80330
reduction of the care and custody allocation will be charged 80331
against shall be made as follows until each youth is released: 80332
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(1) In the event of a commitment, the reduction shall be 80334
charged against the committing county. 80335

(2) In the event of a recommitment, the reduction shall be 80336
charged against the original committing county until the 80337
expiration of the minimum period of institutionalization under the 80338
original order of commitment or until the date on which the youth 80339
is admitted to the department of youth services pursuant to the 80340
order of recommitment, whichever is later. Reductions of the 80341
allocation shall be charged against the county that recommitted 80342
the youth after the minimum expiration date of the original 80343
commitment. 80344

(3) In the event of a revocation of a release on parole, the 80345
reduction shall be charged against the county that revokes the 80346
youth's parole. 80347

(D) A juvenile court is not precluded by its allocation 80348
amount for the care and custody of felony delinquents from 80349
committing a felony delinquent to the department of youth services 80350
for care and custody in an institution or a community corrections 80351
facility when the juvenile court determines that the commitment is 80352
appropriate. 80353

Sec. 5155.38. As used in this section, "long-term care bed" 80354
has the same meaning as in section 3702.51 of the Revised Code. 80355

The operator of each county home and each county nursing home 80356
shall, not later than November 1, 2009, certify to the director of 80357
health the number of long-term care beds that were in operation in 80358
the home on July 1, 1993. The certification shall be accompanied 80359
by any documentation requested by the director. 80360

Sec. 5502.01. (A) The department of public safety shall 80361
administer and enforce the laws relating to the registration, 80362
licensing, sale, and operation of motor vehicles and the laws 80363
pertaining to the licensing of drivers of motor vehicles. 80364

The department shall compile, analyze, and publish statistics 80365
relative to motor vehicle accidents and the causes of them, 80366
prepare and conduct educational programs for the purpose of 80367
promoting safety in the operation of motor vehicles on the 80368
highways, and conduct research and studies for the purpose of 80369
promoting safety on the highways of this state. 80370

(B) The department shall administer the laws and rules 80371
relative to trauma and emergency medical services specified in 80372
Chapter 4765. of the Revised Code. 80373

(C) The department shall administer and enforce the laws 80374
contained in Chapters 4301. and 4303. of the Revised Code and 80375
enforce the rules and orders of the liquor control commission 80376
pertaining to retail liquor permit holders. 80377

(D) The department shall administer the laws governing the 80378
state emergency management agency and shall enforce all additional 80379
duties and responsibilities as prescribed in the Revised Code 80380
related to emergency management services. 80381

(E) The department shall conduct investigations pursuant to 80382
Chapter 5101. of the Revised Code in support of the duty of the 80383

department of job and family services to administer ~~food stamp~~ 80384
~~programs~~ the supplemental nutrition assistance program throughout 80385
this state. The department of public safety shall conduct 80386
investigations necessary to protect the state's property rights 80387
and interests in the ~~food stamp~~ supplemental nutrition assistance 80388
program. 80389

(F) The department of public safety shall enforce compliance 80390
with orders and rules of the public utilities commission and 80391
applicable laws in accordance with Chapters 4919., 4921., and 80392
4923. of the Revised Code regarding commercial motor vehicle 80393
transportation safety, economic, and hazardous materials 80394
requirements. 80395

(G) Notwithstanding Chapter 4117. of the Revised Code, the 80396
department of public safety may establish requirements for its 80397
enforcement personnel, including its enforcement agents described 80398
in section 5502.14 of the Revised Code, that include standards of 80399
conduct, work rules and procedures, and criteria for eligibility 80400
as law enforcement personnel. 80401

(H) The department shall administer, maintain, and operate 80402
the Ohio criminal justice network. The Ohio criminal justice 80403
network shall be a computer network that supports state and local 80404
criminal justice activities. The network shall be an electronic 80405
repository for various data, which may include arrest warrants, 80406
notices of persons wanted by law enforcement agencies, criminal 80407
records, prison inmate records, stolen vehicle records, vehicle 80408
operator's licenses, and vehicle registrations and titles. 80409

(I) The department shall coordinate all homeland security 80410
activities of all state agencies and shall be a liaison between 80411
state agencies and local entities for those activities and related 80412
purposes. 80413

(J) Beginning July 1, 2004, the department shall administer 80414

and enforce the laws relative to private investigators and 80415
security service providers specified in Chapter 4749. of the 80416
Revised Code. 80417

(K) The department shall administer criminal justice services 80418
in accordance with sections 5502.61 to 5502.66 of the Revised 80419
Code. 80420

Sec. 5502.12. (A) The accident reports submitted pursuant to 80421
section 5502.11 of the Revised Code shall be for the use of the 80422
director of public safety for purposes of statistical, safety, and 80423
other studies. The law enforcement agency that submitted a report 80424
shall furnish a copy of such report and associated documents to 80425
any person claiming an interest arising out of a motor vehicle 80426
accident, or to the person's attorney, upon the payment of a 80427
nonrefundable fee ~~that shall not exceed~~ of four dollars or the 80428
amount approved by the board of county commissioners of the county 80429
in which the law enforcement agency is located as provided in 80430
division (B) of this section. With respect to accidents 80431
investigated by the state highway patrol, the director of public 80432
safety shall furnish to such person all related reports and 80433
statements upon the payment of a nonrefundable fee of four 80434
dollars. The cost of photographs or any other electronic format 80435
shall be a four-dollar fee in addition to the nonrefundable 80436
four-dollar fee for the accident report, whether the report was 80437
submitted by the state highway patrol or another law enforcement 80438
agency. A law enforcement agency may charge a fee that is in 80439
excess of four dollars for photographs and other electronic 80440
formats if such a fee is approved by a board of county 80441
commissioners of the county in which the law enforcement agency is 80442
located as provided in division (B) of this section. 80443

Such state highway patrol reports, statements, and 80444
photographs, in the discretion of the director of public safety, 80445

may be withheld until all criminal prosecution has been concluded; 80446
the director of public safety may require proof, satisfactory to 80447
the director, of the right of any applicant to be furnished such 80448
documents. 80449

(B) If, after the effective date of this amendment, the state 80450
highway patrol is authorized to charge a nonrefundable fee in 80451
excess of four dollars for an accident report relating to an 80452
accident investigated by the state highway patrol and all related 80453
reports and statements or a fee in excess of four dollars for 80454
photographs or other electronic formats related to an accident 80455
report, a law enforcement agency described in section 5502.11 of 80456
the Revised Code shall be authorized to charge that same fee for 80457
an accident report relating to an accident investigated by that 80458
law enforcement agency and all related reports and statements or 80459
for photographs or other electronic formats related to an accident 80460
report investigated by that law enforcement agency upon approval 80461
of the board of county commissioners of the county in which that 80462
law enforcement agency is located. 80463

Sec. 5502.14. (A) As used in this section, "felony" has the 80464
same meaning as in section 109.511 of the Revised Code. 80465

(B)(1) Any person who is employed by the department of public 80466
safety and designated by the director of public safety to enforce 80467
Title XLIII of the Revised Code, the rules adopted under it, and 80468
the laws and rules regulating the use of ~~food stamps~~ supplemental 80469
nutrition assistance program benefits shall be known as an 80470
enforcement agent. The employment by the department of public 80471
safety and the designation by the director of public safety of a 80472
person as an enforcement agent shall be subject to division (D) of 80473
this section. An enforcement agent has the authority vested in 80474
peace officers pursuant to section 2935.03 of the Revised Code to 80475
keep the peace, to enforce all applicable laws and rules on any 80476

retail liquor permit premises, or on any other premises of public 80477
or private property, where a violation of Title XLIII of the 80478
Revised Code or any rule adopted under it is occurring, and to 80479
enforce all laws and rules governing the use of ~~food stamp coupons~~ 80480
supplemental nutrition assistance program benefits, women, 80481
infants, and children's coupons, electronically transferred 80482
benefits, or any other access device that is used alone or in 80483
conjunction with another access device to obtain payments, 80484
allotments, benefits, money, goods, or other things of value, or 80485
that can be used to initiate a transfer of funds, pursuant to the 80486
~~food stamp~~ supplemental nutrition assistance program established 80487
under the "~~Food Stamp and Nutrition Act of 1977,~~" ~~91 Stat. 958,~~ 80488
~~2008 (7 U.S.C.A. 2011,~~ as amended, et seq.) or any supplemental 80489
food program administered by any department of this state pursuant 80490
to the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 80491
1786. Enforcement agents, in enforcing compliance with the laws 80492
and rules described in this division, may keep the peace and make 80493
arrests for violations of those laws and rules. 80494

(2) In addition to the authority conferred by division (B)(1) 80495
of this section, an enforcement agent also may execute search 80496
warrants and seize and take into custody any contraband, as 80497
defined in section 2901.01 of the Revised Code, or any property 80498
that is otherwise necessary for evidentiary purposes related to 80499
any violations of the laws or rules described in division (B)(1) 80500
of this section. An enforcement agent may enter public or private 80501
premises where activity alleged to violate the laws or rules 80502
described in division (B)(1) of this section is occurring. 80503

(3) Enforcement agents who are on, immediately adjacent to, 80504
or across from retail liquor permit premises and who are 80505
performing investigative duties relating to that premises, 80506
enforcement agents who are on premises that are not liquor permit 80507
premises but on which a violation of Title XLIII of the Revised 80508

Code or any rule adopted under it allegedly is occurring, and 80509
enforcement agents who view a suspected violation of Title XLIII 80510
of the Revised Code, of a rule adopted under it, or of another law 80511
or rule described in division (B)(1) of this section have the 80512
authority to enforce the laws and rules described in division 80513
(B)(1) of this section, authority to enforce any section in Title 80514
XXIX of the Revised Code or any other section of the Revised Code 80515
listed in section 5502.13 of the Revised Code if they witness a 80516
violation of the section under any of the circumstances described 80517
in this division, and authority to make arrests for violations of 80518
the laws and rules described in division (B)(1) of this section 80519
and violations of any of those sections. 80520

(4) The jurisdiction of an enforcement agent under division 80521
(B) of this section shall be concurrent with that of the peace 80522
officers of the county, township, or municipal corporation in 80523
which the violation occurs. 80524

(C) Enforcement agents of the department of public safety who 80525
are engaged in the enforcement of the laws and rules described in 80526
division (B)(1) of this section may carry concealed weapons when 80527
conducting undercover investigations pursuant to their authority 80528
as law enforcement officers and while acting within the scope of 80529
their authority pursuant to this chapter. 80530

(D)(1) The department of public safety shall not employ, and 80531
the director of public safety shall not designate, a person as an 80532
enforcement agent on a permanent basis, on a temporary basis, for 80533
a probationary term, or on other than a permanent basis if the 80534
person previously has been convicted of or has pleaded guilty to a 80535
felony. 80536

(2)(a) The department of public safety shall terminate the 80537
employment of a person who is designated as an enforcement agent 80538
and who does either of the following: 80539

(i) Pleads guilty to a felony; 80540

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 80541
plea agreement as provided in division (D) of section 2929.43 of 80542
the Revised Code in which the enforcement agent agrees to 80543
surrender the certificate awarded to that agent under section 80544
109.77 of the Revised Code. 80545

(b) The department shall suspend the employment of a person 80546
who is designated as an enforcement agent if the person is 80547
convicted, after trial, of a felony. If the enforcement agent 80548
files an appeal from that conviction and the conviction is upheld 80549
by the highest court to which the appeal is taken or if no timely 80550
appeal is filed, the department shall terminate the employment of 80551
that agent. If the enforcement agent files an appeal that results 80552
in that agent's acquittal of the felony or conviction of a 80553
misdemeanor, or in the dismissal of the felony charge against the 80554
agent, the department shall reinstate the agent. An enforcement 80555
agent who is reinstated under division (D)(2)(b) of this section 80556
shall not receive any back pay unless the conviction of that agent 80557
of the felony was reversed on appeal, or the felony charge was 80558
dismissed, because the court found insufficient evidence to 80559
convict the agent of the felony. 80560

(3) Division (D) of this section does not apply regarding an 80561
offense that was committed prior to January 1, 1997. 80562

(4) The suspension or termination of the employment of a 80563
person designated as an enforcement agent under division (D)(2) of 80564
this section shall be in accordance with Chapter 119. of the 80565
Revised Code. 80566

Sec. 5502.15. Any funding provided or made available by the 80567
United States or by any agency designated and authorized by the 80568
United States government for the purposes of enforcing compliance 80569
with ~~food stamp~~ supplemental nutrition assistance program laws 80570

shall be expended by the department of public safety for those 80571
purposes. 80572

Sec. 5517.02. (A) Before undertaking the construction, 80573
reconstruction by widening or resurfacing, or improvement of a 80574
state highway, or a bridge or culvert thereon, or the installation 80575
of a traffic control signal on a state highway, the director of 80576
transportation shall make an estimate of the cost of the work 80577
using the force account project assessment form developed by the 80578
auditor of state under section 117.16 of the Revised Code. In 80579
constructing, or reconstructing by widening or resurfacing, 80580
improving, maintaining, and repairing state highways, and the 80581
bridges and culverts thereon, and in installing, maintaining, and 80582
repairing traffic control signals on state highways, the director, 80583
except as provided in division (B) of this section, shall proceed 80584
by contract let to the lowest competent and responsible bidder, 80585
after advertisement as provided in section 5525.01 of the Revised 80586
Code. 80587

(B)(1) Where the work contemplated is the construction of a 80588
bridge or culvert, or the installation of a traffic control 80589
signal, estimated to cost not more than the higher of fifty 80590
thousand dollars or the amount as adjusted under section 117.162 80591
of the Revised Code, the director may proceed by employing labor, 80592
purchasing materials, and furnishing equipment. 80593

(2) The director may also proceed with maintenance or repair 80594
work by employing labor, purchasing materials, and furnishing 80595
equipment, provided the total estimated cost of the completed 80596
operation, or series of connected operations, does not exceed the 80597
higher of twenty-five thousand dollars or the amount as adjusted 80598
under section 117.162 of the Revised Code per mile of highway, 80599
exclusive of structures and traffic control signals, or the higher 80600
of fifty thousand dollars or the amount as adjusted under section 80601

117.162 of the Revised Code for any single structure or traffic control signal. 80602
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(3) The director may proceed by furnishing equipment, purchasing materials, and employing labor in the erection of temporary bridges or the making of temporary repairs to a highway or bridge rendered necessary by flood, landslide, or other extraordinary emergency. If the director determines inability to complete such emergency work by force account, the director may contract for any part of the work, with or without advertising for bids, as the director considers for the best interest of the department of transportation. 80604
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Sec. 5537.051. (A) The Ohio turnpike commission is responsible for the major maintenance and repair and replacement of grade separations at intersections of any turnpike project with county and township roads. The governmental entity with jurisdiction over the county or township road is responsible for routine maintenance of grade separations. 80613
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(B) As used in this section: 80619

(1) "Major maintenance and repair and replacement" relates to all elements constructed as part of or required for a grade separation, including box culverts, bridges, pile, foundations, substructures, abutments, piers, superstructures, approach slabs, slopes, approaches, embankments, railing, guardrails, drainage facilities including headwalls, and underdrains, inlets, catch basins and grates, fences, and appurtenances. Major maintenance and repair includes the painting and the repair of deteriorated or damaged elements to restore the structural integrity of any grade separation including embankments. 80620
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(2) "Routine maintenance" includes, without limitation, clearing debris, sweeping, snow and ice removal, wearing surface improvements, marking for traffic control, minor and emergency 80630
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repairs to railing and appurtenances, and emergency patching. 80633

Sec. 5543.19. (A) The county engineer may, when authorized by 80634
the board of county commissioners and not required by this section 80635
or other law to use competitive bidding, employ such laborers and 80636
vehicles, use such county employees and property, lease such 80637
implements and tools, and purchase such materials as are necessary 80638
in the construction, reconstruction, improvement, maintenance, or 80639
repair of roads by force account. 80640

In determining whether construction or reconstruction, 80641
including widening and resurfacing, of roads may be undertaken by 80642
force account, the county engineer shall first cause to be made an 80643
estimate of the cost of such work using the force account project 80644
assessment form developed by the auditor of state under section 80645
117.16 of the Revised Code. When the total estimated cost of the 80646
work exceeds the higher of thirty thousand dollars per mile or the 80647
amount as adjusted under section 117.162 of the Revised Code, the 80648
county commissioners shall invite and receive competitive bids for 80649
furnishing all the labor, materials, and equipment necessary to 80650
complete the work in accordance with sections 307.86 to 307.92 of 80651
the Revised Code. 80652

(B) The county engineer may, when authorized by the board of 80653
county commissioners and not required by this section or other law 80654
to use competitive bidding, employ such laborers and vehicles, use 80655
such county employees and property, lease such implements and 80656
tools, and purchase such materials as are necessary in the 80657
construction, reconstruction, improvement, maintenance, or repair 80658
of bridges and culverts by force account. 80659

In determining whether such construction, reconstruction, 80660
improvement, maintenance, or repair of bridges or culverts may be 80661
undertaken by force account, the county engineer shall first cause 80662
to be made an estimate of the cost of such work using the force 80663

account project assessment form. When the total estimated cost of 80664
the work exceeds the higher of one hundred thousand dollars or the 80665
amount as adjusted under section 117.162 of the Revised Code, the 80666
board of county commissioners shall invite and receive competitive 80667
bids for furnishing all the labor, materials, and equipment 80668
necessary to complete the work, in accordance with sections 307.86 80669
to 307.92 of the Revised Code. The county engineer shall obtain 80670
the approval required by section 5543.02 of the Revised Code. 80671

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(C) "Force account," as used in this section means that the 80673
county engineer will act as contractor, using labor employed by 80674
the engineer using material and equipment either owned by the 80675
county or leased or purchased in compliance with sections 307.86 80676
to 307.92 of the Revised Code and excludes subcontracting any part 80677
of such work unless done pursuant to sections 307.86 to 307.92 of 80678
the Revised Code. 80679

The term "competitive bids" as used in this section requires 80680
competition for the whole contract and in regard to its component 80681
parts, including labor and materials. Neither plans nor 80682
specifications shall be drawn to favor any manufacturer or bidder 80683
unless required by the public interest. 80684

Sec. 5575.01. (A) In the maintenance and repair of roads, the 80685
board of township trustees may proceed either by contract or force 80686
account, but, unless the exemption specified in division (C) of 80687
this section applies, if the board wishes to proceed by force 80688
account, it first shall cause the county engineer to complete the 80689
force account assessment form developed by the auditor of state 80690
under section 117.16 of the Revised Code. Except as otherwise 80691
provided in sections 505.08 and 505.101 of the Revised Code, when 80692
the board proceeds by contract, the contract shall, if the amount 80693
involved exceeds the higher of forty-five thousand dollars or the 80694

amount as adjusted under section 117.162 of the Revised Code, be 80695
let by the board to the lowest responsible bidder after 80696
advertisement for bids once, not later than two weeks, prior to 80697
the date fixed for the letting of the contract, in a newspaper 80698
published in the county and of general circulation within the 80699
township or, if no newspaper is published in the county, in a 80700
newspaper having general circulation in the township. If the 80701
amount involved is less than forty-five thousand dollars or, when 80702
the amount is adjusted under section 117.162 of the Revised Code, 80703
less than that adjusted amount, a contract may be let without 80704
competitive bidding, or the work may be done by force account. 80705
Such a contract shall be performed under the supervision of a 80706
member of the board or the township road superintendent. 80707

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(B) Before undertaking the construction or reconstruction of 80709
a township road, the board shall cause to be made by the county 80710
engineer an estimate of the cost of the work, which estimate shall 80711
include labor, material, freight, fuel, hauling, use of machinery 80712
and equipment, and all other items of cost. If the board finds it 80713
in the best interest of the public, it may, in lieu of 80714
constructing the road by contract, proceed to construct the road 80715
by force account. Except as otherwise provided under sections 80716
505.08 and 505.101 of the Revised Code, where the total estimate 80717
estimated cost of the work exceeds the higher of fifteen thousand 80718
dollars or the amount as adjusted under section 117.162 of the 80719
Revised Code per mile, the board shall invite and receive 80720
competitive bids for furnishing all the labor, materials, and 80721
equipment and doing the work, as provided in section 5575.02 of 80722
the Revised Code, and shall consider and reject them before 80723
ordering the work done by force account. When such bids are 80724
received, considered, and rejected, and the work is done by force 80725
account, the work shall be performed in compliance with the plans 80726
and specifications upon which the bids were based. 80727

(C) Force account assessment forms are not required under 80728
division (A) of this section for road maintenance or repair 80729
projects of less than fifteen thousand dollars, or under division 80730
(B) of this section for road construction or reconstruction 80731
projects of less than five thousand dollars per mile. 80732

(D) All force account work under this section shall be done 80733
under the direction of a member of the board or the township road 80734
superintendent. 80735

Sec. 5579.10. In lieu of any other provisions of the Revised 80736
Code: 80737

(A) A county, township, or municipal corporation may replace 80738
any single span bridge or single cell culvert in its entirety by 80739
force account if the width of the roadway over the bridge or 80740
culvert, measured between the faces of the guardrail, does not 80741
exceed thirty feet and the waterway opening, measured between the 80742
faces of the new abutment walls for a bridge does not exceed 80743
thirty feet or for a new culvert the maximum width does not exceed 80744
eighteen feet. The approach roadway work cannot extend more than 80745
twenty-five feet as measured from the back side of the abutment 80746
wall or outside edge of the culvert. The length needed for the 80747
approach guardrail shall be as prescribed by the Ohio manual on 80748
uniform traffic control devices and shall not be included in the 80749
approach work limitation. 80750

(B)(1) A county, township, or municipal corporation may 80751
rehabilitate any bridge by force account on the bridge's existing 80752
foundation if the waterway opening, measured between the faces of 80753
the abutment walls does not exceed thirty-five feet. The work may 80754
not extend beyond twelve inches below the point where the bottom 80755
of the deck or bottom of the beams or girders, whichever is lower, 80756
intersects with the face of the abutment wall. Work on the wing 80757
walls is prohibited below that same line, extended. The approach 80758

roadway work cannot extend more than twenty-five feet as measured 80759
from the back side of the abutment wall. 80760

(2) A county, township, or municipal corporation may only 80761
rehabilitate a culvert of any size by force account by surface 80762
patching. Up to twenty-five per cent of the length of an existing 80763
culvert length with a waterway opening of eighteen feet or less, 80764
measured at its maximum width, may be replaced by force account. 80765
Culvert rehabilitation by force account shall not include lining 80766
of the existing culvert. The length needed for the approach 80767
guardrail shall be as prescribed by the Ohio manual on uniform 80768
traffic control devices and shall not be included in the approach 80769
work limitation. 80770

(C) A county, township, or municipal corporation may widen 80771
any bridge by force account if the final roadway width, measured 80772
between the faces of the guardrail, does not exceed thirty feet 80773
and waterway opening measured between the faces of the abutment 80774
wall does not exceed thirty feet. The work shall not add more than 80775
six feet to each side of the existing bridge. Necessary 80776
modifications to accommodate this widening to the existing 80777
substructure and wing walls shall be included in the permitted 80778
work. Lengthening of any culvert under the roadway shall be 80779
permitted along with necessary modifications to the wing walls, if 80780
the waterway opening of that culvert, measured at its maximum 80781
width, does not exceed eighteen feet. The amount of lengthening 80782
shall be limited to that length needed to achieve the clear 80783
recovery area as prescribed by the latest edition of the Ohio 80784
department of transportation's location and design manual. The 80785
approach roadway work for bridges or culverts shall not extend 80786
more than fifty feet, measured from the back side of the abutment 80787
walls or outside edge of the culvert. The length needed for the 80788
approach guardrail shall be as prescribed by the Ohio manual on 80789
uniform traffic control devices and shall not be included in the 80790

approach work limitation. 80791

(D) A county, township, or municipal corporation by force 80792
account may perform a surface patch paving operation that is 80793
limited to fifteen thousand square feet per lane-mile of roadway 80794
length. The paving operation shall not apply material to the 80795
roadway surface that exceeds one inch in normal thickness. In no 80796
circumstance shall a county, township, or municipal corporation 80797
perform a continuous resurfacing operation that exceeds the 80798
limitations prescribed by division (F) of this section. 80799

(E) When the construction, reconstruction, improvement, 80800
maintenance, or repair of bridges or culverts exceeds the 80801
limitations prescribed in divisions (A) to (C) of this section, 80802
the county, township, or municipal corporation shall invite and 80803
receive competitive bids for furnishing all the labor, materials, 80804
and equipment necessary to complete the work, in accordance with 80805
the procedures established for the board of county commissioners 80806
by sections 307.86 to 307.92 of the Revised Code. 80807

(F) A county, township, or municipal corporation may perform 80808
any construction, reconstruction, or maintenance of a road, 80809
exclusive of the activities identified in divisions (A) to (D) of 80810
this section by force account if that activity does not exceed (1) 80811
forty-three thousand seven hundred fifty dollars per centerline 80812
mile and (2) beginning in calendar year 2011 the lesser of the 80813
amount as adjusted under section 117.162 of the Revised Code or an 80814
increase of four per cent of the amount specified in (F)(1). 80815
Beginning in calendar year 2015, the force account limit under 80816
this division remains at the amounts established in (F)(2) for 80817
calendar year 2014. When the total estimated cost of the work 80818
exceeds the limits set forth in this division, the county, 80819
township, or municipal corporation shall invite and receive 80820
competitive bids for furnishing all the labor, materials, and 80821
equipment necessary to complete the work in accordance with the 80822

procedures established for the board of county commissioners by 80823
sections 307.86 to 307.92 of the Revised Code. 80824

Sec. 5701.11. The effective date to which this section refers 80825
is the effective date of this section as amended by ~~Sub. H.B. 458~~ 80826
1 of the ~~127th~~ 128th general assembly. 80827

(A)(1) Except as provided under division (A)(2) or (B) of 80828
this section, any reference in Title LVII of the Revised Code to 80829
the Internal Revenue Code, to the Internal Revenue Code "as 80830
amended," to other laws of the United States, or to other laws of 80831
the United States, "as amended," means the Internal Revenue Code 80832
or other laws of the United States as they exist on the effective 80833
date. 80834

(2) This section does not apply to any reference in Title 80835
LVII of the Revised Code to the Internal Revenue Code as of a date 80836
certain specifying the day, month, and year, or to other laws of 80837
the United States as of a date certain specifying the day, month, 80838
and year. 80839

(B)(1) For purposes of applying section 5733.04, 5745.01, or 80840
5747.01 of the Revised Code to a taxpayer's taxable year ending 80841
after December ~~21, 2007~~ 30, 2008, and before the effective date, a 80842
taxpayer may irrevocably elect to incorporate the provisions of 80843
the Internal Revenue Code or other laws of the United States that 80844
are in effect for federal income tax purposes for that taxable 80845
year if those provisions differ from the provisions that, under 80846
division (A) of this section, would otherwise apply. The filing by 80847
the taxpayer for that taxable year of a report or return that 80848
incorporates the provisions of the Internal Revenue Code or other 80849
laws of the United States applicable for federal income tax 80850
purposes for that taxable year, and that does not include any 80851
adjustments to reverse the effects of any differences between 80852
those provisions and the provisions that would otherwise apply, 80853

constitutes the making of an irrevocable election under this 80854
division for that taxable year. 80855

(2) Elections under prior versions of division (B)(1) of this 80856
section remain in effect for the taxable years to which they 80857
apply. 80858

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) 80859
of this section, no agent of the department of taxation, except in 80860
the agent's report to the department or when called on to testify 80861
in any court or proceeding, shall divulge any information acquired 80862
by the agent as to the transactions, property, or business of any 80863
person while acting or claiming to act under orders of the 80864
department. Whoever violates this provision shall thereafter be 80865
disqualified from acting as an officer or employee or in any other 80866
capacity under appointment or employment of the department. 80867
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(B)(1) For purposes of an audit pursuant to section 117.15 of 80869
the Revised Code, or an audit of the department pursuant to 80870
Chapter 117. of the Revised Code, or an audit, pursuant to that 80871
chapter, the objective of which is to express an opinion on a 80872
financial report or statement prepared or issued pursuant to 80873
division (A)(7) or (9) of section 126.21 of the Revised Code, the 80874
officers and employees of the auditor of state charged with 80875
conducting the audit shall have access to and the right to examine 80876
any state tax returns and state tax return information in the 80877
possession of the department to the extent that the access and 80878
examination are necessary for purposes of the audit. Any 80879
information acquired as the result of that access and examination 80880
shall not be divulged for any purpose other than as required for 80881
the audit or unless the officers and employees are required to 80882
testify in a court or proceeding under compulsion of legal 80883
process. Whoever violates this provision shall thereafter be 80884

disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the auditor of state.

(2) For purposes of an internal audit pursuant to section 126.45 of the Revised Code, the officers and employees of the office of internal auditing in the office of budget and management charged with conducting the internal audit shall have access to and the right to examine any state tax returns and state tax return information in the possession of the department to the extent that the access and examination are necessary for purposes of the internal audit. Any information acquired as the result of that access and examination shall not be divulged for any purpose other than as required for the internal audit or unless the officers and employees are required to testify in a court or proceeding under compulsion of legal process. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the office of internal auditing.

(3) As provided by section 6103(d)(2) of the Internal Revenue Code, any federal tax returns or federal tax information that the department has acquired from the internal revenue service, through federal and state statutory authority, may be disclosed to the auditor of state or the office of internal auditing solely for purposes of an audit of the department.

(4) For purposes of Chapter 3739. of the Revised Code, an agent of the department of taxation may share information with the division of state fire marshal that the agent finds during the course of an investigation.

(C) Division (A) of this section does not prohibit any of the following:

(1) Divulging information contained in applications, complaints, and related documents filed with the department under

section 5715.27 of the Revised Code or in applications filed with the department under section 5715.39 of the Revised Code; 80916
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(2) Providing information to the office of child support within the department of job and family services pursuant to section 3125.43 of the Revised Code; 80918
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(3) Disclosing to the board of motor vehicle collision repair registration any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code; 80921
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(4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code; 80926
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(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code; 80929
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(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to rules adopted under section 5745.16 of the Revised Code; 80932
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(7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account; 80936
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(8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section; 80944
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(9) Providing to a county auditor notices or documents 80946
concerning or affecting the taxable value of property in the 80947
county auditor's county. Unless authorized by law to disclose 80948
documents so provided, the county auditor shall not disclose such 80949
documents; 80950

(10) Providing to a county auditor sales or use tax return or 80951
audit information under section 333.06 of the Revised Code; 80952

(11) Subject to section 4301.441 of the Revised Code, 80953
disclosing to the appropriate state agency information in the 80954
possession of the department of taxation that is necessary to 80955
verify a permit holder's gallonage or noncompliance with taxes 80956
levied under Chapter 4301. or 4305. of the Revised Code; 80957

(12) Disclosing to the department of natural resources 80958
information in the possession of the department that is necessary 80959
to verify the taxpayer's compliance with division (A)(1), (8), or 80960
(9) of section 5749.02 of the Revised Code; 80961

(13) Disclosing to the department of job and family services, 80962
industrial commission, and bureau of workers' compensation 80963
information in the possession of the department of taxation solely 80964
for the purpose of identifying employers that misclassify 80965
employees as independent contractors or that fail to properly 80966
report and pay employer tax liabilities. The department of 80967
taxation shall disclose only such information that is necessary to 80968
verify employer compliance with law administered by those 80969
agencies. 80970

Sec. 5703.37. ~~Whenever~~ (A)(1) Except as provided in division 80971
(B) of this section, whenever service of a notice or order is 80972
required in the manner provided in this section, a ~~certified~~ copy 80973
of the ~~order or notice~~ or order shall be served upon the person 80974
affected thereby either by personal service or by certified mail. 80975
~~Within the time specified in an order of the department of~~ 80976

~~taxation, every person upon whom it is served, if required by the order, shall notify the department, by personal service, certified mail, or a delivery service authorized under section 5703.056 of the Revised Code, whether the terms of the order are accepted and will be obeyed that notifies the tax commissioner of the date of delivery.~~

(2) With the permission of the person affected by the notice or order, the commissioner may enter into a written agreement to deliver a notice or order by alternative means as provided in this section, including, but not limited to, delivery by secure electronic mail. Delivery by such means satisfies the requirements for delivery under this section.

(B)(1)(a) If certified mail is returned because of an undeliverable address, the commissioner shall first utilize reasonable means to ascertain a new last known address, including the use of a change of address service offered by the United States postal service. If, after using reasonable means, the commissioner is unable to ascertain a new last known address, the assessment is final for purposes of section 131.02 of the Revised Code sixty days after the notice or order sent by certified mail is first returned to the commissioner, and the commissioner shall certify the notice or order, if applicable, to the attorney general for collection under section 131.02 of the Revised Code.

(b) Notwithstanding certification to the attorney general under division (B)(1)(a) of this section, once the commissioner or attorney general, or the designee of either, makes an initial contact with the person to whom the notice or order is directed, the person may protest an assessment by filing a petition for reassessment within sixty days after the initial contact. The certification of an assessment under division (B)(1)(a) of this section is prima-facie evidence that delivery is complete and that the notice or order is served.

(2) If mailing of a notice or order by certified mail is returned for some cause other than an undeliverable address, the tax commissioner shall resend the notice or order by ordinary mail. The notice or order shall show the date the commissioner sends the notice or order and include the following statement:

"This notice or order is deemed to be served on the addressee under applicable law ten days from the date this notice or order was mailed by the commissioner as shown on the notice or order, and all periods within which an appeal may be filed apply from and after that date."

Unless the mailing is returned because of an undeliverable address, the mailing of that information is prima-facie evidence that delivery of the notice or order was completed ten days after the commissioner sent the notice or order by ordinary mail and that the notice or order was served.

If the ordinary mail is subsequently returned because of an undeliverable address, the commissioner shall proceed under division (B)(1)(a) of this section. A person may challenge the presumption of delivery and service under this division in accordance with division (C) of this section.

(C)(1) A person disputing the presumption of delivery and service under division (B) of this section bears the burden of proving by a preponderance of the evidence that the address to which the notice or order was sent was not an address with which the person was associated at the time the commissioner originally mailed the notice or order by certified mail. For the purposes of this section, a person is associated with an address at the time the commissioner originally mailed the notice or order if, at that time, the person was residing, receiving legal documents, or conducting business at the address; or if, before that time, the person had conducted business at the address and, when the notice or order was mailed, the person's agent or the person's affiliate

was conducting business at the address. For the purposes of this 81041
section, a person's affiliate is any other person that, at the 81042
time the notice or order was mailed, owned or controlled at least 81043
twenty per cent, as determined by voting rights, of the 81044
addressee's business. 81045

(2) If the person elects to protest an assessment certified 81046
to the attorney general for collection, the person must do so 81047
within sixty days after the attorney general's initial contact 81048
with the person. The attorney general may enter into a compromise 81049
with the person under sections 131.02 and 5703.06 of the Revised 81050
Code if the person does not file a petition for reassessment with 81051
the tax commissioner. 81052

(D) Nothing in this section prohibits the tax commissioner or 81053
the commissioner's designee from delivering a notice or order by 81054
personal service. 81055

(E) Collection actions taken pursuant to section 131.02 of 81056
the Revised Code upon any assessment being challenged under 81057
division (B)(1)(b) of this section shall be stayed upon the 81058
pendency of an appeal under this section. If a petition for 81059
reassessment is filed pursuant to this section on a claim that has 81060
been certified to the attorney general for collection, the claim 81061
shall be uncertified. 81062

(F) As used in this section: 81063

(1) "Last known address" means the address the department has 81064
at the time the document is originally sent by certified mail, or 81065
any address the department can ascertain using reasonable means 81066
such as the use of a change of address service offered by the 81067
United States postal service. 81068

(2) "Undeliverable address" means an address to which the 81069
United States postal service is not able to deliver a notice or 81070
order, except when the reason for nondelivery is because the 81071

addressee fails to acknowledge or accept the notice or order. 81072

Sec. 5703.80. There is hereby created in the state treasury 81073
the property tax administration fund. All money to the credit of 81074
the fund shall be used to defray the costs incurred by the 81075
department of taxation in administering the taxation of property 81076
and the equalization of real property valuation. 81077

Each fiscal year between the first and fifteenth days of 81078
July, the tax commissioner shall compute the following amounts for 81079
the property in each taxing district in each county, and certify 81080
to the director of budget and management the sum of those amounts 81081
for all taxing districts in all counties: 81082

(A) For fiscal year ~~2006~~ 2010, ~~thirty-three~~ forty-two 81083
hundredths of one per cent of the total amount by which taxes 81084
charged against real property on the general tax list of real and 81085
public utility property were reduced under section 319.302 of the 81086
Revised Code for the preceding tax year; 81087

(B) For fiscal year ~~2007~~ 2011 and thereafter, ~~thirty-five~~ 81088
forty-eight hundredths of one per cent of the total amount by 81089
which taxes charged against real property on the general tax list 81090
of real and public utility property were reduced under section 81091
319.302 of the Revised Code for the preceding tax year; 81092

(C) For fiscal year ~~2006~~ 2010, ~~one-half~~ eight-tenths of one 81093
per cent of the total amount of taxes charged and payable against 81094
public utility personal property on the general tax list of real 81095
and public utility property for the preceding tax year and of the 81096
total amount of taxes charged and payable against tangible 81097
personal property on the general tax list of personal property of 81098
the preceding tax year and for which returns were filed with the 81099
tax commissioner under section 5711.13 of the Revised Code; 81100

(D) For fiscal year ~~2007~~ 2011 and thereafter, ~~fifty-six~~ 81101

~~hundredths~~ nine hundred fifty-one thousandths of one per cent of 81102
the total amount of taxes charged and payable against public 81103
utility personal property on the general tax list of real and 81104
public utility property for the preceding tax year and of the 81105
total amount of taxes charged and payable against tangible 81106
personal property on the general tax list of personal property of 81107
the preceding tax year and for which returns were filed with the 81108
tax commissioner under section 5711.13 of the Revised Code; 81109

~~(E) For fiscal year 2008, six tenths of one per cent of the 81110
total amount of taxes charged and payable against public utility 81111
personal property on the general tax list of real and public 81112
utility property for the preceding tax year and of the total 81113
amount of taxes charged and payable against tangible personal 81114
property on the general tax list of personal property of the 81115
preceding tax year and for which returns were filed with the tax 81116
commissioner under section 5711.13 of the Revised Code; 81117~~

~~(F) For fiscal year 2009 and thereafter, seven hundred 81118
twenty five one thousandths of one per cent of the total amount of 81119
taxes charged and payable against public utility personal property 81120
on the general tax list of real and public utility property for 81121
the preceding tax year and of the total amount of taxes charged 81122
and payable against tangible personal property on the general tax 81123
list of personal property of the preceding tax year and for which 81124
returns were filed with the tax commissioner under section 5711.13 81125
of the Revised Code. 81126~~

After receiving the tax commissioner's certification, the 81127
director of budget and management shall transfer from the general 81128
revenue fund to the property tax administration fund one-fourth of 81129
the amount certified on or before each of the following days: the 81130
first days of August, November, February, and May. 81131

On or before the thirtieth day of June of the fiscal year, 81132
the tax commissioner shall certify to the director of budget and 81133

management the sum of the amounts by which the amounts computed 81134
for a taxing district under this section exceeded the 81135
distributions to the taxing district under division (F) of section 81136
321.24 of the Revised Code, and the director shall transfer that 81137
sum from the property tax administration fund to the general 81138
revenue fund. 81139

Sec. 5705.214. Not more than three elections during any 81140
calendar year shall include the questions by a school district of 81141
tax levies proposed under any one or any combination of the 81142
following sections: sections 5705.194, 5705.199, 5705.21, 81143
5705.212, 5705.213, 5705.217, ~~and~~ 5705.218, and 5705.219 of the 81144
Revised Code. 81145

Sec. 5705.219. (A) As used in this section: 81146

(1) "Eligible school district" means a city, local, or 81147
exempted village school district in which the taxes charged and 81148
payable for current expenses on residential/agricultural real 81149
property in the tax year preceding the year in which the levy 81150
authorized by this section will be submitted for elector approval 81151
or rejection are greater than two per cent of the taxable value of 81152
the residential/agricultural real property. 81153

(2) "Residential/agricultural real property" and 81154
"nonresidential/agricultural real property" means the property 81155
classified as such under section 5713.041 of the Revised Code. 81156

(3) "Effective tax rate" and "taxes charged and payable" have 81157
the same meanings as in division (B) of section 319.301 of the 81158
Revised Code. 81159

(B) On or after January 1, 2010, the board of education of an 81160
eligible school district, by a vote of two-thirds of all its 81161
members, may adopt a resolution proposing to convert existing 81162
levies imposed for the purpose of current expenses into a levy 81163

raising a specified amount of tax money by repealing all or a 81164
portion of one or more of those existing levies and imposing a 81165
levy in excess of the ten-mill limitation that will raise a 81166
specified amount of money for current expenses of the district. 81167

The board of education shall certify a copy of the resolution 81168
to the tax commissioner not later than ninety days before the 81169
election upon which the repeal and levy authorized by this section 81170
will be proposed to the electors. Within ten days after receiving 81171
the copy of the resolution, the tax commissioner shall determine 81172
each of the following and certify the determinations to the board 81173
of education: 81174

(1) The dollar amount to be raised by the proposed levy, 81175
which shall be the product of: 81176

(a) The difference between the aggregate effective tax rate 81177
for residential/agricultural real property for the tax year 81178
preceding the year in which the repeal and levy will be proposed 81179
to the electors and twenty mills per dollar of taxable value; 81180

(b) The total taxable value of all property on the tax list 81181
of real and public utility property for the tax year preceding the 81182
year in which the repeal and levy will be proposed to the 81183
electors. 81184

(2) The estimated tax rate of the proposed levy. 81185

(3) The existing levies and any portion of an existing levy 81186
to be repealed upon approval of the question. Levies shall be 81187
repealed in reverse chronological order from most recently imposed 81188
to least recently imposed until the sum of the effective tax rates 81189
repealed for residential/agricultural real property is equal to 81190
the difference calculated in division (B)(1)(a) of this section. 81191

(4) The sum of the following: 81192

(a) The total taxable value of nonresidential/agricultural 81193

real property for the tax year preceding the year in which the 81194
repeal and levy will be proposed to the electors multiplied by the 81195
difference between (i) the aggregate effective tax rate for 81196
nonresidential/agricultural real property for the existing levies 81197
and any portion of an existing levy to be repealed and (ii) the 81198
amount determined under division (B)(1)(a) of this section, but 81199
not less than zero; 81200

(b) The total taxable value of public utility tangible 81201
personal property for the tax year preceding the year in which the 81202
repeal and levy will be proposed to the electors multiplied by the 81203
difference between (i) the aggregate voted tax rate for the 81204
existing levies and any portion of an existing levy to be repealed 81205
and (ii) the amount determined under division (B)(1)(a) of this 81206
section, but not less than zero. 81207

(C) Upon receipt of the certification from the tax 81208
commissioner under division (B) of this section, a majority of the 81209
members of the board of education may adopt a resolution proposing 81210
the repeal of the existing levies as identified in the 81211
certification and the imposition of a levy in excess of the 81212
ten-mill limitation that will raise annually the amount certified 81213
by the commissioner. If the board determines that the tax should 81214
be for an amount less than that certified by the commissioner, the 81215
board may request that the commissioner redetermine the rate under 81216
division (B)(2) of this section on the basis of the lesser amount 81217
the levy is to raise as specified by the board. The amount 81218
certified under division (B)(4) and the levies to be repealed as 81219
certified under division (B)(3) of this section shall not be 81220
redetermined. Within ten days after receiving a timely request 81221
specifying the lesser amount to be raised by the levy, the 81222
commissioner shall redetermine the rate and recertify it to the 81223
board as otherwise provided in division (B) of this section. Only 81224
one such request may be made by the board of education of an 81225

eligible school district. 81226

The resolution shall state the first calendar year in which 81227
the levy will be due; the existing levies and any portion of an 81228
existing levy that will be repealed, as certified by the 81229
commissioner; the term of the levy expressed in years, which may 81230
be any number not exceeding ten, or that it will be levied for a 81231
continuing period of time; and the date of the election, which 81232
shall be the date of a primary or general election. 81233

Immediately upon its passage, the resolution shall go into 81234
effect and shall be certified by the board of education to the 81235
county auditor of the proper county. The county auditor and the 81236
board of education shall proceed as required under section 81237
5705.195 of the Revised Code. No publication of the resolution is 81238
necessary other than that provided for in the notice of election. 81239
Section 5705.196 of the Revised Code shall govern the matters 81240
concerning the election. The submission of a question to the 81241
electors under this section is subject to the limitation on the 81242
number of election dates established by section 5705.214 of the 81243
Revised Code. 81244

(D) The form of the ballot to be used at the election 81245
provided for in this section shall be as follows: 81246

"Shall the existing levy of . . . (insert the voted millage 81247
rate of the levy to be repealed), currently being charged against 81248
residential and agricultural property by the . . . (insert the 81249
name of school district) at a rate of . . . (insert the 81250
residential/agricultural real property effective tax rate of the 81251
levy being repealed) for the purpose of . . . (insert the purpose 81252
of the existing levy) be repealed, and shall a levy be imposed by 81253
the . . . (insert the name of school district) in excess of the 81254
ten-mill limitation for the necessary requirements of the school 81255
district in the sum of . . . (insert the annual amount the levy is 81256
to produce), estimated by the tax commissioner to require . . . 81257

(insert the number of mills) mills for each one dollar of valuation, which amounts to . . . (insert the rate expressed in dollars and cents) for each one hundred dollars of valuation for the initial year of the tax, for a period of . . . (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time), commencing in . . . (insert the first year the tax is to be levied), first due in calendar year . . . (insert the first calendar year in which the tax shall be due)?

	<u>FOR THE REPEAL AND TAX</u>	
	<u>AGAINST THE REPEAL AND TAX</u>	"

If the question submitted is a proposal to repeal all or a portion of more than one existing levy, the form of the ballot shall be modified by substituting the statement "shall the existing levy of" with "shall existing levies of" and inserting the aggregate voted and aggregate effective tax rates to be repealed.

(E) If a majority of the electors voting on the question submitted in an election vote in favor of the repeal and levy, the result shall be certified immediately after the canvass by the board of elections to the board of education. The board of education may make the levy necessary to raise the amount specified in the resolution for the purpose stated in the resolution and shall certify it to the county auditor, who shall extend it on the current year tax lists for collection. After the first year, the levy shall be included in the annual tax budget that is certified to the county budget commission.

(F) A levy imposed under this section for a continuing period of time may be decreased or repealed pursuant to section 5705.261

of the Revised Code. If a levy imposed under this section is 81289
decreased, the amount calculated under division (B)(4) of this 81290
section and paid under section 5705.2110 of the Revised Code shall 81291
be decreased by the same proportion as the levy is decreased. If 81292
the levy is repealed, no further payments shall be made to the 81293
district under that section. 81294

(G) At any time, the board of education, by a vote of 81295
two-thirds of all of its members, may adopt a resolution to renew 81296
a tax levied under this section. The resolution shall provide for 81297
levying the tax and specifically all of the following: 81298

(1) That the tax shall be called, and designated on the 81299
ballot as, a renewal levy; 81300

(2) The amount of the renewal tax, which shall be no more 81301
than the amount of tax previously collected; 81302

(3) The number of years, not to exceed ten, that the renewal 81303
tax will be levied, or that it will be levied for a continuing 81304
period of time; 81305

(4) That the purpose of the renewal tax is for current 81306
expenses. 81307

The board shall certify a copy of the resolution to the board 81308
of elections not later than seventy-five days before the date of 81309
the election at which the question is to be submitted, which shall 81310
be the date of a primary or general election. 81311

(H) The form of the ballot to be used at the election on the 81312
question of renewing a levy under this section shall be as 81313
follows: 81314

"Shall a tax levy renewing an existing levy of . . . (insert 81315
the annual dollar amount the levy is to produce each year), 81316
estimated to require . . . (insert the number of mills) mills for 81317
each one dollar of valuation be imposed by the . . . (insert the 81318

name of school district) for the purpose of current expenses for a 81319
period of . . . (insert the number of years the levy is to be 81320
imposed, or that it will be levied for a continuing period of 81321
time), commencing in . . . (insert the first year the tax is to be 81322
levied), first due in calendar year . . . (insert the first 81323
calendar year in which the tax shall be due)? 81324

	<u>FOR THE RENEWAL OF THE TAX</u> <u>LEVY</u>
	<u>AGAINST THE RENEWAL OF THE</u> <u>TAX LEVY</u>

81325
81326

"

81327

81328

If the levy submitted is to be for less than the amount of 81329
money previously collected, the form of the ballot shall be 81330
modified to add "and reducing" after "renewing" and to add before 81331
"estimated to require" the statement "be approved at a tax rate 81332
necessary to produce . . . (insert the lower annual dollar amount 81333
the levy is to produce each year)." 81334

Sec. 5705.2110. (A) For purposes of this section: 81335

(1) "Carryover property" has the same meaning as in section 81336
319.301 of the Revised Code. 81337

(2) "Residential/agricultural real property" has the same 81338
meaning as in section 5705.219 of the Revised Code. 81339

(B) For each city, local, or exempted village school district 81340
in which the tax authorized by section 5705.219 of the Revised 81341
Code has been approved by electors in the preceding year, the tax 81342
commissioner, not later than the twenty-eighth day of February, 81343
shall certify to the department of education the amount determined 81344
in division (B)(4) of section 5705.219 of the Revised Code. Not 81345
later than the twenty-eighth day of February of each year 81346

thereafter for twelve years, the commissioner shall certify an amount equal to the difference between the amount certified in the preceding year under this division and the product of ten mills per dollar multiplied by the excess, if any, of the value of carryover property for residential/agricultural real property for the preceding tax year over the value of carryover property for residential/agricultural real property in the second preceding tax year. If the amount to be certified in any year is zero, in the commissioner's certification the commissioner shall state that no further certifications shall be forthcoming.

(C) Not later than the last day of April and of October beginning in the first year in which a certification under division (B) of this section is received, the department of education shall pay to the school district for which the certification is made one-half of the amount most recently certified by the tax commissioner.

Sec. 5705.29. This section does not apply to a subdivision or taxing unit for which the county budget commission has waived the requirement to adopt a tax budget pursuant to section 5705.281 of the Revised Code. The tax budget shall present the following information in such detail as is prescribed by the auditor of state:

(A)(1) A statement of the necessary current operating expenses for the ensuing fiscal year for each department and division of the subdivision, classified as to personal services and other expenses, and the fund from which such expenditures are to be made. Except in the case of a school district, this estimate may include a contingent expense not designated for any particular purpose, and not to exceed three per cent of the total amount of appropriations for current expenses. In the case of a school district, this estimate may include a contingent expense not

designated for any particular purpose and not to exceed thirteen 81378
per cent of the total amount of appropriations for current 81379
expenses. 81380

(2) A statement of the expenditures for the ensuing fiscal 81381
year necessary for permanent improvements, exclusive of any 81382
expense to be paid from bond issues, classified as to the 81383
improvements contemplated by the subdivision and the fund from 81384
which such expenditures are to be made; 81385

(3) The amounts required for the payment of final judgments; 81386

(4) A statement of expenditures for the ensuing fiscal year 81387
necessary for any purpose for which a special levy is authorized, 81388
and the fund from which such expenditures are to be made; 81389

(5) Comparative statements, so far as possible, in parallel 81390
columns of corresponding items of expenditures for the current 81391
fiscal year and the two preceding fiscal years. 81392

(B)(1) An estimate of receipts from other sources than the 81393
general property tax during the ensuing fiscal year, which shall 81394
include an estimate of unencumbered balances at the end of the 81395
current fiscal year, and the funds to which such estimated 81396
receipts are credited; 81397

(2) The amount each fund requires from the general property 81398
tax, which shall be the difference between the contemplated 81399
expenditure from the fund and the estimated receipts, as provided 81400
in this section. The section of the Revised Code under which the 81401
tax is authorized shall be set forth. 81402

(3) Comparative statements, so far as possible, in parallel 81403
columns of taxes and other revenues for the current fiscal year 81404
and the two preceding fiscal years. 81405

(C)(1) The amount required for debt charges; 81406

(2) The estimated receipts from sources other than the tax 81407

levy for payment of such debt charges, including the proceeds of 81408
refunding bonds to be issued to refund bonds maturing in the next 81409
succeeding fiscal year; 81410

(3) The net amount for which a tax levy shall be made, 81411
classified as to bonds authorized and issued prior to January 1, 81412
1922, and those authorized and issued subsequent to such date, and 81413
as to what portion of the levy will be within and what in excess 81414
of the ten-mill limitation. 81415

(D) An estimate of amounts from taxes authorized to be levied 81416
in excess of the ten-mill limitation on the tax rate, and the fund 81417
to which such amounts will be credited, together with the sections 81418
of the Revised Code under which each such tax is exempted from all 81419
limitations on the tax rate. 81420

(E)(1) A board of education may include in its budget for the 81421
fiscal year in which a levy proposed under section 5705.194, 81422
5705.199, 5705.21, ~~or 5705.213,~~ or 5705.219, or the original levy 81423
under section 5705.212 of the Revised Code is first extended on 81424
the tax list and duplicate an estimate of expenditures to be known 81425
as a voluntary contingency reserve balance, which shall not be 81426
greater than twenty-five per cent of the total amount of the levy 81427
estimated to be available for appropriation in such year. 81428

(2) A board of education may include in its budget for the 81429
fiscal year following the year in which a levy proposed under 81430
section 5705.194, 5705.199, 5705.21, ~~or 5705.213,~~ or 5705.219, or 81431
the original levy under section 5705.212 of the Revised Code is 81432
first extended on the tax list and duplicate an estimate of 81433
expenditures to be known as a voluntary contingency reserve 81434
balance, which shall not be greater than twenty per cent of the 81435
amount of the levy estimated to be available for appropriation in 81436
such year. 81437

(3) Except as provided in division (E)(4) of this section, 81438

the full amount of any reserve balance the board includes in its 81439
budget shall be retained by the county auditor and county 81440
treasurer out of the first semiannual settlement of taxes until 81441
the beginning of the next succeeding fiscal year, and thereupon, 81442
with the depository interest apportioned thereto, it shall be 81443
turned over to the board of education, to be used for the purposes 81444
of such fiscal year. 81445

(4) A board of education, by a two-thirds vote of all members 81446
of the board, may appropriate any amount withheld as a voluntary 81447
contingency reserve balance during the fiscal year for any lawful 81448
purpose, provided that prior to such appropriation the board of 81449
education has authorized the expenditure of all amounts 81450
appropriated for contingencies under section 5705.40 of the 81451
Revised Code. Upon request by the board of education, the county 81452
auditor shall draw a warrant on the district's account in the 81453
county treasury payable to the district in the amount requested. 81454

(F)(1) A board of education may include a spending reserve in 81455
its budget for fiscal years ending on or before June 30, 2002. The 81456
spending reserve shall consist of an estimate of expenditures not 81457
to exceed the district's spending reserve balance. A district's 81458
spending reserve balance is the amount by which the designated 81459
percentage of the district's estimated personal property taxes to 81460
be settled during the calendar year in which the fiscal year ends 81461
exceeds the estimated amount of personal property taxes to be so 81462
settled and received by the district during that fiscal year. 81463
Moneys from a spending reserve shall be appropriated in accordance 81464
with section 133.301 of the Revised Code. 81465

(2) For the purposes of computing a school district's 81466
spending reserve balance for a fiscal year, the designated 81467
percentage shall be as follows: 81468

Fiscal year ending in:	Designated percentage	
1998	50%	81470

1999	40%	81471
2000	30%	81472
2001	20%	81473
2002	10%	81474

(G) Except as otherwise provided in this division, the county budget commission shall not reduce the taxing authority of a subdivision as a result of the creation of a reserve balance account. Except as otherwise provided in this division, the county budget commission shall not consider the amount in a reserve balance account of a township, county, or municipal corporation as an unencumbered balance or as revenue for the purposes of division (E)(3) or (4) of section 5747.51 of the Revised Code. The county budget commission may require documentation of the reasonableness of the reserve balance held in any reserve balance account. The commission shall consider any amount in a reserve balance account that it determines to be unreasonable as unencumbered and as revenue for the purposes of section 5747.51 of the Revised Code and may take such amounts into consideration when determining whether to reduce the taxing authority of a subdivision.

Sec. 5705.341. Any person required to pay taxes on real, public utility, or tangible personal property in any taxing district or other political subdivision of this state may appeal to the board of tax appeals from the action of the county budget commission of any county which relates to the fixing of uniform rates of taxation and the rate necessary to be levied by each taxing authority within its subdivision or taxing unit and which action has been certified by the county budget commission to the taxing authority of any political subdivision or other taxing district within the county.

Such appeal shall be in writing and shall set forth the tax rate complained of and the reason that such a tax rate is not necessary to produce the revenue needed by the taxing district or

political subdivision for the ensuing fiscal year as those needs 81503
are set out in the tax budget of said taxing unit or, if adoption 81504
of a tax budget was waived under section 5705.281 of the Revised 81505
Code, as set out in such other information the district or 81506
subdivision was required to provide under that section, or that 81507
the action of the budget commission appealed from does not 81508
otherwise comply with sections 5705.01 to 5705.47 of the Revised 81509
Code. The notice of appeal shall be filed with the board of tax 81510
appeals, and a true copy thereof shall be filed with the tax 81511
commissioner, the county auditor, and with the fiscal officer of 81512
each taxing district or political subdivision authorized to levy 81513
the tax complained of, and such notice of appeal and copies 81514
thereof must be filed within thirty days after the budget 81515
commission has certified its action as provided by section 5705.34 81516
of the Revised Code. Such notice of appeal and the copies thereof 81517
may be filed either in person or by certified mail. If filed by 81518
certified mail, the date of the United States postmark placed on 81519
the sender's receipt by the postal employee to whom the notice of 81520
appeal is presented shall be treated as the date of filing. 81521

Prior to filing the appeal provided by this section, the 81522
appellant shall deposit with the county auditor of the county or, 81523
in the event the appeal concerns joint taxing districts in two or 81524
more counties, with the county auditor of the county with the 81525
greatest valuation of taxable property the sum of five hundred 81526
dollars to cover the costs of the proceeding. The county auditor 81527
shall forthwith issue a pay-in order and pay such money into the 81528
county treasury to the credit of the general fund. The appellant 81529
shall produce the receipt of the county treasurer for such deposit 81530
and shall file such receipt with the notice of appeal. 81531

The board of tax appeals shall forthwith consider the matter 81532
presented on appeal from the action of the county budget 81533
commission and may modify any action of the commission with 81534

reference to the fixing of tax rates, to the end that no tax rate 81535
shall be levied above that necessary to produce the revenue needed 81536
by the taxing district or political subdivision for the ensuing 81537
fiscal year and to the end that the action of the budget 81538
commission appealed from shall otherwise be in conformity with 81539
sections 5705.01 to 5705.47 of the Revised Code. The findings of 81540
the board of tax appeals shall be substituted for the findings of 81541
the budget commission and shall be ~~certified~~ sent to the county 81542
auditor and the taxing authority of the taxing district or 81543
political subdivision affected as the action of such budget 81544
commission under sections 5705.01 to 5705.47 of the Revised Code 81545
and to the tax commissioner. At the request of an appellant, the 81546
findings of the board of tax appeals shall be sent by certified 81547
mail at the appellant's expense. 81548

The board of tax appeals shall promptly prepare a cost bill 81549
listing the expenses incurred by the board in conducting any 81550
hearing on the appeal and certify the cost bill to the county 81551
auditor of the county receiving the deposit for costs, who shall 81552
forthwith draw a warrant on the general fund of the county in 81553
favor of the person or persons named in the bill of costs 81554
certified by the board of tax appeals. 81555

In the event the appellant prevails, the board of tax appeals 81556
promptly shall direct the county auditor to refund the deposit to 81557
the appellant and the costs shall be taxed to the taxing district 81558
or political subdivision involved in the appeal. The county 81559
auditor shall withhold from any funds then or thereafter in the 81560
auditor's possession belonging to the taxing district or political 81561
subdivision named in the order of the board of tax appeals and 81562
shall reimburse the general fund of the county. 81563

If the appellant fails, the costs shall be deducted from the 81564
deposit provided for in this section and any balance which remains 81565
shall be refunded promptly to the appellant by warrant of the 81566

county auditor drawn on the general fund of the county. 81567

Nothing in this section or any section of the Revised Code 81568
shall permit or require the levying of any rate of taxation, 81569
whether within the ten-mill limitation or whether the levy has 81570
been approved by the electors of the taxing district, the 81571
political subdivision, or the charter of a municipal corporation 81572
in excess of such ten-mill limitation, unless such rate of 81573
taxation for the ensuing fiscal year is clearly required by a 81574
budget of the taxing district or political subdivision properly 81575
and lawfully adopted under this chapter, or by other information 81576
that must be provided under section 5705.281 of the Revised Code 81577
if a tax budget was waived. 81578

In the event more than one appeal is filed involving the same 81579
taxing district or political subdivision, all such appeals may be 81580
consolidated by the board of tax appeals and heard at the same 81581
time. 81582

Nothing herein contained shall be construed to bar or 81583
prohibit the tax commissioner from initiating an investigation or 81584
hearing on the commissioner's own motion. 81585

The tax commissioner shall adopt and issue such orders, 81586
rules, and instructions, not inconsistent with law, as the 81587
commissioner deems necessary, as to the exercise of the powers and 81588
the discharge of the duties of any particular county budget 81589
commission, county auditor, or other officer which relate to the 81590
budget, the assessment of property, or the levy and collection of 81591
taxes. The commissioner shall cause the orders and instructions 81592
issued by the commissioner to be obeyed. 81593

Sec. 5705.37. The taxing authority of any subdivision, or the 81594
board of trustees of any public library, nonprofit corporation, or 81595
library association maintaining a free public library that has 81596
adopted and certified rules under section 5705.28 of the Revised 81597

Code, that is dissatisfied with any action of the county budget 81598
commission may, through its fiscal officer, appeal to the board of 81599
tax appeals within thirty days after the receipt by the 81600
subdivision of the official certificate or notice of the 81601
commission's action. In like manner, but through its clerk, any 81602
park district may appeal to the board of tax appeals. An appeal 81603
under this section shall be taken by the filing of a notice of 81604
appeal, either in person or by certified mail, express mail, or 81605
authorized delivery service as provided in section 5703.056 of the 81606
Revised Code, with the board and with the commission. If notice of 81607
appeal is filed by certified mail, express mail, or authorized 81608
delivery service, date of the United States postmark placed on the 81609
sender's receipt by the postal service or the date of receipt 81610
recorded by the authorized delivery service shall be treated as 81611
the date of filing. Upon receipt of the notice of appeal, the 81612
commission, by certified mail, shall notify all persons who were 81613
parties to the proceeding before the commission of the filing of 81614
the notice of appeal and shall file proof of notice with the board 81615
of tax appeals. The secretary of the commission shall forthwith 81616
certify to the board a transcript of the full and accurate record 81617
of all proceedings before the commission, together with all 81618
evidence presented in the proceedings or considered by the 81619
commission, pertaining to the action from which the appeal is 81620
taken. The secretary of the commission also shall certify to the 81621
board any additional information that the board may request. 81622

81623

The board of tax appeals, in a de novo proceeding, shall 81624
forthwith consider the matter presented to the commission, and may 81625
modify any action of the commission with reference to the budget, 81626
the estimate of revenues and balances, the allocation of the 81627
public library fund, or the fixing of tax rates. The finding of 81628
the board of tax appeals shall be substituted for the findings of 81629
the commission, and shall be ~~certified~~ sent to the tax 81630

commissioner, the county auditor, and the taxing authority of the 81631
subdivision affected, or to the board of public library trustees 81632
affected, as the action of the commission under sections 5705.01 81633
to 5705.47 of the Revised Code. At the request of the taxing 81634
authority, board of trustees, or park district that appealed an 81635
action of the county budget commission under this section, the 81636
findings of the board of tax appeals shall be sent by certified 81637
mail at the requestor's expense. 81638

This section does not give the board of tax appeals any 81639
authority to place any tax levy authorized by law within the 81640
ten-mill limitation outside of that limitation, or to reduce any 81641
levy below any minimum fixed by law. 81642

Sec. 5709.62. (A) In any municipal corporation that is 81643
defined by the United States office of management and budget as a 81644
principal city of a metropolitan statistical area, the legislative 81645
authority of the municipal corporation may designate one or more 81646
areas within its municipal corporation as proposed enterprise 81647
zones. Upon designating an area, the legislative authority shall 81648
petition the director of development for certification of the area 81649
as having the characteristics set forth in division (A)(1) of 81650
section 5709.61 of the Revised Code as amended by Substitute 81651
Senate Bill No. 19 of the 120th general assembly. Except as 81652
otherwise provided in division (E) of this section, on and after 81653
July 1, 1994, legislative authorities shall not enter into 81654
agreements under this section unless the legislative authority has 81655
petitioned the director and the director has certified the zone 81656
under this section as amended by that act; however, all agreements 81657
entered into under this section as it existed prior to July 1, 81658
1994, and the incentives granted under those agreements shall 81659
remain in effect for the period agreed to under those agreements. 81660
Within sixty days after receiving such a petition, the director 81661
shall determine whether the area has the characteristics set forth 81662

in division (A)(1) of section 5709.61 of the Revised Code, and 81663
shall forward the findings to the legislative authority of the 81664
municipal corporation. If the director certifies the area as 81665
having those characteristics, and thereby certifies it as a zone, 81666
the legislative authority may enter into an agreement with an 81667
enterprise under division (C) of this section. 81668

(B) Any enterprise that wishes to enter into an agreement 81669
with a municipal corporation under division (C) of this section 81670
shall submit a proposal to the legislative authority of the 81671
municipal corporation on a form prescribed by the director of 81672
development, together with the application fee established under 81673
section 5709.68 of the Revised Code. The form shall require the 81674
following information: 81675

(1) An estimate of the number of new employees whom the 81676
enterprise intends to hire, or of the number of employees whom the 81677
enterprise intends to retain, within the zone at a facility that 81678
is a project site, and an estimate of the amount of payroll of the 81679
enterprise attributable to these employees; 81680

(2) An estimate of the amount to be invested by the 81681
enterprise to establish, expand, renovate, or occupy a facility, 81682
including investment in new buildings, additions or improvements 81683
to existing buildings, machinery, equipment, furniture, fixtures, 81684
and inventory; 81685

(3) A listing of the enterprise's current investment, if any, 81686
in a facility as of the date of the proposal's submission. 81687

The enterprise shall review and update the listings required 81688
under this division to reflect material changes, and any agreement 81689
entered into under division (C) of this section shall set forth 81690
final estimates and listings as of the time the agreement is 81691
entered into. The legislative authority may, on a separate form 81692
and at any time, require any additional information necessary to 81693

determine whether an enterprise is in compliance with an agreement 81694
and to collect the information required to be reported under 81695
section 5709.68 of the Revised Code. 81696

(C) Upon receipt and investigation of a proposal under 81697
division (B) of this section, if the legislative authority finds 81698
that the enterprise submitting the proposal is qualified by 81699
financial responsibility and business experience to create and 81700
preserve employment opportunities in the zone and improve the 81701
economic climate of the municipal corporation, the legislative 81702
authority, on or before October 15, ~~2009~~ 2010, may do one of the 81703
following: 81704

(1) Enter into an agreement with the enterprise under which 81705
the enterprise agrees to establish, expand, renovate, or occupy a 81706
facility and hire new employees, or preserve employment 81707
opportunities for existing employees, in return for one or more of 81708
the following incentives: 81709

(a) Exemption for a specified number of years, not to exceed 81710
fifteen, of a specified portion, up to seventy-five per cent, of 81711
the assessed value of tangible personal property first used in 81712
business at the project site as a result of the agreement. If an 81713
exemption for inventory is specifically granted in the agreement 81714
pursuant to this division, the exemption applies to inventory 81715
required to be listed pursuant to sections 5711.15 and 5711.16 of 81716
the Revised Code, except that, in the instance of an expansion or 81717
other situations in which an enterprise was in business at the 81718
facility prior to the establishment of the zone, the inventory 81719
that is exempt is that amount or value of inventory in excess of 81720
the amount or value of inventory required to be listed in the 81721
personal property tax return of the enterprise in the return for 81722
the tax year in which the agreement is entered into. 81723

(b) Exemption for a specified number of years, not to exceed 81724
fifteen, of a specified portion, up to seventy-five per cent, of 81725

the increase in the assessed valuation of real property 81726
constituting the project site subsequent to formal approval of the 81727
agreement by the legislative authority; 81728

(c) Provision for a specified number of years, not to exceed 81729
fifteen, of any optional services or assistance that the municipal 81730
corporation is authorized to provide with regard to the project 81731
site. 81732

(2) Enter into an agreement under which the enterprise agrees 81733
to remediate an environmentally contaminated facility, to spend an 81734
amount equal to at least two hundred fifty per cent of the true 81735
value in money of the real property of the facility prior to 81736
remediation as determined for the purposes of property taxation to 81737
establish, expand, renovate, or occupy the remediated facility, 81738
and to hire new employees or preserve employment opportunities for 81739
existing employees at the remediated facility, in return for one 81740
or more of the following incentives: 81741

(a) Exemption for a specified number of years, not to exceed 81742
fifteen, of a specified portion, not to exceed fifty per cent, of 81743
the assessed valuation of the real property of the facility prior 81744
to remediation; 81745

(b) Exemption for a specified number of years, not to exceed 81746
fifteen, of a specified portion, not to exceed one hundred per 81747
cent, of the increase in the assessed valuation of the real 81748
property of the facility during or after remediation; 81749

(c) The incentive under division (C)(1)(a) of this section, 81750
except that the percentage of the assessed value of such property 81751
exempted from taxation shall not exceed one hundred per cent; 81752

(d) The incentive under division (C)(1)(c) of this section. 81753

(3) Enter into an agreement with an enterprise that plans to 81754
purchase and operate a large manufacturing facility that has 81755
ceased operation or announced its intention to cease operation, in 81756

return for exemption for a specified number of years, not to 81757
exceed fifteen, of a specified portion, up to one hundred per 81758
cent, of the assessed value of tangible personal property used in 81759
business at the project site as a result of the agreement, or of 81760
the assessed valuation of real property constituting the project 81761
site, or both. 81762

(D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this 81763
section, the portion of the assessed value of tangible personal 81764
property or of the increase in the assessed valuation of real 81765
property exempted from taxation under those divisions may exceed 81766
seventy-five per cent in any year for which that portion is 81767
exempted if the average percentage exempted for all years in which 81768
the agreement is in effect does not exceed sixty per cent, or if 81769
the board of education of the city, local, or exempted village 81770
school district within the territory of which the property is or 81771
will be located approves a percentage in excess of seventy-five 81772
per cent. 81773

(2) Notwithstanding any provision of the Revised Code to the 81774
contrary, the exemptions described in divisions (C)(1)(a), (b), 81775
and (c), (C)(2)(a), (b), and (c), and (C)(3) of this section may 81776
be for up to fifteen years if the board of education of the city, 81777
local, or exempted village school district within the territory of 81778
which the property is or will be located approves a number of 81779
years in excess of ten. 81780

(3) For the purpose of obtaining the approval of a city, 81781
local, or exempted village school district under division (D)(1) 81782
or (2) of this section, the legislative authority shall deliver to 81783
the board of education a notice not later than forty-five days 81784
prior to approving the agreement, excluding Saturdays, Sundays, 81785
and legal holidays as defined in section 1.14 of the Revised Code. 81786
The notice shall state the percentage to be exempted, an estimate 81787
of the true value of the property to be exempted, and the number 81788

of years the property is to be exempted. The board of education, 81789
by resolution adopted by a majority of the board, shall approve or 81790
disapprove the agreement and certify a copy of the resolution to 81791
the legislative authority not later than fourteen days prior to 81792
the date stipulated by the legislative authority as the date upon 81793
which approval of the agreement is to be formally considered by 81794
the legislative authority. The board of education may include in 81795
the resolution conditions under which the board would approve the 81796
agreement, including the execution of an agreement to compensate 81797
the school district under division (B) of section 5709.82 of the 81798
Revised Code. The legislative authority may approve the agreement 81799
at any time after the board of education certifies its resolution 81800
approving the agreement to the legislative authority, or, if the 81801
board approves the agreement conditionally, at any time after the 81802
conditions are agreed to by the board and the legislative 81803
authority. 81804

If a board of education has adopted a resolution waiving its 81805
right to approve agreements and the resolution remains in effect, 81806
approval of an agreement by the board is not required under this 81807
division. If a board of education has adopted a resolution 81808
allowing a legislative authority to deliver the notice required 81809
under this division fewer than forty-five business days prior to 81810
the legislative authority's approval of the agreement, the 81811
legislative authority shall deliver the notice to the board not 81812
later than the number of days prior to such approval as prescribed 81813
by the board in its resolution. If a board of education adopts a 81814
resolution waiving its right to approve agreements or shortening 81815
the notification period, the board shall certify a copy of the 81816
resolution to the legislative authority. If the board of education 81817
rescinds such a resolution, it shall certify notice of the 81818
rescission to the legislative authority. 81819

(4) The legislative authority shall comply with section 81820

5709.83 of the Revised Code unless the board of education has 81821
adopted a resolution under that section waiving its right to 81822
receive such notice. 81823

(E) This division applies to zones certified by the director 81824
of development under this section prior to July 22, 1994. 81825

On or before October 15, ~~2009~~ 2010, the legislative authority 81826
that designated a zone to which this division applies may enter 81827
into an agreement with an enterprise if the legislative authority 81828
finds that the enterprise satisfies one of the criteria described 81829
in divisions (E)(1) to (5) of this section: 81830

(1) The enterprise currently has no operations in this state 81831
and, subject to approval of the agreement, intends to establish 81832
operations in the zone; 81833

(2) The enterprise currently has operations in this state 81834
and, subject to approval of the agreement, intends to establish 81835
operations at a new location in the zone that would not result in 81836
a reduction in the number of employee positions at any of the 81837
enterprise's other locations in this state; 81838

(3) The enterprise, subject to approval of the agreement, 81839
intends to relocate operations, currently located in another 81840
state, to the zone; 81841

(4) The enterprise, subject to approval of the agreement, 81842
intends to expand operations at an existing site in the zone that 81843
the enterprise currently operates; 81844

(5) The enterprise, subject to approval of the agreement, 81845
intends to relocate operations, currently located in this state, 81846
to the zone, and the director of development has issued a waiver 81847
for the enterprise under division (B) of section 5709.633 of the 81848
Revised Code. 81849

The agreement shall require the enterprise to agree to 81850

establish, expand, renovate, or occupy a facility in the zone and 81851
hire new employees, or preserve employment opportunities for 81852
existing employees, in return for one or more of the incentives 81853
described in division (C) of this section. 81854

(F) All agreements entered into under this section shall be 81855
in the form prescribed under section 5709.631 of the Revised Code. 81856
After an agreement is entered into under this section, if the 81857
legislative authority revokes its designation of a zone, or if the 81858
director of development revokes a zone's certification, any 81859
entitlements granted under the agreement shall continue for the 81860
number of years specified in the agreement. 81861

(G) Except as otherwise provided in this division, an 81862
agreement entered into under this section shall require that the 81863
enterprise pay an annual fee equal to the greater of one per cent 81864
of the dollar value of incentives offered under the agreement or 81865
five hundred dollars; provided, however, that if the value of the 81866
incentives exceeds two hundred fifty thousand dollars, the fee 81867
shall not exceed two thousand five hundred dollars. The fee shall 81868
be payable to the legislative authority once per year for each 81869
year the agreement is effective on the days and in the form 81870
specified in the agreement. Fees paid shall be deposited in a 81871
special fund created for such purpose by the legislative authority 81872
and shall be used by the legislative authority exclusively for the 81873
purpose of complying with section 5709.68 of the Revised Code and 81874
by the tax incentive review council created under section 5709.85 81875
of the Revised Code exclusively for the purposes of performing the 81876
duties prescribed under that section. The legislative authority 81877
may waive or reduce the amount of the fee charged against an 81878
enterprise, but such a waiver or reduction does not affect the 81879
obligations of the legislative authority or the tax incentive 81880
review council to comply with section 5709.68 or 5709.85 of the 81881
Revised Code. 81882

(H) When an agreement is entered into pursuant to this 81883
section, the legislative authority authorizing the agreement shall 81884
forward a copy of the agreement to the director of development and 81885
to the tax commissioner within fifteen days after the agreement is 81886
entered into. If any agreement includes terms not provided for in 81887
section 5709.631 of the Revised Code affecting the revenue of a 81888
city, local, or exempted village school district or causing 81889
revenue to be foregone by the district, including any compensation 81890
to be paid to the school district pursuant to section 5709.82 of 81891
the Revised Code, those terms also shall be forwarded in writing 81892
to the director of development along with the copy of the 81893
agreement forwarded under this division. 81894

(I) After an agreement is entered into, the enterprise shall 81895
file with each personal property tax return required to be filed, 81896
or annual report required to be filed under section 5727.08 of the 81897
Revised Code, while the agreement is in effect, an informational 81898
return, on a form prescribed by the tax commissioner for that 81899
purpose, setting forth separately the property, and related costs 81900
and values, exempted from taxation under the agreement. 81901

(J) Enterprises may agree to give preference to residents of 81902
the zone within which the agreement applies relative to residents 81903
of this state who do not reside in the zone when hiring new 81904
employees under the agreement. 81905

(K) An agreement entered into under this section may include 81906
a provision requiring the enterprise to create one or more 81907
temporary internship positions for students enrolled in a course 81908
of study at a school or other educational institution in the 81909
vicinity, and to create a scholarship or provide another form of 81910
educational financial assistance for students holding such a 81911
position in exchange for the student's commitment to work for the 81912
enterprise at the completion of the internship. 81913

(L) The tax commissioner's authority in determining the 81914

accuracy of any exemption granted by an agreement entered into 81915
under this section is limited to divisions (C)(1)(a) and (b), 81916
(C)(2)(a), (b), and (c), (C)(3), (D), and (I) of this section and 81917
divisions (B)(1) to (10) of section 5709.631 of the Revised Code 81918
and, as authorized by law, to enforcing any modification to, or 81919
revocation of, that agreement by the legislative authority of a 81920
municipal corporation or the director of development. 81921

Sec. 5709.63. (A) With the consent of the legislative 81922
authority of each affected municipal corporation or of a board of 81923
township trustees, a board of county commissioners may, in the 81924
manner set forth in section 5709.62 of the Revised Code, designate 81925
one or more areas in one or more municipal corporations or in 81926
unincorporated areas of the county as proposed enterprise zones. A 81927
board of county commissioners may designate no more than one area 81928
within a township, or within adjacent townships, as a proposed 81929
enterprise zone. The board shall petition the director of 81930
development for certification of the area as having the 81931
characteristics set forth in division (A)(1) or (2) of section 81932
5709.61 of the Revised Code as amended by Substitute Senate Bill 81933
No. 19 of the 120th general assembly. Except as otherwise provided 81934
in division (D) of this section, on and after July 1, 1994, boards 81935
of county commissioners shall not enter into agreements under this 81936
section unless the board has petitioned the director and the 81937
director has certified the zone under this section as amended by 81938
that act; however, all agreements entered into under this section 81939
as it existed prior to July 1, 1994, and the incentives granted 81940
under those agreements shall remain in effect for the period 81941
agreed to under those agreements. The director shall make the 81942
determination in the manner provided under section 5709.62 of the 81943
Revised Code. 81944

Any enterprise wishing to enter into an agreement with the 81945
board under division (B) or (D) of this section shall submit a 81946

proposal to the board on the form and accompanied by the 81947
application fee prescribed under division (B) of section 5709.62 81948
of the Revised Code. The enterprise shall review and update the 81949
estimates and listings required by the form in the manner required 81950
under that division. The board may, on a separate form and at any 81951
time, require any additional information necessary to determine 81952
whether an enterprise is in compliance with an agreement and to 81953
collect the information required to be reported under section 81954
5709.68 of the Revised Code. 81955

(B) If the board of county commissioners finds that an 81956
enterprise submitting a proposal is qualified by financial 81957
responsibility and business experience to create and preserve 81958
employment opportunities in the zone and to improve the economic 81959
climate of the municipal corporation or municipal corporations or 81960
the unincorporated areas in which the zone is located and to which 81961
the proposal applies, the board, on or before October 15, ~~2009~~ 81962
2010, and with the consent of the legislative authority of each 81963
affected municipal corporation or of the board of township 81964
trustees may do either of the following: 81965

(1) Enter into an agreement with the enterprise under which 81966
the enterprise agrees to establish, expand, renovate, or occupy a 81967
facility in the zone and hire new employees, or preserve 81968
employment opportunities for existing employees, in return for the 81969
following incentives: 81970

(a) When the facility is located in a municipal corporation, 81971
the board may enter into an agreement for one or more of the 81972
incentives provided in division (C) of section 5709.62 of the 81973
Revised Code, subject to division (D) of that section; 81974

(b) When the facility is located in an unincorporated area, 81975
the board may enter into an agreement for one or more of the 81976
following incentives: 81977

(i) Exemption for a specified number of years, not to exceed 81978
fifteen, of a specified portion, up to sixty per cent, of the 81979
assessed value of tangible personal property first used in 81980
business at a project site as a result of the agreement. If an 81981
exemption for inventory is specifically granted in the agreement 81982
pursuant to this division, the exemption applies to inventory 81983
required to be listed pursuant to sections 5711.15 and 5711.16 of 81984
the Revised Code, except, in the instance of an expansion or other 81985
situations in which an enterprise was in business at the facility 81986
prior to the establishment of the zone, the inventory that is 81987
exempt is that amount or value of inventory in excess of the 81988
amount or value of inventory required to be listed in the personal 81989
property tax return of the enterprise in the return for the tax 81990
year in which the agreement is entered into. 81991

(ii) Exemption for a specified number of years, not to exceed 81992
fifteen, of a specified portion, up to sixty per cent, of the 81993
increase in the assessed valuation of real property constituting 81994
the project site subsequent to formal approval of the agreement by 81995
the board; 81996

(iii) Provision for a specified number of years, not to 81997
exceed fifteen, of any optional services or assistance the board 81998
is authorized to provide with regard to the project site; 81999

(iv) The incentive described in division (C)(2) of section 82000
5709.62 of the Revised Code. 82001

(2) Enter into an agreement with an enterprise that plans to 82002
purchase and operate a large manufacturing facility that has 82003
ceased operation or has announced its intention to cease 82004
operation, in return for exemption for a specified number of 82005
years, not to exceed fifteen, of a specified portion, up to one 82006
hundred per cent, of tangible personal property used in business 82007
at the project site as a result of the agreement, or of real 82008
property constituting the project site, or both. 82009

(C)(1)(a) Notwithstanding divisions (B)(1)(b)(i) and (ii) of 82010
this section, the portion of the assessed value of tangible 82011
personal property or of the increase in the assessed valuation of 82012
real property exempted from taxation under those divisions may 82013
exceed sixty per cent in any year for which that portion is 82014
exempted if the average percentage exempted for all years in which 82015
the agreement is in effect does not exceed fifty per cent, or if 82016
the board of education of the city, local, or exempted village 82017
school district within the territory of which the property is or 82018
will be located approves a percentage in excess of sixty per cent. 82019

(b) Notwithstanding any provision of the Revised Code to the 82020
contrary, the exemptions described in divisions (B)(1)(b)(i), 82021
(ii), (iii), and (iv) and (B)(2) of this section may be for up to 82022
fifteen years if the board of education of the city, local, or 82023
exempted village school district within the territory of which the 82024
property is or will be located approves a number of years in 82025
excess of ten. 82026

(c) For the purpose of obtaining the approval of a city, 82027
local, or exempted village school district under division 82028
(C)(1)(a) or (b) of this section, the board of county 82029
commissioners shall deliver to the board of education a notice not 82030
later than forty-five days prior to approving the agreement, 82031
excluding Saturdays, Sundays, and legal holidays as defined in 82032
section 1.14 of the Revised Code. The notice shall state the 82033
percentage to be exempted, an estimate of the true value of the 82034
property to be exempted, and the number of years the property is 82035
to be exempted. The board of education, by resolution adopted by a 82036
majority of the board, shall approve or disapprove the agreement 82037
and certify a copy of the resolution to the board of county 82038
commissioners not later than fourteen days prior to the date 82039
stipulated by the board of county commissioners as the date upon 82040
which approval of the agreement is to be formally considered by 82041

the board of county commissioners. The board of education may 82042
include in the resolution conditions under which the board would 82043
approve the agreement, including the execution of an agreement to 82044
compensate the school district under division (B) of section 82045
5709.82 of the Revised Code. The board of county commissioners may 82046
approve the agreement at any time after the board of education 82047
certifies its resolution approving the agreement to the board of 82048
county commissioners, or, if the board of education approves the 82049
agreement conditionally, at any time after the conditions are 82050
agreed to by the board of education and the board of county 82051
commissioners. 82052

If a board of education has adopted a resolution waiving its 82053
right to approve agreements and the resolution remains in effect, 82054
approval of an agreement by the board of education is not required 82055
under division (C) of this section. If a board of education has 82056
adopted a resolution allowing a board of county commissioners to 82057
deliver the notice required under this division fewer than 82058
forty-five business days prior to approval of the agreement by the 82059
board of county commissioners, the board of county commissioners 82060
shall deliver the notice to the board of education not later than 82061
the number of days prior to such approval as prescribed by the 82062
board of education in its resolution. If a board of education 82063
adopts a resolution waiving its right to approve agreements or 82064
shortening the notification period, the board of education shall 82065
certify a copy of the resolution to the board of county 82066
commissioners. If the board of education rescinds such a 82067
resolution, it shall certify notice of the rescission to the board 82068
of county commissioners. 82069

(2) The board of county commissioners shall comply with 82070
section 5709.83 of the Revised Code unless the board of education 82071
has adopted a resolution under that section waiving its right to 82072
receive such notice. 82073

(D) This division applies to zones certified by the director 82074
of development under this section prior to July 22, 1994. 82075

On or before October 15, ~~2009~~ 2010, and with the consent of 82076
the legislative authority of each affected municipal corporation 82077
or board of township trustees of each affected township, the board 82078
of county commissioners that designated a zone to which this 82079
division applies may enter into an agreement with an enterprise if 82080
the board finds that the enterprise satisfies one of the criteria 82081
described in divisions (D)(1) to (5) of this section: 82082

(1) The enterprise currently has no operations in this state 82083
and, subject to approval of the agreement, intends to establish 82084
operations in the zone; 82085

(2) The enterprise currently has operations in this state 82086
and, subject to approval of the agreement, intends to establish 82087
operations at a new location in the zone that would not result in 82088
a reduction in the number of employee positions at any of the 82089
enterprise's other locations in this state; 82090

(3) The enterprise, subject to approval of the agreement, 82091
intends to relocate operations, currently located in another 82092
state, to the zone; 82093

(4) The enterprise, subject to approval of the agreement, 82094
intends to expand operations at an existing site in the zone that 82095
the enterprise currently operates; 82096

(5) The enterprise, subject to approval of the agreement, 82097
intends to relocate operations, currently located in this state, 82098
to the zone, and the director of development has issued a waiver 82099
for the enterprise under division (B) of section 5709.633 of the 82100
Revised Code. 82101

The agreement shall require the enterprise to agree to 82102
establish, expand, renovate, or occupy a facility in the zone and 82103
hire new employees, or preserve employment opportunities for 82104

existing employees, in return for one or more of the incentives 82105
described in division (B) of this section. 82106

(E) All agreements entered into under this section shall be 82107
in the form prescribed under section 5709.631 of the Revised Code. 82108
After an agreement under this section is entered into, if the 82109
board of county commissioners revokes its designation of a zone, 82110
or if the director of development revokes a zone's certification, 82111
any entitlements granted under the agreement shall continue for 82112
the number of years specified in the agreement. 82113

(F) Except as otherwise provided in this division, an 82114
agreement entered into under this section shall require that the 82115
enterprise pay an annual fee equal to the greater of one per cent 82116
of the dollar value of incentives offered under the agreement or 82117
five hundred dollars; provided, however, that if the value of the 82118
incentives exceeds two hundred fifty thousand dollars, the fee 82119
shall not exceed two thousand five hundred dollars. The fee shall 82120
be payable to the board of county commissioners once per year for 82121
each year the agreement is effective on the days and in the form 82122
specified in the agreement. Fees paid shall be deposited in a 82123
special fund created for such purpose by the board and shall be 82124
used by the board exclusively for the purpose of complying with 82125
section 5709.68 of the Revised Code and by the tax incentive 82126
review council created under section 5709.85 of the Revised Code 82127
exclusively for the purposes of performing the duties prescribed 82128
under that section. The board may waive or reduce the amount of 82129
the fee charged against an enterprise, but such waiver or 82130
reduction does not affect the obligations of the board or the tax 82131
incentive review council to comply with section 5709.68 or 5709.85 82132
of the Revised Code, respectively. 82133

(G) With the approval of the legislative authority of a 82134
municipal corporation or the board of township trustees of a 82135
township in which a zone is designated under division (A) of this 82136

section, the board of county commissioners may delegate to that 82137
legislative authority or board any powers and duties of the board 82138
of county commissioners to negotiate and administer agreements 82139
with regard to that zone under this section. 82140

(H) When an agreement is entered into pursuant to this 82141
section, the board of county commissioners authorizing the 82142
agreement or the legislative authority or board of township 82143
trustees that negotiates and administers the agreement shall 82144
forward a copy of the agreement to the director of development and 82145
to the tax commissioner within fifteen days after the agreement is 82146
entered into. If any agreement includes terms not provided for in 82147
section 5709.631 of the Revised Code affecting the revenue of a 82148
city, local, or exempted village school district or causing 82149
revenue to be foregone by the district, including any compensation 82150
to be paid to the school district pursuant to section 5709.82 of 82151
the Revised Code, those terms also shall be forwarded in writing 82152
to the director of development along with the copy of the 82153
agreement forwarded under this division. 82154

(I) After an agreement is entered into, the enterprise shall 82155
file with each personal property tax return required to be filed, 82156
or annual report that is required to be filed under section 82157
5727.08 of the Revised Code, while the agreement is in effect, an 82158
informational return, on a form prescribed by the tax commissioner 82159
for that purpose, setting forth separately the property, and 82160
related costs and values, exempted from taxation under the 82161
agreement. 82162

(J) Enterprises may agree to give preference to residents of 82163
the zone within which the agreement applies relative to residents 82164
of this state who do not reside in the zone when hiring new 82165
employees under the agreement. 82166

(K) An agreement entered into under this section may include 82167
a provision requiring the enterprise to create one or more 82168

temporary internship positions for students enrolled in a course 82169
of study at a school or other educational institution in the 82170
vicinity, and to create a scholarship or provide another form of 82171
educational financial assistance for students holding such a 82172
position in exchange for the student's commitment to work for the 82173
enterprise at the completion of the internship. 82174

(L) The tax commissioner's authority in determining the 82175
accuracy of any exemption granted by an agreement entered into 82176
under this section is limited to divisions (B)(1)(b)(i) and (ii), 82177
(B)(2), (C), and (I) of this section, division (B)(1)(b)(iv) of 82178
this section as it pertains to divisions (C)(2)(a), (b), and (c) 82179
of section 5709.62 of the Revised Code, and divisions (B)(1) to 82180
(10) of section 5709.631 of the Revised Code and, as authorized by 82181
law, to enforcing any modification to, or revocation of, that 82182
agreement by the board of county commissioners or the director of 82183
development or, if the board's powers and duties are delegated 82184
under division (G) of this section, by the legislative authority 82185
of a municipal corporation or board of township trustees. 82186

Sec. 5709.632. (A)(1) The legislative authority of a 82187
municipal corporation defined by the United States office of 82188
management and budget as a principal city of a metropolitan 82189
statistical area may, in the manner set forth in section 5709.62 82190
of the Revised Code, designate one or more areas in the municipal 82191
corporation as a proposed enterprise zone. 82192

(2) With the consent of the legislative authority of each 82193
affected municipal corporation or of a board of township trustees, 82194
a board of county commissioners may, in the manner set forth in 82195
section 5709.62 of the Revised Code, designate one or more areas 82196
in one or more municipal corporations or in unincorporated areas 82197
of the county as proposed urban jobs and enterprise zones, except 82198
that a board of county commissioners may designate no more than 82199

one area within a township, or within adjacent townships, as a 82200
proposed urban jobs and enterprise zone. 82201

(3) The legislative authority or board of county 82202
commissioners may petition the director of development for 82203
certification of the area as having the characteristics set forth 82204
in division (A)(3) of section 5709.61 of the Revised Code. Within 82205
sixty days after receiving such a petition, the director shall 82206
determine whether the area has the characteristics set forth in 82207
that division and forward the findings to the legislative 82208
authority or board of county commissioners. If the director 82209
certifies the area as having those characteristics and thereby 82210
certifies it as a zone, the legislative authority or board may 82211
enter into agreements with enterprises under division (B) of this 82212
section. Any enterprise wishing to enter into an agreement with a 82213
legislative authority or board of county commissioners under this 82214
section and satisfying one of the criteria described in divisions 82215
(B)(1) to (5) of this section shall submit a proposal to the 82216
legislative authority or board on the form prescribed under 82217
division (B) of section 5709.62 of the Revised Code and shall 82218
review and update the estimates and listings required by the form 82219
in the manner required under that division. The legislative 82220
authority or board may, on a separate form and at any time, 82221
require any additional information necessary to determine whether 82222
an enterprise is in compliance with an agreement and to collect 82223
the information required to be reported under section 5709.68 of 82224
the Revised Code. 82225

(B) Prior to entering into an agreement with an enterprise, 82226
the legislative authority or board of county commissioners shall 82227
determine whether the enterprise submitting the proposal is 82228
qualified by financial responsibility and business experience to 82229
create and preserve employment opportunities in the zone and to 82230
improve the economic climate of the municipal corporation or 82231

municipal corporations or the unincorporated areas in which the 82232
zone is located and to which the proposal applies, and whether the 82233
enterprise satisfies one of the following criteria: 82234

(1) The enterprise currently has no operations in this state 82235
and, subject to approval of the agreement, intends to establish 82236
operations in the zone; 82237

(2) The enterprise currently has operations in this state 82238
and, subject to approval of the agreement, intends to establish 82239
operations at a new location in the zone that would not result in 82240
a reduction in the number of employee positions at any of the 82241
enterprise's other locations in this state; 82242

(3) The enterprise, subject to approval of the agreement, 82243
intends to relocate operations, currently located in another 82244
state, to the zone; 82245

(4) The enterprise, subject to approval of the agreement, 82246
intends to expand operations at an existing site in the zone that 82247
the enterprise currently operates; 82248

(5) The enterprise, subject to approval of the agreement, 82249
intends to relocate operations, currently located in this state, 82250
to the zone, and the director of development has issued a waiver 82251
for the enterprise under division (B) of section 5709.633 of the 82252
Revised Code. 82253

(C) If the legislative authority or board determines that the 82254
enterprise is so qualified and satisfies one of the criteria 82255
described in divisions (B)(1) to (5) of this section, the 82256
legislative authority or board may, after complying with section 82257
5709.83 of the Revised Code and on or before October 15, ~~2009~~ 82258
2010, and, in the case of a board of commissioners, with the 82259
consent of the legislative authority of each affected municipal 82260
corporation or of the board of township trustees, enter into an 82261
agreement with the enterprise under which the enterprise agrees to 82262

establish, expand, renovate, or occupy a facility in the zone and 82263
hire new employees, or preserve employment opportunities for 82264
existing employees, in return for the following incentives: 82265

(1) When the facility is located in a municipal corporation, 82266
a legislative authority or board of commissioners may enter into 82267
an agreement for one or more of the incentives provided in 82268
division (C) of section 5709.62 of the Revised Code, subject to 82269
division (D) of that section; 82270

(2) When the facility is located in an unincorporated area, a 82271
board of commissioners may enter into an agreement for one or more 82272
of the incentives provided in divisions (B)(1)(b), (B)(2), and 82273
(B)(3) of section 5709.63 of the Revised Code, subject to division 82274
(C) of that section. 82275

(D) All agreements entered into under this section shall be 82276
in the form prescribed under section 5709.631 of the Revised Code. 82277
After an agreement under this section is entered into, if the 82278
legislative authority or board of county commissioners revokes its 82279
designation of the zone, or if the director of development revokes 82280
the zone's certification, any entitlements granted under the 82281
agreement shall continue for the number of years specified in the 82282
agreement. 82283

(E) Except as otherwise provided in this division, an 82284
agreement entered into under this section shall require that the 82285
enterprise pay an annual fee equal to the greater of one per cent 82286
of the dollar value of incentives offered under the agreement or 82287
five hundred dollars; provided, however, that if the value of the 82288
incentives exceeds two hundred fifty thousand dollars, the fee 82289
shall not exceed two thousand five hundred dollars. The fee shall 82290
be payable to the legislative authority or board of commissioners 82291
once per year for each year the agreement is effective on the days 82292
and in the form specified in the agreement. Fees paid shall be 82293
deposited in a special fund created for such purpose by the 82294

legislative authority or board and shall be used by the 82295
legislative authority or board exclusively for the purpose of 82296
complying with section 5709.68 of the Revised Code and by the tax 82297
incentive review council created under section 5709.85 of the 82298
Revised Code exclusively for the purposes of performing the duties 82299
prescribed under that section. The legislative authority or board 82300
may waive or reduce the amount of the fee charged against an 82301
enterprise, but such waiver or reduction does not affect the 82302
obligations of the legislative authority or board or the tax 82303
incentive review council to comply with section 5709.68 or 5709.85 82304
of the Revised Code, respectively. 82305

(F) With the approval of the legislative authority of a 82306
municipal corporation or the board of township trustees of a 82307
township in which a zone is designated under division (A)(2) of 82308
this section, the board of county commissioners may delegate to 82309
that legislative authority or board any powers and duties of the 82310
board to negotiate and administer agreements with regard to that 82311
zone under this section. 82312

(G) When an agreement is entered into pursuant to this 82313
section, the legislative authority or board of commissioners 82314
authorizing the agreement shall forward a copy of the agreement to 82315
the director of development and to the tax commissioner within 82316
fifteen days after the agreement is entered into. If any agreement 82317
includes terms not provided for in section 5709.631 of the Revised 82318
Code affecting the revenue of a city, local, or exempted village 82319
school district or causing revenue to be foregone by the district, 82320
including any compensation to be paid to the school district 82321
pursuant to section 5709.82 of the Revised Code, those terms also 82322
shall be forwarded in writing to the director of development along 82323
with the copy of the agreement forwarded under this division. 82324

82325

(H) After an agreement is entered into, the enterprise shall 82326

file with each personal property tax return required to be filed 82327
while the agreement is in effect, an informational return, on a 82328
form prescribed by the tax commissioner for that purpose, setting 82329
forth separately the property, and related costs and values, 82330
exempted from taxation under the agreement. 82331

(I) An agreement entered into under this section may include 82332
a provision requiring the enterprise to create one or more 82333
temporary internship positions for students enrolled in a course 82334
of study at a school or other educational institution in the 82335
vicinity, and to create a scholarship or provide another form of 82336
educational financial assistance for students holding such a 82337
position in exchange for the student's commitment to work for the 82338
enterprise at the completion of the internship. 82339

Sec. 5711.33. (A)(1) When a county treasurer receives a 82340
certificate from a county auditor pursuant to division (A) of 82341
section 5711.32 of the Revised Code charging the treasurer with 82342
the collection of an amount of taxes due as the result of a 82343
deficiency assessment, the treasurer shall immediately prepare and 82344
mail a tax bill to the taxpayer owing such tax. The tax bill shall 82345
contain the name of the taxpayer; the taxable value, tax rate, and 82346
taxes charged for each year being assessed; the total amount of 82347
taxes due; the final date payment may be made without additional 82348
penalty; and any other information the treasurer considers 82349
pertinent or necessary. Taxes due and payable as a result of a 82350
deficiency assessment, less any amount specifically excepted from 82351
collection under division (B) of section 5711.32 of the Revised 82352
Code, shall be paid with interest thereon as prescribed by section 82353
5719.041 of the Revised Code on or before the sixtieth day 82354
following the date of issuance of the certificate by the county 82355
auditor. The balance of taxes found due and payable after a final 82356
determination by the tax commissioner or a final judgment of the 82357
board of tax appeals or any court to which such final judgment may 82358

be appealed shall be paid with interest thereon as prescribed by 82359
section 5719.041 of the Revised Code on or before the sixtieth day 82360
following the date of certification by the auditor to the 82361
treasurer pursuant to division (C) of section 5711.32 of the 82362
Revised Code of such final determination or judgment. Such final 82363
dates for payment shall be determined and exhibited on the tax 82364
bill by the treasurer. 82365

(2) If, on or before the sixtieth day following the date of a 82366
certification of a deficiency assessment under division (A) of 82367
section 5711.32 of the Revised Code or of a certification of a 82368
final determination or judgment under division (C) of section 82369
5711.32 of the Revised Code, the taxpayer pays the full amount of 82370
taxes and interest due at the time of the receipt of certification 82371
with respect to that assessment, determination, or judgment, no 82372
interest shall accrue or be charged with respect to that 82373
assessment, determination, or judgment for the period that begins 82374
on the first day of the month in which the certification is made 82375
and that ends on the last day of the month preceding the month in 82376
which such sixtieth day occurs. 82377

(B) When the taxes charged, as mentioned in division (A) of 82378
this section, are not paid within the time prescribed by such 82379
division, a penalty of ten per cent of the amount due and unpaid 82380
and interest for the period described in division (A)(2) of this 82381
section shall accrue at the time the treasurer closes the 82382
treasurer's office for business on the last day so prescribed, but 82383
if the taxes are paid within ten days subsequent to the last day 82384
prescribed, the treasurer shall waive the collection of and the 82385
auditor shall remit one-half of the penalty. The treasurer shall 82386
not thereafter accept less than the full amount of taxes and 82387
penalty except as otherwise authorized by law. Such penalty shall 82388
be distributed in the same manner and at the same time as the tax 82389
upon which it has accrued. The whole amount collected shall be 82390

included in the next succeeding settlement of appropriate taxes. 82391

(C) When the taxes charged, as mentioned in division (A) of 82392
this section, remain unpaid after the final date for payment 82393
prescribed by such division, such charges shall be deemed to be 82394
delinquent taxes. The county auditor shall cause such charges, 82395
including the penalty that has accrued pursuant to this section, 82396
to be added to the delinquent tax duplicate in accordance with 82397
section 5719.04 of the Revised Code. 82398

(D) The county auditor, upon consultation with the county 82399
treasurer, shall remit a penalty imposed under division (B) of 82400
this section or division ~~(C)~~(D) of section 5719.03 of the Revised 82401
Code for the late payment of taxes when: 82402

(1) The taxpayer could not make timely payment of the tax 82403
because of the negligence or error of the county auditor or county 82404
treasurer in the performance of a statutory duty relating to the 82405
levy or collection of such tax. 82406

(2) In cases other than those described in division (D)(1) of 82407
this section, the taxpayer failed to receive a tax bill or a 82408
correct tax bill, and the taxpayer made a good faith effort to 82409
obtain such bill within thirty days after the last day for payment 82410
of the tax. 82411

(3) The tax was not timely paid because of the death or 82412
serious injury of the taxpayer, or the taxpayer's confinement in a 82413
hospital within sixty days preceding the last day for payment of 82414
the tax if, in any case, the tax was subsequently paid within 82415
sixty days after the last day for payment of such tax. 82416

(4) The taxpayer demonstrates that the full payment was 82417
properly deposited in the mail in sufficient time for the envelope 82418
to be postmarked by the United States postal service on or before 82419
the last day for payment of such tax. A private meter postmark on 82420
an envelope is not a valid postmark for purposes of establishing 82421

the date of payment of such tax. 82422

(5) In cases other than those described in divisions (D)(1) 82423
to (4) of this section, the taxpayer's failure to make timely 82424
payment of the tax is due to reasonable cause and not willful 82425
neglect. 82426

(E) The taxpayer, upon application within sixty days after 82427
the mailing of the county auditor's decision, may request the tax 82428
commissioner to review the denial of the remission of a penalty by 82429
the county auditor. The application may be filed in person or by 82430
certified mail. If the application is filed by certified mail, the 82431
date of the United States postmark placed on the sender's receipt 82432
by the postal service shall be treated as the date of filing. The 82433
commissioner shall consider the application, determine whether the 82434
penalty should be remitted, and certify the determination to the 82435
taxpayer and to the county treasurer and county auditor, who shall 82436
correct the tax list and duplicate accordingly. The commissioner 82437
may issue orders and instructions for the uniform implementation 82438
of this section by all county auditors and county treasurers, and 82439
such orders and instructions shall be followed by such officers. 82440

Sec. 5715.02. The county treasurer, county auditor, and ~~the~~ 82441
~~president of a member of~~ the board of county commissioners 82442
selected by the board of county commissioners shall constitute the 82443
county board of revision, or they may provide for one or more 82444
hearing boards when they deem the creation of such to be necessary 82445
to the expeditious hearing of valuation complaints. Each such 82446
official may ~~7~~ appoint one qualified employee from ~~his~~ the 82447
official's office to serve in ~~his~~ the official's place and stead 82448
on each such board for the purpose of hearing complaints as to the 82449
value of real property only, each such hearing board has the same 82450
authority to hear and decide complaints and sign the journal as 82451
the board of revision, and shall proceed in the manner provided 82452

for the board of revision by sections 5715.08 to 5715.20~~7~~ 82453
~~inclusive~~, of the Revised Code. Any decision by a hearing board 82454
shall be the decision of the board of revision. 82455

A majority of a county board of revision or hearing board 82456
shall constitute a quorum to hear and determine any complaint, and 82457
any vacancy shall not impair the right of the remaining members of 82458
such board, whether elected officials or appointees, to exercise 82459
all the powers thereof so long as a majority remains. 82460

Each member of a county board of revision or hearing board 82461
may administer oaths. 82462

Sec. 5715.251. The county auditor may appeal to the board of 82463
tax appeals any determination of change in the abstract of real 82464
property of a taxing district in ~~his~~ the auditor's county that is 82465
made by the tax commissioner under section 5715.24 of the Revised 82466
Code. The appeal shall be taken within thirty days after receipt 82467
of the statement by the county auditor of the commissioner's 82468
determination by the filing by the county auditor of a notice of 82469
appeal with the board and the commissioner. Such notice of appeal 82470
shall set forth the determination of the commissioner appealed 82471
from and the errors therein complained of. Proof of the filing of 82472
such notice with the commissioner shall be filed with the board. 82473
The board shall have exclusive jurisdiction of the appeal. 82474

In all such appeals the commissioner shall be made appellee. 82475
Unless waived, notice of the appeal shall be served upon the 82476
commissioner by certified mail. The prosecuting attorney shall 82477
represent the county auditor in such an appeal. 82478

The commissioner, upon written demand filed by the county 82479
auditor, shall within thirty days after the filing of such demand 82480
file with the board a certified transcript of the record of the 82481
commissioner's proceedings pertaining to the determination 82482
complained of and the evidence ~~he~~ the commissioner considered in 82483

making such determination. 82484

If upon hearing and consideration of such record and evidence 82485
the board decides that the determination appealed from is 82486
reasonable and lawful, it shall affirm the same, but if the board 82487
decides that such determination is unreasonable or unlawful, the 82488
board shall reverse and vacate the determination or modify it and 82489
enter final order in accordance with such modification. 82490

The secretary of the board shall ~~certify~~ send the order of 82491
the board to the county auditor and to the commissioner, and they 82492
shall take such action in connection therewith as is required to 82493
give effect to the order of the board. At the request of the 82494
county auditor, the board of tax appeal's order shall be sent by 82495
certified mail at the county auditor's expense. 82496

Sec. 5717.03. (A) A decision of the board of tax appeals on 82497
an appeal filed with it pursuant to section 5717.01, 5717.011, or 82498
5717.02 of the Revised Code shall be entered of record on the 82499
journal together with the date when the order is filed with the 82500
secretary for journalization. 82501

(B) In case of an appeal from a decision of a county board of 82502
revision, the board of tax appeals shall determine the taxable 82503
value of the property whose valuation or assessment by the county 82504
board of revision is complained of, or in the event the complaint 82505
and appeal is against a discriminatory valuation, shall determine 82506
a valuation which shall correct such discrimination, and shall 82507
determine the liability of the property for taxation, if that 82508
question is in issue, and the board of tax ~~appeals's~~ appeals' 82509
decision and the date when it was filed with the secretary for 82510
journalization shall be ~~certified~~ sent by the board ~~by certified~~ 82511
~~mail~~ to all persons who were parties to the appeal before the 82512
board, to the person in whose name the property is listed, or 82513
sought to be listed, if such person is not a party to the appeal, 82514

to the county auditor of the county in which the property involved 82515
in the appeal is located, and to the tax commissioner. 82516

In correcting a discriminatory valuation, the board of tax 82517
appeals shall increase or decrease the value of the property whose 82518
valuation or assessment by the county board of revision is 82519
complained of by a per cent or amount which will cause such 82520
property to be listed and valued for taxation by an equal and 82521
uniform rule. 82522

(C) In the case of an appeal from a review, redetermination, 82523
or correction of a tax assessment, valuation, determination, 82524
finding, computation, or order of the tax commissioner, the order 82525
of the board of tax appeals and the date of the entry thereof upon 82526
its journal shall be ~~certified~~ sent by the board ~~by certified mail~~ 82527
to all persons who were parties to the appeal before the board, 82528
the person in whose name the property is listed or sought to be 82529
listed, if the decision determines the valuation or liability of 82530
property for taxation and if such person is not a party to the 82531
appeal, the taxpayer or other person to whom notice of the tax 82532
assessment, valuation, determination, finding, computation, or 82533
order, or correction or redetermination thereof, by the tax 82534
commissioner was by law required to be given, the director of 82535
budget and management, if the revenues affected by such decision 82536
would accrue primarily to the state treasury, and the county 82537
auditors of the counties to the undivided general tax funds of 82538
which the revenues affected by such decision would primarily 82539
accrue. 82540

(D) In the case of an appeal from a municipal board of appeal 82541
created under section 718.11 of the Revised Code, the order of the 82542
board of tax appeals and the date of the entry thereof upon the 82543
board's journal shall be ~~certified~~ sent by the board ~~by certified~~ 82544
~~mail~~ to all persons who were parties to the appeal before the 82545
board. 82546

(E) In the case of all other appeals or applications filed 82547
with and determined by the board, the board's order and the date 82548
when the order was filed by the secretary for journalization shall 82549
be ~~certified~~ sent by the board ~~by certified mail~~ to the person who 82550
is a party to such appeal or application, to such persons as the 82551
law requires, and to such other persons as the board deems proper. 82552

(F) The orders of the board may affirm, reverse, vacate, 82553
modify, or remand the tax assessments, valuations, determinations, 82554
findings, computations, or orders complained of in the appeals 82555
determined by the board, and the board's decision shall become 82556
final and conclusive for the current year unless reversed, 82557
vacated, or modified as provided in section 5717.04 of the Revised 82558
Code. When an order of the board becomes final the tax 82559
commissioner and all officers to whom such decision has been 82560
~~certified~~ sent shall make the changes in their tax lists or other 82561
records which the decision requires. 82562

(G) If the board finds that issues not raised on the appeal 82563
are important to a determination of a controversy, the board may 82564
remand the cause for an administrative determination and the 82565
issuance of a new tax assessment, valuation, determination, 82566
finding, computation, or order, unless the parties stipulate to 82567
the determination of such other issues without remand. An order 82568
remanding the cause is a final order. If the order relates to any 82569
issue other than a municipal income tax matter appealed under 82570
sections 718.11 and 5717.011 of the Revised Code, the order may be 82571
appealed to the court of appeals in Franklin county. If the order 82572
relates to a municipal income tax matter appealed under sections 82573
718.11 and 5717.011 of the Revised Code, the order may be appealed 82574
to the court of appeals for the county in which the municipal 82575
corporation in which the dispute arose is primarily situated. 82576

(H) At the request of any person that filed an appeal subject 82577
to this section, the decision or order of the board of tax appeals 82578

issued pursuant to division (B), (C), (D), or (E) of this section 82579
shall be sent by certified mail at the requestor's expense. 82580

Sec. 5717.04. The proceeding to obtain a reversal, vacation, 82581
or modification of a decision of the board of tax appeals shall be 82582
by appeal to the supreme court or the court of appeals for the 82583
county in which the property taxed is situate or in which the 82584
taxpayer resides. If the taxpayer is a corporation, then the 82585
proceeding to obtain such reversal, vacation, or modification 82586
shall be by appeal to the supreme court or to the court of appeals 82587
for the county in which the property taxed is situate, or the 82588
county of residence of the agent for service of process, tax 82589
notices, or demands, or the county in which the corporation has 82590
its principal place of business. In all other instances, the 82591
proceeding to obtain such reversal, vacation, or modification 82592
shall be by appeal to the court of appeals for Franklin county. 82593

Appeals from decisions of the board determining appeals from 82594
decisions of county boards of revision may be instituted by any of 82595
the persons who were parties to the appeal before the board of tax 82596
appeals, by the person in whose name the property involved in the 82597
appeal is listed or sought to be listed, if such person was not a 82598
party to the appeal before the board of tax appeals, or by the 82599
county auditor of the county in which the property involved in the 82600
appeal is located. 82601

Appeals from decisions of the board of tax appeals 82602
determining appeals from final determinations by the tax 82603
commissioner of any preliminary, amended, or final tax 82604
assessments, reassessments, valuations, determinations, findings, 82605
computations, or orders made by the commissioner may be instituted 82606
by any of the persons who were parties to the appeal or 82607
application before the board, by the person in whose name the 82608
property is listed or sought to be listed, if the decision 82609

appealed from determines the valuation or liability of property 82610
for taxation and if any such person was not a party to the appeal 82611
or application before the board, by the taxpayer or any other 82612
person to whom the decision of the board appealed from was by law 82613
required to be ~~certified~~ sent, by the director of budget and 82614
management, if the revenue affected by the decision of the board 82615
appealed from would accrue primarily to the state treasury, by the 82616
county auditor of the county to the undivided general tax funds of 82617
which the revenues affected by the decision of the board appealed 82618
from would primarily accrue, or by the tax commissioner. 82619

Appeals from decisions of the board upon all other appeals or 82620
applications filed with and determined by the board may be 82621
instituted by any of the persons who were parties to such appeal 82622
or application before the board, by any persons to whom the 82623
decision of the board appealed from was by law required to be 82624
~~certified~~ sent, or by any other person to whom the board ~~certified~~ 82625
sent the decision appealed from, as authorized by section 5717.03 82626
of the Revised Code. 82627

Such appeals shall be taken within thirty days after the date 82628
of the entry of the decision of the board on the journal of its 82629
proceedings, as provided by such section, by the filing by 82630
appellant of a notice of appeal with the court to which the appeal 82631
is taken and the board. If a timely notice of appeal is filed by a 82632
party, any other party may file a notice of appeal within ten days 82633
of the date on which the first notice of appeal was filed or 82634
within the time otherwise prescribed in this section, whichever is 82635
later. A notice of appeal shall set forth the decision of the 82636
board appealed from and the errors therein complained of. Proof of 82637
the filing of such notice with the board shall be filed with the 82638
court to which the appeal is being taken. The court in which 82639
notice of appeal is first filed shall have exclusive jurisdiction 82640
of the appeal. 82641

In all such appeals the tax commissioner or all persons to whom the decision of the board appealed from is required by such section to be ~~certified~~ sent, other than the appellant, shall be made appellees. Unless waived, notice of the appeal shall be served upon all appellees by certified mail. The prosecuting attorney shall represent the county auditor in any such appeal in which the auditor is a party.

The board, upon written demand filed by an appellant, shall within thirty days after the filing of such demand file with the court to which the appeal is being taken a certified transcript of the record of the proceedings of the board pertaining to the decision complained of and the evidence considered by the board in making such decision.

If upon hearing and consideration of such record and evidence the court decides that the decision of the board appealed from is reasonable and lawful it shall affirm the same, but if the court decides that such decision of the board is unreasonable or unlawful, the court shall reverse and vacate the decision or modify it and enter final judgment in accordance with such modification.

The clerk of the court shall certify the judgment of the court to the board, which shall certify such judgment to such public officials or take such other action in connection therewith as is required to give effect to the decision. The "taxpayer" includes any person required to return any property for taxation.

Any party to the appeal shall have the right to appeal from the judgment of the court of appeals on questions of law, as in other cases.

Sec. 5721.01. (A) As used in this chapter:

(1) "Delinquent lands" means all lands upon which delinquent

taxes, as defined in section 323.01 of the Revised Code, remain 82672
unpaid at the time a settlement is made between the county 82673
treasurer and auditor pursuant to division (C) of section 321.24 82674
of the Revised Code. 82675

(2) "Delinquent vacant lands" means all lands that have been 82676
delinquent lands for at least one year and that are unimproved by 82677
any dwelling. 82678

(3) "County land reutilization corporation" means a county 82679
land reutilization corporation organized under Chapter 1724. of 82680
the Revised Code. 82681

(B) As used in sections 5719.04, 5721.03, and 5721.31 of the 82682
Revised Code and in any other sections of the Revised Code to 82683
which those sections are applicable, a newspaper or newspaper of 82684
general circulation shall be a publication bearing a title or 82685
name, regularly issued as frequently as once a week ~~for a definite~~ 82686
~~price or consideration paid for by not less than fifty per cent of~~ 82687
~~those to whom distribution is made, having a second class mailing~~ 82688
~~privilege,~~ being not less than four pages, published continuously 82689
during the immediately preceding one-year period, and circulated 82690
generally in the political subdivision in which it is published. 82691
Such publication shall be of a type to which the general public 82692
resorts for passing events of a political, religious, commercial, 82693
and social nature, current happenings, announcements, 82694
miscellaneous reading matter, advertisements, and other notices, 82695
that has at least twenty-five per cent editorial, nonadvertising 82696
content, exclusive of inserts, measured relative to total 82697
publication space, and an audited circulation to at least fifty 82698
per cent of the households in the newspaper's retail trade zone as 82699
defined by the audit. 82700

Sec. 5721.012. Any notice required to be published in a 82701
newspaper or newspaper of general circulation as defined in 82702

section 5721.01 of the Revised Code may appear on an insert placed 82703
in such a newspaper. A responsible party who is required to 82704
publish such a notice shall consider various advertising media to 82705
determine which media might reach the intended public most 82706
broadly. The responsible party need publish the notice in only one 82707
qualified medium to meet the requirements of law. 82708

Sec. 5721.03. (A) At the time of making the delinquent land 82709
list, as provided in section 5721.011 of the Revised Code, the 82710
county auditor shall compile a delinquent tax list consisting of 82711
all lands on the delinquent land list on which taxes have become 82712
delinquent at the close of the collection period immediately 82713
preceding the making of the delinquent land list. The auditor 82714
shall also compile a delinquent vacant land tax list of all 82715
delinquent vacant lands prior to the institution of any 82716
foreclosure and forfeiture actions against delinquent vacant lands 82717
under section 5721.14 of the Revised Code or any foreclosure 82718
actions against delinquent vacant lands under section 5721.18 of 82719
the Revised Code. 82720

The delinquent tax list, and the delinquent vacant land tax 82721
list if one is compiled, shall contain all of the information 82722
included on the delinquent land list, except that, if the 82723
auditor's records show that the name of the person in whose name 82724
the property currently is listed is not the name that appears on 82725
the delinquent land list, the name used in the delinquent tax list 82726
or the delinquent vacant land tax list shall be the name of the 82727
person the auditor's records show as the person in whose name the 82728
property currently is listed. 82729

Lands that have been included in a previously published 82730
delinquent tax list shall not be included in the delinquent tax 82731
list so long as taxes have remained delinquent on such lands for 82732
the entire intervening time. 82733

In either list, there may be included lands that have been 82734
omitted in error from a prior list and lands with respect to which 82735
the auditor has received a certification that a delinquent tax 82736
contract has become void since the publication of the last 82737
previously published list, provided the name of the owner was 82738
stricken from a prior list under section 5721.02 of the Revised 82739
Code. 82740

(B)(1) The Except as provided in division (B)(5) of this 82741
section, the county auditor shall cause the delinquent tax list 82742
and the delinquent vacant land tax list, if one is compiled, to be 82743
published twice within sixty days after the delivery of the 82744
delinquent land duplicate to the county treasurer, in a newspaper 82745
of general circulation in the county. The publication shall be 82746
printed in the English language. 82747

The auditor shall insert display notices of the forthcoming 82748
publication of the delinquent tax list and, if it is to be 82749
published, the delinquent vacant land tax list once a week for two 82750
consecutive weeks in a newspaper of general circulation in the 82751
county. The display notices shall contain the times and methods of 82752
payment of taxes provided by law, including information concerning 82753
installment payments made in accordance with a written delinquent 82754
tax contract. The display notice for the delinquent tax list also 82755
shall include a notice that an interest charge will accrue on 82756
accounts remaining unpaid after the last day of November unless 82757
the taxpayer enters into a written delinquent tax contract to pay 82758
such taxes in installments. The display notice for the delinquent 82759
vacant land tax list if it is to be published also shall include a 82760
notice that delinquent vacant lands in the list are lands on which 82761
taxes have remained unpaid for one year after being certified 82762
delinquent, and that they are subject to foreclosure proceedings 82763
as provided in section 323.25, sections 323.65 to 323.79, or 82764
section 5721.18 of the Revised Code, or foreclosure and forfeiture 82765

proceedings as provided in section 5721.14 of the Revised Code. 82766
Each display notice also shall state that the lands are subject to 82767
a tax certificate sale under section 5721.32 or 5721.33 of the 82768
Revised Code or assignment to a county land reutilization 82769
corporation, as the case may be, and shall include any other 82770
information that the auditor considers pertinent to the purpose of 82771
the notice. The display notices shall be furnished by the auditor 82772
to the newspapers selected to publish the lists at least ten days 82773
before their first publication. 82774

(2) Publication of the list or lists may be made by a 82775
newspaper in installments, provided the complete publication of 82776
each list is made twice during the sixty-day period. 82777

(3) There shall be attached to the delinquent tax list a 82778
notice that the delinquent lands will be certified for foreclosure 82779
by the auditor unless the taxes, assessments, interest, and 82780
penalties due and owing on them are paid. There shall be attached 82781
to the delinquent vacant land tax list, if it is to be published, 82782
a notice that delinquent vacant lands will be certified for 82783
foreclosure or foreclosure and forfeiture by the auditor unless 82784
the taxes, assessments, interest, and penalties due and owing on 82785
them are paid within twenty-eight days after the final publication 82786
of the notice. 82787

(4) The auditor shall review the first publication of each 82788
list for accuracy and completeness and may correct any errors 82789
appearing in the list in the second publication. 82790

(5) In lieu of publication of the display notices and list in 82791
a newspaper as otherwise required in division (B) of this section, 82792
a county auditor who maintains a web site accessible to the public 82793
via the internet may publish the display notice and list by 82794
posting them on the web site. The list shall first be posted 82795
within thirty days after the delinquent land duplicate is 82796
delivered to the county treasurer and, once posted, shall continue 82797

to be posted for at least sixty days after such delivery. The 82798
notice required by division (B)(3) of this section shall be in the 82799
form prescribed by section 5721.06 of the Revised Code and shall 82800
be prominently displayed on the posting. The display notice shall 82801
be posted not later than two weeks before the date the list is 82802
required to be posted and, once posted, shall continue to be 82803
posted until the list is posted. The county auditor may correct 82804
any errors on the list during the time it is posted. 82805

(C) For the purposes of section 5721.18 of the Revised Code, 82806
land is first certified delinquent on the date of the 82807
certification of the delinquent land list containing that land. 82808

Sec. 5725.151. (A) As used in this section, "certificate 82809
owner" has the same meaning as in section 149.311 of the Revised 82810
Code. 82811

(B) There is allowed a credit against the tax imposed by 82812
section 5707.03 and assessed under section 5725.15 of the Revised 82813
Code for a dealer in intangibles subject to that tax that is a 82814
certificate owner of a rehabilitation tax credit certificate 82815
issued under section 149.311 of the Revised Code. The credit shall 82816
equal twenty-five per cent of the dollar amount indicated on the 82817
certificate, but the amount of the credit allowed for any dealer 82818
for any year shall not exceed five million dollars. The credit 82819
shall be claimed in the calendar year specified in the 82820
certificate. If the credit exceeds the amount of tax otherwise due 82821
in that year, the excess shall be refunded to the dealer but, if 82822
any amount of the credit is refunded, the sum of the amount 82823
refunded and the amount applied to reduce the tax otherwise due in 82824
that year shall not exceed three million dollars. The dealer may 82825
carry forward any balance of the credit in excess of the amount 82826
claimed in that year for not more than five ensuing years, and 82827
shall deduct any amount claimed in any such year from the amount 82828

claimed in an ensuing year. 82829

If the dealer is a pass-through entity as defined in section 82830
5733.04 of the Revised Code, the credit may be allocated among the 82831
dealer's equity owners in proportion to their ownership interests 82832
or in such proportions or amounts as the equity owners mutually 82833
agree. 82834

(C) A dealer in intangibles claiming a credit under this 82835
section shall retain the rehabilitation tax credit certificate for 82836
four years following the end of the year in which the credit was 82837
claimed, and shall make the certificate available for inspection 82838
by the tax commissioner upon the request of the tax commissioner 82839
during that period. 82840

(D) For the purpose of division (C) of section 5725.24 of the 82841
Revised Code, reductions in the amount of taxes collected on 82842
account of credits allowed under this section shall be applied to 82843
reduce the amount credited to the general revenue fund and shall 82844
not be applied to reduce the amount to be credited to the 82845
undivided local government funds of the counties in which such 82846
taxes originate. 82847

Sec. 5725.18. (A) An annual franchise tax on the privilege of 82848
being an insurance company is hereby levied on each domestic 82849
insurance company. In the month of May, annually, the treasurer of 82850
state shall charge for collection from each domestic insurance 82851
company a franchise tax in the amount computed in accordance with 82852
the following, as applicable: 82853

(1) With respect to a domestic insurance company that is a 82854
health insuring corporation, one per cent of all premium rate 82855
payments received, exclusive of payments received under the 82856
medicare program established under Title XVIII of the "Social 82857
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 82858
~~or pursuant to the medical assistance program established under 82859~~

~~Chapter 5111. of the Revised Code,~~ as reflected in its annual 82860
report for the preceding calendar year; 82861

(2) With respect to a domestic insurance company that is not 82862
a health insuring corporation, one and four-tenths per cent of the 82863
gross amount of premiums received from policies covering risks 82864
within this state, exclusive of premiums received under the 82865
medicare program established under Title XVIII of the "Social 82866
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 82867
~~or pursuant to the medical assistance program established under~~ 82868
~~Chapter 5111. of the Revised Code,~~ as reflected in its annual 82869
statement for the preceding calendar year, and, if the company 82870
operates a health insuring corporation as a line of business, one 82871
per cent of all premium rate payments received from that line of 82872
business, exclusive of payments received under the medicare 82873
program established under Title XVIII of the "Social Security 82874
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, ~~or~~ 82875
~~pursuant to the medical assistance program established under~~ 82876
~~Chapter 5111. of the Revised Code,~~ as reflected in its annual 82877
statement for the preceding calendar year. 82878

(B) The gross amount of premium rate payments or premiums 82879
used to compute the applicable tax in accordance with division (A) 82880
of this section is subject to the deductions prescribed by section 82881
5729.03 of the Revised Code for foreign insurance companies. The 82882
objects of such tax are those declared in section 5725.24 of the 82883
Revised Code, to which only such tax shall be applied. 82884

(C) In no case shall such tax be less than two hundred fifty 82885
dollars. 82886

Sec. 5725.33. (A) Except as otherwise provided in this 82887
section, terms used in this section have the same meaning as 82888
section 45D of the Internal Revenue Code, any related proposed, 82889
temporary or final regulations promulgated under the Internal 82890

Revenue Code, any rules or guidance of the internal revenue 82891
service or the United States department of the treasury, and any 82892
related rules or guidance issued by the community development 82893
financial institutions fund of the United States department of the 82894
treasury, as such law, regulations, rules, and guidance exist on 82895
the effective date of the enactment of this section by H.B. 1 of 82896
the 128th general assembly. 82897

As used in this section: 82898

(1) "Adjusted purchase price" means the amount paid for 82899
qualified equity investments multiplied by the qualified 82900
low-income community investments made by the issuer in projects 82901
located in this state as a percentage of the total amount of 82902
qualified low-income community investments made by the issuer in 82903
projects located in all states on the credit allowance date during 82904
the applicable tax year, subject to divisions (B)(1) and (2) of 82905
this section. 82906

(2) "Applicable percentage" means zero per cent for each of 82907
the first two credit allowance dates, seven per cent for the third 82908
credit allowance date, and eight per cent for the four following 82909
credit allowance dates. 82910

(3) "Credit allowance date" means the date, on or after 82911
January 1, 2010, a qualified equity investment is made and each of 82912
the six anniversary dates thereafter. For qualified equity 82913
investments made after the effective date of this section but 82914
before January 1, 2010, the initial credit allowance date is 82915
January 1, 2010, and each of the six anniversary dates thereafter 82916
is on the first day of January of each year. 82917

(4) "Qualified active low-income community business" excludes 82918
any business that derives or projects to derive fifteen per cent 82919
or more of annual revenue from the rental or sale of real 82920
property, except any business that is a special purpose entity 82921

principally owned by a principal user of that property formed 82922
solely for the purpose of renting, either directly or indirectly, 82923
or selling real property back to such principal user if such 82924
principal user does not derive fifteen per cent or more of its 82925
gross annual revenue from the rental or sale of real property. 82926

(5) "Qualified community development entity" includes only 82927
entities: 82928

(a) That have entered into an allocation agreement with the 82929
community development financial institutions fund of the United 82930
States department of the treasury with respect to credits 82931
authorized by section 45D of the Internal Revenue Code; 82932

(b) Whose service area includes any portion of this state; 82933
and 82934

(c) That will designate an equity investment in such entities 82935
as a qualified equity investment for purposes of both section 45D 82936
of the Internal Revenue Code and this section. 82937

(6) "Qualified equity investment" is limited to an equity 82938
investment in a qualified community development entity that: 82939

(a) Is acquired after the effective date of the enactment of 82940
this section at its original issuance solely in exchange for cash; 82941
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(b) Has at least eighty-five per cent of its cash purchase 82943
price used by the qualified community development entity to make 82944
qualified low-income community investments, provided that in the 82945
seventh year after a qualified equity investment is made, only 82946
seventy-five per cent of such cash purchase price must be used by 82947
the qualified community development entity to make qualified 82948
low-income community investments; and 82949

(c) Is designated by the issuer as a qualified equity 82950
investment. 82951

"Qualified equity investment" includes any equity investment that would, but for division (A)(6)(a) of this section, be a qualified equity investment in the hands of the taxpayer if such investment was a qualified equity investment in the hands of a prior holder. 82952
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(B) There is hereby allowed a nonrefundable credit against the tax imposed by section 5725.18 of the Revised Code for an insurance company holding a qualified equity investment on the credit allowance date occurring in the calendar year for which the tax is due. The credit shall equal the applicable percentage of the adjusted purchase price of qualified low-income community investments, subject to divisions (B)(1) and (2) of this section: 82957
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(1) For the purpose of calculating the amount of qualified low-income community investments held by a qualified community development entity, an investment shall be considered held by a qualified community development entity even if the investment has been sold or repaid, provided that, at any time before the seventh anniversary of the issuance of the qualified equity investment, the qualified community development entity reinvests an amount equal to the capital returned to or received or recovered by the qualified community development entity from the original investment, exclusive of any profits realized and costs incurred in the sale or repayment, in another qualified low-income community investment within twelve months of the receipt of such capital. If the qualified low-income community investment is sold or repaid after the sixth anniversary of the issuance of the qualified equity investment, the qualified low-income community investment shall be considered held by the qualified community development entity through the seventh anniversary of the qualified equity investment's issuance. 82964
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(2) The qualified low-income community investment made in this state shall equal the sum of the qualified low-income 82982
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community investments in each qualified active low-income community business in this state, not to exceed two million five hundred sixty-four thousand dollars, in which the qualified community development entity invests, including such investments in any such businesses in this state related to that qualified active low-income community business through majority ownership or control. 82984
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The credit shall be claimed in the order prescribed by section 5725.98 of the Revised Code. If the amount of the credit exceeds the amount of tax otherwise due after deducting all other credits in that order, the excess may be carried forward and applied to the tax due for not more than four ensuing years. 82991
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By claiming a tax credit under this section, an insurance company waives its rights under section 5725.222 of the Revised Code with respect to the time limitation for the assessment of taxes as it relates to credits claimed that later become subject to recapture under division (E) of this section. 82996
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(C) The amount of qualified equity investments on the basis of which credits may be claimed under this section and sections 5729.16 and 5733.58 of the Revised Code shall not exceed the amount, estimated by the director of development, that would cause the total amount of credits allowed each fiscal year to exceed ten million dollars, computed without regard to the potential for taxpayers to carry tax credits forward to later years. 83001
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(D) If any amount of the federal tax credit allowed for a qualified equity investment for which a credit was received under this section is recaptured under section 45D of the Internal Revenue Code, or if the director of development determines that an investment for which a tax credit is claimed under this section is not a qualified equity investment or that the proceeds of an investment for which a tax credit is claimed under this section 83009
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are used to make qualified low-income community investments other 83016
than in a qualified active low-income community business, all or a 83017
portion of the credit received on account of that investment shall 83018
be paid by the insurance company that received the credit to the 83019
superintendent of insurance. The amount to be recovered shall be 83020
determined by the director of development pursuant to rules 83021
adopted under division (E) of this section. The director shall 83022
certify any amount due under this division to the superintendent 83023
of insurance, and the superintendent shall notify the treasurer of 83024
state of the amount due. Upon notification, the treasurer shall 83025
invoice the insurance company for the amount due. The amount due 83026
is payable not later than thirty days after the date the treasurer 83027
invoices the insurance company. The amount due shall be considered 83028
to be tax due under section 5725.18 of the Revised Code, and may 83029
be collected by assessment without regard to the time limitations 83030
imposed under section 5725.222 of the Revised Code for the 83031
assessment of taxes by the superintendent. All amounts collected 83032
under this division shall be credited as revenue from the tax 83033
levied under section 5725.18 of the Revised Code. 83034

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(E) The tax credits authorized under this section and 83036
sections 5729.16 and 5733.58 of the Revised Code shall be 83037
administered by the department of development. The director of 83038
development, in consultation with the tax commissioner and the 83039
superintendent of insurance, pursuant to Chapter 119. of the 83040
Revised Code, shall adopt rules for the administration of this 83041
section and sections 5729.16 and 5733.58 of the Revised Code. The 83042
rules shall provide for determining the recovery of credits under 83043
division (D) of this section, division (D) of section 5729.16, and 83044
section 5733.58 of the Revised Code, including prorating the 83045
amount of the credit to be recovered on any reasonable basis, the 83046
manner in which credits may be allocated among claimants, and the 83047
amount of any application or other fees to be charged in 83048

connection with a recovery. 83049

(F) There is hereby created in the state treasury the new 83050
markets tax credit operating fund. The director of development is 83051
authorized to charge reasonable application and other fees in 83052
connection with the administration of tax credits authorized by 83053
this section and sections 5729.16 and 5733.58 of the Revised Code. 83054
Any such fees collected shall be credited to the fund. The 83055
director of development shall use money in the fund to pay 83056
expenses related to the administration of tax credits authorized 83057
under sections 5725.33, 5729.16, and 5733.58 of the Revised Code. 83058

Sec. 5725.98. (A) To provide a uniform procedure for 83059
calculating the amount of tax imposed by section 5725.18 of the 83060
Revised Code that is due under this chapter, a taxpayer shall 83061
claim any credits and offsets against tax liability to which it is 83062
entitled in the following order: 83063

(1) The credit for an insurance company or insurance company 83064
group under section 5729.031 of the Revised Code. 83065

(2) The credit for eligible employee training costs under 83066
section 5725.31 of the Revised Code. 83067

(3) The credit for purchasers of qualified low-income 83068
community investments under section 5725.33 of the Revised Code; 83069

(4) The job retention credit under section 122.171 of the 83070
Revised Code; 83071

(5) The offset of assessments by the Ohio life and health 83072
insurance guaranty association permitted by section 3956.20 of the 83073
Revised Code. 83074

~~(4)~~(6) The refundable credit for Ohio job creation under 83075
section 5725.32 of the Revised Code. 83076

~~(5)~~(7) The refundable credit under section ~~5729.08~~ 5725.19 of 83077
the Revised Code for losses on loans made under the Ohio venture 83078

capital program under sections 150.01 to 150.10 of the Revised Code. 83079
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(B) For any credit except the credits enumerated in divisions (A)~~(4)~~(6) and ~~(5)~~(7) of this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year. 83081
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Sec. 5727.811. (A) For the purpose of raising revenue for public education and state and local government operations, an excise tax is hereby levied on every natural gas distribution company for all natural gas volumes billed by, or on behalf of, the company beginning with the measurement period that includes July 1, 2001. Except as provided in divisions (C) or (D) of this section, the tax shall be levied at the following rates per MCF of natural gas distributed by the company through a meter of an end user in this state: 83090
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MCF DISTRIBUTED TO AN END USER	RATE PER MCF	
For the first 100 MCF per month	\$.1593	83100
For the next 101 to 2000 MCF per month	\$.0877	83101
For 2001 and above MCF per month	\$.0411	83102

If no meter is used to measure the MCF of natural gas distributed by the company, the rates shall apply to the estimated MCF of natural gas distributed to an unmetered location in this state. 83103
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(B) A natural gas distribution company shall base the tax on the MCF of natural gas distributed to an end user through the meter of the end user in this state that is estimated to be 83107
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consumed by the end user as reflected on the end user's customer statement from the natural gas distribution company. Until January 1, 2003, the natural gas distribution company shall pay the tax levied by this section to the treasurer of state in accordance with section 5727.82 of the Revised Code. Beginning January 1, 2003, the natural gas distribution company shall pay the tax levied by this section to the tax commissioner in accordance with section 5727.82 of the Revised Code unless required to remit payment to the treasurer of state in accordance with section 5727.83 of the Revised Code.

(C) A natural gas distribution company with ~~fifty~~ seventy thousand customers or less may elect to apply the rates specified in division (A) of this section to the aggregate of the natural gas distributed by the company through the meter of all its customers in this state, and upon such election, this method shall be used to determine the amount of tax to be paid by such company.

(D) A natural gas distribution company shall pay the tax imposed by this section at the rate of \$.02 per MCF of natural gas distributed by the company through the meter of a flex customer. The natural gas distribution company correspondingly shall reduce the per MCF rate that it charges the flex customer for natural gas distribution services by \$.02 per MCF of natural gas distributed to the flex customer.

(E) Except as provided in division (F) of this section, each natural gas distribution company shall pay the tax imposed by this section in all of the following circumstances:

(1) The natural gas is distributed by the company through a meter of an end user in this state;

(2) The natural gas distribution company is distributing natural gas through a meter located in another state, but the natural gas is consumed in this state in the manner prescribed by

the tax commissioner; 83141

(3) The natural gas distribution company is distributing 83142
natural gas in this state without the use of a meter, but the 83143
natural gas is consumed in this state as estimated and in the 83144
manner prescribed by the tax commissioner. 83145

(F) The tax levied by this section does not apply to the 83146
distribution of natural gas to the federal government, or natural 83147
gas produced by an end user in this state that is consumed by that 83148
end user or its affiliates and is not distributed through the 83149
facilities of a natural gas company. 83150

Sec. 5727.84. (A) As used in this section and sections 83151
5727.85, 5727.86, and 5727.87 of the Revised Code: 83152

(1) "School district" means a city, local, or exempted 83153
village school district. 83154

(2) "Joint vocational school district" means a joint 83155
vocational school district created under section 3311.16 of the 83156
Revised Code, and includes a cooperative education school district 83157
created under section 3311.52 or 3311.521 of the Revised Code and 83158
a county school financing district created under section 3311.50 83159
of the Revised Code. 83160

(3) "Local taxing unit" means a subdivision or taxing unit, 83161
as defined in section 5705.01 of the Revised Code, a park district 83162
created under Chapter 1545. of the Revised Code, or a township 83163
park district established under section 511.23 of the Revised 83164
Code, but excludes school districts and joint vocational school 83165
districts. 83166

(4) "State education aid," for a school district, means the 83167
sum of state aid amounts computed for the district under divisions 83168
(A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; 83169
divisions (B), (C), and (D) of section 3317.023; divisions (G), 83170

(L), and (N) of section 3317.024; and sections 3317.029, 83171
3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of 83172
the Revised Code; and the adjustments required by: division (C) of 83173
section 3310.08; division (C)(2) of section 3310.41; section 83174
3310.55; division (C) of section 3314.08; division (D)(2) of 83175
section 3314.091; division (D) of section 3314.13; divisions (E), 83176
(K), (L), (M), and (N) of section 3317.023; division (C) of 83177
section 3317.20; and sections 3313.979 and 3313.981 of the Revised 83178
Code. However, when calculating state education aid for a school 83179
district for fiscal years 2008 and 2009, include the amount 83180
computed for the district under Section 269.20.80 of H.B. 119 of 83181
the 127th general assembly, as subsequently amended, instead of 83182
division (D) of section 3317.022 of the Revised Code; and include 83183
amounts calculated under Section 269.30.80 of this act, as 83184
subsequently amended; ~~and account for adjustments under division~~ 83185
~~(C)(2) of section 3310.41 of the Revised Code.~~ 83186

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(5) "State education aid," for a joint vocational school 83188
district, means the sum of the state aid amounts computed for the 83189
district under division (N) of section 3317.024 and section 83190
3317.16 of the Revised Code. However, when calculating state 83191
education aid for a joint vocational school district for fiscal 83192
years 2008 and 2009, include the amount computed for the district 83193
under Section 269.30.90 of H.B. 119 of the 127th general assembly, 83194
as subsequently amended. 83195

(6) "State education aid offset" means the amount determined 83196
for each school district or joint vocational school district under 83197
division (A)(1) of section 5727.85 of the Revised Code. 83198

(7) "Recognized valuation" has the same meaning as in section 83199
3317.02 of the Revised Code. 83200

(8) "Electric company tax value loss" means the amount 83201
determined under division (D) of this section. 83202

(9) "Natural gas company tax value loss" means the amount determined under division (E) of this section.	83203 83204
(10) "Tax value loss" means the sum of the electric company tax value loss and the natural gas company tax value loss.	83205 83206
(11) "Fixed-rate levy" means any tax levied on property other than a fixed-sum levy.	83207 83208
(12) "Fixed-rate levy loss" means the amount determined under division (G) of this section.	83209 83210
(13) "Fixed-sum levy" means a tax levied on property at whatever rate is required to produce a specified amount of tax money or levied in excess of the ten-mill limitation to pay debt charges, and includes school district emergency levies imposed pursuant to section 5705.194 of the Revised Code.	83211 83212 83213 83214 83215
(14) "Fixed-sum levy loss" means the amount determined under division (H) of this section.	83216 83217
(15) "Consumer price index" means the consumer price index (all items, all urban consumers) prepared by the bureau of labor statistics of the United States department of labor.	83218 83219 83220
(B) The kilowatt-hour tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed by section 5727.81 of the Revised Code. All money in the kilowatt-hour tax receipts fund shall be credited as follows:	83221 83222 83223 83224
(1) Sixty-three per cent shall be credited to the general revenue fund.	83225 83226
(2) Twenty-five and four-tenths per cent shall be credited to the school district property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5727.85 of the Revised Code.	83227 83228 83229 83230
(3) Eleven and six-tenths per cent shall be credited to the local government property tax replacement fund, which is hereby	83231 83232

created in the state treasury for the purpose of making the 83233
payments described in section 5727.86 of the Revised Code. 83234

(C) The natural gas tax receipts fund is hereby created in 83235
the state treasury and shall consist of money arising from the tax 83236
imposed by section 5727.811 of the Revised Code. All money in the 83237
fund shall be credited as follows: 83238

(1) Sixty-eight and seven-tenths per cent shall be credited 83239
to the school district property tax replacement fund for the 83240
purpose of making the payments described in section 5727.85 of the 83241
Revised Code. 83242

(2) Thirty-one and three-tenths per cent shall be credited to 83243
the local government property tax replacement fund for the purpose 83244
of making the payments described in section 5727.86 of the Revised 83245
Code. 83246

(D) Not later than January 1, 2002, the tax commissioner 83247
shall determine for each taxing district its electric company tax 83248
value loss, which is the sum of the applicable amounts described 83249
in divisions (D)(1) to (4) of this section: 83250

(1) The difference obtained by subtracting the amount 83251
described in division (D)(1)(b) from the amount described in 83252
division (D)(1)(a) of this section. 83253

(a) The value of electric company and rural electric company 83254
tangible personal property as assessed by the tax commissioner for 83255
tax year 1998 on a preliminary assessment, or an amended 83256
preliminary assessment if issued prior to March 1, 1999, and as 83257
apportioned to the taxing district for tax year 1998; 83258

(b) The value of electric company and rural electric company 83259
tangible personal property as assessed by the tax commissioner for 83260
tax year 1998 had the property been apportioned to the taxing 83261
district for tax year 2001, and assessed at the rates in effect 83262
for tax year 2001. 83263

(2) The difference obtained by subtracting the amount 83264
described in division (D)(2)(b) from the amount described in 83265
division (D)(2)(a) of this section. 83266

(a) The three-year average for tax years 1996, 1997, and 1998 83267
of the assessed value from nuclear fuel materials and assemblies 83268
assessed against a person under Chapter 5711. of the Revised Code 83269
from the leasing of them to an electric company for those 83270
respective tax years, as reflected in the preliminary assessments; 83271

(b) The three-year average assessed value from nuclear fuel 83272
materials and assemblies assessed under division (D)(2)(a) of this 83273
section for tax years 1996, 1997, and 1998, as reflected in the 83274
preliminary assessments, using an assessment rate of twenty-five 83275
per cent. 83276

(3) In the case of a taxing district having a nuclear power 83277
plant within its territory, any amount, resulting in an electric 83278
company tax value loss, obtained by subtracting the amount 83279
described in division (D)(1) of this section from the difference 83280
obtained by subtracting the amount described in division (D)(3)(b) 83281
of this section from the amount described in division (D)(3)(a) of 83282
this section. 83283

(a) The value of electric company tangible personal property 83284
as assessed by the tax commissioner for tax year 2000 on a 83285
preliminary assessment, or an amended preliminary assessment if 83286
issued prior to March 1, 2001, and as apportioned to the taxing 83287
district for tax year 2000; 83288

(b) The value of electric company tangible personal property 83289
as assessed by the tax commissioner for tax year 2001 on a 83290
preliminary assessment, or an amended preliminary assessment if 83291
issued prior to March 1, 2002, and as apportioned to the taxing 83292
district for tax year 2001. 83293

(4) In the case of a taxing district having a nuclear power 83294

plant within its territory, the difference obtained by subtracting 83295
the amount described in division (D)(4)(b) of this section from 83296
the amount described in division (D)(4)(a) of this section, 83297
provided that such difference is greater than ten per cent of the 83298
amount described in division (D)(4)(a) of this section. 83299

(a) The value of electric company tangible personal property 83300
as assessed by the tax commissioner for tax year 2005 on a 83301
preliminary assessment, or an amended preliminary assessment if 83302
issued prior to March 1, 2006, and as apportioned to the taxing 83303
district for tax year 2005; 83304

(b) The value of electric company tangible personal property 83305
as assessed by the tax commissioner for tax year 2006 on a 83306
preliminary assessment, or an amended preliminary assessment if 83307
issued prior to March 1, 2007, and as apportioned to the taxing 83308
district for tax year 2006. 83309

(E) Not later than January 1, 2002, the tax commissioner 83310
shall determine for each taxing district its natural gas company 83311
tax value loss, which is the sum of the amounts described in 83312
divisions (E)(1) and (2) of this section: 83313

(1) The difference obtained by subtracting the amount 83314
described in division (E)(1)(b) from the amount described in 83315
division (E)(1)(a) of this section. 83316

(a) The value of all natural gas company tangible personal 83317
property, other than property described in division (E)(2) of this 83318
section, as assessed by the tax commissioner for tax year 1999 on 83319
a preliminary assessment, or an amended preliminary assessment if 83320
issued prior to March 1, 2000, and apportioned to the taxing 83321
district for tax year 1999; 83322

(b) The value of all natural gas company tangible personal 83323
property, other than property described in division (E)(2) of this 83324
section, as assessed by the tax commissioner for tax year 1999 had 83325

the property been apportioned to the taxing district for tax year 2001, and assessed at the rates in effect for tax year 2001.

(2) The difference in the value of current gas obtained by subtracting the amount described in division (E)(2)(b) from the amount described in division (E)(2)(a) of this section.

(a) The three-year average assessed value of current gas as assessed by the tax commissioner for tax years 1997, 1998, and 1999 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2001, and as apportioned in the taxing district for those respective years;

(b) The three-year average assessed value from current gas under division (E)(2)(a) of this section for tax years 1997, 1998, and 1999, as reflected in the preliminary assessment, using an assessment rate of twenty-five per cent.

(F) The tax commissioner may request that natural gas companies, electric companies, and rural electric companies file a report to help determine the tax value loss under divisions (D) and (E) of this section. The report shall be filed within thirty days of the commissioner's request. A company that fails to file the report or does not timely file the report is subject to the penalty in section 5727.60 of the Revised Code.

(G) Not later than January 1, 2002, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-rate levy loss, which is the sum of its electric company tax value loss multiplied by the tax rate in effect in tax year 1998 for fixed-rate levies and its natural gas company tax value loss multiplied by the tax rate in effect in tax year 1999 for fixed-rate levies.

(H) Not later than January 1, 2002, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-sum levy loss, which is

the amount obtained by subtracting the amount described in 83357
division (H)(2) of this section from the amount described in 83358
division (H)(1) of this section: 83359

(1) The sum of the electric company tax value loss multiplied 83360
by the tax rate in effect in tax year 1998, and the natural gas 83361
company tax value loss multiplied by the tax rate in effect in tax 83362
year 1999, for fixed-sum levies for all taxing districts within 83363
each school district, joint vocational school district, and local 83364
taxing unit. For the years 2002 through 2006, this computation 83365
shall include school district emergency levies that existed in 83366
1998 in the case of the electric company tax value loss, and 1999 83367
in the case of the natural gas company tax value loss, and all 83368
other fixed-sum levies that existed in 1998 in the case of the 83369
electric company tax value loss and 1999 in the case of the 83370
natural gas company tax value loss and continue to be charged in 83371
the tax year preceding the distribution year. For the years 2007 83372
through 2016 in the case of school district emergency levies, and 83373
for all years after 2006 in the case of all other fixed-sum 83374
levies, this computation shall exclude all fixed-sum levies that 83375
existed in 1998 in the case of the electric company tax value loss 83376
and 1999 in the case of the natural gas company tax value loss, 83377
but are no longer in effect in the tax year preceding the 83378
distribution year. For the purposes of this section, an emergency 83379
levy that existed in 1998 in the case of the electric company tax 83380
value loss, and 1999 in the case of the natural gas company tax 83381
value loss, continues to exist in a year beginning on or after 83382
January 1, 2007, but before January 1, 2017, if, in that year, the 83383
board of education levies a school district emergency levy for an 83384
annual sum at least equal to the annual sum levied by the board in 83385
tax year 1998 or 1999, respectively, less the amount of the 83386
payment certified under this division for 2002. 83387

(2) The total taxable value in tax year 1999 less the tax 83388

value loss in each school district, joint vocational school 83389
district, and local taxing unit multiplied by one-fourth of one 83390
mill. 83391

If the amount computed under division (H) of this section for 83392
any school district, joint vocational school district, or local 83393
taxing unit is greater than zero, that amount shall equal the 83394
fixed-sum levy loss reimbursed pursuant to division (E) of section 83395
5727.85 of the Revised Code or division (A)(2) of section 5727.86 83396
of the Revised Code, and the one-fourth of one mill that is 83397
subtracted under division (H)(2) of this section shall be 83398
apportioned among all contributing fixed-sum levies in the 83399
proportion of each levy to the sum of all fixed-sum levies within 83400
each school district, joint vocational school district, or local 83401
taxing unit. 83402

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 83403
section, in computing the tax value loss, fixed-rate levy loss, 83404
and fixed-sum levy loss, the tax commissioner shall use the 83405
greater of the 1998 tax rate or the 1999 tax rate in the case of 83406
levy losses associated with the electric company tax value loss, 83407
but the 1999 tax rate shall not include for this purpose any tax 83408
levy approved by the voters after June 30, 1999, and the tax 83409
commissioner shall use the greater of the 1999 or the 2000 tax 83410
rate in the case of levy losses associated with the natural gas 83411
company tax value loss. 83412

(J) Not later than January 1, 2002, the tax commissioner 83413
shall certify to the department of education the tax value loss 83414
determined under divisions (D) and (E) of this section for each 83415
taxing district, the fixed-rate levy loss calculated under 83416
division (G) of this section, and the fixed-sum levy loss 83417
calculated under division (H) of this section. The calculations 83418
under divisions (G) and (H) of this section shall separately 83419
display the levy loss for each levy eligible for reimbursement. 83420

(K) Not later than September 1, 2001, the tax commissioner 83421
shall certify the amount of the fixed-sum levy loss to the county 83422
auditor of each county in which a school district with a fixed-sum 83423
levy loss has territory. 83424

Sec. 5728.12. Any non-resident of this state who accepts the 83425
privilege extended by the laws of this state to non-residents of 83426
operating a commercial car or commercial tractor, which is subject 83427
to the tax levied in section 5728.06 of the Revised Code, or of 83428
having the same operated within this state, and any resident of 83429
this state who operates a commercial car or commercial tractor, 83430
which is subject to the tax levied in section 5728.06 of the 83431
Revised Code, or has the same operated within this state and 83432
subsequently becomes a non-resident or conceals ~~his~~ the person's 83433
whereabouts, makes the secretary of state of the state of Ohio ~~his~~ 83434
the person's agent for the service of process or notice in any 83435
assessment, action or proceeding instituted in this state against 83436
such person out of the failure to pay the taxes imposed ~~upon him~~ 83437
by the provisions of section 5728.06 of the Revised Code. 83438

Such process or notice shall be served, ~~by the officer to~~ 83439
~~whom the same is directed or by the tax commissioner, or by the~~ 83440
~~sheriff of Franklin county, who may be deputized for such purpose~~ 83441
~~by the officer to whom the service is directed, upon the secretary~~ 83442
~~of state by leaving at the office of the secretary of state, at~~ 83443
~~least fifteen days before the return day of such process or~~ 83444
~~notice, a true and attested copy thereof, and by sending to the~~ 83445
~~defendant by registered or certified mail, postage prepaid, a like~~ 83446
~~and true attested copy, with an endorsement thereon of the service~~ 83447
~~upon said secretary of state, addressed to such defendant at his~~ 83448
~~last known address. The registered or certified mail return~~ 83449
~~receipt of such defendant shall be attached to and made a part of~~ 83450
~~the return of such service of process as provided under section~~ 83451
5703.37 of the Revised Code. 83452

Sec. 5729.03. (A) If the superintendent of insurance finds 83453
the annual statement required by section 5729.02 of the Revised 83454
Code to be correct, the superintendent shall compute the following 83455
amount, as applicable, of the balance of such gross amount, after 83456
deducting such return premiums and considerations received for 83457
reinsurance, and charge such amount to such company as a tax upon 83458
the business done by it in this state for the period covered by 83459
such annual statement: 83460

(1) If the company is a health insuring corporation, one per 83461
cent of the balance of premium rate payments received, exclusive 83462
of payments received under the medicare program established under 83463
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 83464
U.S.C.A. 301, as amended, ~~or pursuant to the medical assistance~~ 83465
~~program established under Chapter 5111. of the Revised Code,~~ as 83466
reflected in its annual report; 83467

(2) If the company is not a health insuring corporation, one 83468
and four-tenths per cent of the balance of premiums received, 83469
exclusive of premiums received under the medicare program 83470
established under Title XVIII of the "Social Security Act," 49 83471
Stat. 620 (1935), 42 U.S.C.A. 301, as amended, ~~or pursuant to the~~ 83472
~~medical assistance program established under Chapter 5111. of the~~ 83473
~~Revised Code,~~ as reflected in its annual statement, and, if the 83474
company operates a health insuring corporation as a line of 83475
business, one per cent of the balance of premium rate payments 83476
received from that line of business, exclusive of payments 83477
received under the medicare program established under Title XVIII 83478
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 83479
301, as amended, ~~or pursuant to the medical assistance program~~ 83480
~~established under Chapter 5111. of the Revised Code,~~ as reflected 83481
in its annual statement. 83482

(B) Any insurance policies that were not issued in violation 83483

of Title XXXIX of the Revised Code and that were issued prior to 83484
April 15, 1967, by a life insurance company organized and operated 83485
without profit to any private shareholder or individual, 83486
exclusively for the purpose of aiding educational or scientific 83487
institutions organized and operated without profit to any private 83488
shareholder or individual, are not subject to the tax imposed by 83489
this section. All taxes collected pursuant to this section shall 83490
be credited to the general revenue fund. 83491

(C) In no case shall the tax imposed under this section be 83492
less than two hundred fifty dollars. 83493

Sec. 5729.16. (A) Terms used in this section have the same 83494
meaning as in section 5725.33 of the Revised Code. 83495

(B) There is hereby allowed a nonrefundable credit against 83496
the tax imposed by section 5729.03 of the Revised Code for a 83497
foreign insurance company holding a qualified equity investment on 83498
the credit allowance date occurring in the calendar year for which 83499
the tax is due. The credit shall be computed in the same manner 83500
prescribed for the computation of credits allowed under section 83501
5725.33 of the Revised Code. 83502

The credit shall be claimed in the order prescribed by 83503
section 5729.98 of the Revised Code. If the amount of the credit 83504
exceeds the amount of tax otherwise due after deducting all other 83505
credits in that order, the excess may be carried forward and 83506
applied to the tax due for not more than four ensuing years. 83507

By claiming a tax credit under this section, an insurance 83508
company waives its rights under section 5729.102 of the Revised 83509
Code with respect to the time limitation for the assessment of 83510
taxes as it relates to credits claimed that later become subject 83511
to recapture under division (D) of this section. 83512

(C) The total amount of qualified equity investments on the 83513

basis of which credits may be claimed under this section, section 83514
5725.33, and section 5733.58 of the Revised Code is subject to the 83515
limitation of division (C) of section 5725.33 of the Revised Code. 83516

83517

(D) If any amount of the federal tax credit allowed for a 83518
qualified equity investment for which a credit was received under 83519
this section is recaptured under section 45D of the Internal 83520
Revenue Code, or if the director of development determines that an 83521
investment for which a tax credit is claimed under this section is 83522
not a qualified equity investment or that the proceeds of an 83523
investment for which a tax credit is claimed under this section 83524
are used to make qualified low-income community investments other 83525
than in a qualified active low-income community business, all or a 83526
portion of the credit received on account of that investment shall 83527
be paid by the insurance company that received the credit to the 83528
superintendent of insurance. The amount to be recovered shall be 83529
determined by the director of development pursuant to rules 83530
adopted under section 5725.33 of the Revised Code. The director 83531
shall certify any amount due under this division to the 83532
superintendent of insurance, and the superintendent shall notify 83533
the treasurer of state of the amount due. Upon notification, the 83534
treasurer shall invoice the insurance company for the amount due. 83535
The amount due is payable not later than thirty days after the 83536
date the treasurer invoices the insurance company. The amount due 83537
shall be considered to be tax due under section 5729.03 of the 83538
Revised Code, and may be collected by assessment without regard to 83539
the time limitations imposed under section 5729.102 of the Revised 83540
Code for the assessment of taxes by the superintendent. All 83541
amounts collected under this division shall be credited as revenue 83542
from the tax levied under section 5729.03 of the Revised Code. 83543

83544

Sec. 5729.98. (A) To provide a uniform procedure for

83545

calculating the amount of tax due under this chapter, a taxpayer 83546
shall claim any credits and offsets against tax liability to which 83547
it is entitled in the following order: 83548

(1) The credit for an insurance company or insurance company 83549
group under section 5729.031 of the Revised Code. 83550

(2) The credit for eligible employee training costs under 83551
section 5729.07 of the Revised Code. 83552

(3) The credit for purchases of qualified low-income 83553
community investments under section 5729.16 of the Revised Code; 83554

(4) The job retention credit under section 122.171 of the 83555
Revised Code. 83556

(5) The offset of assessments by the Ohio life and health 83557
insurance guaranty association against tax liability permitted by 83558
section 3956.20 of the Revised Code. 83559

~~(4)~~(6) The refundable credit for Ohio job creation under 83560
section 5729.032 of the Revised Code. 83561

~~(5)~~(7) The refundable credit under section 5729.08 of the 83562
Revised Code for losses on loans made under the Ohio venture 83563
capital program under sections 150.01 to 150.10 of the Revised 83564
Code. 83565

(B) For any credit except the credits enumerated in divisions 83566
(A)~~(4)~~(6) and ~~(5)~~(7) of this section, the amount of the credit for 83567
a taxable year shall not exceed the tax due after allowing for any 83568
other credit that precedes it in the order required under this 83569
section. Any excess amount of a particular credit may be carried 83570
forward if authorized under the section creating that credit. 83571
Nothing in this chapter shall be construed to allow a taxpayer to 83572
claim, directly or indirectly, a credit more than once for a 83573
taxable year. 83574

Sec. 5733.01. (A) The tax provided by this chapter for 83575

domestic corporations shall be the amount charged against each 83576
corporation organized for profit under the laws of this state and 83577
each nonprofit corporation organized pursuant to Chapter 1729. of 83578
the Revised Code, except as provided in sections 5733.09 and 83579
5733.10 of the Revised Code, for the privilege of exercising its 83580
franchise during the calendar year in which that amount is 83581
payable, and the tax provided by this chapter for foreign 83582
corporations shall be the amount charged against each corporation 83583
organized for profit and each nonprofit corporation organized or 83584
operating in the same or similar manner as nonprofit corporations 83585
organized under Chapter 1729. of the Revised Code, under the laws 83586
of any state or country other than this state, except as provided 83587
in sections 5733.09 and 5733.10 of the Revised Code, for the 83588
privilege of doing business in this state, owning or using a part 83589
or all of its capital or property in this state, holding a 83590
certificate of compliance with the laws of this state authorizing 83591
it to do business in this state, or otherwise having nexus in or 83592
with this state under the Constitution of the United States, 83593
during the calendar year in which that amount is payable. 83594

(B) A corporation is subject to the tax imposed by section 83595
5733.06 of the Revised Code for each calendar year that it is so 83596
organized, doing business, owning or using a part or all of its 83597
capital or property, holding a certificate of compliance, or 83598
otherwise having nexus in or with this state under the 83599
Constitution of the United States, on the first day of January of 83600
that calendar year. 83601

(C) Any corporation subject to this chapter that is not 83602
subject to the federal income tax shall file its returns and 83603
compute its tax liability as required by this chapter in the same 83604
manner as if that corporation were subject to the federal income 83605
tax. 83606

(D) For purposes of this chapter, a federally chartered 83607

financial institution shall be deemed to be organized under the 83608
laws of the state within which its principal office is located. 83609

(E) For purposes of this chapter, any person, as defined in 83610
section 5701.01 of the Revised Code, shall be treated as a 83611
corporation if the person is classified for federal income tax 83612
purposes as an association taxable as a corporation, and an equity 83613
interest in the person shall be treated as capital stock of the 83614
person. 83615

(F) For the purposes of this chapter, "disregarded entity" 83616
has the same meaning as in division (D) of section 5745.01 of the 83617
Revised Code. 83618

(1) A person's interest in a disregarded entity, whether held 83619
directly or indirectly, shall be treated as the person's ownership 83620
of the assets and liabilities of the disregarded entity, and the 83621
income, including gain or loss, shall be included in the person's 83622
net income under this chapter. 83623

(2) Any sale, exchange, or other disposition of the person's 83624
interest in the disregarded entity, whether held directly or 83625
indirectly, shall be treated as a sale, exchange, or other 83626
disposition of the person's share of the disregarded entity's 83627
underlying assets or liabilities, and the gain or loss from such 83628
sale, exchange, or disposition shall be included in the person's 83629
net income under this chapter. 83630

(3) The disregarded entity's payroll, property, and sales 83631
factors shall be included in the person's factors. 83632

(G) The tax a corporation is required to pay under this 83633
chapter shall be as follows: 83634

(1)(a) For financial institutions, the greater of the minimum 83635
payment required under division (E) of section 5733.06 of the 83636
Revised Code or the difference between all taxes charged the 83637
financial institution under this chapter, without regard to 83638

division (G)(2) of this section, less any credits allowable 83639
against such tax. 83640

(b) A corporation satisfying the description in division 83641
(E)(5), (6), (7), (8), or (10) of section 5751.01 of the Revised 83642
Code that is not a financial institution, insurance company, or 83643
dealer in intangibles is subject to the taxes imposed under this 83644
chapter as a corporation and not subject to tax as a financial 83645
institution, and shall pay the greater of the minimum payment 83646
required under division (E) of section 5733.06 of the Revised Code 83647
or the difference between all the taxes charged under this 83648
chapter, without regard to division (G)(2) of this section, less 83649
any credits allowable against such tax. 83650

(2) For all corporations other than those persons described 83651
in division (G)(1)(a) or (b) of this section, the amount under 83652
division (G)(2)(a) of this section applicable to the tax year 83653
specified less the amount under division (G)(2)(b) of this 83654
section: 83655

(a)(i) For tax year 2005, the greater of the minimum payment 83656
required under division (E) of section 5733.06 of the Revised Code 83657
or the difference between all taxes charged the corporation under 83658
this chapter and any credits allowable against such tax; 83659

(ii) For tax year 2006, the greater of the minimum payment 83660
required under division (E) of section 5733.06 of the Revised Code 83661
or four-fifths of the difference between all taxes charged the 83662
corporation under this chapter and any credits allowable against 83663
such tax, except the qualifying pass-through entity tax credit 83664
described in division (A)~~(29)~~(30) and the refundable credits 83665
described in divisions (A)~~(30)~~(31) to ~~(34)~~(35) of section 5733.98 83666
of the Revised Code; 83667

(iii) For tax year 2007, the greater of the minimum payment 83668
required under division (E) of section 5733.06 of the Revised Code 83669

or three-fifths of the difference between all taxes charged the 83670
corporation under this chapter and any credits allowable against 83671
such tax, except the qualifying pass-through entity tax credit 83672
described in division (A)~~(29)~~(30) and the refundable credits 83673
described in divisions (A)~~(30)~~(31) to ~~(34)~~(35) of section 5733.98 83674
of the Revised Code; 83675

(iv) For tax year 2008, the greater of the minimum payment 83676
required under division (E) of section 5733.06 of the Revised Code 83677
or two-fifths of the difference between all taxes charged the 83678
corporation under this chapter and any credits allowable against 83679
such tax, except the qualifying pass-through entity tax credit 83680
described in division (A)~~(29)~~(30) and the refundable credits 83681
described in divisions (A)~~(30)~~(31) to ~~(34)~~(35) of section 5733.98 83682
of the Revised Code; 83683

(v) For tax year 2009, the greater of the minimum payment 83684
required under division (E) of section 5733.06 of the Revised Code 83685
or one-fifth of the difference between all taxes charged the 83686
corporation under this chapter and any credits allowable against 83687
such tax, except the qualifying pass-through entity tax credit 83688
described in division (A)~~(29)~~(30) and the refundable credits 83689
described in divisions (A)~~(30)~~, (31), (32), ~~and~~ (33), and (34) of 83690
section 5733.98 of the Revised Code; 83691

(vi) For tax year 2010 and each tax year thereafter, no tax. 83692

(b) A corporation shall subtract from the amount calculated 83693
under division (G)(2)(a)(ii), (iii), (iv), or (v) of this section 83694
any qualifying pass-through entity tax credit described in 83695
division (A)~~(29)~~(30) and any refundable credits described in 83696
divisions (A)~~(30)~~(31) to ~~(34)~~(35) of section 5733.98 of the 83697
Revised Code to which the corporation is entitled. Any unused 83698
qualifying pass-through entity tax credit is not refundable. 83699

(c) For the purposes of computing the amount of a credit that 83700

may be carried forward to a subsequent tax year under division 83701
(G)(2) of this section, a credit is utilized against the tax for a 83702
tax year to the extent the credit applies against the tax for that 83703
tax year, even if the difference is then multiplied by the 83704
applicable fraction under division (G)(2)(a) of this section. 83705

(3) Nothing in division (G) of this section eliminates or 83706
reduces the tax imposed by section 5733.41 of the Revised Code on 83707
a qualifying pass-through entity. 83708

Sec. 5733.04. As used in this chapter: 83709

(A) "Issued and outstanding shares of stock" applies to 83710
nonprofit corporations, as provided in section 5733.01 of the 83711
Revised Code, and includes, but is not limited to, membership 83712
certificates and other instruments evidencing ownership of an 83713
interest in such nonprofit corporations, and with respect to a 83714
financial institution that does not have capital stock, "issued 83715
and outstanding shares of stock" includes, but is not limited to, 83716
ownership interests of depositors in the capital employed in such 83717
an institution. 83718

(B) "Taxpayer" means a corporation subject to the tax imposed 83719
by section 5733.06 of the Revised Code. 83720

(C) "Resident" means a corporation organized under the laws 83721
of this state. 83722

(D) "Commercial domicile" means the principal place from 83723
which the trade or business of the taxpayer is directed or 83724
managed. 83725

(E) "Taxable year" means the period prescribed by division 83726
(A) of section 5733.031 of the Revised Code upon the net income of 83727
which the value of the taxpayer's issued and outstanding shares of 83728
stock is determined under division (B) of section 5733.05 of the 83729
Revised Code or the period prescribed by division (A) of section 83730

5733.031 of the Revised Code that immediately precedes the date as 83731
of which the total value of the corporation is determined under 83732
division (A) or (C) of section 5733.05 of the Revised Code. 83733

(F) "Tax year" means the calendar year in and for which the 83734
tax imposed by section 5733.06 of the Revised Code is required to 83735
be paid. 83736

(G) "Internal Revenue Code" means the "Internal Revenue Code 83737
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 83738

(H) "Federal income tax" means the income tax imposed by the 83739
Internal Revenue Code. 83740

(I) Except as provided in section 5733.058 of the Revised 83741
Code, "net income" means the taxpayer's taxable income before 83742
operating loss deduction and special deductions, as required to be 83743
reported for the taxpayer's taxable year under the Internal 83744
Revenue Code, subject to the following adjustments: 83745

(1)(a) Deduct any net operating loss incurred in any taxable 83746
years ending in 1971 or thereafter, but exclusive of any net 83747
operating loss incurred in taxable years ending prior to January 83748
1, 1971. This deduction shall not be allowed in any tax year 83749
commencing before December 31, 1973, but shall be carried over and 83750
allowed in tax years commencing after December 31, 1973, until 83751
fully utilized in the next succeeding taxable year or years in 83752
which the taxpayer has net income, but in no case for more than 83753
the designated carryover period as described in division (I)(1)(b) 83754
of this section. The amount of such net operating loss, as 83755
determined under the allocation and apportionment provisions of 83756
section 5733.051 and division (B) of section 5733.05 of the 83757
Revised Code for the year in which the net operating loss occurs, 83758
shall be deducted from net income, as determined under the 83759
allocation and apportionment provisions of section 5733.051 and 83760
division (B) of section 5733.05 of the Revised Code, to the extent 83761

necessary to reduce net income to zero with the remaining unused 83762
portion of the deduction, if any, carried forward to the remaining 83763
years of the designated carryover period as described in division 83764
(I)(1)(b) of this section, or until fully utilized, whichever 83765
occurs first. 83766

(b) For losses incurred in taxable years ending on or before 83767
December 31, 1981, the designated carryover period shall be the 83768
five consecutive taxable years after the taxable year in which the 83769
net operating loss occurred. For losses incurred in taxable years 83770
ending on or after January 1, 1982, and beginning before August 6, 83771
1997, the designated carryover period shall be the fifteen 83772
consecutive taxable years after the taxable year in which the net 83773
operating loss occurs. For losses incurred in taxable years 83774
beginning on or after August 6, 1997, the designated carryover 83775
period shall be the twenty consecutive taxable years after the 83776
taxable year in which the net operating loss occurs. 83777

(c) The tax commissioner may require a taxpayer to furnish 83778
any information necessary to support a claim for deduction under 83779
division (I)(1)(a) of this section and no deduction shall be 83780
allowed unless the information is furnished. 83781

(2) Deduct any amount included in net income by application 83782
of section 78 or 951 of the Internal Revenue Code, amounts 83783
received for royalties, technical or other services derived from 83784
sources outside the United States, and dividends received from a 83785
subsidiary, associate, or affiliated corporation that neither 83786
transacts any substantial portion of its business nor regularly 83787
maintains any substantial portion of its assets within the United 83788
States. For purposes of determining net foreign source income 83789
deductible under division (I)(2) of this section, the amount of 83790
gross income from all such sources other than dividend income and 83791
income derived by application of section 78 or 951 of the Internal 83792
Revenue Code shall be reduced by: 83793

(a) The amount of any reimbursed expenses for personal 83794
services performed by employees of the taxpayer for the 83795
subsidiary, associate, or affiliated corporation; 83796

(b) Ten per cent of the amount of royalty income and 83797
technical assistance fees; 83798

(c) Fifteen per cent of the amount of all other income. 83799

The amounts described in divisions (I)(2)(a) to (c) of this 83800
section are deemed to be the expenses attributable to the 83801
production of deductible foreign source income unless the taxpayer 83802
shows, by clear and convincing evidence, less actual expenses, or 83803
the tax commissioner shows, by clear and convincing evidence, more 83804
actual expenses. 83805

(3) Add any loss or deduct any gain resulting from the sale, 83806
exchange, or other disposition of a capital asset, or an asset 83807
described in section 1231 of the Internal Revenue Code, to the 83808
extent that such loss or gain occurred prior to the first taxable 83809
year on which the tax provided for in section 5733.06 of the 83810
Revised Code is computed on the corporation's net income. For 83811
purposes of division (I)(3) of this section, the amount of the 83812
prior loss or gain shall be measured by the difference between the 83813
original cost or other basis of the asset and the fair market 83814
value as of the beginning of the first taxable year on which the 83815
tax provided for in section 5733.06 of the Revised Code is 83816
computed on the corporation's net income. At the option of the 83817
taxpayer, the amount of the prior loss or gain may be a percentage 83818
of the gain or loss, which percentage shall be determined by 83819
multiplying the gain or loss by a fraction, the numerator of which 83820
is the number of months from the acquisition of the asset to the 83821
beginning of the first taxable year on which the fee provided in 83822
section 5733.06 of the Revised Code is computed on the 83823
corporation's net income, and the denominator of which is the 83824
number of months from the acquisition of the asset to the sale, 83825

exchange, or other disposition of the asset. The adjustments 83826
described in this division do not apply to any gain or loss where 83827
the gain or loss is recognized by a qualifying taxpayer, as 83828
defined in section 5733.0510 of the Revised Code, with respect to 83829
a qualifying taxable event, as defined in that section. 83830

(4) Deduct the dividend received deduction provided by 83831
section 243 of the Internal Revenue Code. 83832

(5) Deduct any interest or interest equivalent on public 83833
obligations and purchase obligations to the extent included in 83834
federal taxable income. As used in divisions (I)(5) and (6) of 83835
this section, "public obligations," "purchase obligations," and 83836
"interest or interest equivalent" have the same meanings as in 83837
section 5709.76 of the Revised Code. 83838

(6) Add any loss or deduct any gain resulting from the sale, 83839
exchange, or other disposition of public obligations to the extent 83840
included in federal taxable income. 83841

(7) To the extent not otherwise allowed, deduct any dividends 83842
or distributions received by a taxpayer from a public utility, 83843
excluding an electric company and a combined company, and, for tax 83844
years 2005 and thereafter, a telephone company, if the taxpayer 83845
owns at least eighty per cent of the issued and outstanding common 83846
stock of the public utility. As used in division (I)(7) of this 83847
section, "public utility" means a public utility as defined in 83848
Chapter 5727. of the Revised Code, whether or not the public 83849
utility is doing business in the state. 83850

(8) To the extent not otherwise allowed, deduct any dividends 83851
received by a taxpayer from an insurance company, if the taxpayer 83852
owns at least eighty per cent of the issued and outstanding common 83853
stock of the insurance company. As used in division (I)(8) of this 83854
section, "insurance company" means an insurance company that is 83855
taxable under Chapter 5725. or 5729. of the Revised Code. 83856

(9) Deduct expenditures for modifying existing buildings or structures to meet American national standards institute standard A-117.1-1961 (R-1971), as amended; provided, that no deduction shall be allowed to the extent that such deduction is not permitted under federal law or under rules of the tax commissioner. Those deductions as are allowed may be taken over a period of five years. The tax commissioner shall adopt rules under Chapter 119. of the Revised Code establishing reasonable limitations on the extent that expenditures for modifying existing buildings or structures are attributable to the purpose of making the buildings or structures accessible to and usable by physically handicapped persons.

(10) Deduct the amount of wages and salaries, if any, not otherwise allowable as a deduction but that would have been allowable as a deduction in computing federal taxable income before operating loss deduction and special deductions for the taxable year, had the targeted jobs credit allowed and determined under sections 38, 51, and 52 of the Internal Revenue Code not been in effect.

(11) Deduct net interest income on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent the laws of the United States prohibit inclusion of the net interest for purposes of determining the value of the taxpayer's issued and outstanding shares of stock under division (B) of section 5733.05 of the Revised Code. As used in division (I)(11) of this section, "net interest" means interest net of any expenses taken on the federal income tax return that would not have been allowed under section 265 of the Internal Revenue Code if the interest were exempt from federal income tax.

(12)(a) Except as set forth in division (I)(12)(d) of this section, to the extent not included in computing the taxpayer's

federal taxable income before operating loss deduction and special 83889
deductions, add gains and deduct losses from direct or indirect 83890
sales, exchanges, or other dispositions, made by a related entity 83891
who is not a taxpayer, of the taxpayer's indirect, beneficial, or 83892
constructive investment in the stock or debt of another entity, 83893
unless the gain or loss has been included in computing the federal 83894
taxable income before operating loss deduction and special 83895
deductions of another taxpayer with a more closely related 83896
investment in the stock or debt of the other entity. The amount of 83897
gain added or loss deducted shall not exceed the product obtained 83898
by multiplying such gain or loss by the taxpayer's proportionate 83899
share, directly, indirectly, beneficially, or constructively, of 83900
the outstanding stock of the related entity immediately prior to 83901
the direct or indirect sale, exchange, or other disposition. 83902

(b) Except as set forth in division (I)(12)(e) of this 83903
section, to the extent not included in computing the taxpayer's 83904
federal taxable income before operating loss deduction and special 83905
deductions, add gains and deduct losses from direct or indirect 83906
sales, exchanges, or other dispositions made by a related entity 83907
who is not a taxpayer, of intangible property other than stock, 83908
securities, and debt, if such property was owned, or used in whole 83909
or in part, at any time prior to or at the time of the sale, 83910
exchange, or disposition by either the taxpayer or by a related 83911
entity that was a taxpayer at any time during the related entity's 83912
ownership or use of such property, unless the gain or loss has 83913
been included in computing the federal taxable income before 83914
operating loss deduction and special deductions of another 83915
taxpayer with a more closely related ownership or use of such 83916
intangible property. The amount of gain added or loss deducted 83917
shall not exceed the product obtained by multiplying such gain or 83918
loss by the taxpayer's proportionate share, directly, indirectly, 83919
beneficially, or constructively, of the outstanding stock of the 83920
related entity immediately prior to the direct or indirect sale, 83921

exchange, or other disposition. 83922

(c) As used in division (I)(12) of this section, "related 83923
entity" means those entities described in divisions (I)(12)(c)(i) 83924
to (iii) of this section: 83925

(i) An individual stockholder, or a member of the 83926
stockholder's family enumerated in section 318 of the Internal 83927
Revenue Code, if the stockholder and the members of the 83928
stockholder's family own, directly, indirectly, beneficially, or 83929
constructively, in the aggregate, at least fifty per cent of the 83930
value of the taxpayer's outstanding stock; 83931

(ii) A stockholder, or a stockholder's partnership, estate, 83932
trust, or corporation, if the stockholder and the stockholder's 83933
partnerships, estates, trusts, and corporations own directly, 83934
indirectly, beneficially, or constructively, in the aggregate, at 83935
least fifty per cent of the value of the taxpayer's outstanding 83936
stock; 83937

(iii) A corporation, or a party related to the corporation in 83938
a manner that would require an attribution of stock from the 83939
corporation to the party or from the party to the corporation 83940
under division (I)(12)(c)(iv) of this section, if the taxpayer 83941
owns, directly, indirectly, beneficially, or constructively, at 83942
least fifty per cent of the value of the corporation's outstanding 83943
stock. 83944

(iv) The attribution rules of section 318 of the Internal 83945
Revenue Code apply for purposes of determining whether the 83946
ownership requirements in divisions (I)(12)(c)(i) to (iii) of this 83947
section have been met. 83948

(d) For purposes of the adjustments required by division 83949
(I)(12)(a) of this section, the term "investment in the stock or 83950
debt of another entity" means only those investments where the 83951
taxpayer and the taxpayer's related entities directly, indirectly, 83952

beneficially, or constructively own, in the aggregate, at any time 83953
during the twenty-four month period commencing one year prior to 83954
the direct or indirect sale, exchange, or other disposition of 83955
such investment at least fifty per cent or more of the value of 83956
either the outstanding stock or such debt of such other entity. 83957

(e) For purposes of the adjustments required by division 83958
(I)(12)(b) of this section, the term "related entity" excludes all 83959
of the following: 83960

(i) Foreign corporations as defined in section 7701 of the 83961
Internal Revenue Code; 83962

(ii) Foreign partnerships as defined in section 7701 of the 83963
Internal Revenue Code; 83964

(iii) Corporations, partnerships, estates, and trusts created 83965
or organized in or under the laws of the Commonwealth of Puerto 83966
Rico or any possession of the United States; 83967

(iv) Foreign estates and foreign trusts as defined in section 83968
7701 of the Internal Revenue Code. 83969

The exclusions described in divisions (I)(12)(e)(i) to (iv) 83970
of this section do not apply if the corporation, partnership, 83971
estate, or trust is described in any one of divisions (C)(1) to 83972
(5) of section 5733.042 of the Revised Code. 83973

(f) Nothing in division (I)(12) of this section shall require 83974
or permit a taxpayer to add any gains or deduct any losses 83975
described in divisions (I)(12)(f)(i) and (ii) of this section: 83976

(i) Gains or losses recognized for federal income tax 83977
purposes by an individual, estate, or trust without regard to the 83978
attribution rules described in division (I)(12)(c) of this 83979
section; 83980

(ii) A related entity's gains or losses described in division 83981
(I)(12)(b) of this section if the taxpayer's ownership of or use 83982

of such intangible property was limited to a period not exceeding 83983
nine months and was attributable to a transaction or a series of 83984
transactions executed in accordance with the election or elections 83985
made by the taxpayer or a related entity pursuant to section 338 83986
of the Internal Revenue Code. 83987

(13) Any adjustment required by section 5733.042 of the 83988
Revised Code. 83989

(14) Add any amount claimed as a credit under section 83990
5733.0611 of the Revised Code to the extent that such amount 83991
satisfies either of the following: 83992

(a) It was deducted or excluded from the computation of the 83993
corporation's taxable income before operating loss deduction and 83994
special deductions as required to be reported for the 83995
corporation's taxable year under the Internal Revenue Code; 83996

(b) It resulted in a reduction of the corporation's taxable 83997
income before operating loss deduction and special deductions as 83998
required to be reported for any of the corporation's taxable years 83999
under the Internal Revenue Code. 84000

(15) Deduct the amount contributed by the taxpayer to an 84001
individual development account program established by a county 84002
department of job and family services pursuant to sections 329.11 84003
to 329.14 of the Revised Code for the purpose of matching funds 84004
deposited by program participants. On request of the tax 84005
commissioner, the taxpayer shall provide any information that, in 84006
the tax commissioner's opinion, is necessary to establish the 84007
amount deducted under division (I)(15) of this section. 84008

(16) Any adjustment required by section 5733.0510 or 84009
5733.0511 of the Revised Code. 84010

(17)(a)(i) Add five-sixths of the amount of depreciation 84011
expense allowed under subsection (k) of section 168 of the 84012
Internal Revenue Code, including a person's proportionate or 84013

distributive share of the amount of depreciation expense allowed 84014
by that subsection to any pass-through entity in which the person 84015
has direct or indirect ownership. 84016

(ii) Add five-sixths of the amount of qualifying section 179 84017
depreciation expense, including a person's proportionate or 84018
distributive share of the amount of qualifying section 179 84019
depreciation expense allowed to any pass-through entity in which 84020
the person has a direct or indirect ownership. For the purposes of 84021
this division, "qualifying section 179 depreciation expense" means 84022
the difference between (I) the amount of depreciation expense 84023
directly or indirectly allowed to the taxpayer under section 179 84024
of the Internal Revenue Code, and (II) the amount of depreciation 84025
expense directly or indirectly allowed to the taxpayer under 84026
section 179 of the Internal Revenue Code as that section existed 84027
on December 31, 2002. 84028

The tax commissioner, under procedures established by the 84029
commissioner, may waive the add-backs related to a pass-through 84030
entity if the person owns, directly or indirectly, less than five 84031
per cent of the pass-through entity. 84032

(b) Nothing in division (I)(17) of this section shall be 84033
construed to adjust or modify the adjusted basis of any asset. 84034

(c) To the extent the add-back is attributable to property 84035
generating income or loss allocable under section 5733.051 of the 84036
Revised Code, the add-back shall be allocated to the same location 84037
as the income or loss generated by that property. Otherwise, the 84038
add-back shall be apportioned, subject to division (B)(2)(d) of 84039
section 5733.05 of the Revised Code. 84040

(18)(a) If a person is required to make the add-back under 84041
division (I)(17)(a) of this section for a tax year, the person 84042
shall deduct one-fifth of the amount added back for each of the 84043
succeeding five tax years. 84044

(b) If the amount deducted under division (I)(18)(a) of this section is attributable to an add-back allocated under division (I)(17)(c) of this section, the amount deducted shall be allocated to the same location. Otherwise, the amount shall be apportioned using the apportionment factors for the taxable year in which the deduction is taken, subject to division (B)(2)(d) of section 5733.05 of the Revised Code.

(J) Except as otherwise expressly provided or clearly appearing from the context, any term used in this chapter has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

(K) "Financial institution" has the meaning given by section 5725.01 of the Revised Code but does not include a production credit association as described in 85 Stat. 597, 12 U.S.C.A. 2091.

(L)(1) A "qualifying holding company" is any corporation satisfying all of the following requirements:

(a) Subject to divisions (L)(2) and (3) of this section, the net book value of the corporation's intangible assets is greater than or equal to ninety per cent of the net book value of all of its assets and at least fifty per cent of the net book value of all of its assets represents direct or indirect investments in the equity of, loans and advances to, and accounts receivable due from related members;

(b) At least ninety per cent of the corporation's gross income for the taxable year is attributable to the following:

(i) The maintenance, management, ownership, acquisition, use, and disposition of its intangible property, its aircraft the use of which is not subject to regulation under 14 C.F.R. part 121 or part 135, and any real property described in division (L)(2)(c) of

this section;	84076
(ii) The collection and distribution of income from such property.	84077 84078
(c) The corporation is not a financial institution on the last day of the taxable year ending prior to the first day of the tax year;	84079 84080 84081
(d) The corporation's related members make a good faith and reasonable effort to make timely and fully the adjustments required by division (C)(2) (D) of section 5733.05 of the Revised Code and to pay timely and fully all uncontested taxes, interest, penalties, and other fees and charges imposed under this chapter;	84082 84083 84084 84085 84086
(e) Subject to division (L)(4) of this section, the corporation elects to be treated as a qualifying holding company for the tax year.	84087 84088 84089
A corporation otherwise satisfying divisions (L)(1)(a) to (e) of this section that does not elect to be a qualifying holding company is not a qualifying holding company for the purposes of this chapter.	84090 84091 84092 84093
(2)(a)(i) For purposes of making the ninety per cent computation under division (L)(1)(a) of this section, the net book value of the corporation's assets shall not include the net book value of aircraft or real property described in division (L)(1)(b)(i) of this section.	84094 84095 84096 84097 84098
(ii) For purposes of making the fifty per cent computation under division (L)(1)(a) of this section, the net book value of assets shall include the net book value of aircraft or real property described in division (L)(1)(b)(i) of this section.	84099 84100 84101 84102
(b)(i) As used in division (L) of this section, "intangible asset" includes, but is not limited to, the corporation's direct interest in each pass-through entity only if at all times during	84103 84104 84105

the corporation's taxable year ending prior to the first day of 84106
the tax year the corporation's and the corporation's related 84107
members' combined direct and indirect interests in the capital or 84108
profits of such pass-through entity do not exceed fifty per cent. 84109
If the corporation's interest in the pass-through entity is an 84110
intangible asset for that taxable year, then the distributive 84111
share of any income from the pass-through entity shall be income 84112
from an intangible asset for that taxable year. 84113

(ii) If a corporation's and the corporation's related 84114
members' combined direct and indirect interests in the capital or 84115
profits of a pass-through entity exceed fifty per cent at any time 84116
during the corporation's taxable year ending prior to the first 84117
day of the tax year, "intangible asset" does not include the 84118
corporation's direct interest in the pass-through entity, and the 84119
corporation shall include in its assets its proportionate share of 84120
the assets of any such pass-through entity and shall include in 84121
its gross income its distributive share of the gross income of 84122
such pass-through entity in the same form as was earned by the 84123
pass-through entity. 84124

(iii) A pass-through entity's direct or indirect 84125
proportionate share of any other pass-through entity's assets 84126
shall be included for the purpose of computing the corporation's 84127
proportionate share of the pass-through entity's assets under 84128
division (L)(2)(b)(ii) of this section, and such pass-through 84129
entity's distributive share of any other pass-through entity's 84130
gross income shall be included for purposes of computing the 84131
corporation's distributive share of the pass-through entity's 84132
gross income under division (L)(2)(b)(ii) of this section. 84133

(c) For the purposes of divisions (L)(1)(b)(i), (1)(b)(ii), 84134
(2)(a)(i), and (2)(a)(ii) of this section, real property is 84135
described in division (L)(2)(c) of this section only if all of the 84136
following conditions are present at all times during the taxable 84137

year ending prior to the first day of the tax year: 84138

(i) The real property serves as the headquarters of the 84139
corporation's trade or business, or is the place from which the 84140
corporation's trade or business is principally managed or 84141
directed; 84142

(ii) Not more than ten per cent of the value of the real 84143
property and not more than ten per cent of the square footage of 84144
the building or buildings that are part of the real property is 84145
used, made available, or occupied for the purpose of providing, 84146
acquiring, transferring, selling, or disposing of tangible 84147
property or services in the normal course of business to persons 84148
other than related members, the corporation's employees and their 84149
families, and such related members' employees and their families. 84150

(d) As used in division (L) of this section, "related member" 84151
has the same meaning as in division (A)(6) of section 5733.042 of 84152
the Revised Code without regard to division (B) of that section. 84153

(3) The percentages described in division (L)(1)(a) of this 84154
section shall be equal to the quarterly average of those 84155
percentages as calculated during the corporation's taxable year 84156
ending prior to the first day of the tax year. 84157

(4) With respect to the election described in division 84158
(L)(1)(e) of this section: 84159

(a) The election need not accompany a timely filed report; 84160

(b) The election need not accompany the report; rather, the 84161
election may accompany a subsequently filed but timely application 84162
for refund and timely amended report, or a subsequently filed but 84163
timely petition for reassessment; 84164

(c) The election is not irrevocable; 84165

(d) The election applies only to the tax year specified by 84166
the corporation; 84167

(e) The corporation's related members comply with division	84168
(L)(1)(d) of this section.	84169
Nothing in division (L)(4) of this section shall be construed	84170
to extend any statute of limitations set forth in this chapter.	84171
(M) "Qualifying controlled group" means two or more	84172
corporations that satisfy the ownership and control requirements	84173
of division (A) of section 5733.052 of the Revised Code.	84174
(N) "Limited liability company" means any limited liability	84175
company formed under Chapter 1705. of the Revised Code or under	84176
the laws of any other state.	84177
(O) "Pass-through entity" means a corporation that has made	84178
an election under subchapter S of Chapter 1 of Subtitle A of the	84179
Internal Revenue Code for its taxable year under that code, or a	84180
partnership, limited liability company, or any other person, other	84181
than an individual, trust, or estate, if the partnership, limited	84182
liability company, or other person is not classified for federal	84183
income tax purposes as an association taxed as a corporation.	84184
(P) "Electric company," "combined company," and "telephone	84185
company" have the same meanings as in section 5727.01 of the	84186
Revised Code.	84187
(Q) "Business income" means income arising from transactions,	84188
activities, and sources in the regular course of a trade or	84189
business and includes income from real property, tangible personal	84190
property, and intangible personal property if the acquisition,	84191
rental, management, and disposition of the property constitute	84192
integral parts of the regular course of a trade or business	84193
operation. "Business income" includes income, including gain or	84194
loss, from a partial or complete liquidation of a business,	84195
including, but not limited to, gain or loss from the sale or other	84196
disposition of goodwill.	84197
(R) "Nonbusiness income" means all income other than business	84198

income. 84199

Sec. 5733.58. (A) Terms used in this section have the same meaning as in section 5725.33 of the Revised Code. 84200
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(B) There is hereby allowed a nonrefundable credit against the tax imposed by section 5733.06 of the Revised Code for a financial institution holding a qualified equity investment on the credit allowance date occurring in the calendar year immediately preceding the tax year for which the tax is due. The credit shall be computed in the same manner prescribed for the computation of credits allowed under section 5725.33 of the Revised Code. 84202
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By claiming a tax credit under this section, a financial institution waives its rights under section 5733.11 of the Revised Code with respect to the time limitation for the assessment of taxes as it relates to credits claimed that later become subject to recapture under division (D) of this section. 84209
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The credit shall be claimed in the order prescribed by section 5733.98 of the Revised Code. If the amount of the credit exceeds the amount of tax otherwise due after deducting all other credits in that order, the excess may be carried forward and applied to the tax due for not more than four ensuing tax years. 84214
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(C) The total amount of qualified equity investments on the basis of which credits may be claimed under this section and sections 5725.33 and 5729.16 of the Revised Code is subject to the limitation of division (C) of section 5725.33 of the Revised Code. 84219
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(D) If any amount of the federal tax credit allowed for a qualified equity investment for which a credit was received under this section is recaptured under section 45D of the Internal Revenue Code, or if the director of development determines that an investment for which a tax credit is claimed under this section is not a qualified equity investment or that the proceeds of an 84223
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investment for which a tax credit is claimed under this section 84229
are used to make qualified low-income community investments other 84230
than in a qualified active low-income community business, all or a 84231
portion of the credit received on account of that investment shall 84232
be paid by the financial institution that received the credit to 84233
the tax commissioner. The amount to be recovered shall be 84234
determined by the director of development pursuant to rules 84235
adopted under section 5725.33 of the Revised Code. The director 84236
shall certify any amount due under this division to the tax 84237
commissioner, and the commissioner shall notify the financial 84238
institution of the amount due. The amount due is payable not later 84239
than thirty days after the day the commissioner issues the notice. 84240
The amount due shall be considered to be tax due under section 84241
5733.06 of the Revised Code, and may be collected by assessment 84242
without regard to the limitations imposed under section 5733.11 of 84243
the Revised Code for the assessment of taxes by the commissioner. 84244
All amounts collected under this division shall be credited as 84245
revenue from the tax levied under section 5733.06 of the Revised 84246
Code. 84247

Sec. 5733.98. (A) To provide a uniform procedure for 84248
calculating the amount of tax imposed by section 5733.06 of the 84249
Revised Code that is due under this chapter, a taxpayer shall 84250
claim any credits to which it is entitled in the following order, 84251
except as otherwise provided in section 5733.058 of the Revised 84252
Code: 84253

(1) For tax year 2005, the credit for taxes paid by a 84254
qualifying pass-through entity allowed under section 5733.0611 of 84255
the Revised Code; 84256

(2) The credit allowed for financial institutions under 84257
section 5733.45 of the Revised Code; 84258

(3) The credit for qualifying affiliated groups under section 84259

5733.068 of the Revised Code;	84260
(4) The subsidiary corporation credit under section 5733.067 of the Revised Code;	84261 84262
(5) The savings and loan assessment credit under section 5733.063 of the Revised Code;	84263 84264
(6) The credit for recycling and litter prevention donations under section 5733.064 of the Revised Code;	84265 84266
(7) The credit for employers that enter into agreements with child day-care centers under section 5733.36 of the Revised Code;	84267 84268
(8) The credit for employers that reimburse employee child care expenses under section 5733.38 of the Revised Code;	84269 84270
(9) The credit for maintaining railroad active grade crossing warning devices under section 5733.43 of the Revised Code;	84271 84272
(10) The credit for purchases of lights and reflectors under section 5733.44 of the Revised Code;	84273 84274
(11) The job retention credit under division (B) of section 5733.0610 of the Revised Code;	84275 84276
(12) The credit for tax years 2008 and 2009 for selling alternative fuel under section 5733.48 of the Revised Code;	84277 84278
(13) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;	84279 84280
(14) The job training credit under section 5733.42 of the Revised Code;	84281 84282
(15) The credit for qualified research expenses under section 5733.351 of the Revised Code;	84283 84284
(16) The enterprise zone credit under section 5709.66 of the Revised Code;	84285 84286
(17) The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;	84287 84288

(18) The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code;	84289 84290
(19) The ethanol plant investment credit under section 5733.46 of the Revised Code;	84291 84292
(20) The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;	84293 84294
(21) The export sales credit under section 5733.069 of the Revised Code;	84295 84296
(22) The credit for research and development and technology transfer investors under section 5733.35 of the Revised Code;	84297 84298
(23) The enterprise zone credits under section 5709.65 of the Revised Code;	84299 84300
(24) The credit for using Ohio coal under section 5733.39 of the Revised Code;	84301 84302
(25) <u>The credit for purchases of qualified low-income community investments under section 5733.58 of the Revised Code;</u>	84303 84304
<u>(26)</u> The credit for small telephone companies under section 5733.57 of the Revised Code;	84305 84306
(26) <u>(27)</u> The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;	84307 84308
(27) <u>(28)</u> For tax year 2005, the credit for providing programs to aid the communicatively impaired under division (A) of section 5733.56 of the Revised Code;	84309 84310 84311
(28) <u>(29)</u> The research and development credit under section 5733.352 of the Revised Code;	84312 84313
(29) <u>(30)</u> For tax years 2006 and subsequent tax years, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code;	84314 84315 84316
(30) <u>(31)</u> The refundable credit for rehabilitating a historic	84317

building under section 5733.47 of the Revised Code; 84318

~~(31)~~(32) The refundable jobs creation credit under division 84319
(A) of section 5733.0610 of the Revised Code; 84320

~~(32)~~(33) The refundable credit for tax withheld under 84321
division (B)(2) of section 5747.062 of the Revised Code; 84322

~~(33)~~(34) The refundable credit under section 5733.49 of the 84323
Revised Code for losses on loans made to the Ohio venture capital 84324
program under sections 150.01 to 150.10 of the Revised Code; 84325

~~(34)~~(35) For tax years 2006, 2007, and 2008, the refundable 84326
credit allowable under division (B) of section 5733.56 of the 84327
Revised Code. 84328

(B) For any credit except the credits enumerated in divisions 84329
(A)~~(30)~~(31) to ~~(34)~~(35) of this section, the amount of the credit 84330
for a tax year shall not exceed the tax due after allowing for any 84331
other credit that precedes it in the order required under this 84332
section. Any excess amount of a particular credit may be carried 84333
forward if authorized under the section creating that credit. 84334
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Sec. 5735.142. (A)(1) Any person who uses any motor fuel, on 84336
which the tax imposed by sections 5735.05, 5735.25, and 5735.29 of 84337
the Revised Code has been paid, for the purpose of operating a 84338
transit bus shall be reimbursed in the amount of ~~the~~ such tax paid 84339
on motor fuel used by public transportation systems providing 84340
transit or paratransit service on a regular and continuing basis 84341
within the state; 84342

(2) A city, exempted village, joint vocational, or local 84343
school district or educational service center that purchases any 84344
motor fuel for school district or service center operations, on 84345
which any tax imposed by section 5735.29 of the Revised Code that 84346
became effective on or after July 1, 2003, has been paid, may, if 84347

an application is filed under this section, be reimbursed in the 84348
amount of all but two cents per gallon of the total tax imposed by 84349
such section and paid on motor fuel. 84350

(3) A county board of mental retardation and developmental 84351
disabilities that, on or after July 1, 2005, purchases any motor 84352
fuel for county board operations, on which any tax imposed by 84353
section 5735.29 of the Revised Code has been paid may, if an 84354
application is filed under this section, be reimbursed in the 84355
amount of all but two cents per gallon of the total tax imposed by 84356
such section and paid on motor fuel purchased on or after July 1, 84357
2005. 84358

(B) Such person, school district, educational service center, 84359
or county board shall file with the tax commissioner an 84360
application for refund within one year from the date of purchase, 84361
stating the quantity of fuel used for operating transit buses used 84362
by local transit systems in furnishing scheduled common carrier, 84363
public passenger land transportation service along regular routes 84364
primarily in one or more municipal corporations or for operating 84365
vehicles used for school district, service center, or county board 84366
operations. However, no claim shall be made for the tax on fewer 84367
than one hundred gallons of motor fuel. A school district, 84368
educational service center, or county board shall not apply for a 84369
refund for any tax paid on motor fuel that is sold by the 84370
district, service center, or county board. The application shall 84371
be accompanied by the statement described in section 5735.15 of 84372
the Revised Code showing the purchase, together with evidence of 84373
payment thereof. 84374

(C) After consideration of the application and statement, the 84375
commissioner shall determine the amount of refund to which the 84376
applicant is entitled. If the amount is not less than that 84377
claimed, the commissioner shall certify the amount to the director 84378
of budget and management and treasurer of state for payment from 84379

the tax refund fund created by section 5703.052 of the Revised Code. If the amount is less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code. 84380
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The commissioner may require that the application be supported by the affidavit of the claimant. No refund shall be authorized or ordered for any single claim for the tax on fewer than one hundred gallons of motor fuel. No refund shall be authorized or ordered on motor fuel that is sold by a school district, educational service center, or county board. 84384
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(D) The refund authorized by this section or section 5703.70 of the Revised Code shall be reduced by the cents per gallon amount of any qualified fuel credit received under section 5735.145 of the Revised Code, as determined by the commissioner, for each gallon of qualified fuel included in the total gallonage of motor fuel upon which the refund is computed. 84390
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(E) The right to receive any refund under this section or section 5703.70 of the Revised Code is not assignable. The payment of this refund shall not be made to any person or entity other than the person or entity originally entitled thereto who used the motor fuel upon which the claim for refund is based, except that the refund when allowed and certified, as provided in this section, may be paid to the executor, the administrator, the receiver, the trustee in bankruptcy, or the assignee in insolvency proceedings of the person. 84396
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Sec. 5739.01. As used in this chapter: 84405

(A) "Person" includes individuals, receivers, assignees, trustees in bankruptcy, estates, firms, partnerships, associations, joint-stock companies, joint ventures, clubs, societies, corporations, the state and its political subdivisions, and combinations of individuals of any form. 84406
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(B) "Sale" and "selling" include all of the following	84411
transactions for a consideration in any manner, whether absolutely	84412
or conditionally, whether for a price or rental, in money or by	84413
exchange, and by any means whatsoever:	84414
(1) All transactions by which title or possession, or both,	84415
of tangible personal property, is or is to be transferred, or a	84416
license to use or consume tangible personal property is or is to	84417
be granted;	84418
(2) All transactions by which lodging by a hotel is or is to	84419
be furnished to transient guests;	84420
(3) All transactions by which:	84421
(a) An item of tangible personal property is or is to be	84422
repaired, except property, the purchase of which would not be	84423
subject to the tax imposed by section 5739.02 of the Revised Code;	84424
(b) An item of tangible personal property is or is to be	84425
installed, except property, the purchase of which would not be	84426
subject to the tax imposed by section 5739.02 of the Revised Code	84427
or property that is or is to be incorporated into and will become	84428
a part of a production, transmission, transportation, or	84429
distribution system for the delivery of a public utility service;	84430
(c) The service of washing, cleaning, waxing, polishing, or	84431
painting a motor vehicle is or is to be furnished;	84432
(d) Until August 1, 2003, industrial laundry cleaning	84433
services are or are to be provided and, on and after August 1,	84434
2003, laundry and dry cleaning services are or are to be provided;	84435
(e) Automatic data processing, computer services, or	84436
electronic information services are or are to be provided for use	84437
in business when the true object of the transaction is the receipt	84438
by the consumer of automatic data processing, computer services,	84439
or electronic information services rather than the receipt of	84440

personal or professional services to which automatic data 84441
processing, computer services, or electronic information services 84442
are incidental or supplemental. Notwithstanding any other 84443
provision of this chapter, such transactions that occur between 84444
members of an affiliated group are not sales. An "affiliated 84445
group" means two or more persons related in such a way that one 84446
person owns or controls the business operation of another member 84447
of the group. In the case of corporations with stock, one 84448
corporation owns or controls another if it owns more than fifty 84449
per cent of the other corporation's common stock with voting 84450
rights. 84451

(f) Telecommunications service, including prepaid calling 84452
service, prepaid wireless calling service, or ancillary service, 84453
is or is to be provided, but not including coin-operated telephone 84454
service; 84455

(g) Landscaping and lawn care service is or is to be 84456
provided; 84457

(h) Private investigation and security service is or is to be 84458
provided; 84459

(i) Information services or tangible personal property is 84460
provided or ordered by means of a nine hundred telephone call; 84461

(j) Building maintenance and janitorial service is or is to 84462
be provided; 84463

(k) Employment service is or is to be provided; 84464

(l) Employment placement service is or is to be provided; 84465

(m) Exterminating service is or is to be provided; 84466

(n) Physical fitness facility service is or is to be 84467
provided; 84468

(o) Recreation and sports club service is or is to be 84469
provided; 84470

(p) On and after August 1, 2003, satellite broadcasting service is or is to be provided; 84471
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(q) On and after August 1, 2003, personal care service is or is to be provided to an individual. As used in this division, "personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair. 84473
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(r) On and after August 1, 2003, the transportation of persons by motor vehicle or aircraft is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding a certificate of public convenience and necessity issued under 49 U.S.C. 41102; 84481
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(s) On and after August 1, 2003, motor vehicle towing service is or is to be provided. As used in this division, "motor vehicle towing service" means the towing or conveyance of a wrecked, disabled, or illegally parked motor vehicle. 84489
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(t) On and after August 1, 2003, snow removal service is or is to be provided. As used in this division, "snow removal service" means the removal of snow by any mechanized means, but does not include the providing of such service by a person that has less than five thousand dollars in sales of such service during the calendar year. 84493
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(u) Electronic publishing service is or is to be provided to a consumer for use in business, except that such transactions occurring between members of an affiliated group, as defined in 84499
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division (B)(3)(e) of this section, are not sales. 84502

(4) All transactions by which printed, imprinted, 84503
overprinted, lithographic, multilithic, blueprinted, photostatic, 84504
or other productions or reproductions of written or graphic matter 84505
are or are to be furnished or transferred; 84506

(5) The production or fabrication of tangible personal 84507
property for a consideration for consumers who furnish either 84508
directly or indirectly the materials used in the production of 84509
fabrication work; and include the furnishing, preparing, or 84510
serving for a consideration of any tangible personal property 84511
consumed on the premises of the person furnishing, preparing, or 84512
serving such tangible personal property. Except as provided in 84513
section 5739.03 of the Revised Code, a construction contract 84514
pursuant to which tangible personal property is or is to be 84515
incorporated into a structure or improvement on and becoming a 84516
part of real property is not a sale of such tangible personal 84517
property. The construction contractor is the consumer of such 84518
tangible personal property, provided that the sale and 84519
installation of carpeting, the sale and installation of 84520
agricultural land tile, the sale and erection or installation of 84521
portable grain bins, or the provision of landscaping and lawn care 84522
service and the transfer of property as part of such service is 84523
never a construction contract. 84524

As used in division (B)(5) of this section: 84525

(a) "Agricultural land tile" means fired clay or concrete 84526
tile, or flexible or rigid perforated plastic pipe or tubing, 84527
incorporated or to be incorporated into a subsurface drainage 84528
system appurtenant to land used or to be used directly in 84529
production by farming, agriculture, horticulture, or floriculture. 84530
The term does not include such materials when they are or are to 84531
be incorporated into a drainage system appurtenant to a building 84532
or structure even if the building or structure is used or to be 84533

used in such production. 84534

(b) "Portable grain bin" means a structure that is used or to 84535
be used by a person engaged in farming or agriculture to shelter 84536
the person's grain and that is designed to be disassembled without 84537
significant damage to its component parts. 84538

(6) All transactions in which all of the shares of stock of a 84539
closely held corporation are transferred, if the corporation is 84540
not engaging in business and its entire assets consist of boats, 84541
planes, motor vehicles, or other tangible personal property 84542
operated primarily for the use and enjoyment of the shareholders; 84543

(7) All transactions in which a warranty, maintenance or 84544
service contract, or similar agreement by which the vendor of the 84545
warranty, contract, or agreement agrees to repair or maintain the 84546
tangible personal property of the consumer is or is to be 84547
provided; 84548

(8) The transfer of copyrighted motion picture films used 84549
solely for advertising purposes, except that the transfer of such 84550
films for exhibition purposes is not a sale; 84551

(9) On and after August 1, 2003, all transactions by which 84552
tangible personal property is or is to be stored, except such 84553
property that the consumer of the storage holds for sale in the 84554
regular course of business; 84555

(10) All transactions in which "guaranteed auto protection" 84556
is provided whereby a person promises to pay to the consumer the 84557
difference between the amount the consumer receives from motor 84558
vehicle insurance and the amount the consumer owes to a person 84559
holding title to or a lien on the consumer's motor vehicle in the 84560
event the consumer's motor vehicle suffers a total loss under the 84561
terms of the motor vehicle insurance policy or is stolen and not 84562
recovered, if the protection and its price are included in the 84563
purchase or lease agreement; 84564

(11)(a) Except as provided in division (B)(11)(b) of this section, on and after October 1, 2009, all transactions by which health care services are paid for, reimbursed, provided, delivered, arranged for, or otherwise made available by a medicaid health insuring corporation pursuant to the corporation's contract with the state.

(b) If the centers for medicare and medicaid services of the United States department of health and human services determines that the taxation of transactions described in division (B)(11)(a) of this section constitutes an impermissible health care-related tax under section 1903(w) of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396b(w), as amended, and regulations adopted thereunder, the director of job and family services shall notify the tax commissioner of that determination. Beginning with the first day of the month following that notification, the transactions described in division (B)(11)(a) of this section are not sales for the purposes of this chapter or Chapter 5741. of the Revised Code. The tax commissioner shall order that the collection of taxes under sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code shall cease for transactions occurring on or after that date.

Except as provided in this section, "sale" and "selling" do not include transfers of interest in leased property where the original lessee and the terms of the original lease agreement remain unchanged, or professional, insurance, or personal service transactions that involve the transfer of tangible personal property as an inconsequential element, for which no separate charges are made.

(C) "Vendor" means the person providing the service or by whom the transfer effected or license given by a sale is or is to be made or given and, for sales described in division (B)(3)(i) of this section, the telecommunications service vendor that provides

the nine hundred telephone service; if two or more persons are 84597
engaged in business at the same place of business under a single 84598
trade name in which all collections on account of sales by each 84599
are made, such persons shall constitute a single vendor. 84600

Physicians, dentists, hospitals, and veterinarians who are 84601
engaged in selling tangible personal property as received from 84602
others, such as eyeglasses, mouthwashes, dentifrices, or similar 84603
articles, are vendors. Veterinarians who are engaged in 84604
transferring to others for a consideration drugs, the dispensing 84605
of which does not require an order of a licensed veterinarian or 84606
physician under federal law, are vendors. 84607

(D)(1) "Consumer" means the person for whom the service is 84608
provided, to whom the transfer effected or license given by a sale 84609
is or is to be made or given, to whom the service described in 84610
division (B)(3)(f) or (i) of this section is charged, or to whom 84611
the admission is granted. 84612

(2) Physicians, dentists, hospitals, and blood banks operated 84613
by nonprofit institutions and persons licensed to practice 84614
veterinary medicine, surgery, and dentistry are consumers of all 84615
tangible personal property and services purchased by them in 84616
connection with the practice of medicine, dentistry, the rendition 84617
of hospital or blood bank service, or the practice of veterinary 84618
medicine, surgery, and dentistry. In addition to being consumers 84619
of drugs administered by them or by their assistants according to 84620
their direction, veterinarians also are consumers of drugs that 84621
under federal law may be dispensed only by or upon the order of a 84622
licensed veterinarian or physician, when transferred by them to 84623
others for a consideration to provide treatment to animals as 84624
directed by the veterinarian. 84625

(3) A person who performs a facility management, or similar 84626
service contract for a contractee is a consumer of all tangible 84627
personal property and services purchased for use in connection 84628

with the performance of such contract, regardless of whether title 84629
to any such property vests in the contractee. The purchase of such 84630
property and services is not subject to the exception for resale 84631
under division (E)(1) of this section. 84632

(4)(a) In the case of a person who purchases printed matter 84633
for the purpose of distributing it or having it distributed to the 84634
public or to a designated segment of the public, free of charge, 84635
that person is the consumer of that printed matter, and the 84636
purchase of that printed matter for that purpose is a sale. 84637

(b) In the case of a person who produces, rather than 84638
purchases, printed matter for the purpose of distributing it or 84639
having it distributed to the public or to a designated segment of 84640
the public, free of charge, that person is the consumer of all 84641
tangible personal property and services purchased for use or 84642
consumption in the production of that printed matter. That person 84643
is not entitled to claim exemption under division (B)(42)(f) of 84644
section 5739.02 of the Revised Code for any material incorporated 84645
into the printed matter or any equipment, supplies, or services 84646
primarily used to produce the printed matter. 84647

(c) The distribution of printed matter to the public or to a 84648
designated segment of the public, free of charge, is not a sale to 84649
the members of the public to whom the printed matter is 84650
distributed or to any persons who purchase space in the printed 84651
matter for advertising or other purposes. 84652

(5) A person who makes sales of any of the services listed in 84653
division (B)(3) of this section is the consumer of any tangible 84654
personal property used in performing the service. The purchase of 84655
that property is not subject to the resale exception under 84656
division (E)(1) of this section. 84657

(6) A person who engages in highway transportation for hire 84658
is the consumer of all packaging materials purchased by that 84659

person and used in performing the service, except for packaging 84660
materials sold by such person in a transaction separate from the 84661
service. 84662

(7) In the case of a transaction for health care services 84663
under division (B)(11) of this section, a medicaid health insuring 84664
corporation is the consumer of such services. The purchase of such 84665
services by a medicaid health insuring corporation is not subject 84666
to the exception for resale under division (E)(1) of this section 84667
or to the exemptions provided under divisions (B)(12), (18), (19), 84668
and (22) of section 5739.02 of the Revised Code. 84669

(E) "Retail sale" and "sales at retail" include all sales, 84670
except those in which the purpose of the consumer is to resell the 84671
thing transferred or benefit of the service provided, by a person 84672
engaging in business, in the form in which the same is, or is to 84673
be, received by the person. 84674

(F) "Business" includes any activity engaged in by any person 84675
with the object of gain, benefit, or advantage, either direct or 84676
indirect. "Business" does not include the activity of a person in 84677
managing and investing the person's own funds. 84678

(G) "Engaging in business" means commencing, conducting, or 84679
continuing in business, and liquidating a business when the 84680
liquidator thereof holds itself out to the public as conducting 84681
such business. Making a casual sale is not engaging in business. 84682

(H)(1)(a) "Price," except as provided in divisions (H)(2) 84683
~~and~~, (3), and (4) of this section, means the total amount of 84684
consideration, including cash, credit, property, and services, for 84685
which tangible personal property or services are sold, leased, or 84686
rented, valued in money, whether received in money or otherwise, 84687
without any deduction for any of the following: 84688

(i) The vendor's cost of the property sold; 84689

(ii) The cost of materials used, labor or service costs, 84690

interest, losses, all costs of transportation to the vendor, all 84691
taxes imposed on the vendor, including the tax imposed under 84692
Chapter 5751. of the Revised Code, and any other expense of the 84693
vendor; 84694

(iii) Charges by the vendor for any services necessary to 84695
complete the sale; 84696

(iv) On and after August 1, 2003, delivery charges. As used 84697
in this division, "delivery charges" means charges by the vendor 84698
for preparation and delivery to a location designated by the 84699
consumer of tangible personal property or a service, including 84700
transportation, shipping, postage, handling, crating, and packing. 84701

(v) Installation charges; 84702

(vi) Credit for any trade-in. 84703

(b) "Price" includes consideration received by the vendor 84704
from a third party, if the vendor actually receives the 84705
consideration from a party other than the consumer, and the 84706
consideration is directly related to a price reduction or discount 84707
on the sale; the vendor has an obligation to pass the price 84708
reduction or discount through to the consumer; the amount of the 84709
consideration attributable to the sale is fixed and determinable 84710
by the vendor at the time of the sale of the item to the consumer; 84711
and one of the following criteria is met: 84712

(i) The consumer presents a coupon, certificate, or other 84713
document to the vendor to claim a price reduction or discount 84714
where the coupon, certificate, or document is authorized, 84715
distributed, or granted by a third party with the understanding 84716
that the third party will reimburse any vendor to whom the coupon, 84717
certificate, or document is presented; 84718

(ii) The consumer identifies the consumer's self to the 84719
seller as a member of a group or organization entitled to a price 84720
reduction or discount. A preferred customer card that is available 84721

to any patron does not constitute membership in such a group or organization. 84722
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(iii) The price reduction or discount is identified as a 84724
third party price reduction or discount on the invoice received by 84725
the consumer, or on a coupon, certificate, or other document 84726
presented by the consumer. 84727

(c) "Price" does not include any of the following: 84728

(i) Discounts, including cash, term, or coupons that are not 84729
reimbursed by a third party that are allowed by a vendor and taken 84730
by a consumer on a sale; 84731

(ii) Interest, financing, and carrying charges from credit 84732
extended on the sale of tangible personal property or services, if 84733
the amount is separately stated on the invoice, bill of sale, or 84734
similar document given to the purchaser; 84735

(iii) Any taxes legally imposed directly on the consumer that 84736
are separately stated on the invoice, bill of sale, or similar 84737
document given to the consumer. For the purpose of this division, 84738
the tax imposed under Chapter 5751. of the Revised Code is not a 84739
tax directly on the consumer, even if the tax or a portion thereof 84740
is separately stated. 84741

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this 84742
section, any discount allowed by an automobile manufacturer to its 84743
employee, or to the employee of a supplier, on the purchase of a 84744
new motor vehicle from a new motor vehicle dealer in this state. 84745

(2) In the case of a sale of any new motor vehicle by a new 84746
motor vehicle dealer, as defined in section 4517.01 of the Revised 84747
Code, in which another motor vehicle is accepted by the dealer as 84748
part of the consideration received, "price" has the same meaning 84749
as in division (H)(1) of this section, reduced by the credit 84750
afforded the consumer by the dealer for the motor vehicle received 84751
in trade. 84752

(3) In the case of a sale of any watercraft or outboard motor 84753
by a watercraft dealer licensed in accordance with section 84754
1547.543 of the Revised Code, in which another watercraft, 84755
watercraft and trailer, or outboard motor is accepted by the 84756
dealer as part of the consideration received, "price" has the same 84757
meaning as in division (H)(1) of this section, reduced by the 84758
credit afforded the consumer by the dealer for the watercraft, 84759
watercraft and trailer, or outboard motor received in trade. As 84760
used in this division, "watercraft" includes an outdrive unit 84761
attached to the watercraft. 84762

(4) In the case of transactions for health care services 84763
under division (B)(11) of this section, "price" means the amount 84764
of managed care premiums received each month by a medicaid health 84765
insuring corporation. 84766

(I) "Receipts" means the total amount of the prices of the 84767
sales of vendors, provided that cash discounts allowed and taken 84768
on sales at the time they are consummated are not included, minus 84769
any amount deducted as a bad debt pursuant to section 5739.121 of 84770
the Revised Code. "Receipts" does not include the sale price of 84771
property returned or services rejected by consumers when the full 84772
sale price and tax are refunded either in cash or by credit. 84773

(J) "Place of business" means any location at which a person 84774
engages in business. 84775

(K) "Premises" includes any real property or portion thereof 84776
upon which any person engages in selling tangible personal 84777
property at retail or making retail sales and also includes any 84778
real property or portion thereof designated for, or devoted to, 84779
use in conjunction with the business engaged in by such person. 84780

(L) "Casual sale" means a sale of an item of tangible 84781
personal property that was obtained by the person making the sale, 84782
through purchase or otherwise, for the person's own use and was 84783

previously subject to any state's taxing jurisdiction on its sale 84784
or use, and includes such items acquired for the seller's use that 84785
are sold by an auctioneer employed directly by the person for such 84786
purpose, provided the location of such sales is not the 84787
auctioneer's permanent place of business. As used in this 84788
division, "permanent place of business" includes any location 84789
where such auctioneer has conducted more than two auctions during 84790
the year. 84791

(M) "Hotel" means every establishment kept, used, maintained, 84792
advertised, or held out to the public to be a place where sleeping 84793
accommodations are offered to guests, in which five or more rooms 84794
are used for the accommodation of such guests, whether the rooms 84795
are in one or several structures. 84796

(N) "Transient guests" means persons occupying a room or 84797
rooms for sleeping accommodations for less than thirty consecutive 84798
days. 84799

(O) "Making retail sales" means the effecting of transactions 84800
wherein one party is obligated to pay the price and the other 84801
party is obligated to provide a service or to transfer title to or 84802
possession of the item sold. "Making retail sales" does not 84803
include the preliminary acts of promoting or soliciting the retail 84804
sales, other than the distribution of printed matter which 84805
displays or describes and prices the item offered for sale, nor 84806
does it include delivery of a predetermined quantity of tangible 84807
personal property or transportation of property or personnel to or 84808
from a place where a service is performed, regardless of whether 84809
the vendor is a delivery vendor. 84810

(P) "Used directly in the rendition of a public utility 84811
service" means that property that is to be incorporated into and 84812
will become a part of the consumer's production, transmission, 84813
transportation, or distribution system and that retains its 84814
classification as tangible personal property after such 84815

incorporation; fuel or power used in the production, transmission, 84816
transportation, or distribution system; and tangible personal 84817
property used in the repair and maintenance of the production, 84818
transmission, transportation, or distribution system, including 84819
only such motor vehicles as are specially designed and equipped 84820
for such use. Tangible personal property and services used 84821
primarily in providing highway transportation for hire are not 84822
used directly in the rendition of a public utility service. In 84823
this definition, "public utility" includes a citizen of the United 84824
States holding, and required to hold, a certificate of public 84825
convenience and necessity issued under 49 U.S.C. 41102. 84826

(Q) "Refining" means removing or separating a desirable 84827
product from raw or contaminated materials by distillation or 84828
physical, mechanical, or chemical processes. 84829

(R) "Assembly" and "assembling" mean attaching or fitting 84830
together parts to form a product, but do not include packaging a 84831
product. 84832

(S) "Manufacturing operation" means a process in which 84833
materials are changed, converted, or transformed into a different 84834
state or form from which they previously existed and includes 84835
refining materials, assembling parts, and preparing raw materials 84836
and parts by mixing, measuring, blending, or otherwise committing 84837
such materials or parts to the manufacturing process. 84838
"Manufacturing operation" does not include packaging. 84839

(T) "Fiscal officer" means, with respect to a regional 84840
transit authority, the secretary-treasurer thereof, and with 84841
respect to a county that is a transit authority, the fiscal 84842
officer of the county transit board if one is appointed pursuant 84843
to section 306.03 of the Revised Code or the county auditor if the 84844
board of county commissioners operates the county transit system. 84845

(U) "Transit authority" means a regional transit authority 84846

created pursuant to section 306.31 of the Revised Code or a county 84847
in which a county transit system is created pursuant to section 84848
306.01 of the Revised Code. For the purposes of this chapter, a 84849
transit authority must extend to at least the entire area of a 84850
single county. A transit authority that includes territory in more 84851
than one county must include all the area of the most populous 84852
county that is a part of such transit authority. County population 84853
shall be measured by the most recent census taken by the United 84854
States census bureau. 84855

(V) "Legislative authority" means, with respect to a regional 84856
transit authority, the board of trustees thereof, and with respect 84857
to a county that is a transit authority, the board of county 84858
commissioners. 84859

(W) "Territory of the transit authority" means all of the 84860
area included within the territorial boundaries of a transit 84861
authority as they from time to time exist. Such territorial 84862
boundaries must at all times include all the area of a single 84863
county or all the area of the most populous county that is a part 84864
of such transit authority. County population shall be measured by 84865
the most recent census taken by the United States census bureau. 84866

(X) "Providing a service" means providing or furnishing 84867
anything described in division (B)(3) of this section for 84868
consideration. 84869

(Y)(1)(a) "Automatic data processing" means processing of 84870
others' data, including keypunching or similar data entry services 84871
together with verification thereof, or providing access to 84872
computer equipment for the purpose of processing data. 84873

(b) "Computer services" means providing services consisting 84874
of specifying computer hardware configurations and evaluating 84875
technical processing characteristics, computer programming, and 84876
training of computer programmers and operators, provided in 84877

conjunction with and to support the sale, lease, or operation of 84878
taxable computer equipment or systems. 84879

(c) "Electronic information services" means providing access 84880
to computer equipment by means of telecommunications equipment for 84881
the purpose of either of the following: 84882

(i) Examining or acquiring data stored in or accessible to 84883
the computer equipment; 84884

(ii) Placing data into the computer equipment to be retrieved 84885
by designated recipients with access to the computer equipment. 84886

For transactions occurring on or after the effective date of 84887
the amendment of this section by H.B. 157 of the 127th general 84888
assembly, December 21, 2007, "electronic information services" 84889
does not include electronic publishing as defined in division 84890
(LLL) of this section. 84891

(d) "Automatic data processing, computer services, or 84892
electronic information services" shall not include personal or 84893
professional services. 84894

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 84895
section, "personal and professional services" means all services 84896
other than automatic data processing, computer services, or 84897
electronic information services, including but not limited to: 84898

(a) Accounting and legal services such as advice on tax 84899
matters, asset management, budgetary matters, quality control, 84900
information security, and auditing and any other situation where 84901
the service provider receives data or information and studies, 84902
alters, analyzes, interprets, or adjusts such material; 84903

(b) Analyzing business policies and procedures; 84904

(c) Identifying management information needs; 84905

(d) Feasibility studies, including economic and technical 84906
analysis of existing or potential computer hardware or software 84907

needs and alternatives;	84908
(e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management;	84909 84910 84911 84912
(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;	84913 84914 84915
(g) Testing of business procedures;	84916
(h) Training personnel in business procedure applications;	84917
(i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium;	84918 84919 84920 84921 84922 84923
(j) Providing debt collection services by any oral, written, graphic, or electronic means.	84924 84925
The services listed in divisions (Y)(2)(a) to (j) of this section are not automatic data processing or computer services.	84926 84927
(Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following:	84928 84929 84930
(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare;	84931 84932 84933 84934 84935
(2) A person who engages in the transportation of personal property belonging to others for consideration over or on	84936 84937

highways, roadways, streets, or any similar public thoroughfare 84938
but who could not have engaged in such transportation on December 84939
11, 1985, unless the person was the holder of a permit or 84940
certificate of the types described in division (Z)(1) of this 84941
section; 84942

(3) A person who leases a motor vehicle to and operates it 84943
for a person described by division (Z)(1) or (2) of this section. 84944

(AA)(1) "Telecommunications service" means the electronic 84945
transmission, conveyance, or routing of voice, data, audio, video, 84946
or any other information or signals to a point, or between or 84947
among points. "Telecommunications service" includes such 84948
transmission, conveyance, or routing in which computer processing 84949
applications are used to act on the form, code, or protocol of the 84950
content for purposes of transmission, conveyance, or routing 84951
without regard to whether the service is referred to as voice-over 84952
internet protocol service or is classified by the federal 84953
communications commission as enhanced or value-added. 84954
"Telecommunications service" does not include any of the 84955
following: 84956

(a) Data processing and information services that allow data 84957
to be generated, acquired, stored, processed, or retrieved and 84958
delivered by an electronic transmission to a consumer where the 84959
consumer's primary purpose for the underlying transaction is the 84960
processed data or information; 84961

(b) Installation or maintenance of wiring or equipment on a 84962
customer's premises; 84963

(c) Tangible personal property; 84964

(d) Advertising, including directory advertising; 84965

(e) Billing and collection services provided to third 84966
parties; 84967

(f) Internet access service;	84968
(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3;	84969 84970 84971 84972 84973 84974 84975 84976
(h) Ancillary service;	84977
(i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones.	84978 84979
(2) "Ancillary service" means a service that is associated with or incidental to the provision of telecommunications service, including conference bridging service, detailed telecommunications billing service, directory assistance, vertical service, and voice mail service. As used in this division:	84980 84981 84982 84983 84984
(a) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call, including providing a telephone number. "Conference bridging service" does not include telecommunications services used to reach the conference bridge.	84985 84986 84987 84988 84989
(b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.	84990 84991 84992
(c) "Directory assistance" means an ancillary service of providing telephone number or address information.	84993 84994
(d) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow	84995 84996 84997

customers to identify callers and manage multiple calls and call connections, including conference bridging service. 84998
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(e) "Voice mail service" means an ancillary service that enables the customer to store, send, or receive recorded messages. "Voice mail service" does not include any vertical services that the customer may be required to have in order to utilize the voice mail service. 85000
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(3) "900 service" means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service, and which is typically marketed under the name "900" service and any subsequent numbers designated by the federal communications commission. "900 service" does not include the charge for collection services provided by the seller of the telecommunications service to the subscriber, or services or products sold by the subscriber to the subscriber's customer. 85005
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(4) "Prepaid calling service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units of dollars of which the number declines with use in a known amount. 85014
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(5) "Prepaid wireless calling service" means a telecommunications service that provides the right to utilize mobile telecommunications service as well as other non-telecommunications services, including the download of digital products delivered electronically, and content and ancillary services, that must be paid for in advance and that is sold in predetermined units of dollars of which the number declines with use in a known amount. 85020
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(6) "Value-added non-voice data service" means a 85028

telecommunications service in which computer processing 85029
applications are used to act on the form, content, code, or 85030
protocol of the information or data primarily for a purpose other 85031
than transmission, conveyance, or routing. 85032

(7) "Coin-operated telephone service" means a 85033
telecommunications service paid for by inserting money into a 85034
telephone accepting direct deposits of money to operate. 85035

(8) "Customer" has the same meaning as in section 5739.034 of 85036
the Revised Code. 85037

(BB) "Laundry and dry cleaning services" means removing soil 85038
or dirt from towels, linens, articles of clothing, or other fabric 85039
items that belong to others and supplying towels, linens, articles 85040
of clothing, or other fabric items. "Laundry and dry cleaning 85041
services" does not include the provision of self-service 85042
facilities for use by consumers to remove soil or dirt from 85043
towels, linens, articles of clothing, or other fabric items. 85044

(CC) "Magazines distributed as controlled circulation 85045
publications" means magazines containing at least twenty-four 85046
pages, at least twenty-five per cent editorial content, issued at 85047
regular intervals four or more times a year, and circulated 85048
without charge to the recipient, provided that such magazines are 85049
not owned or controlled by individuals or business concerns which 85050
conduct such publications as an auxiliary to, and essentially for 85051
the advancement of the main business or calling of, those who own 85052
or control them. 85053

(DD) "Landscaping and lawn care service" means the services 85054
of planting, seeding, sodding, removing, cutting, trimming, 85055
pruning, mulching, aerating, applying chemicals, watering, 85056
fertilizing, and providing similar services to establish, promote, 85057
or control the growth of trees, shrubs, flowers, grass, ground 85058
cover, and other flora, or otherwise maintaining a lawn or 85059

landscape grown or maintained by the owner for ornamentation or 85060
other nonagricultural purpose. However, "landscaping and lawn care 85061
service" does not include the providing of such services by a 85062
person who has less than five thousand dollars in sales of such 85063
services during the calendar year. 85064

(EE) "Private investigation and security service" means the 85065
performance of any activity for which the provider of such service 85066
is required to be licensed pursuant to Chapter 4749. of the 85067
Revised Code, or would be required to be so licensed in performing 85068
such services in this state, and also includes the services of 85069
conducting polygraph examinations and of monitoring or overseeing 85070
the activities on or in, or the condition of, the consumer's home, 85071
business, or other facility by means of electronic or similar 85072
monitoring devices. "Private investigation and security service" 85073
does not include special duty services provided by off-duty police 85074
officers, deputy sheriffs, and other peace officers regularly 85075
employed by the state or a political subdivision. 85076

(FF) "Information services" means providing conversation, 85077
giving consultation or advice, playing or making a voice or other 85078
recording, making or keeping a record of the number of callers, 85079
and any other service provided to a consumer by means of a nine 85080
hundred telephone call, except when the nine hundred telephone 85081
call is the means by which the consumer makes a contribution to a 85082
recognized charity. 85083

(GG) "Research and development" means designing, creating, or 85084
formulating new or enhanced products, equipment, or manufacturing 85085
processes, and also means conducting scientific or technological 85086
inquiry and experimentation in the physical sciences with the goal 85087
of increasing scientific knowledge which may reveal the bases for 85088
new or enhanced products, equipment, or manufacturing processes. 85089

(HH) "Qualified research and development equipment" means 85090
capitalized tangible personal property, and leased personal 85091

property that would be capitalized if purchased, used by a person 85092
primarily to perform research and development. Tangible personal 85093
property primarily used in testing, as defined in division (A)(4) 85094
of section 5739.011 of the Revised Code, or used for recording or 85095
storing test results, is not qualified research and development 85096
equipment unless such property is primarily used by the consumer 85097
in testing the product, equipment, or manufacturing process being 85098
created, designed, or formulated by the consumer in the research 85099
and development activity or in recording or storing such test 85100
results. 85101

(II) "Building maintenance and janitorial service" means 85102
cleaning the interior or exterior of a building and any tangible 85103
personal property located therein or thereon, including any 85104
services incidental to such cleaning for which no separate charge 85105
is made. However, "building maintenance and janitorial service" 85106
does not include the providing of such service by a person who has 85107
less than five thousand dollars in sales of such service during 85108
the calendar year. 85109

(JJ) "Employment service" means providing or supplying 85110
personnel, on a temporary or long-term basis, to perform work or 85111
labor under the supervision or control of another, when the 85112
personnel so provided or supplied receive their wages, salary, or 85113
other compensation from the provider or supplier of the employment 85114
service or from a third party that provided or supplied the 85115
personnel to the provider or supplier. "Employment service" does 85116
not include: 85117

(1) Acting as a contractor or subcontractor, where the 85118
personnel performing the work are not under the direct control of 85119
the purchaser. 85120

(2) Medical and health care services. 85121

(3) Supplying personnel to a purchaser pursuant to a contract 85122

of at least one year between the service provider and the 85123
purchaser ~~that~~ under either of the following circumstances: 85124

(a) The contract specifies that each employee covered under 85125
the contract is assigned to the purchaser on a permanent basis; 85126

(b) The personnel are provided for work in the construction 85127
and building trades industry to construct, improve, repair, or 85128
maintain real property and are subject to a multi-employer 85129
collective bargaining agreement. 85130

(4) Transactions between members of an affiliated group, as 85131
defined in division (B)(3)(e) of this section. 85132

(5) Transactions where the personnel so provided or supplied 85133
by a provider or supplier to a purchaser of an employment service 85134
are then provided or supplied by that purchaser to a third party 85135
as an employment service, except "employment service" does include 85136
the transaction between that purchaser and the third party. 85137

(KK) "Employment placement service" means locating or finding 85138
employment for a person or finding or locating an employee to fill 85139
an available position. 85140

(LL) "Exterminating service" means eradicating or attempting 85141
to eradicate vermin infestations from a building or structure, or 85142
the area surrounding a building or structure, and includes 85143
activities to inspect, detect, or prevent vermin infestation of a 85144
building or structure. 85145

(MM) "Physical fitness facility service" means all 85146
transactions by which a membership is granted, maintained, or 85147
renewed, including initiation fees, membership dues, renewal fees, 85148
monthly minimum fees, and other similar fees and dues, by a 85149
physical fitness facility such as an athletic club, health spa, or 85150
gymnasium, which entitles the member to use the facility for 85151
physical exercise. 85152

(NN) "Recreation and sports club service" means all 85153
transactions by which a membership is granted, maintained, or 85154
renewed, including initiation fees, membership dues, renewal fees, 85155
monthly minimum fees, and other similar fees and dues, by a 85156
recreation and sports club, which entitles the member to use the 85157
facilities of the organization. "Recreation and sports club" means 85158
an organization that has ownership of, or controls or leases on a 85159
continuing, long-term basis, the facilities used by its members 85160
and includes an aviation club, gun or shooting club, yacht club, 85161
card club, swimming club, tennis club, golf club, country club, 85162
riding club, amateur sports club, or similar organization. 85163

(OO) "Livestock" means farm animals commonly raised for food 85164
or food production, and includes but is not limited to cattle, 85165
sheep, goats, swine, and poultry. "Livestock" does not include 85166
invertebrates, fish, amphibians, reptiles, horses, domestic pets, 85167
animals for use in laboratories or for exhibition, or other 85168
animals not commonly raised for food or food production. 85169

(PP) "Livestock structure" means a building or structure used 85170
exclusively for the housing, raising, feeding, or sheltering of 85171
livestock, and includes feed storage or handling structures and 85172
structures for livestock waste handling. 85173

(QQ) "Horticulture" means the growing, cultivation, and 85174
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 85175
and nursery stock. As used in this division, "nursery stock" has 85176
the same meaning as in section 927.51 of the Revised Code. 85177

(RR) "Horticulture structure" means a building or structure 85178
used exclusively for the commercial growing, raising, or 85179
overwintering of horticultural products, and includes the area 85180
used for stocking, storing, and packing horticultural products 85181
when done in conjunction with the production of those products. 85182

(SS) "Newspaper" means an unbound publication bearing a title 85183

or name that is regularly published, at least as frequently as 85184
biweekly, and distributed from a fixed place of business to the 85185
public in a specific geographic area, and that contains a 85186
substantial amount of news matter of international, national, or 85187
local events of interest to the general public. 85188

(TT) "Professional racing team" means a person that employs 85189
at least twenty full-time employees for the purpose of conducting 85190
a motor vehicle racing business for profit. The person must 85191
conduct the business with the purpose of racing one or more motor 85192
racing vehicles in at least ten competitive professional racing 85193
events each year that comprise all or part of a motor racing 85194
series sanctioned by one or more motor racing sanctioning 85195
organizations. A "motor racing vehicle" means a vehicle for which 85196
the chassis, engine, and parts are designed exclusively for motor 85197
racing, and does not include a stock or production model vehicle 85198
that may be modified for use in racing. For the purposes of this 85199
division: 85200

(1) A "competitive professional racing event" is a motor 85201
vehicle racing event sanctioned by one or more motor racing 85202
sanctioning organizations, at which aggregate cash prizes in 85203
excess of eight hundred thousand dollars are awarded to the 85204
competitors. 85205

(2) "Full-time employee" means an individual who is employed 85206
for consideration for thirty-five or more hours a week, or who 85207
renders any other standard of service generally accepted by custom 85208
or specified by contract as full-time employment. 85209

(UU)(1) "Lease" or "rental" means any transfer of the 85210
possession or control of tangible personal property for a fixed or 85211
indefinite term, for consideration. "Lease" or "rental" includes 85212
future options to purchase or extend, and agreements described in 85213
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 85214
the amount of consideration may be increased or decreased by 85215

reference to the amount realized upon the sale or disposition of 85216
the property. "Lease" or "rental" does not include: 85217

(a) A transfer of possession or control of tangible personal 85218
property under a security agreement or a deferred payment plan 85219
that requires the transfer of title upon completion of the 85220
required payments; 85221

(b) A transfer of possession or control of tangible personal 85222
property under an agreement that requires the transfer of title 85223
upon completion of required payments and payment of an option 85224
price that does not exceed the greater of one hundred dollars or 85225
one per cent of the total required payments; 85226

(c) Providing tangible personal property along with an 85227
operator for a fixed or indefinite period of time, if the operator 85228
is necessary for the property to perform as designed. For purposes 85229
of this division, the operator must do more than maintain, 85230
inspect, or set-up the tangible personal property. 85231

(2) "Lease" and "rental," as defined in division (UU) of this 85232
section, shall not apply to leases or rentals that exist before 85233
June 26, 2003. 85234

(3) "Lease" and "rental" have the same meaning as in division 85235
(UU)(1) of this section regardless of whether a transaction is 85236
characterized as a lease or rental under generally accepted 85237
accounting principles, the Internal Revenue Code, Title XIII of 85238
the Revised Code, or other federal, state, or local laws. 85239

(VV) "Mobile telecommunications service" has the same meaning 85240
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 85241
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 85242
on and after August 1, 2003, includes related fees and ancillary 85243
services, including universal service fees, detailed billing 85244
service, directory assistance, service initiation, voice mail 85245
service, and vertical services, such as caller ID and three-way 85246

calling. 85247

(WW) "Certified service provider" has the same meaning as in 85248
section 5740.01 of the Revised Code. 85249

(XX) "Satellite broadcasting service" means the distribution 85250
or broadcasting of programming or services by satellite directly 85251
to the subscriber's receiving equipment without the use of ground 85252
receiving or distribution equipment, except the subscriber's 85253
receiving equipment or equipment used in the uplink process to the 85254
satellite, and includes all service and rental charges, premium 85255
channels or other special services, installation and repair 85256
service charges, and any other charges having any connection with 85257
the provision of the satellite broadcasting service. 85258

(YY) "Tangible personal property" means personal property 85259
that can be seen, weighed, measured, felt, or touched, or that is 85260
in any other manner perceptible to the senses. For purposes of 85261
this chapter and Chapter 5741. of the Revised Code, "tangible 85262
personal property" includes motor vehicles, electricity, water, 85263
gas, steam, and prewritten computer software. 85264

(ZZ) "Direct mail" means printed material delivered or 85265
distributed by United States mail or other delivery service to a 85266
mass audience or to addressees on a mailing list provided by the 85267
consumer or at the direction of the consumer when the cost of the 85268
items are not billed directly to the recipients. "Direct mail" 85269
includes tangible personal property supplied directly or 85270
indirectly by the consumer to the direct mail vendor for inclusion 85271
in the package containing the printed material. "Direct mail" does 85272
not include multiple items of printed material delivered to a 85273
single address. 85274

(AAA) "Computer" means an electronic device that accepts 85275
information in digital or similar form and manipulates it for a 85276
result based on a sequence of instructions. 85277

(BBB) "Computer software" means a set of coded instructions 85278
designed to cause a computer or automatic data processing 85279
equipment to perform a task. 85280

(CCC) "Delivered electronically" means delivery of computer 85281
software from the seller to the purchaser by means other than 85282
tangible storage media. 85283

(DDD) "Prewritten computer software" means computer software, 85284
including prewritten upgrades, that is not designed and developed 85285
by the author or other creator to the specifications of a specific 85286
purchaser. The combining of two or more prewritten computer 85287
software programs or prewritten portions thereof does not cause 85288
the combination to be other than prewritten computer software. 85289
"Prewritten computer software" includes software designed and 85290
developed by the author or other creator to the specifications of 85291
a specific purchaser when it is sold to a person other than the 85292
purchaser. If a person modifies or enhances computer software of 85293
which the person is not the author or creator, the person shall be 85294
deemed to be the author or creator only of such person's 85295
modifications or enhancements. Prewritten computer software or a 85296
prewritten portion thereof that is modified or enhanced to any 85297
degree, where such modification or enhancement is designed and 85298
developed to the specifications of a specific purchaser, remains 85299
prewritten computer software; provided, however, that where there 85300
is a reasonable, separately stated charge or an invoice or other 85301
statement of the price given to the purchaser for the modification 85302
or enhancement, the modification or enhancement shall not 85303
constitute prewritten computer software. 85304

(EEE)(1) "Food" means substances, whether in liquid, 85305
concentrated, solid, frozen, dried, or dehydrated form, that are 85306
sold for ingestion or chewing by humans and are consumed for their 85307
taste or nutritional value. "Food" does not include alcoholic 85308
beverages, dietary supplements, soft drinks, or tobacco. 85309

(2) As used in division (EEE)(1) of this section:	85310
(a) "Alcoholic beverages" means beverages that are suitable for human consumption and contain one-half of one per cent or more of alcohol by volume.	85311 85312 85313
(b) "Dietary supplements" means any product, other than tobacco, that is intended to supplement the diet and that is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or, if not intended for ingestion in such a form, is not represented as conventional food for use as a sole item of a meal or of the diet; that is required to be labeled as a dietary supplement, identifiable by the "supplement facts" box found on the label, as required by 21 C.F.R. 101.36; and that contains one or more of the following dietary ingredients:	85314 85315 85316 85317 85318 85319 85320 85321 85322
(i) A vitamin;	85323
(ii) A mineral;	85324
(iii) An herb or other botanical;	85325
(iv) An amino acid;	85326
(v) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake;	85327 85328
(vi) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in divisions (EEE)(2)(b)(i) to (v) of this section.	85329 85330 85331
(c) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or that contains greater than fifty per cent vegetable or fruit juice by volume.	85332 85333 85334 85335 85336
(d) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.	85337 85338
(FFF) "Drug" means a compound, substance, or preparation, and	85339

any component of a compound, substance, or preparation, other than 85340
food, dietary supplements, or alcoholic beverages that is 85341
recognized in the official United States pharmacopoeia, official 85342
homeopathic pharmacopoeia of the United States, or official 85343
national formulary, and supplements to them; is intended for use 85344
in the diagnosis, cure, mitigation, treatment, or prevention of 85345
disease; or is intended to affect the structure or any function of 85346
the body. 85347

(GGG) "Prescription" means an order, formula, or recipe 85348
issued in any form of oral, written, electronic, or other means of 85349
transmission by a duly licensed practitioner authorized by the 85350
laws of this state to issue a prescription. 85351

(HHH) "Durable medical equipment" means equipment, including 85352
repair and replacement parts for such equipment, that can 85353
withstand repeated use, is primarily and customarily used to serve 85354
a medical purpose, generally is not useful to a person in the 85355
absence of illness or injury, and is not worn in or on the body. 85356
"Durable medical equipment" does not include mobility enhancing 85357
equipment. 85358

(III) "Mobility enhancing equipment" means equipment, 85359
including repair and replacement parts for such equipment, that is 85360
primarily and customarily used to provide or increase the ability 85361
to move from one place to another and is appropriate for use 85362
either in a home or a motor vehicle, that is not generally used by 85363
persons with normal mobility, and that does not include any motor 85364
vehicle or equipment on a motor vehicle normally provided by a 85365
motor vehicle manufacturer. "Mobility enhancing equipment" does 85366
not include durable medical equipment. 85367

(JJJ) "Prosthetic device" means a replacement, corrective, or 85368
supportive device, including repair and replacement parts for the 85369
device, worn on or in the human body to artificially replace a 85370
missing portion of the body, prevent or correct physical deformity 85371

or malfunction, or support a weak or deformed portion of the body. 85372
As used in this division, "prosthetic device" does not include 85373
corrective eyeglasses, contact lenses, or dental prosthesis. 85374

(KKK)(1) "Fractional aircraft ownership program" means a 85375
program in which persons within an affiliated group sell and 85376
manage fractional ownership program aircraft, provided that at 85377
least one hundred airworthy aircraft are operated in the program 85378
and the program meets all of the following criteria: 85379

(a) Management services are provided by at least one program 85380
manager within an affiliated group on behalf of the fractional 85381
owners. 85382

(b) Each program aircraft is owned or possessed by at least 85383
one fractional owner. 85384

(c) Each fractional owner owns or possesses at least a 85385
one-sixteenth interest in at least one fixed-wing program 85386
aircraft. 85387

(d) A dry-lease aircraft interchange arrangement is in effect 85388
among all of the fractional owners. 85389

(e) Multi-year program agreements are in effect regarding the 85390
fractional ownership, management services, and dry-lease aircraft 85391
interchange arrangement aspects of the program. 85392

(2) As used in division (KKK)(1) of this section: 85393

(a) "Affiliated group" has the same meaning as in division 85394
(B)(3)(e) of this section. 85395

(b) "Fractional owner" means a person that owns or possesses 85396
at least a one-sixteenth interest in a program aircraft and has 85397
entered into the agreements described in division (KKK)(1)(e) of 85398
this section. 85399

(c) "Fractional ownership program aircraft" or "program 85400
aircraft" means a turbojet aircraft that is owned or possessed by 85401

a fractional owner and that has been included in a dry-lease 85402
aircraft interchange arrangement and agreement under divisions 85403
(KKK)(1)(d) and (e) of this section, or an aircraft a program 85404
manager owns or possesses primarily for use in a fractional 85405
aircraft ownership program. 85406

(d) "Management services" means administrative and aviation 85407
support services furnished under a fractional aircraft ownership 85408
program in accordance with a management services agreement under 85409
division (KKK)(1)(e) of this section, and offered by the program 85410
manager to the fractional owners, including, at a minimum, the 85411
establishment and implementation of safety guidelines; the 85412
coordination of the scheduling of the program aircraft and crews; 85413
program aircraft maintenance; program aircraft insurance; crew 85414
training for crews employed, furnished, or contracted by the 85415
program manager or the fractional owner; the satisfaction of 85416
record-keeping requirements; and the development and use of an 85417
operations manual and a maintenance manual for the fractional 85418
aircraft ownership program. 85419

(e) "Program manager" means the person that offers management 85420
services to fractional owners pursuant to a management services 85421
agreement under division (KKK)(1)(e) of this section. 85422

(LLL) "Electronic publishing" means providing access to one 85423
or more of the following primarily for business customers, 85424
including the federal government or a state government or a 85425
political subdivision thereof, to conduct research: news; 85426
business, financial, legal, consumer, or credit materials; 85427
editorials, columns, reader commentary, or features; photos or 85428
images; archival or research material; legal notices, identity 85429
verification, or public records; scientific, educational, 85430
instructional, technical, professional, trade, or other literary 85431
materials; or other similar information which has been gathered 85432
and made available by the provider to the consumer in an 85433

electronic format. Providing electronic publishing includes the 85434
functions necessary for the acquisition, formatting, editing, 85435
storage, and dissemination of data or information that is the 85436
subject of a sale. 85437

(MMM) "Medicaid health insuring corporation" means a health 85438
insuring corporation that holds a certificate of authority under 85439
Chapter 1751. of the Revised Code and is under contract with the 85440
department of job and family services pursuant to section 5111.17 85441
of the Revised Code. 85442

(NNN) "Managed care premium" means any premium, capitation, 85443
or other payment a medicaid health insuring corporation receives 85444
for providing or arranging for the provision of health care 85445
services to its members or enrollees residing in this state. 85446

Sec. 5739.011. (A) As used in this section: 85447

(1) "Manufacturer" means a person who is engaged in 85448
manufacturing, processing, assembling, or refining a product for 85449
sale and, solely for the purposes of division (B)(12) of this 85450
section, a person who meets all the qualifications of that 85451
division. 85452

(2) "Manufacturing facility" means a single location where a 85453
manufacturing operation is conducted, including locations 85454
consisting of one or more buildings or structures in a contiguous 85455
area owned or controlled by the manufacturer. 85456

(3) "Materials handling" means the movement of the product 85457
being or to be manufactured, during which movement the product is 85458
not undergoing any substantial change or alteration in its state 85459
or form. 85460

(4) "Testing" means a process or procedure to identify the 85461
properties or assure the quality of a material or product. 85462

(5) "Completed product" means a manufactured item that is in 85463

the form and condition as it will be sold by the manufacturer. An 85464
item is completed when all processes that change or alter its 85465
state or form or enhance its value are finished, even though the 85466
item subsequently will be tested to ensure its quality or be 85467
packaged for storage or shipment. 85468

(6) "Continuous manufacturing operation" means the process in 85469
which raw materials or components are moved through the steps 85470
whereby manufacturing occurs. Materials handling of raw materials 85471
or parts from the point of receipt or preproduction storage or of 85472
a completed product, to or from storage, to or from packaging, or 85473
to the place from which the completed product will be shipped, is 85474
not a part of a continuous manufacturing operation. 85475

(B) For purposes of division (B)(42)(g) of section 5739.02 of 85476
the Revised Code, the "thing transferred" includes, but is not 85477
limited to, any of the following: 85478

(1) Production machinery and equipment that act upon the 85479
product or machinery and equipment that treat the materials or 85480
parts in preparation for the manufacturing operation; 85481

(2) Materials handling equipment that moves the product 85482
through a continuous manufacturing operation; equipment that 85483
temporarily stores the product during the manufacturing operation; 85484
or, excluding motor vehicles licensed to operate on public 85485
highways, equipment used in intraplant or interplant transfers of 85486
work in process where the plant or plants between which such 85487
transfers occur are manufacturing facilities operated by the same 85488
person; 85489

(3) Catalysts, solvents, water, acids, oil, and similar 85490
consumables that interact with the product and that are an 85491
integral part of the manufacturing operation; 85492

(4) Machinery, equipment, and other tangible personal 85493
property used during the manufacturing operation that control, 85494

physically support, produce power for, lubricate, or are otherwise	85495
necessary for the functioning of production machinery and	85496
equipment and the continuation of the manufacturing operation;	85497
(5) Machinery, equipment, fuel, power, material, parts, and	85498
other tangible personal property used to manufacture machinery,	85499
equipment, or other tangible personal property used in	85500
manufacturing a product for sale;	85501
(6) Machinery, equipment, and other tangible personal	85502
property used by a manufacturer to test raw materials, the product	85503
being manufactured, or the completed product;	85504
(7) Machinery and equipment used to handle or temporarily	85505
store scrap that is intended to be reused in the manufacturing	85506
operation at the same manufacturing facility;	85507
(8) Coke, gas, water, steam, and similar substances used in	85508
the manufacturing operation; machinery and equipment used for, and	85509
fuel consumed in, producing or extracting those substances;	85510
machinery, equipment, and other tangible personal property used to	85511
treat, filter, pump, or otherwise make the substance suitable for	85512
use in the manufacturing operation; and machinery and equipment	85513
used for, and fuel consumed in, producing electricity for use in	85514
the manufacturing operation;	85515
(9) Machinery, equipment, and other tangible personal	85516
property used to transport or transmit electricity, coke, gas,	85517
water, steam, or similar substances used in the manufacturing	85518
operation from the point of generation, if produced by the	85519
manufacturer, or from the point where the substance enters the	85520
manufacturing facility, if purchased by the manufacturer, to the	85521
manufacturing operation;	85522
(10) Machinery, equipment, and other tangible personal	85523
property that treats, filters, cools, refines, or otherwise	85524
renders water, steam, acid, oil, solvents, or similar substances	85525

used in the manufacturing operation reusable, provided that the substances are intended for reuse and not for disposal, sale, or transportation from the manufacturing facility;

(11) Parts, components, and repair and installation services for items described in division (B) of this section;

(12) Machinery and equipment, detergents, supplies, solvents, and any other tangible personal property located at a manufacturing facility that are used in the process of removing soil, dirt, or other contaminants from, or otherwise preparing in a suitable condition for use, towels, linens, articles of clothing, floor mats, mop heads, or other similar items, to be supplied to a consumer as part of laundry and dry cleaning services as defined in division (BB) of section 5739.01 of the Revised Code, only when the towels, linens, articles of clothing, floor mats, mop heads, or other similar items belong to the provider of the services;

(13) Equipment and supplies used to clean processing equipment that is part of a continuous manufacturing operation to produce milk, ice cream, yogurt, cheese, and similar dairy products for human consumption;

(14) Machinery and equipment, including motor vehicles powered by a single power source and registered or not registered for operation on public highways, used to pump concrete or concrete-related products.

(C) For purposes of division (B)(42)(g) of section 5739.02 of the Revised Code, the "thing transferred" does not include any of the following:

(1) Tangible personal property used in administrative, personnel, security, inventory control, record-keeping, ordering, billing, or similar functions;

(2) Tangible personal property used in storing raw materials

or parts prior to the commencement of the manufacturing operation 85557
or used to handle or store a completed product, including storage 85558
that actively maintains a completed product in a marketable state 85559
or form; 85560

(3) Tangible personal property used to handle or store scrap 85561
or waste intended for disposal, sale, or other disposition, other 85562
than reuse in the manufacturing operation at the same 85563
manufacturing facility; 85564

(4) Tangible personal property that is or is to be 85565
incorporated into realty; 85566

(5) Machinery, equipment, and other tangible personal 85567
property used for ventilation, dust or gas collection, humidity or 85568
temperature regulation, or similar environmental control, except 85569
machinery, equipment, and other tangible personal property that 85570
totally regulates the environment in a special and limited area of 85571
the manufacturing facility where the regulation is essential for 85572
production to occur; 85573

(6) Tangible personal property used for the protection and 85574
safety of workers, unless the property is attached to or 85575
incorporated into machinery and equipment used in a continuous 85576
manufacturing operation; 85577

(7) Tangible personal property used to store fuel, water, 85578
solvents, acid, oil, or similar items consumed in the 85579
manufacturing operation; 85580

(8) Except as provided in division (B)(13) of this section, 85581
machinery, equipment, and other tangible personal property used to 85582
clean, repair, or maintain real or personal property in the 85583
manufacturing facility; 85584

(9) Motor vehicles registered for operation on public 85585
highways. 85586

(D) For purposes of division (B)(42)(g) of section 5739.02 of the Revised Code, if the "thing transferred" is a machine used by a manufacturer in both a taxable and an exempt manner, it shall be totally taxable or totally exempt from taxation based upon its quantified primary use. If the "things transferred" are fungibles, they shall be taxed based upon the proportion of the fungibles used in a taxable manner.

Sec. 5739.02. For the purpose of providing revenue with which to meet the needs of the state, for the use of the general revenue fund of the state, for the purpose of securing a thorough and efficient system of common schools throughout the state, for the purpose of affording revenues, in addition to those from general property taxes, permitted under constitutional limitations, and from other sources, for the support of local governmental functions, and for the purpose of reimbursing the state for the expense of administering this chapter, an excise tax is hereby levied on each retail sale made in this state.

(A)(1) The tax shall be collected as provided in section 5739.025 of the Revised Code. The rate of the tax shall be five and one-half per cent. The tax applies and is collectible when the sale is made, regardless of the time when the price is paid or delivered.

(2) In the case of the lease or rental, with a fixed term of more than thirty days or an indefinite term with a minimum period of more than thirty days, of any motor vehicles designed by the manufacturer to carry a load of not more than one ton, watercraft, outboard motor, or aircraft, or of any tangible personal property, other than motor vehicles designed by the manufacturer to carry a load of more than one ton, to be used by the lessee or renter primarily for business purposes, the tax shall be collected by the vendor at the time the lease or rental is consummated and shall be

calculated by the vendor on the basis of the total amount to be 85618
paid by the lessee or renter under the lease agreement. If the 85619
total amount of the consideration for the lease or rental includes 85620
amounts that are not calculated at the time the lease or rental is 85621
executed, the tax shall be calculated and collected by the vendor 85622
at the time such amounts are billed to the lessee or renter. In 85623
the case of an open-end lease or rental, the tax shall be 85624
calculated by the vendor on the basis of the total amount to be 85625
paid during the initial fixed term of the lease or rental, and for 85626
each subsequent renewal period as it comes due. As used in this 85627
division, "motor vehicle" has the same meaning as in section 85628
4501.01 of the Revised Code, and "watercraft" includes an outdrive 85629
unit attached to the watercraft. 85630

A lease with a renewal clause and a termination penalty or 85631
similar provision that applies if the renewal clause is not 85632
exercised is presumed to be a sham transaction. In such a case, 85633
the tax shall be calculated and paid on the basis of the entire 85634
length of the lease period, including any renewal periods, until 85635
the termination penalty or similar provision no longer applies. 85636
The taxpayer shall bear the burden, by a preponderance of the 85637
evidence, that the transaction or series of transactions is not a 85638
sham transaction. 85639

(3) Except as provided in division (A)(2) of this section, in 85640
the case of a sale, the price of which consists in whole or in 85641
part of the lease or rental of tangible personal property, the tax 85642
shall be measured by the installments of that lease or rental. 85643

(4) In the case of a sale of a physical fitness facility 85644
service or recreation and sports club service, the price of which 85645
consists in whole or in part of a membership for the receipt of 85646
the benefit of the service, the tax applicable to the sale shall 85647
be measured by the installments thereof. 85648

(B) The tax does not apply to the following: 85649

- (1) Sales to the state or any of its political subdivisions, 85650
or to any other state or its political subdivisions if the laws of 85651
that state exempt from taxation sales made to this state and its 85652
political subdivisions; 85653
- (2) Sales of food for human consumption off the premises 85654
where sold; 85655
- (3) Sales of food sold to students only in a cafeteria, 85656
dormitory, fraternity, or sorority maintained in a private, 85657
public, or parochial school, college, or university; 85658
- (4) Sales of newspapers and of magazine subscriptions and 85659
sales or transfers of magazines distributed as controlled 85660
circulation publications; 85661
- (5) The furnishing, preparing, or serving of meals without 85662
charge by an employer to an employee provided the employer records 85663
the meals as part compensation for services performed or work 85664
done; 85665
- (6) Sales of motor fuel upon receipt, use, distribution, or 85666
sale of which in this state a tax is imposed by the law of this 85667
state, but this exemption shall not apply to the sale of motor 85668
fuel on which a refund of the tax is allowable under division (A) 85669
of section 5735.14 of the Revised Code; and the tax commissioner 85670
may deduct the amount of tax levied by this section applicable to 85671
the price of motor fuel when granting a refund of motor fuel tax 85672
pursuant to division (A) of section 5735.14 of the Revised Code 85673
and shall cause the amount deducted to be paid into the general 85674
revenue fund of this state; 85675
- (7) Sales of natural gas by a natural gas company, of water 85676
by a water-works company, or of steam by a heating company, if in 85677
each case the thing sold is delivered to consumers through pipes 85678
or conduits, and all sales of communications services by a 85679
telegraph company, all terms as defined in section 5727.01 of the 85680

Revised Code, and sales of electricity delivered through wires; 85681

(8) Casual sales by a person, or auctioneer employed directly 85682
by the person to conduct such sales, except as to such sales of 85683
motor vehicles, watercraft or outboard motors required to be 85684
titled under section 1548.06 of the Revised Code, watercraft 85685
documented with the United States coast guard, snowmobiles, and 85686
all-purpose vehicles as defined in section 4519.01 of the Revised 85687
Code; 85688

(9)(a) Sales of services or tangible personal property, other 85689
than motor vehicles, mobile homes, and manufactured homes, by 85690
churches, organizations exempt from taxation under section 85691
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 85692
organizations operated exclusively for charitable purposes as 85693
defined in division (B)(12) of this section, provided that the 85694
number of days on which such tangible personal property or 85695
services, other than items never subject to the tax, are sold does 85696
not exceed six in any calendar year, except as otherwise provided 85697
in division (B)(9)(b) of this section. If the number of days on 85698
which such sales are made exceeds six in any calendar year, the 85699
church or organization shall be considered to be engaged in 85700
business and all subsequent sales by it shall be subject to the 85701
tax. In counting the number of days, all sales by groups within a 85702
church or within an organization shall be considered to be sales 85703
of that church or organization. 85704

(b) The limitation on the number of days on which tax-exempt 85705
sales may be made by a church or organization under division 85706
(B)(9)(a) of this section does not apply to sales made by student 85707
clubs and other groups of students of a primary or secondary 85708
school, or a parent-teacher association, booster group, or similar 85709
organization that raises money to support or fund curricular or 85710
extracurricular activities of a primary or secondary school. 85711

(c) Divisions (B)(9)(a) and (b) of this section do not apply 85712

to sales by a noncommercial educational radio or television 85713
broadcasting station. 85714

(10) Sales not within the taxing power of this state under 85715
the Constitution of the United States; 85716

(11) Except for transactions that are sales under division 85717
(B)(3)(r) of section 5739.01 of the Revised Code, the 85718
transportation of persons or property, unless the transportation 85719
is by a private investigation and security service; 85720

(12) Sales of tangible personal property or services to 85721
churches, to organizations exempt from taxation under section 85722
501(c)(3) of the Internal Revenue Code of 1986, and to any other 85723
nonprofit organizations operated exclusively for charitable 85724
purposes in this state, no part of the net income of which inures 85725
to the benefit of any private shareholder or individual, and no 85726
substantial part of the activities of which consists of carrying 85727
on propaganda or otherwise attempting to influence legislation; 85728
sales to offices administering one or more homes for the aged or 85729
one or more hospital facilities exempt under section 140.08 of the 85730
Revised Code; and sales to organizations described in division (D) 85731
of section 5709.12 of the Revised Code. 85732

"Charitable purposes" means the relief of poverty; the 85733
improvement of health through the alleviation of illness, disease, 85734
or injury; the operation of an organization exclusively for the 85735
provision of professional, laundry, printing, and purchasing 85736
services to hospitals or charitable institutions; the operation of 85737
a home for the aged, as defined in section 5701.13 of the Revised 85738
Code; the operation of a radio or television broadcasting station 85739
that is licensed by the federal communications commission as a 85740
noncommercial educational radio or television station; the 85741
operation of a nonprofit animal adoption service or a county 85742
humane society; the promotion of education by an institution of 85743
learning that maintains a faculty of qualified instructors, 85744

teaches regular continuous courses of study, and confers a 85745
recognized diploma upon completion of a specific curriculum; the 85746
operation of a parent-teacher association, booster group, or 85747
similar organization primarily engaged in the promotion and 85748
support of the curricular or extracurricular activities of a 85749
primary or secondary school; the operation of a community or area 85750
center in which presentations in music, dramatics, the arts, and 85751
related fields are made in order to foster public interest and 85752
education therein; the production of performances in music, 85753
dramatics, and the arts; or the promotion of education by an 85754
organization engaged in carrying on research in, or the 85755
dissemination of, scientific and technological knowledge and 85756
information primarily for the public. 85757

Nothing in this division shall be deemed to exempt sales to 85758
any organization for use in the operation or carrying on of a 85759
trade or business, or sales to a home for the aged for use in the 85760
operation of independent living facilities as defined in division 85761
(A) of section 5709.12 of the Revised Code. 85762

(13) Building and construction materials and services sold to 85763
construction contractors for incorporation into a structure or 85764
improvement to real property under a construction contract with 85765
this state or a political subdivision of this state, or with the 85766
United States government or any of its agencies; building and 85767
construction materials and services sold to construction 85768
contractors for incorporation into a structure or improvement to 85769
real property that are accepted for ownership by this state or any 85770
of its political subdivisions, or by the United States government 85771
or any of its agencies at the time of completion of the structures 85772
or improvements; building and construction materials sold to 85773
construction contractors for incorporation into a horticulture 85774
structure or livestock structure for a person engaged in the 85775
business of horticulture or producing livestock; building 85776

materials and services sold to a construction contractor for 85777
incorporation into a house of public worship or religious 85778
education, or a building used exclusively for charitable purposes 85779
under a construction contract with an organization whose purpose 85780
is as described in division (B)(12) of this section; building 85781
materials and services sold to a construction contractor for 85782
incorporation into a building under a construction contract with 85783
an organization exempt from taxation under section 501(c)(3) of 85784
the Internal Revenue Code of 1986 when the building is to be used 85785
exclusively for the organization's exempt purposes; building and 85786
construction materials sold for incorporation into the original 85787
construction of a sports facility under section 307.696 of the 85788
Revised Code; and building and construction materials and services 85789
sold to a construction contractor for incorporation into real 85790
property outside this state if such materials and services, when 85791
sold to a construction contractor in the state in which the real 85792
property is located for incorporation into real property in that 85793
state, would be exempt from a tax on sales levied by that state; 85794

(14) Sales of ships or vessels or rail rolling stock used or 85795
to be used principally in interstate or foreign commerce, and 85796
repairs, alterations, fuel, and lubricants for such ships or 85797
vessels or rail rolling stock; 85798

(15) Sales to persons primarily engaged in any of the 85799
activities mentioned in division (B)(42)(a) or (g) of this 85800
section, to persons engaged in making retail sales, or to persons 85801
who purchase for sale from a manufacturer tangible personal 85802
property that was produced by the manufacturer in accordance with 85803
specific designs provided by the purchaser, of packages, including 85804
material, labels, and parts for packages, and of machinery, 85805
equipment, and material for use primarily in packaging tangible 85806
personal property produced for sale, including any machinery, 85807
equipment, and supplies used to make labels or packages, to 85808

prepare packages or products for labeling, or to label packages or 85809
products, by or on the order of the person doing the packaging, or 85810
sold at retail. "Packages" includes bags, baskets, cartons, 85811
crates, boxes, cans, bottles, bindings, wrappings, and other 85812
similar devices and containers, but does not include motor 85813
vehicles or bulk tanks, trailers, or similar devices attached to 85814
motor vehicles. "Packaging" means placing in a package. Division 85815
(B)(15) of this section does not apply to persons engaged in 85816
highway transportation for hire. 85817

(16) Sales of food to persons using ~~food stamp~~ supplemental 85818
nutrition assistance program benefits to purchase the food. As 85819
used in this division, "food" has the same meaning as in ~~the "Food~~ 85820
~~Stamp Act of 1977," 91 Stat. 958,~~ 7 U.S.C. 2012, ~~as amended,~~ and 85821
federal regulations adopted pursuant to ~~that act~~ the Food and 85822
Nutrition Act of 2008. 85823

(17) Sales to persons engaged in farming, agriculture, 85824
horticulture, or floriculture, of tangible personal property for 85825
use or consumption directly in the production by farming, 85826
agriculture, horticulture, or floriculture of other tangible 85827
personal property for use or consumption directly in the 85828
production of tangible personal property for sale by farming, 85829
agriculture, horticulture, or floriculture; or material and parts 85830
for incorporation into any such tangible personal property for use 85831
or consumption in production; and of tangible personal property 85832
for such use or consumption in the conditioning or holding of 85833
products produced by and for such use, consumption, or sale by 85834
persons engaged in farming, agriculture, horticulture, or 85835
floriculture, except where such property is incorporated into real 85836
property; 85837

(18) Sales of drugs for a human being that may be dispensed 85838
only pursuant to a prescription; insulin as recognized in the 85839
official United States pharmacopoeia; urine and blood testing 85840

materials when used by diabetics or persons with hypoglycemia to 85841
test for glucose or acetone; hypodermic syringes and needles when 85842
used by diabetics for insulin injections; epoetin alfa when 85843
purchased for use in the treatment of persons with medical 85844
disease; hospital beds when purchased by hospitals, nursing homes, 85845
or other medical facilities; and medical oxygen and medical 85846
oxygen-dispensing equipment when purchased by hospitals, nursing 85847
homes, or other medical facilities; 85848

(19) Sales of prosthetic devices, durable medical equipment 85849
for home use, or mobility enhancing equipment, when made pursuant 85850
to a prescription and when such devices or equipment are for use 85851
by a human being. 85852

(20) Sales of emergency and fire protection vehicles and 85853
equipment to nonprofit organizations for use solely in providing 85854
fire protection and emergency services, including trauma care and 85855
emergency medical services, for political subdivisions of the 85856
state; 85857

(21) Sales of tangible personal property manufactured in this 85858
state, if sold by the manufacturer in this state to a retailer for 85859
use in the retail business of the retailer outside of this state 85860
and if possession is taken from the manufacturer by the purchaser 85861
within this state for the sole purpose of immediately removing the 85862
same from this state in a vehicle owned by the purchaser; 85863

(22) Sales of services provided by the state or any of its 85864
political subdivisions, agencies, instrumentalities, institutions, 85865
or authorities, or by governmental entities of the state or any of 85866
its political subdivisions, agencies, instrumentalities, 85867
institutions, or authorities; 85868

(23) Sales of motor vehicles to nonresidents of this state 85869
under the circumstances described in division (B) of section 85870
5739.029 of the Revised Code; 85871

(24) Sales to persons engaged in the preparation of eggs for 85872
sale of tangible personal property used or consumed directly in 85873
such preparation, including such tangible personal property used 85874
for cleaning, sanitizing, preserving, grading, sorting, and 85875
classifying by size; packages, including material and parts for 85876
packages, and machinery, equipment, and material for use in 85877
packaging eggs for sale; and handling and transportation equipment 85878
and parts therefor, except motor vehicles licensed to operate on 85879
public highways, used in intraplant or interplant transfers or 85880
shipment of eggs in the process of preparation for sale, when the 85881
plant or plants within or between which such transfers or 85882
shipments occur are operated by the same person. "Packages" 85883
includes containers, cases, baskets, flats, fillers, filler flats, 85884
cartons, closure materials, labels, and labeling materials, and 85885
"packaging" means placing therein. 85886

(25)(a) Sales of water to a consumer for residential use, 85887
except the sale of bottled water, distilled water, mineral water, 85888
carbonated water, or ice; 85889

(b) Sales of water by a nonprofit corporation engaged 85890
exclusively in the treatment, distribution, and sale of water to 85891
consumers, if such water is delivered to consumers through pipes 85892
or tubing. 85893

(26) Fees charged for inspection or reinspection of motor 85894
vehicles under section 3704.14 of the Revised Code; 85895

(27) Sales to persons licensed to conduct a food service 85896
operation pursuant to section 3717.43 of the Revised Code, of 85897
tangible personal property primarily used directly for the 85898
following: 85899

(a) To prepare food for human consumption for sale; 85900

(b) To preserve food that has been or will be prepared for 85901
human consumption for sale by the food service operator, not 85902

including tangible personal property used to display food for selection by the consumer;	85903 85904
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	85905 85906
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	85907 85908
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	85909 85910 85911 85912
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	85913 85914 85915
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	85916 85917 85918
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;	85919 85920 85921 85922 85923 85924
(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;	85925 85926 85927 85928 85929
(34) Sales to a telecommunications service vendor, mobile telecommunications service vendor, or satellite broadcasting service vendor of tangible personal property and services used	85930 85931 85932

directly and primarily in transmitting, receiving, switching, or 85933
recording any interactive, one- or two-way electromagnetic 85934
communications, including voice, image, data, and information, 85935
through the use of any medium, including, but not limited to, 85936
poles, wires, cables, switching equipment, computers, and record 85937
storage devices and media, and component parts for the tangible 85938
personal property. The exemption provided in this division shall 85939
be in lieu of all other exemptions under division (B)(42)(a) of 85940
this section to which the vendor may otherwise be entitled, based 85941
upon the use of the thing purchased in providing the 85942
telecommunications, mobile telecommunications, or satellite 85943
broadcasting service. 85944

(35)(a) Sales where the purpose of the consumer is to use or 85945
consume the things transferred in making retail sales and 85946
consisting of newspaper inserts, catalogues, coupons, flyers, gift 85947
certificates, or other advertising material that prices and 85948
describes tangible personal property offered for retail sale. 85949

(b) Sales to direct marketing vendors of preliminary 85950
materials such as photographs, artwork, and typesetting that will 85951
be used in printing advertising material; of printed matter that 85952
offers free merchandise or chances to win sweepstake prizes and 85953
that is mailed to potential customers with advertising material 85954
described in division (B)(35)(a) of this section; and of equipment 85955
such as telephones, computers, facsimile machines, and similar 85956
tangible personal property primarily used to accept orders for 85957
direct marketing retail sales. 85958

(c) Sales of automatic food vending machines that preserve 85959
food with a shelf life of forty-five days or less by refrigeration 85960
and dispense it to the consumer. 85961

For purposes of division (B)(35) of this section, "direct 85962
marketing" means the method of selling where consumers order 85963
tangible personal property by United States mail, delivery 85964

service, or telecommunication and the vendor delivers or ships the 85965
tangible personal property sold to the consumer from a warehouse, 85966
catalogue distribution center, or similar fulfillment facility by 85967
means of the United States mail, delivery service, or common 85968
carrier. 85969

(36) Sales to a person engaged in the business of 85970
horticulture or producing livestock of materials to be 85971
incorporated into a horticulture structure or livestock structure; 85972

(37) Sales of personal computers, computer monitors, computer 85973
keyboards, modems, and other peripheral computer equipment to an 85974
individual who is licensed or certified to teach in an elementary 85975
or a secondary school in this state for use by that individual in 85976
preparation for teaching elementary or secondary school students; 85977

(38) Sales to a professional racing team of any of the 85978
following: 85979

(a) Motor racing vehicles; 85980

(b) Repair services for motor racing vehicles; 85981

(c) Items of property that are attached to or incorporated in 85982
motor racing vehicles, including engines, chassis, and all other 85983
components of the vehicles, and all spare, replacement, and 85984
rebuilt parts or components of the vehicles; except not including 85985
tires, consumable fluids, paint, and accessories consisting of 85986
instrumentation sensors and related items added to the vehicle to 85987
collect and transmit data by means of telemetry and other forms of 85988
communication. 85989

(39) Sales of used manufactured homes and used mobile homes, 85990
as defined in section 5739.0210 of the Revised Code, made on or 85991
after January 1, 2000; 85992

(40) Sales of tangible personal property and services to a 85993
provider of electricity used or consumed directly and primarily in 85994

generating, transmitting, or distributing electricity for use by 85995
others, including property that is or is to be incorporated into 85996
and will become a part of the consumer's production, transmission, 85997
or distribution system and that retains its classification as 85998
tangible personal property after incorporation; fuel or power used 85999
in the production, transmission, or distribution of electricity; 86000
and tangible personal property and services used in the repair and 86001
maintenance of the production, transmission, or distribution 86002
system, including only those motor vehicles as are specially 86003
designed and equipped for such use. The exemption provided in this 86004
division shall be in lieu of all other exemptions in division 86005
(B)(42)(a) of this section to which a provider of electricity may 86006
otherwise be entitled based on the use of the tangible personal 86007
property or service purchased in generating, transmitting, or 86008
distributing electricity. 86009

(41) Sales to a person providing services under division 86010
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 86011
personal property and services used directly and primarily in 86012
providing taxable services under that section. 86013

(42) Sales where the purpose of the purchaser is to do any of 86014
the following: 86015

(a) To incorporate the thing transferred as a material or a 86016
part into tangible personal property to be produced for sale by 86017
manufacturing, assembling, processing, or refining; or to use or 86018
consume the thing transferred directly in producing tangible 86019
personal property for sale by mining, including, without 86020
limitation, the extraction from the earth of all substances that 86021
are classed geologically as minerals, production of crude oil and 86022
natural gas, farming, agriculture, horticulture, or floriculture, 86023
or directly in the rendition of a public utility service, except 86024
that the sales tax levied by this section shall be collected upon 86025
all meals, drinks, and food for human consumption sold when 86026

transporting persons. Persons engaged in rendering farming, 86027
agricultural, horticultural, or floricultural services, and 86028
services in the exploration for, and production of, crude oil and 86029
natural gas, for others are deemed engaged directly in farming, 86030
agriculture, horticulture, and floriculture, or exploration for, 86031
and production of, crude oil and natural gas. This paragraph does 86032
not exempt from "retail sale" or "sales at retail" the sale of 86033
tangible personal property that is to be incorporated into a 86034
structure or improvement to real property. 86035

(b) To hold the thing transferred as security for the 86036
performance of an obligation of the vendor; 86037

(c) To resell, hold, use, or consume the thing transferred as 86038
evidence of a contract of insurance; 86039

(d) To use or consume the thing directly in commercial 86040
fishing; 86041

(e) To incorporate the thing transferred as a material or a 86042
part into, or to use or consume the thing transferred directly in 86043
the production of, magazines distributed as controlled circulation 86044
publications; 86045

(f) To use or consume the thing transferred in the production 86046
and preparation in suitable condition for market and sale of 86047
printed, imprinted, overprinted, lithographic, multilithic, 86048
blueprinted, photostatic, or other productions or reproductions of 86049
written or graphic matter; 86050

(g) To use the thing transferred, as described in section 86051
5739.011 of the Revised Code, primarily in a manufacturing 86052
operation to produce tangible personal property for sale; 86053

(h) To use the benefit of a warranty, maintenance or service 86054
contract, or similar agreement, as described in division (B)(7) of 86055
section 5739.01 of the Revised Code, to repair or maintain 86056
tangible personal property, if all of the property that is the 86057

subject of the warranty, contract, or agreement would not be 86058
subject to the tax imposed by this section; 86059

(i) To use the thing transferred as qualified research and 86060
development equipment; 86061

(j) To use or consume the thing transferred primarily in 86062
storing, transporting, mailing, or otherwise handling purchased 86063
sales inventory in a warehouse, distribution center, or similar 86064
facility when the inventory is primarily distributed outside this 86065
state to retail stores of the person who owns or controls the 86066
warehouse, distribution center, or similar facility, to retail 86067
stores of an affiliated group of which that person is a member, or 86068
by means of direct marketing. This division does not apply to 86069
motor vehicles registered for operation on the public highways. As 86070
used in this division, "affiliated group" has the same meaning as 86071
in division (B)(3)(e) of section 5739.01 of the Revised Code and 86072
"direct marketing" has the same meaning as in division (B)(35) of 86073
this section. 86074

(k) To use or consume the thing transferred to fulfill a 86075
contractual obligation incurred by a warrantor pursuant to a 86076
warranty provided as a part of the price of the tangible personal 86077
property sold or by a vendor of a warranty, maintenance or service 86078
contract, or similar agreement the provision of which is defined 86079
as a sale under division (B)(7) of section 5739.01 of the Revised 86080
Code; 86081

(l) To use or consume the thing transferred in the production 86082
of a newspaper for distribution to the public; 86083

(m) To use tangible personal property to perform a service 86084
listed in division (B)(3) of section 5739.01 of the Revised Code, 86085
if the property is or is to be permanently transferred to the 86086
consumer of the service as an integral part of the performance of 86087
the service; 86088

(n) To use or consume the thing transferred in acquiring, 86089
formatting, editing, storing, and disseminating data or 86090
information by electronic publishing. 86091

As used in division (B)(42) of this section, "thing" includes 86092
all transactions included in divisions (B)(3)(a), (b), and (e) of 86093
section 5739.01 of the Revised Code. 86094

(43) Sales conducted through a coin operated device that 86095
activates vacuum equipment or equipment that dispenses water, 86096
whether or not in combination with soap or other cleaning agents 86097
or wax, to the consumer for the consumer's use on the premises in 86098
washing, cleaning, or waxing a motor vehicle, provided no other 86099
personal property or personal service is provided as part of the 86100
transaction. 86101

(44) Sales of replacement and modification parts for engines, 86102
airframes, instruments, and interiors in, and paint for, aircraft 86103
used primarily in a fractional aircraft ownership program, and 86104
sales of services for the repair, modification, and maintenance of 86105
such aircraft, and machinery, equipment, and supplies primarily 86106
used to provide those services. 86107

(45) Sales of telecommunications service that is used 86108
directly and primarily to perform the functions of a call center. 86109
As used in this division, "call center" means any physical 86110
location where telephone calls are placed or received in high 86111
volume for the purpose of making sales, marketing, customer 86112
service, technical support, or other specialized business 86113
activity, and that employs at least fifty individuals that engage 86114
in call center activities on a full-time basis, or sufficient 86115
individuals to fill fifty full-time equivalent positions. 86116

(46) Sales by a telecommunications service vendor of 900 86117
service to a subscriber. This division does not apply to 86118
information services, as defined in division (FF) of section 86119

5739.01 of the Revised Code.	86120
(47) Sales of value-added non-voice data service. This	86121
division does not apply to any similar service that is not	86122
otherwise a telecommunications service.	86123
(48)(a) Sales of machinery, equipment, and software to a	86124
qualified direct selling entity for use in a warehouse or	86125
distribution center primarily for storing, transporting, or	86126
otherwise handling inventory that is held for sale to independent	86127
salespersons who operate as direct sellers and that is held	86128
primarily for distribution outside this state;	86129
(b) As used in division (B)(48)(a) of this section:	86130
(i) "Direct seller" means a person selling consumer products	86131
to individuals for personal or household use and not from a fixed	86132
retail location, including selling such product at in-home product	86133
demonstrations, parties, and other one-on-one selling.	86134
(ii) "Qualified direct selling entity" means an entity	86135
selling to direct sellers at the time the entity enters into a tax	86136
credit agreement with the tax credit authority pursuant to section	86137
122.17 of the Revised Code, provided that the agreement was	86138
entered into on or after January 1, 2007. Neither contingencies	86139
relevant to the granting of, nor later developments with respect	86140
to, the tax credit shall impair the status of the qualified direct	86141
selling entity under division (B)(48) of this section after	86142
execution of the tax credit agreement by the tax credit authority.	86143
(c) Division (B)(48) of this section is limited to machinery,	86144
equipment, and software first stored, used, or consumed in this	86145
state within the period commencing June 24, 2008, and ending on	86146
the date that is five years after that date.	86147
(49) Sales of materials, parts, equipment, or engines used in	86148
the repair or maintenance of aircraft or avionics systems of such	86149
aircraft, and sales of repair, remodeling, replacement, or	86150

maintenance services in this state performed on aircraft or on an aircraft's avionics, engine, or component materials or parts. As used in division (B)(49) of this section, "aircraft" means aircraft of more than six thousand pounds maximum certified takeoff weight or used exclusively in general aviation.

(50) Sales of full flight simulators that are used for pilot or flight-crew training, sales of repair or replacement parts or components, and sales of repair or maintenance services for such full flight simulators. "Full flight simulator" means a replica of a specific type, or make, model, and series of aircraft cockpit. It includes the assemblage of equipment and computer programs necessary to represent aircraft operations in ground and flight conditions, a visual system providing an out-of-the-cockpit view, and a system that provides cues at least equivalent to those of a three-degree-of-freedom motion system, and has the full range of capabilities of the systems installed in the device as described in appendices A and B of part 60 of chapter 1 of title 14 of the Code of Federal Regulations.

(C) For the purpose of the proper administration of this chapter, and to prevent the evasion of the tax, it is presumed that all sales made in this state are subject to the tax until the contrary is established.

(D) The levy of this tax on retail sales of recreation and sports club service shall not prevent a municipal corporation from levying any tax on recreation and sports club dues or on any income generated by recreation and sports club dues.

(E) The tax collected by the vendor from the consumer under this chapter is not part of the price, but is a tax collection for the benefit of the state, and of counties levying an additional sales tax pursuant to section 5739.021 or 5739.026 of the Revised Code and of transit authorities levying an additional sales tax

pursuant to section 5739.023 of the Revised Code. Except for the 86183
discount authorized under section 5739.12 of the Revised Code and 86184
the effects of any rounding pursuant to section 5703.055 of the 86185
Revised Code, no person other than the state or such a county or 86186
transit authority shall derive any benefit from the collection or 86187
payment of the tax levied by this section or section 5739.021, 86188
5739.023, or 5739.026 of the Revised Code. 86189

Sec. 5739.03. (A) Except as provided in section 5739.05 or 86190
section 5739.051 of the Revised Code, the tax imposed by or 86191
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 86192
the Revised Code shall be paid by the consumer to the vendor, and 86193
each vendor shall collect from the consumer, as a trustee for the 86194
state of Ohio, the full and exact amount of the tax payable on 86195
each taxable sale, in the manner and at the times provided as 86196
follows: 86197

(1) If the price is, at or prior to the provision of the 86198
service or the delivery of possession of the thing sold to the 86199
consumer, paid in currency passed from hand to hand by the 86200
consumer or the consumer's agent to the vendor or the vendor's 86201
agent, the vendor or the vendor's agent shall collect the tax with 86202
and at the same time as the price; 86203

(2) If the price is otherwise paid or to be paid, the vendor 86204
or the vendor's agent shall, at or prior to the provision of the 86205
service or the delivery of possession of the thing sold to the 86206
consumer, charge the tax imposed by or pursuant to section 86207
5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code to 86208
the account of the consumer, which amount shall be collected by 86209
the vendor from the consumer in addition to the price. Such sale 86210
shall be reported on and the amount of the tax applicable thereto 86211
shall be remitted with the return for the period in which the sale 86212
is made, and the amount of the tax shall become a legal charge in 86213

favor of the vendor and against the consumer. 86214

(B)(1)(a) If any sale is claimed to be exempt under division 86215
(E) of section 5739.01 of the Revised Code or under section 86216
5739.02 of the Revised Code, with the exception of divisions 86217
(B)(1) to (11) or (28) of section 5739.02 of the Revised Code, the 86218
consumer must provide to the vendor, and the vendor must obtain 86219
from the consumer, a certificate specifying the reason that the 86220
sale is not legally subject to the tax. The certificate shall be 86221
in such form, and shall be provided either in a hard copy form or 86222
electronic form, as the tax commissioner prescribes. 86223

(b) A vendor that obtains a fully completed exemption 86224
certificate from a consumer is relieved of liability for 86225
collecting and remitting tax on any sale covered by that 86226
certificate. If it is determined the exemption was improperly 86227
claimed, the consumer shall be liable for any tax due on that sale 86228
under section 5739.02, 5739.021, 5739.023, or 5739.026 or Chapter 86229
5741. of the Revised Code. Relief under this division from 86230
liability does not apply to any of the following: 86231

(i) A vendor that fraudulently fails to collect tax; 86232

(ii) A vendor that solicits consumers to participate in the 86233
unlawful claim of an exemption; 86234

(iii) A vendor that accepts an exemption certificate from a 86235
consumer that claims an exemption based on who purchases or who 86236
sells property or a service, when the subject of the transaction 86237
sought to be covered by the exemption certificate is actually 86238
received by the consumer at a location operated by the vendor in 86239
this state, and this state has posted to its web site an exemption 86240
certificate form that clearly and affirmatively indicates that the 86241
claimed exemption is not available in this state; 86242

(iv) A vendor that accepts an exemption certificate from a 86243
consumer who claims a multiple points of use exemption under 86244

division (D) of section 5739.033 of the Revised Code, if the item 86245
purchased is tangible personal property, other than prewritten 86246
computer software. 86247

(2) The vendor shall maintain records, including exemption 86248
certificates, of all sales on which a consumer has claimed an 86249
exemption, and provide them to the tax commissioner on request. 86250

(3) The tax commissioner may establish an identification 86251
system whereby the commissioner issues an identification number to 86252
a consumer that is exempt from payment of the tax. The consumer 86253
must present the number to the vendor, if any sale is claimed to 86254
be exempt as provided in this section. 86255

(4) If no certificate is provided or obtained within ninety 86256
days after the date on which such sale is consummated, it shall be 86257
presumed that the tax applies. Failure to have so provided or 86258
obtained a certificate shall not preclude a vendor, within one 86259
hundred twenty days after the tax commissioner gives written 86260
notice of intent to levy an assessment, from either establishing 86261
that the sale is not subject to the tax, or obtaining, in good 86262
faith, a fully completed exemption certificate. 86263

(5) Certificates need not be obtained nor provided where the 86264
identity of the consumer is such that the transaction is never 86265
subject to the tax imposed or where the item of tangible personal 86266
property sold or the service provided is never subject to the tax 86267
imposed, regardless of use, or when the sale is in interstate 86268
commerce. 86269

(6) If a transaction is claimed to be exempt under division 86270
(B)(13) of section 5739.02 of the Revised Code, the contractor 86271
shall obtain certification of the claimed exemption from the 86272
contractee. This certification shall be in addition to an 86273
exemption certificate provided by the contractor to the vendor. A 86274
contractee that provides a certification under this division shall 86275

be deemed to be the consumer of all items purchased by the contractor under the claim of exemption, if it is subsequently determined that the exemption is not properly claimed. The certification shall be in such form as the tax commissioner prescribes.

(C) As used in this division, "contractee" means a person who seeks to enter or enters into a contract or agreement with a contractor or vendor for the construction of real property or for the sale and installation onto real property of tangible personal property.

Any contractor or vendor may request from any contractee a certification of what portion of the property to be transferred under such contract or agreement is to be incorporated into the realty and what portion will retain its status as tangible personal property after installation is completed. The contractor or vendor shall request the certification by certified mail delivered to the contractee, return receipt requested. Upon receipt of such request and prior to entering into the contract or agreement, the contractee shall provide to the contractor or vendor a certification sufficiently detailed to enable the contractor or vendor to ascertain the resulting classification of all materials purchased or fabricated by the contractor or vendor and transferred to the contractee. This requirement applies to a contractee regardless of whether the contractee holds a direct payment permit under section 5739.031 of the Revised Code or provides to the contractor or vendor an exemption certificate as provided under this section.

For the purposes of the taxes levied by this chapter and Chapter 5741. of the Revised Code, the contractor or vendor may in good faith rely on the contractee's certification. Notwithstanding division (B) of section 5739.01 of the Revised Code, if the tax commissioner determines that certain property certified by the

contractee as tangible personal property pursuant to this division 86308
is, in fact, real property, the contractee shall be considered to 86309
be the consumer of all materials so incorporated into that real 86310
property and shall be liable for the applicable tax, and the 86311
contractor or vendor shall be excused from any liability on those 86312
materials. 86313

If a contractee fails to provide such certification upon the 86314
request of the contractor or vendor, the contractor or vendor 86315
shall comply with the provisions of this chapter and Chapter 5741. 86316
of the Revised Code without the certification. If the tax 86317
commissioner determines that such compliance has been performed in 86318
good faith and that certain property treated as tangible personal 86319
property by the contractor or vendor is, in fact, real property, 86320
the contractee shall be considered to be the consumer of all 86321
materials so incorporated into that real property and shall be 86322
liable for the applicable tax, and the construction contractor or 86323
vendor shall be excused from any liability on those materials. 86324

This division does not apply to any contract or agreement 86325
where the tax commissioner determines as a fact that a 86326
certification under this division was made solely on the decision 86327
or advice of the contractor or vendor. 86328

(D) Notwithstanding division (B) of section 5739.01 of the 86329
Revised Code, whenever the total rate of tax imposed under this 86330
chapter is increased after the date after a construction contract 86331
is entered into, the contractee shall reimburse the construction 86332
contractor for any additional tax paid on tangible property 86333
consumed or services received pursuant to the contract. 86334

(E) A vendor who files a petition for reassessment contesting 86335
the assessment of tax on sales for which the vendor obtained no 86336
valid exemption certificates and for which the vendor failed to 86337
establish that the sales were properly not subject to the tax 86338
during the one-hundred-twenty-day period allowed under division 86339

(B) of this section, may present to the tax commissioner 86340
additional evidence to prove that the sales were properly subject 86341
to a claim of exception or exemption. The vendor shall file such 86342
evidence within ninety days of the receipt by the vendor of the 86343
notice of assessment, except that, upon application and for 86344
reasonable cause, the period for submitting such evidence shall be 86345
extended thirty days. 86346

The commissioner shall consider such additional evidence in 86347
reaching the final determination on the assessment and petition 86348
for reassessment. 86349

(F) Whenever a vendor refunds the price, minus any separately 86350
stated delivery charge, of an item of tangible personal property 86351
on which the tax imposed under this chapter has been paid, the 86352
vendor shall also refund the amount of tax paid, minus the amount 86353
of tax attributable to the delivery charge. 86354

Sec. 5739.033. (A) Except as provided in division (B) of this 86355
section, divisions (C) to (I) of this section apply to sales made 86356
on and after January 1, 2008. Any vendor previously required to 86357
comply with divisions (C) to (I) of this section and any vendor 86358
that irrevocably elects to comply with divisions (C) to (I) of 86359
this section for all of the vendor's sales and places of business 86360
in this state shall continue to source its sales under those 86361
divisions. 86362

The amount of tax due pursuant to sections 5739.02, 5739.021, 86363
5739.023, and 5739.026 of the Revised Code is the sum of the taxes 86364
imposed pursuant to those sections at the sourcing location of the 86365
sale as determined under this section or, if applicable, under 86366
division (C) of section 5739.031 or section 5739.034 of the 86367
Revised Code, or at the situs of the sale as determined under 86368
section 5739.035 of the Revised Code. This section applies only to 86369
a vendor's or seller's obligation to collect and remit sales taxes 86370

under section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code or use taxes under section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code. Division (A) of this section does not apply in determining the jurisdiction for which sellers are required to collect the use tax under section 5741.05 of the Revised Code. This section does not affect the obligation of a consumer to remit use taxes on the storage, use, or other consumption of tangible personal property or on the benefit realized of any service provided, to the jurisdiction of that storage, use, or consumption, or benefit realized.

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

(a) "Delivery sale" means the taxable sale of tangible personal property or a service that is received by a consumer, or a donee designated by the consumer, in a taxing jurisdiction that is not the taxing jurisdiction in which the vendor has a fixed place of business.

(b) "Agreement" has the same meaning as in section 5740.01 of the Revised Code.

(c) "Governing board" has the same meaning as in section 5740.02 of the Revised Code.

(2) If the tax commissioner does not make the certification under section 5740.10 of the Revised Code, a vendor that is not required by division (A) of this section to situs sales under divisions (C) to (I) of this section on the date of the commissioner's certification may continue after that date to situs its sales under section 5739.035 of the Revised Code unless it is required, under division (B)(5) of this section, to situs its sales under divisions (C) to (I) of this section.

(3) Except as otherwise provided in divisions (B)(4) and (5) of this section, a vendor with total delivery sales within this state in prior calendar years, beginning with calendar year 2007,

of less than five hundred thousand dollars may situs its sales 86402
under section 5739.035 of the Revised Code. 86403

(4) Once a vendor has total delivery sales in this state of 86404
five hundred thousand dollars or more for a prior calendar year, 86405
the vendor shall source its sales under divisions (C) to (I) of 86406
this section and shall continue to source its sales under those 86407
divisions regardless of the amount of the vendor's total delivery 86408
sales in future years. 86409

(5) A vendor permitted under division (B)(3) of this section 86410
to situs its sales under section 5739.035 of the Revised Code that 86411
fails to provide, absent a clerical error, the notices required 86412
under division (I)(1) of section 5739.035 of the Revised Code 86413
shall situs all subsequent sales as required under divisions (C) 86414
to (I) of this section. 86415

(C) Except for sales, other than leases, of titled motor 86416
vehicles, titled watercraft, or titled outboard motors as provided 86417
in section 5741.05 of the Revised Code, or as otherwise provided 86418
in this section and section 5739.034 of the Revised Code, all 86419
sales shall be sourced as follows: 86420

(1) If the consumer or a donee designated by the consumer 86421
receives tangible personal property or a service at a vendor's 86422
place of business, the sale shall be sourced to that place of 86423
business. 86424

(2) When the tangible personal property or service is not 86425
received at a vendor's place of business, the sale shall be 86426
sourced to the location known to the vendor where the consumer or 86427
the donee designated by the consumer receives the tangible 86428
personal property or service, including the location indicated by 86429
instructions for delivery to the consumer or the consumer's donee. 86430

(3) If divisions (C)(1) and (2) of this section do not apply, 86431
the sale shall be sourced to the location indicated by an address 86432

for the consumer that is available from the vendor's business 86433
records that are maintained in the ordinary course of the vendor's 86434
business, when use of that address does not constitute bad faith. 86435

86436

(4) If divisions (C)(1), (2), and (3) of this section do not 86437
apply, the sale shall be sourced to the location indicated by an 86438
address for the consumer obtained during the consummation of the 86439
sale, including the address associated with the consumer's payment 86440
instrument, if no other address is available, when use of that 86441
address does not constitute bad faith. 86442

(5) If divisions (C)(1), (2), (3), and (4) of this section do 86443
not apply, including in the circumstance where the vendor is 86444
without sufficient information to apply any of those divisions, 86445
the sale shall be sourced to the address from which tangible 86446
personal property was shipped, or from which the service was 86447
provided, disregarding any location that merely provided the 86448
electronic transfer of the property sold or service provided. 86449

(6) As used in division (C) of this section, "receive" means 86450
taking possession of tangible personal property or making first 86451
use of a service. "Receive" does not include possession by a 86452
shipping company on behalf of a consumer. 86453

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 86454
section, a business consumer that is not a holder of a direct 86455
payment permit granted under section 5739.031 of the Revised Code, 86456
that purchases a digital good, computer software, except computer 86457
software received in person by a business consumer at a vendor's 86458
place of business, or a service, and that knows at the time of 86459
purchase that such digital good, software, or service will be 86460
concurrently available for use in more than one taxing 86461
jurisdiction shall deliver to the vendor in conjunction with its 86462
purchase an exemption certificate claiming multiple points of use, 86463
or shall meet the requirements of division (D)(2) of this section. 86464

On receipt of the exemption certificate claiming multiple points 86465
of use, the vendor is relieved of its obligation to collect, pay, 86466
or remit the tax due, and the business consumer must pay the tax 86467
directly to the state. 86468

(b) A business consumer that delivers the exemption 86469
certificate claiming multiple points of use to a vendor may use 86470
any reasonable, consistent, and uniform method of apportioning the 86471
tax due on the digital good, computer software, or service that is 86472
supported by the consumer's business records as they existed at 86473
the time of the sale. The business consumer shall report and pay 86474
the appropriate tax to each jurisdiction where concurrent use 86475
occurs. The tax due shall be calculated as if the apportioned 86476
amount of the digital good, computer software, or service had been 86477
delivered to each jurisdiction to which the sale is apportioned 86478
under this division. 86479

(c) The exemption certificate claiming multiple points of use 86480
shall remain in effect for all future sales by the vendor to the 86481
business consumer until it is revoked in writing by the business 86482
consumer, except as to the business consumer's specific 86483
apportionment of a subsequent sale under division (D)(1)(b) of 86484
this section and the facts existing at the time of the sale. 86485

(2) When the vendor knows that a digital good, computer 86486
software, or service sold will be concurrently available for use 86487
by the business consumer in more than one jurisdiction, but the 86488
business consumer does not provide an exemption certificate 86489
claiming multiple points of use as required by division (D)(1) of 86490
this section, the vendor may work with the business consumer to 86491
produce the correct apportionment. Governed by the principles of 86492
division (D)(1)(b) of this section, the vendor and business 86493
consumer may use any reasonable, but consistent and uniform, 86494
method of apportionment that is supported by the vendor's and 86495
business consumer's books and records as they exist at the time 86496

the sale is reported for purposes of the taxes levied under this 86497
chapter. If the business consumer certifies to the accuracy of the 86498
apportionment and the vendor accepts the certification, the vendor 86499
shall collect and remit the tax accordingly. In the absence of bad 86500
faith, the vendor is relieved of any further obligation to collect 86501
tax on any transaction where the vendor has collected tax pursuant 86502
to the information certified by the business consumer. 86503

(3) When the vendor knows that the digital good, computer 86504
software, or service will be concurrently available for use in 86505
more than one jurisdiction, and the business consumer does not 86506
have a direct pay permit and does not provide to the vendor an 86507
exemption certificate claiming multiple points of use as required 86508
in division (D)(1) of this section, or certification pursuant to 86509
division (D)(2) of this section, the vendor shall collect and 86510
remit the tax based on division (C) of this section. 86511

(4) Nothing in this section shall limit a person's obligation 86512
for sales or use tax to any state in which a digital good, 86513
computer software, or service is concurrently available for use, 86514
nor limit a person's ability under local, state, or federal law, 86515
to claim a credit for sales or use taxes legally due and paid to 86516
other jurisdictions. 86517

(E) A person who holds a direct payment permit issued under 86518
section 5739.031 of the Revised Code is not required to deliver an 86519
exemption certificate claiming multiple points of use to a vendor. 86520
But such permit holder shall comply with division (D)(2) of this 86521
section in apportioning the tax due on a digital good, computer 86522
software, or a service for use in business that will be 86523
concurrently available for use in more than one taxing 86524
jurisdiction. 86525

(F)(1) Notwithstanding divisions (C)(1) to (5) of this 86526
section, the consumer of direct mail that is not a holder of a 86527
direct payment permit shall provide to the vendor in conjunction 86528

with the sale either an exemption certificate claiming direct mail 86529
prescribed by the tax commissioner, or information to show the 86530
jurisdictions to which the direct mail is delivered to recipients. 86531

(2) Upon receipt of such exemption certificate, the vendor is 86532
relieved of all obligations to collect, pay, or remit the 86533
applicable tax and the consumer is obligated to pay that tax on a 86534
direct pay basis. An exemption certificate claiming direct mail 86535
shall remain in effect for all future sales of direct mail by the 86536
vendor to the consumer until it is revoked in writing. 86537

(3) Upon receipt of information from the consumer showing the 86538
jurisdictions to which the direct mail is delivered to recipients, 86539
the vendor shall collect the tax according to the delivery 86540
information provided by the consumer. In the absence of bad faith, 86541
the vendor is relieved of any further obligation to collect tax on 86542
any transaction where the vendor has collected tax pursuant to the 86543
delivery information provided by the consumer. 86544

(4) If the consumer of direct mail does not have a direct 86545
payment permit and does not provide the vendor with either an 86546
exemption certificate claiming direct mail or delivery information 86547
as required by division (F)(1) of this section, the vendor shall 86548
collect the tax according to division (C)(5) of this section. 86549
Nothing in division (F)(4) of this section shall limit a 86550
consumer's obligation to pay sales or use tax to any state to 86551
which the direct mail is delivered. 86552

(5) If a consumer of direct mail provides the vendor with 86553
documentation of direct payment authority, the consumer shall not 86554
be required to provide an exemption certificate claiming direct 86555
mail or delivery information to the vendor. 86556

(G) If the vendor provides lodging to transient guests as 86557
specified in division (B)(2) of section 5739.01 of the Revised 86558
Code, the sale shall be sourced to the location where the lodging 86559

is located. 86560

(H)(1) As used in this division and division (I) of this 86561
section, "transportation equipment" means any of the following: 86562

(a) Locomotives and railcars that are utilized for the 86563
carriage of persons or property in interstate commerce. 86564

(b) Trucks and truck-tractors with a gross vehicle weight 86565
rating of greater than ten thousand pounds, trailers, 86566
semi-trailers, or passenger buses that are registered through the 86567
international registration plan and are operated under authority 86568
of a carrier authorized and certificated by the United States 86569
department of transportation or another federal authority to 86570
engage in the carriage of persons or property in interstate 86571
commerce. 86572

(c) Aircraft that are operated by air carriers authorized and 86573
certificated by the United States department of transportation or 86574
another federal authority to engage in the carriage of persons or 86575
property in interstate or foreign commerce. 86576

(d) Containers designed for use on and component parts 86577
attached to or secured on the items set forth in division 86578
(H)(1)(a), (b), or (c) of this section. 86579

(2) A sale, lease, or rental of transportation equipment 86580
shall be sourced pursuant to division (C) of this section. 86581

(I)(1) A lease or rental of tangible personal property that 86582
does not require recurring periodic payments shall be sourced 86583
pursuant to division (C) of this section. 86584

(2) A lease or rental of tangible personal property that 86585
requires recurring periodic payments shall be sourced as follows: 86586

(a) In the case of a motor vehicle, other than a motor 86587
vehicle that is transportation equipment, or an aircraft, other 86588
than an aircraft that is transportation equipment, such lease or 86589

rental shall be sourced as follows: 86590

(i) An accelerated tax payment on a lease or rental taxed 86591
pursuant to division (A)(2) of section 5739.02 of the Revised Code 86592
shall be sourced to the primary property location at the time the 86593
lease or rental is consummated. Any subsequent taxable charges on 86594
the lease or rental shall be sourced to the primary property 86595
location for the period in which the charges are incurred. 86596

(ii) For a lease or rental taxed pursuant to division (A)(3) 86597
of section 5739.02 of the Revised Code, each lease or rental 86598
installment shall be sourced to the primary property location for 86599
the period covered by the installment. 86600

(b) In the case of a lease or rental of all other tangible 86601
personal property, other than transportation equipment, such lease 86602
or rental shall be sourced as follows: 86603

(i) An accelerated tax payment on a lease or rental that is 86604
taxed pursuant to division (A)(2) of section 5739.02 of the 86605
Revised Code shall be sourced pursuant to division (C) of this 86606
section at the time the lease or rental is consummated. Any 86607
subsequent taxable charges on the lease or rental shall be sourced 86608
to the primary property location for the period in which the 86609
charges are incurred. 86610

(ii) For a lease or rental that is taxed pursuant to division 86611
(A)(3) of section 5739.02 of the Revised Code, the initial lease 86612
or rental installment shall be sourced pursuant to division (C) of 86613
this section. Each subsequent installment shall be sourced to the 86614
primary property location for the period covered by the 86615
installment. 86616

(3) As used in division (I) of this section, "primary 86617
property location" means an address for tangible personal property 86618
provided by the lessee or renter that is available to the lessor 86619
or owner from its records maintained in the ordinary course of 86620

business, when use of that address does not constitute bad faith. 86621

(J) Sales described in division (B)(11) of section 5739.01 of 86622
the Revised Code shall be sourced to the location of the enrollee 86623
for whom a medicaid health insuring corporation receives managed 86624
care premiums. Such sales shall be sourced to the locations of the 86625
enrollees in the same proportion as the managed care premiums 86626
received by the medicaid health insuring corporation on behalf of 86627
enrollees located in a particular taxing jurisdiction in Ohio as 86628
compared to all managed care premiums received by the medicaid 86629
health insuring corporation. 86630

Sec. 5739.051. (A) The tax commissioner shall issue a direct 86631
payment permit to a medicaid health insuring corporation that 86632
authorizes the medicaid health insuring corporation to pay all 86633
taxes due on sales described in division (B)(11) of section 86634
5739.01 of the Revised Code directly to the state. Each medicaid 86635
health insuring corporation shall pay pursuant to such direct 86636
payment authority all sales tax levied on such sales by sections 86637
5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code and 86638
all use tax levied on such sales pursuant to sections 5741.02, 86639
5741.021, 5741.022, and 5741.023 of the Revised Code, unless 86640
division (B)(11)(b) of section 5739.01 of the Revised Code 86641
applies. 86642

(B) Each medicaid health insuring corporation shall, on or 86643
before the twenty-third day of each month, file a return for the 86644
preceding month on a form prescribed by the tax commissioner and 86645
shall pay the tax shown on the return to be due, unless division 86646
(B)(11)(b) of section 5739.01 of the Revised Code applies. The 86647
return shall show the amount of tax due from the medicaid health 86648
care insuring corporation for the period covered by the return and 86649
other such information as the commissioner deems necessary. Upon 86650
written request, the commissioner may extend the time for filing 86651

the return and paying the tax. The commissioner may require each 86652
medicaid health insuring corporation to file returns and remit 86653
payment by electronic means as provided in section 5739.032 of the 86654
Revised Code. 86655

Sec. 5739.131. Any nonresident of this state who accepts the 86656
privilege extended by the laws of this state to nonresidents of 86657
engaging in the business of selling in this state, as defined in 86658
section 5741.01 of the Revised Code, and any resident of this 86659
state who is required by sections 5739.17 and 5739.31 of the 86660
Revised Code to have a vendor's license and subsequently becomes a 86661
nonresident or conceals his the person's whereabouts, makes the 86662
secretary of state his the person's agent for the service of 86663
process or notice in any assessment, action, or proceedings 86664
instituted in this state against such person under sections 86665
5739.01 to 5739.31 and 5741.01 to 5741.22 of the Revised Code. 86666

~~Such process or notice shall be served, by the officer to~~ 86667
~~whom the same is directed or by the tax commissioner, or by the~~ 86668
~~sheriff of Franklin county, who may be deputized for such purpose~~ 86669
~~by the officer to whom the service is directed, upon the secretary~~ 86670
~~of state by leaving at the office of the secretary of state, at~~ 86671
~~least fifteen days before the return day of such process or~~ 86672
~~notice, a true and attested copy thereof, and by sending to the~~ 86673
~~defendant by certified mail, postage prepaid, a like and true~~ 86674
~~attested copy, with an endorsement thereon of the service upon the~~ 86675
~~secretary of state, addressed to such defendant at his last known~~ 86676
~~address as provided under section 5703.37 of the Revised Code.~~ 86677

Sec. 5743.15. (A) ~~No~~ Except as otherwise provided in this 86678
division, no person shall engage in this state in the wholesale or 86679
retail business of trafficking in cigarettes or in the business of 86680
a manufacturer or importer of cigarettes without having a license 86681
to conduct each such activity issued by a county auditor under 86682

division (B) of this section or the tax commissioner under 86683
~~division (E) divisions (C) and (F) of this section, except that~~ 86684
~~en.~~ On dissolution of a partnership by death, the surviving 86685
partner may operate under the license of the partnership until 86686
expiration of the license, and the heirs or legal representatives 86687
of deceased persons, and receivers and trustees in bankruptcy 86688
appointed by any competent authority, may operate under the 86689
license of the person succeeded in possession by such heir, 86690
representative, receiver, or trustee in bankruptcy if the partner 86691
or successor notifies the issuer of the license of the dissolution 86692
or succession within thirty days after the dissolution or 86693
succession. 86694

(B)(1) Each applicant for a license to engage in the 86695
~~wholesale or~~ retail business of trafficking in cigarettes under 86696
this section, annually, on or before the fourth Monday of May, 86697
shall make and deliver to the county auditor of the county in 86698
which the applicant desires to engage in the ~~wholesale or~~ retail 86699
business of trafficking in cigarettes, upon a blank form furnished 86700
by such auditor for that purpose, a statement showing the name of 86701
the applicant, each physical place in the county where the 86702
applicant's business is conducted, the nature of the business, and 86703
any other information the tax commissioner requires in the form of 86704
statement prescribed by the commissioner. If the applicant is a 86705
firm, partnership, or association other than a corporation, the 86706
application shall state the name and address of each of its 86707
members. If the applicant is a corporation, the application shall 86708
state the name and address of each of its officers. At the time of 86709
making the application required by this section, every person 86710
~~desiring to engage in the wholesale business of trafficking in~~ 86711
~~cigarettes shall pay into the county treasury a license tax in the~~ 86712
~~sum of two hundred dollars, or if desiring to engage in the retail~~ 86713
business of trafficking in cigarettes, a license tax shall pay an 86714
application fee in the sum of thirty one hundred twenty-five 86715

dollars for each ~~of the first five places~~ physical place where the 86716
person proposes to carry on such business ~~and twenty five dollars~~ 86717
~~for each additional place~~. Each place of business shall be deemed 86718
such space, under lease or license to, or under the control of, or 86719
under the supervision of the applicant, as is contained in one or 86720
more contiguous, adjacent, or adjoining buildings constituting an 86721
industrial plant or a place of business operated by, or under the 86722
control of, one person, or under one roof and connected by doors, 86723
halls, stairways, or elevators, which space may contain any number 86724
of points at which cigarettes are offered for sale, provided that 86725
each additional point at which cigarettes are offered for sale 86726
shall be listed in the application. 86727

86728

(2) Upon receipt of the application and exhibition of the 86729
county treasurer's receipt showing the payment of the ~~tax~~ 86730
application fee, the county auditor shall issue to the applicant a 86731
license for each place of business designated in the application, 86732
authorizing the applicant to engage in such business at such place 86733
for one year commencing on the fourth Monday of May. ~~Companies~~ 86734
~~operating club or dining cars or other cars upon which cigarettes~~ 86735
~~are sold shall obtain licenses at railroad terminals within the~~ 86736
~~state, under such rules as are prescribed by the commissioner.~~ The 86737
form of the license shall be prescribed by the commissioner. A 86738
duplicate license may be obtained from the county auditor upon 86739
payment of a ~~fifty cent~~ five-dollar fee if the original license is 86740
lost, destroyed, or defaced. When an application is filed after 86741
the fourth Monday of May, the ~~license tax~~ application fee required 86742
to be paid shall be proportioned in amount to the remainder of the 86743
license year, except that it shall not be less than ~~one fifth of~~ 86744
~~the whole amount~~ twenty-five dollars in any one year. 86745

86746

(3) The holder of a ~~wholesale or~~ retail dealer's cigarette 86747

license may transfer the license to a place of business within the 86748
same county other than that designated on the license ~~or may~~ 86749
~~assign the license to another person for use in the same county on~~ 86750
condition that the ~~licensee or assignee, whichever is applicable,~~ 86751
~~make application~~ licensee's ownership interest and business 86752
structure remain unchanged, and that the licensee applies to the 86753
county auditor therefor, upon forms approved by the commissioner 86754
and the payment of a fee of ~~one dollar~~ five dollars into the 86755
county treasury. 86756

(C)(1) Each applicant for a license to engage in the 86757
wholesale business of trafficking in cigarettes under this 86758
section, annually, on or before the fourth Monday in May, shall 86759
make and deliver to the tax commissioner, upon a blank form 86760
furnished by the commissioner for that purpose, a statement 86761
showing the name of the applicant, physical street address where 86762
the applicant's business is conducted, the nature of the business, 86763
and any other information required by the commissioner. If the 86764
applicant is a firm, partnership, or association other than a 86765
corporation, the applicant shall state the name and address of 86766
each of its members. If the applicant is a corporation, the 86767
applicant shall state the name and address of each of its 86768
officers. At the time of making the application required by this 86769
section, every person desiring to engage in the wholesale business 86770
of trafficking in cigarettes shall pay an application fee of one 86771
thousand dollars for each physical place where the person proposes 86772
to carry on such business. Each place of business shall be deemed 86773
such space, under lease or license to, or under the control of, or 86774
under the supervision of the applicant, as is contained in one or 86775
more contiguous, adjacent, or adjoining buildings constituting an 86776
industrial plant or a place of business operated by, or under the 86777
control of, one person, or under one roof and connected by doors, 86778
halls, stairways, or elevators. A duplicate license may be 86779
obtained from the commissioner upon payment of a 86780

twenty-five-dollar fee if the original license is lost, destroyed, 86781
or defaced. 86782

(2) Upon receipt of the application and payment of any 86783
application fee required by this section, the commissioner shall 86784
verify that the applicant is in good standing under Chapter 1346. 86785
and Title LVII of the Revised Code. Upon approval, the 86786
commissioner shall issue to the applicant a license for each 86787
physical place of business designated in the application 86788
authorizing the applicant to engage in business at that location 86789
for one year commencing on the fourth Monday in May. For licenses 86790
issued after the fourth Monday in May, the application fee shall 86791
be reduced proportionately by the remainder of the twelve-month 86792
period for which the license is issued, except that the 86793
application fee required to be paid under this section shall be 86794
not less than two hundred dollars in any one year. 86795

(3) The holder of a wholesale dealer cigarette license may 86796
transfer the license to a place of business other than that 86797
designated on the license on condition that the licensee's 86798
ownership or business structure remains unchanged, and that the 86799
licensee applies to the commissioner for such a transfer upon a 86800
form promulgated by the commissioner and pays a fee of twenty-five 86801
dollars, which shall be deposited into the cigarette tax 86802
enforcement fund created in division (E) of this section. 86803

(D)(1) The wholesale cigarette license ~~tax revenue~~ 86804
~~application fees~~ collected under this section shall be ~~distributed~~ 86805
~~as follows:~~ 86806

~~(a) Thirty seven and one half per cent shall be paid upon the~~ 86807
~~warrant of the county auditor into the treasury of the municipal~~ 86808
~~corporation or township in which the place of business for which~~ 86809
~~the tax revenue was received is located;~~ 86810

~~(b) Fifteen per cent shall be credited to the general fund of~~ 86811

~~the county;~~ 86812

~~(c) Forty seven and one half per cent shall be paid into the~~ 86813
~~cigarette tax enforcement fund created by division (C) of this~~ 86814
~~section.~~ 86815

(2) The ~~revenue~~ retail cigarette license application fees 86816
~~collected from the thirty dollar tax imposed upon the first five~~ 86817
~~places of business of a person engaged in the retail business of~~ 86818
~~trafficking in cigarettes under this section~~ shall be distributed 86819
as follows: 86820

(a) ~~Sixty two and one half~~ Thirty per cent shall be paid upon 86821
the warrant of the county auditor into the treasury of the 86822
municipal corporation or township in which the places of business 86823
for which the tax revenue was received are located; 86824

(b) ~~Twenty two and one half~~ Ten per cent shall be credited to 86825
the general fund of the county; 86826

(c) ~~Fifteen~~ Sixty per cent shall be paid into the cigarette 86827
tax enforcement fund ~~created by division (C) of this section.~~ 86828

(3) The remainder of the revenues and fines collected under 86829
this section and the penal laws relating to cigarettes shall be 86830
distributed as follows: 86831

(a) Three-fourths shall be paid upon the warrant of the 86832
county auditor into the treasury of the municipal corporation or 86833
township in which the place of business, on account of which the 86834
revenues and fines were received, is located; 86835

(b) One-fourth shall be credited to the general fund of the 86836
county. 86837

~~(D)~~(E) There is hereby created within the state treasury the 86838
cigarette tax enforcement fund for the purpose of providing funds 86839
to assist in paying the costs of enforcing sections 1333.11 to 86840
1333.21 and Chapter 5743. of the Revised Code. 86841

The portion of cigarette license ~~tax revenues~~ application 86842
fees received by a county auditor during the annual application 86843
period that ends ~~before~~ on the fourth Monday in May ~~which and that~~ 86844
is required to be deposited in the cigarette tax enforcement fund 86845
shall be sent to the treasurer of state by the thirtieth day of 86846
June each year accompanied by the form prescribed by the tax 86847
commissioner. The portion of cigarette license ~~tax money~~ 86848
application fees received by each county auditor after the fourth 86849
Monday in May ~~which and that~~ is required to be deposited in the 86850
cigarette tax enforcement fund shall be sent to the treasurer of 86851
state by the ~~thirty first day of December~~ last day of the month 86852
following the month in which such fees were collected. 86853

~~(E)~~(F)(1) Every person who desires to engage in the business 86854
of a manufacturer or importer of cigarettes shall, annually, on or 86855
before the fourth Monday of May, make and deliver to the tax 86856
commissioner, upon a blank form furnished by the commissioner for 86857
that purpose, a statement showing the name of the applicant, the 86858
nature of the applicant's business, and any other information 86859
required by the commissioner. If the applicant is a firm, 86860
partnership, or association other than a corporation, the 86861
applicant shall state the name and address of each of its members. 86862
If the applicant is a corporation, the applicant shall state the 86863
name and address of each of its officers. 86864

(2) Upon receipt of the application required under this 86865
section, the commissioner shall verify that the applicant is in 86866
good standing under Chapter 1346. and Title LVII of the Revised 86867
Code. Upon approval, the commissioner shall issue to the applicant 86868
a license authorizing the applicant to engage in the business of 86869
manufacturer or importer, whichever the case may be, for one year 86870
commencing on the fourth Monday of May. 86871

~~(2)~~(3) The issuing of a license under division ~~(E)~~(F)(1) of 86872
this section to a manufacturer does not excuse a manufacturer from 86873

the certification process required under section 1346.05 of the Revised Code. A manufacturer who is issued a license under division ~~(E)~~(F)(1) of this section and who is not listed on the directory required under section 1346.05 of the Revised Code shall not be permitted to sell cigarettes in this state other than to a licensed cigarette wholesaler for sale outside this state. Such a manufacturer shall provide documentation to the commissioner evidencing that the cigarettes are legal for sale in another state.

~~(3)~~(G) The tax commissioner may adopt rules necessary to administer ~~division (E)~~ of this section.

Sec. 5743.61. (A) ~~No~~ Except as otherwise provided in this division, no distributor shall engage in the business of distributing tobacco products within this state without having a license issued by the department of taxation to engage in that business, ~~except that on~~. On the dissolution of a partnership by death, the surviving partner may operate under the license of the partnership until the expiration of the license, and the heirs or legal representatives of deceased persons, and receivers and trustees in bankruptcy appointed by any competent authority, may operate under the license of the person succeeded in possession by the heir, representative, receiver, or trustee in bankruptcy if the partner or successor notifies the department of taxation of the dissolution or succession within thirty days after the dissolution or succession.

(B)(1) Each applicant for a license to engage in the business of distributing tobacco products, annually, on or before the first day of February, shall make and deliver to the tax commissioner, upon a form furnished by the commissioner for that purpose, a statement showing the name of the applicant, each physical place from which the applicant distributes to distributors, retail

dealers, or wholesale dealers, and any other information the 86905
commissioner considers necessary for the administration of 86906
sections 5743.51 to 5743.66 of the Revised Code. 86907

(2) At the time of making the license application, the 86908
applicant shall pay ~~a license~~ an application fee of one ~~hundred~~ 86909
thousand dollars for each place listed ~~in~~ on the application where 86910
~~he~~ the applicant proposes to carry on that business. The fee 86911
charged for the ~~license~~ application shall accompany the 86912
application and shall be made payable to the treasurer of state 86913
for deposit into the cigarette tax enforcement fund. 86914

(3) Upon receipt of the application and payment of any 86915
licensing fee required by this section, the commissioner shall 86916
issue to the applicant a license for each place of distribution 86917
designated in the application authorizing the applicant to engage 86918
in business at that location for one year commencing on the first 86919
day of February. For licenses issued after the first day of 86920
February, the license application fee shall be reduced 86921
proportionately by the remainder of the twelve-month period for 86922
which the license is issued, except that the application fee 86923
required to be paid under this section shall be not less than two 86924
hundred dollars. If the original license is lost, destroyed, or 86925
defaced, a duplicate license may be obtained from the commissioner 86926
upon payment of a license replacement fee of twenty-five dollars. 86927
86928

(C) The holder of a tobacco products license may transfer the 86929
license to a place of business ~~or may assign the license to~~ 86930
~~another person for use,~~ on condition that the licensee's ownership 86931
and business structure remains unchanged and the licensee ~~or~~ 86932
~~assignee~~ applies to the commissioner for the transfer, ~~upon forms~~ 86933
on a form issued by the commissioner, and pays a transfer fee of 86934
twenty-five dollars. 86935

(D) If a distributor fails to file ~~the returns~~ forms as 86936

required under Chapter 1346. or section 5743.52 of the Revised Code, or pay the tax due ~~thereon,~~ on for two consecutive ~~months~~ periods or three ~~months~~ periods during any twelve-month period, the commissioner may suspend the license issued to the distributor under this section. The suspension is effective ten days after the commissioner notifies the distributor of the suspension in writing personally or by certified mail. The commissioner shall lift the suspension when the distributor files the delinquent ~~returns~~ forms and pays the tax due, including any penalties, interest, and additional charges. The commissioner may refuse to issue the annual renewal of the license required by this section and may refuse to issue a new license for the same location until all delinquent ~~returns~~ forms are filed and outstanding taxes are paid. This division does not apply to any unpaid or underpaid tax liability that is the subject of a ~~petition~~ petition or appeal filed pursuant to section 5743.56, 5717.02, or 5717.04 of the Revised Code.

Sec. 5747.113. (A) Any taxpayer claiming a refund under section 5747.11 of the Revised Code ~~for taxable years ending on or after October 14, 1983,~~ who wishes to contribute any part of the taxpayer's refund to the natural areas and preserves fund created in section 1517.11 of the Revised Code, the nongame and endangered wildlife fund created in section 1531.26 of the Revised Code, the military injury relief fund created in section 5101.98 of the Revised Code, the Ohio historical society income tax contribution fund created in section 149.308 of the Revised Code, the Ohio veterans' home agency income tax contribution fund created in section 5907.111 of the Revised Code, or all of those funds, may designate on the taxpayer's income tax return the amount that the taxpayer wishes to contribute to the fund or funds. A designated contribution is irrevocable upon the filing of the return and shall be made in the full amount designated if the refund found

due the taxpayer upon the initial processing of the taxpayer's 86969
return, after any deductions including those required by section 86970
5747.12 of the Revised Code, is greater than or equal to the 86971
designated contribution. If the refund due as initially determined 86972
is less than the designated contribution, the contribution shall 86973
be made in the full amount of the refund. The tax commissioner 86974
shall subtract the amount of the contribution from the amount of 86975
the refund initially found due the taxpayer and shall certify the 86976
difference to the director of budget and management and treasurer 86977
of state for payment to the taxpayer in accordance with section 86978
5747.11 of the Revised Code. For the purpose of any subsequent 86979
determination of the taxpayer's net tax payment, the contribution 86980
shall be considered a part of the refund paid to the taxpayer. 86981

86982

(B) The tax commissioner shall provide a space on the income 86983
tax return form in which a taxpayer may indicate that the taxpayer 86984
wishes to make a donation in accordance with this section. The tax 86985
commissioner shall also print in the instructions accompanying the 86986
income tax return form a description of the purposes for which the 86987
natural areas and preserves fund, the nongame and endangered 86988
wildlife fund, ~~and~~ the military injury relief fund, the Ohio 86989
historical society income tax contribution fund, and the Ohio 86990
veterans' home agency income tax contribution fund were created 86991
and the use of moneys from the income tax refund contribution 86992
system established in this section. No person shall designate on 86993
the person's income tax return any part of a refund claimed under 86994
section 5747.11 of the Revised Code as a contribution to any fund 86995
other than the natural areas and preserves fund, the nongame and 86996
endangered wildlife fund, the military injury relief fund ~~or all~~ 86997
~~of those funds,~~ the Ohio historical society income tax 86998
contribution fund, or the Ohio veterans' home agency income tax 86999
contribution fund. 87000

(C) The money collected under the income tax refund contribution system established in this section shall be deposited by the tax commissioner into the natural areas and preserves fund, the nongame and endangered wildlife fund, ~~and~~ the military injury relief fund, the Ohio historical society income tax contribution fund, and the Ohio veterans' home agency income tax contribution fund in the amounts designated on the tax returns.

(D) No later than the thirtieth day of September each year, the tax commissioner shall determine the total amount contributed to each fund under this section during the preceding eight months, any adjustments to prior months, and the cost to the department of taxation of administering the income tax refund contribution system during that eight-month period. The commissioner shall make an additional determination no later than the thirty-first day of January of each year of the total amount contributed to each fund under this section during the preceding four calendar months, any adjustments to prior years made during that four-month period, and the cost to the department of taxation of administering the income tax contribution system during that period. The cost of administering the income tax contribution system shall be certified by the tax commissioner to the director of budget and management, who shall transfer an amount equal to ~~one-third~~ one-fifth of such administrative costs from the natural areas and preserves fund, ~~one-third~~ one-fifth of such costs from the nongame and endangered wildlife fund, ~~and one-third~~ one-fifth of such costs from the military injury relief fund, one-fifth of such costs from the Ohio historical society income tax contribution fund, and one-fifth of such costs from the Ohio veterans' home agency income tax contribution fund to the ~~litter control and natural resource~~ income tax contribution administration fund, which is hereby created, provided that the moneys that the department receives to pay the cost of administering the income tax refund contribution system in any year shall not exceed two

and one-half per cent of the total amount contributed under that 87034
system during that year. 87035

(E)(1) The director of natural resources, in January of every 87036
odd-numbered year, shall report to the general assembly on the 87037
effectiveness of the income tax refund contribution system as it 87038
pertains to the natural areas and preserves fund and the nongame 87039
and endangered wildlife fund. The report shall include the amount 87040
of money contributed to each fund in each of the previous five 87041
years, the amount of money contributed directly to each fund in 87042
addition to or independently of the income tax refund contribution 87043
system in each of the previous five years, and the purposes for 87044
which the money was expended. 87045

(2) The director of job and family services, the director of 87046
the Ohio historical society, and the superintendent of the Ohio 87047
veterans' home agency, in January of every odd-numbered year, each 87048
shall report to the general assembly on the effectiveness of the 87049
income tax refund contribution system as it pertains to the 87050
military injury relief fund, the Ohio historical society income 87051
tax contribution fund, and the Ohio veterans' home agency income 87052
tax contribution fund, respectively. The report shall include the 87053
amount of money contributed to the fund in each of the previous 87054
five years, the amount of money contributed directly to the fund 87055
in addition to or independently of the income tax refund 87056
contribution system in each of the previous five years, and the 87057
purposes for which the money was expended. 87058

Sec. 5747.13. (A) If any employer collects the tax imposed by 87059
section 5747.02 or under Chapter 5748. of the Revised Code and 87060
fails to remit the tax as required by law, or fails to collect the 87061
tax, the employer is personally liable for any amount collected 87062
that the employer fails to remit, or any amount that the employer 87063
fails to collect. If any taxpayer fails to file a return or fails 87064

to pay the tax imposed by section 5747.02 or under Chapter 5748. 87065
of the Revised Code, the taxpayer is personally liable for the 87066
amount of the tax. 87067

If any employer, taxpayer, or qualifying entity required to 87068
file a return under this chapter fails to file the return within 87069
the time prescribed, files an incorrect return, fails to remit the 87070
full amount of the taxes due for the period covered by the return, 87071
or fails to remit any additional tax due as a result of a 87072
reduction in the amount of the credit allowed under division (B) 87073
of section 5747.05 of the Revised Code together with interest on 87074
the additional tax within the time prescribed by that division, 87075
the tax commissioner may make an assessment against any person 87076
liable for any deficiency for the period for which the return is 87077
or taxes are due, based upon any information in the commissioner's 87078
possession. 87079

An assessment issued against either the employer or the 87080
taxpayer pursuant to this section shall not be considered an 87081
election of remedies or a bar to an assessment against the other 87082
for failure to report or pay the same tax. No assessment shall be 87083
issued against any person if the tax actually has been paid by 87084
another. 87085

No assessment shall be made or issued against an employer, 87086
taxpayer, or qualifying entity more than four years after the 87087
final date the return subject to assessment was required to be 87088
filed or the date the return was filed, whichever is later. 87089
However, the commissioner may assess any balance due as the result 87090
of a reduction in the credit allowed under division (B) of section 87091
5747.05 of the Revised Code, including applicable penalty and 87092
interest, within four years of the date on which the taxpayer 87093
reports a change in either the portion of the taxpayer's adjusted 87094
gross income subjected to an income tax or tax measured by income 87095
in another state or the District of Columbia, or the amount of 87096

liability for an income tax or tax measured by income to another 87097
state or the District of Columbia, as required by division (B)(3) 87098
of section 5747.05 of the Revised Code. Such time limits may be 87099
extended if both the employer, taxpayer, or qualifying entity and 87100
the commissioner consent in writing to the extension or if an 87101
agreement waiving or extending the time limits has been entered 87102
into pursuant to section 122.171 of the Revised Code. Any such 87103
extension shall extend the four-year time limit in division (B) of 87104
section 5747.11 of the Revised Code for the same period of time. 87105
There shall be no bar or limit to an assessment against an 87106
employer for taxes withheld from employees and not remitted to the 87107
state, against an employer, taxpayer, or qualifying entity that 87108
fails to file a return subject to assessment as required by this 87109
chapter, or against an employer, taxpayer, or qualifying entity 87110
that files a fraudulent return. 87111

The commissioner shall give the party assessed written notice 87112
of the assessment in the manner provided in section 5703.37 of the 87113
Revised Code. With the notice, the commissioner shall provide 87114
instructions on how to petition for reassessment and request a 87115
hearing on the petition. 87116

(B) Unless the party assessed files with the tax commissioner 87117
within sixty days after service of the notice of assessment, 87118
either personally or by certified mail, a written petition for 87119
reassessment, signed by the party assessed or that party's 87120
authorized agent having knowledge of the facts, the assessment 87121
becomes final, and the amount of the assessment is due and payable 87122
from the party assessed to the commissioner with remittance made 87123
payable to the treasurer of state. The petition shall indicate the 87124
objections of the party assessed, but additional objections may be 87125
raised in writing if received by the commissioner prior to the 87126
date shown on the final determination. If the petition has been 87127
properly filed, the commissioner shall proceed under section 87128

5703.60 of the Revised Code. 87129

(C) After an assessment becomes final, if any portion of the 87130
assessment remains unpaid, including accrued interest, a certified 87131
copy of the tax commissioner's entry making the assessment final 87132
may be filed in the office of the clerk of the court of common 87133
pleas in the county in which the employer's, taxpayer's, or 87134
qualifying entity's place of business is located or the county in 87135
which the party assessed resides. If the party assessed is not a 87136
resident of this state, the certified copy of the entry may be 87137
filed in the office of the clerk of the court of common pleas of 87138
Franklin county. 87139

Immediately upon the filing of the entry, the clerk shall 87140
enter a judgment against the party assessed in the amount shown on 87141
the entry. The judgment shall be filed by the clerk in one of two 87142
loose-leaf books, one entitled "special judgments for state and 87143
school district income taxes," and the other entitled "special 87144
judgments for qualifying entity taxes." The judgment shall have 87145
the same effect as other judgments. Execution shall issue upon the 87146
judgment upon the request of the tax commissioner, and all laws 87147
applicable to sales on execution shall apply to sales made under 87148
the judgment. 87149

The portion of the assessment not paid within sixty days 87150
after the assessment was issued shall bear interest at the rate 87151
per annum prescribed by section 5703.47 of the Revised Code from 87152
the day the tax commissioner issues the assessment until it is 87153
paid. Interest shall be paid in the same manner as the tax and may 87154
be collected by the issuance of an assessment under this section. 87155

(D) All money collected under this section shall be 87156
considered as revenue arising from the taxes imposed by this 87157
chapter or Chapter 5733. or 5748. of the Revised Code, as 87158
appropriate. 87159

~~(E) The portion of an assessment that must be paid upon the filing of a petition for reassessment shall be as follows:~~ 87160
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~~(1) If the sole item objected to is the assessed penalty or interest, payment of the assessment, including interest but not penalty, is required;~~ 87162
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~~(2) If the taxpayer or qualifying entity that is assessed failed to file, prior to the date of issuance of the assessment, the annual return or report required by section 5747.08 or 5747.42 of the Revised Code, any amended return or amended report required by section 5747.10 or 5747.45 of the Revised Code for the taxable year at issue, or any report required by division (B) of section 5747.05 of the Revised Code to indicate a reduction in the amount of the credit provided under that division, payment of the assessment, including interest but not penalty, is required, except as otherwise provided under division (E)(6) or (7) of this section;~~ 87165
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~~(3) If the employer assessed had not filed, prior to the date of issuance of the assessment, the annual return required by division (E)(2) of section 5747.07 of the Revised Code covering the period at issue, payment of the assessment, including interest but not penalty, is required;~~ 87176
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~~(4) If the taxpayer or qualifying entity that is assessed filed, prior to the date of issuance of the assessment, the annual return or report required by section 5747.08 or 5747.42 of the Revised Code, all amended returns or reports required by section 5747.10 or 5747.45 of the Revised Code for the taxable year at issue, and all reports required by division (B) of section 5747.05 of the Revised Code to indicate a reduction in the amount of the credit provided under that division, and a balance of the taxes shown due on the returns or reports as computed on the returns or reports remains unpaid, payment of only that portion of the assessment representing the unpaid balance of tax and interest is~~ 87181
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required; 87192

~~(5) If the employer assessed filed, prior to the date of~~ 87193
~~issuance of the assessment, the annual return required by division~~ 87194
~~(E)(2) of section 5747.07 of the Revised Code covering the period~~ 87195
~~at issue, and a balance of the taxes shown due on the return as~~ 87196
~~computed on the return remains unpaid, payment of only that~~ 87197
~~portion of the assessment representing the unpaid balance of tax~~ 87198
~~and interest is required;~~ 87199

~~(6) In the case of a party assessed as a qualifying entity~~ 87200
~~subject to the tax levied under section 5733.41 or 5747.41 of the~~ 87201
~~Revised Code, if the party does not dispute that it is a~~ 87202
~~qualifying entity subject to that tax but claims the protections~~ 87203
~~of section 101 of Public Law 86-272, 73 Stat. 555, 15 U.S.C.A.~~ 87204
~~381, as amended, no payment is required;~~ 87205

~~(7) In the case of a party assessed as a qualifying entity~~ 87206
~~subject to the tax levied under section 5733.41 or 5747.41 of the~~ 87207
~~Revised Code, if the party does dispute that it is a qualifying~~ 87208
~~entity subject to that tax, no payment is required;~~ 87209

~~(8) If none of the conditions specified in divisions (E)(1)~~ 87210
~~to (7) of this section apply, no payment is required If the party~~ 87211
~~assessed files a petition for reassessment under division (B) of~~ 87212
~~this section, the person, on or before the last day the petition~~ 87213
~~may be filed, shall pay the assessed amount, including assessed~~ 87214
~~interest and assessed penalties, if any of the following~~ 87215
~~conditions exists:~~ 87216

(1) The person files a tax return reporting Ohio adjusted 87217
gross income, less the exemptions allowed by section 5747.025 of 87218
the Revised Code, in an amount less than one cent, and the 87219
reported amount is not based on the computations required under 87220
division (A) of section 5747.01 or section 5747.025 of the Revised 87221
Code. 87222

(2) The person files a tax return that the tax commissioner determines to be incomplete, false, fraudulent, or frivolous. 87223
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(3) The person fails to file a tax return, and the basis for this failure is not either of the following: 87225
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(a) An assertion that the person has no nexus with this state; 87227
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(b) The computations required under division (A) of section 5747.01 of the Revised Code or the application of credits allowed under this chapter has the result that the person's tax liability is less than one dollar and one cent. 87229
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(F) Notwithstanding the fact that a petition for reassessment is pending, the petitioner may pay all or a portion of the assessment that is the subject of the petition. The acceptance of a payment by the treasurer of state does not prejudice any claim for refund upon final determination of the petition. 87233
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If upon final determination of the petition an error in the assessment is corrected by the tax commissioner, upon petition so filed or pursuant to a decision of the board of tax appeals or any court to which the determination or decision has been appealed, so that the amount due from the party assessed under the corrected assessment is less than the portion paid, there shall be issued to the petitioner or to the petitioner's assigns or legal representative a refund in the amount of the overpayment as provided by section 5747.11 of the Revised Code, with interest on that amount as provided by such section, subject to section 5747.12 of the Revised Code. 87238
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Sec. 5747.16. Any nonresident who accepts the privileges extended by the laws of this state to nonresidents earning or receiving income in this state, and any resident who becomes a nonresident or conceals ~~his~~ the person's whereabouts thereby makes 87249
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the secretary of state ~~his~~ the person's agent for the service of 87253
process or notice in any assessment, action, or proceedings 87254
instituted in this state against such person under this chapter, 87255
such process or notice shall be served ~~by the officer to whom the~~ 87256
~~same is directed by the tax commissioner, or by the sheriff of~~ 87257
~~Franklin county, who may be deputized for such purpose by the~~ 87258
~~officer to whom the service is directed, upon the secretary of~~ 87259
~~state by leaving at the secretary's office at least fifteen days~~ 87260
~~before the return day of such process or notice, a true and~~ 87261
~~attested copy thereof, and by sending to the defendant by~~ 87262
~~certified mail, postage prepaid, a like and true attested copy,~~ 87263
~~with an endorsement thereon of the service upon the secretary of~~ 87264
~~state, addressed to such defendant at his last known address as~~ 87265
provided under section 5703.37 of the Revised Code. 87266

Sec. 5747.18. The tax commissioner shall enforce and 87267
administer this chapter. In addition to any other powers conferred 87268
upon the commissioner by law, the commissioner may: 87269

(A) Prescribe all forms required to be filed pursuant to this 87270
chapter; 87271

(B) Adopt such rules as the commissioner finds necessary to 87272
carry out this chapter; 87273

(C) Appoint and employ such personnel as are necessary to 87274
carry out the duties imposed upon the commissioner by this 87275
chapter. 87276

Any information gained as the result of returns, 87277
investigations, hearings, or verifications required or authorized 87278
by this chapter is confidential, and no person shall disclose such 87279
information, except for official purposes, or as provided by 87280
section 3125.43, 4123.271, 4123.591, 4507.023, ~~or~~ 5101.182, 87281
~~division (B) of section~~ or 5703.21 of the Revised Code, or in 87282
accordance with a proper judicial order. The tax commissioner may 87283

furnish the internal revenue service with copies of returns or 87284
reports filed and may furnish the officer of a municipal 87285
corporation charged with the duty of enforcing a tax subject to 87286
Chapter 718. of the Revised Code with the names, addresses, and 87287
identification numbers of taxpayers who may be subject to such 87288
tax. A municipal corporation shall use this information for tax 87289
collection purposes only. This section does not prohibit the 87290
publication of statistics in a form which does not disclose 87291
information with respect to individual taxpayers. 87292

Sec. 5747.66. Any term used in this section has the same 87293
meaning as in section 122.85 of the Revised Code. 87294

A nonrefundable credit is allowed against the tax imposed by 87295
section 5747.02 of the Revised Code for any individual who, on the 87296
last day of the individual's taxable year, is the certificate 87297
owner of a tax credit certificate issued under section 122.85 of 87298
the Revised Code. If the individual is the qualifying investor, 87299
the credit shall be claimed for the individual's taxable year that 87300
includes the day the base investment was made. If the individual 87301
is not the qualifying investor, the credit shall be claimed for 87302
the individual's taxable year that includes the last day of the 87303
qualifying investor's taxable year in which the qualifying 87304
investor's base investment was made. The amount of the credit 87305
shall equal the credit amount certified by the transfer agent 87306
under division (G) of section 122.85 of the Revised Code. The 87307
credit shall be claimed in the order required under section 87308
5747.98 of the Revised Code. If the credit amount exceeds the tax 87309
otherwise due under section 5747.02 of the Revised Code after 87310
deducting all other credits in that order, the excess may be 87311
carried forward for not more than ten taxable years following the 87312
taxable year in which the credit is first claimed, and the amount 87313
claimed in any year shall be deducted from the balance carried 87314
forward to an ensuing year. 87315

Sec. 5747.76. (A) As used in this section, "certificate owner" has the same meaning as in section 149.311 of the Revised Code. 87316
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(B) There is allowed a credit against the tax imposed under section 5747.02 of the Revised Code for a taxpayer that is the certificate owner of a rehabilitation tax credit certificate issued under section 149.311 of the Revised Code. The credit shall equal twenty-five per cent of the dollar amount indicated on the certificate, but the amount of credit allowed for any taxpayer shall not exceed five million dollars. The credit shall be claimed for the taxable year specified in the certificate and in the order required under section 5747.98 of the Revised Code. 87319
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(C) Nothing in this section limits or disallows pass-through treatment of the credit if the certificate owner is a pass-through entity. If the certificate owner is a pass-through entity, the amount of the credit allowed for the pass-through entity shall not exceed five million dollars. If the certificate owner is a pass-through entity, the credit may be allocated among the entity's equity owners in proportion to their ownership interests or in such proportions or amounts as the equity owners mutually agree. 87328
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(D) If the credit allowed for any taxable year exceeds the tax otherwise due under section 5747.02 of the Revised Code, after allowing for any other credits preceding the credit in the order prescribed by section 5747.98 of the Revised Code, the excess shall be refunded to the taxpayer but, if any amount of the credit is refunded, the sum of the amount refunded and the amount applied to reduce the tax otherwise due for that year shall not exceed three million dollars or, if the certificate owner is a pass-through entity, shall not exceed the taxpayer's distributive 87338
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or proportionate share, as allocated under division (C) of this section, of three million dollars. The taxpayer may carry forward any balance of the credit in excess of the amount claimed for that year for not more than five ensuing taxable years, and shall deduct any amount claimed for any such year from the amount claimed in an ensuing year.

(E) A taxpayer claiming a credit under this section shall retain the rehabilitation tax credit certificate for four years following the end of the taxable year to which the credit was applied, and shall make the certificate available for inspection by the tax commissioner upon the request of the tax commissioner during that period.

Sec. 5747.98. (A) To provide a uniform procedure for calculating the amount of tax due under section 5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order:

(1) The retirement income credit under division (B) of section 5747.055 of the Revised Code;

(2) The senior citizen credit under division (C) of section 5747.05 of the Revised Code;

(3) The lump sum distribution credit under division (D) of section 5747.05 of the Revised Code;

(4) The dependent care credit under section 5747.054 of the Revised Code;

(5) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;

(6) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;

(7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;

(8) The low-income credit under section 5747.056 of the Revised Code;	87377 87378
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	87379 87380
(10) The campaign contribution credit under section 5747.29 of the Revised Code;	87381 87382
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	87383 87384
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	87385 87386
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	87387 87388
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	87389 87390
(15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;	87391 87392
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	87393 87394
(17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	87395 87396
(18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	87397 87398
(19) The job retention credit under division (B) of section 5747.058 of the Revised Code;	87399 87400
(20) The credit for selling alternative fuel under section 5747.77 of the Revised Code;	87401 87402
(21) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;	87403 87404 87405

(22) The job training credit under section 5747.39 of the Revised Code;	87406 87407
(23) The enterprise zone credit under section 5709.66 of the Revised Code;	87408 87409
(24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	87410 87411
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	87412 87413
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	87414 87415
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	87416 87417
(28) The export sales credit under section 5747.057 of the Revised Code;	87418 87419
(29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;	87420 87421
(30) The enterprise zone credits under section 5709.65 of the Revised Code;	87422 87423
(31) <u>The credit for investment in a motion picture production under section 5747.66 of the Revised Code;</u>	87424 87425
<u>(32)</u> The research and development credit under section 5747.331 of the Revised Code;	87426 87427
(32) <u>(33)</u> The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	87428 87429
(33) <u>(34)</u> The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	87430 87431
(34) <u>(35)</u> The refundable jobs creation credit under division (A) of section 5747.058 of the Revised Code;	87432 87433
(35) <u>(36)</u> The refundable credit for taxes paid by a qualifying	87434

entity granted under section 5747.059 of the Revised Code; 87435

~~(36)~~(37) The refundable credits for taxes paid by a 87436
qualifying pass-through entity granted under division (J) of 87437
section 5747.08 of the Revised Code; 87438

~~(37)~~(38) The refundable credit for tax withheld under 87439
division (B)(1) of section 5747.062 of the Revised Code; 87440

~~(38)~~(39) The refundable credit under section 5747.80 of the 87441
Revised Code for losses on loans made to the Ohio venture capital 87442
program under sections 150.01 to 150.10 of the Revised Code. 87443

(B) For any credit, except the refundable credits enumerated 87444
in ~~divisions (A)(33) to (38)~~ of this section and the credit 87445
granted under division (I) of section 5747.08 of the Revised Code, 87446
the amount of the credit for a taxable year shall not exceed the 87447
tax due after allowing for any other credit that precedes it in 87448
the order required under this section. Any excess amount of a 87449
particular credit may be carried forward if authorized under the 87450
section creating that credit. Nothing in this chapter shall be 87451
construed to allow a taxpayer to claim, directly or indirectly, a 87452
credit more than once for a taxable year. 87453
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Sec. 5748.02. (A) The board of education of any school 87455
district, except a joint vocational school district, may declare, 87456
by resolution, the necessity of raising annually a specified 87457
amount of money for school district purposes. The resolution shall 87458
specify whether the income that is to be subject to the tax is 87459
taxable income of individuals and estates as defined in divisions 87460
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 87461
taxable income of individuals as defined in division (E)(1)(b) of 87462
that section. A copy of the resolution shall be certified to the 87463
tax commissioner no later than eighty-five days prior to the date 87464
of the election at which the board intends to propose a levy under 87465

this section. Upon receipt of the copy of the resolution, the tax commissioner shall estimate both of the following:

(1) The property tax rate that would have to be imposed in the current year by the district to produce an equivalent amount of money;

(2) The income tax rate that would have had to have been in effect for the current year to produce an equivalent amount of money from a school district income tax.

Within ten days of receiving the copy of the board's resolution, the commissioner shall prepare these estimates and certify them to the board. Upon receipt of the certification, the board may adopt a resolution proposing an income tax under division (B) of this section at the estimated rate contained in the certification rounded to the nearest one-fourth of one per cent. The commissioner's certification applies only to the board's proposal to levy an income tax at the election for which the board requested the certification. If the board intends to submit a proposal to levy an income tax at any other election, it shall request another certification for that election in the manner prescribed in this division.

(B)(1) Upon the receipt of a certification from the tax commissioner under division (A) of this section, a majority of the members of a board of education may adopt a resolution proposing the levy of an annual tax for school district purposes on school district income. The proposed levy may be for a continuing period of time or for a specified number of years. The resolution shall set forth the purpose for which the tax is to be imposed, the rate of the tax, which shall be the rate set forth in the commissioner's certification rounded to the nearest one-fourth of one per cent, the number of years the tax will be levied or that it will be levied for a continuing period of time, the date on which the tax shall take effect, which shall be the first day of

January of any year following the year in which the question is 87498
submitted, and the date of the election at which the proposal 87499
shall be submitted to the electors of the district, which shall be 87500
on the date of a primary, general, or special election the date of 87501
which is consistent with section 3501.01 of the Revised Code. The 87502
resolution shall specify whether the income that is to be subject 87503
to the tax is taxable income of individuals and estates as defined 87504
in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised 87505
Code or taxable income of individuals as defined in division 87506
(E)(1)(b) of that section. The specification shall be the same as 87507
the specification in the resolution adopted and certified under 87508
division (A) of this section. 87509

If the tax is to be levied for current expenses and permanent 87510
improvements, the resolution shall apportion the annual rate of 87511
the tax. The apportionment may be the same or different for each 87512
year the tax is levied, but the respective portions of the rate 87513
actually levied each year for current expenses and for permanent 87514
improvements shall be limited by the apportionment. 87515

If the board of education currently imposes an income tax 87516
pursuant to this chapter that is due to expire and a question is 87517
submitted under this section for a proposed income tax to take 87518
effect upon the expiration of the existing tax, the board may 87519
specify in the resolution that the proposed tax renews the 87520
expiring tax ~~and is not an additional income tax, provided that,~~ 87521
Two or more expiring income taxes may be renewed under this 87522
paragraph if the taxes are due to expire on the same date. If the 87523
tax rate being proposed is no higher than the total tax rate that 87524
is currently imposed by the expiring tax or taxes, the resolution 87525
may state that the proposed tax is not an additional income tax. 87526

(2) A board of education adopting a resolution under division 87527
(B)(1) of this section proposing a school district income tax for 87528
a continuing period of time and limited to the purpose of current 87529

expenses may propose in that resolution to reduce the rate or 87530
rates of one or more of the school district's property taxes 87531
levied for a continuing period of time in excess of the ten-mill 87532
limitation for the purpose of current expenses. The reduction in 87533
the rate of a property tax may be any amount, expressed in mills 87534
per one dollar in valuation, not exceeding the rate at which the 87535
tax is authorized to be levied. The reduction in the rate of a tax 87536
shall first take effect for the tax year that includes the day on 87537
which the school district income tax first takes effect, and shall 87538
continue for each tax year that both the school district income 87539
tax and the property tax levy are in effect. 87540

In addition to the matters required to be set forth in the 87541
resolution under division (B)(1) of this section, a resolution 87542
containing a proposal to reduce the rate of one or more property 87543
taxes shall state for each such tax the maximum rate at which it 87544
currently may be levied and the maximum rate at which the tax 87545
could be levied after the proposed reduction, expressed in mills 87546
per one dollar in valuation, and that the tax is levied for a 87547
continuing period of time. 87548

If a board of education proposes to reduce the rate of one or 87549
more property taxes under division (B)(2) of this section, the 87550
board, when it makes the certification required under division (A) 87551
of this section, shall designate the specific levy or levies to be 87552
reduced, the maximum rate at which each levy currently is 87553
authorized to be levied, and the rate by which each levy is 87554
proposed to be reduced. The tax commissioner, when making the 87555
certification to the board under division (A) of this section, 87556
also shall certify the reduction in the total effective tax rate 87557
for current expenses for each class of property that would have 87558
resulted if the proposed reduction in the rate or rates had been 87559
in effect the previous tax year. As used in this paragraph, 87560
"effective tax rate" has the same meaning as in section 323.08 of 87561

the Revised Code. 87562

(C) A resolution adopted under division (B) of this section 87563
shall go into immediate effect upon its passage, and no 87564
publication of the resolution shall be necessary other than that 87565
provided for in the notice of election. Immediately after its 87566
adoption and at least seventy-five days prior to the election at 87567
which the question will appear on the ballot, a copy of the 87568
resolution shall be certified to the board of elections of the 87569
proper county, which shall submit the proposal to the electors on 87570
the date specified in the resolution. The form of the ballot shall 87571
be as provided in section 5748.03 of the Revised Code. Publication 87572
of notice of the election shall be made in one or more newspapers 87573
of general circulation in the county once a week for two 87574
consecutive weeks prior to the election, and, if the board of 87575
elections operates and maintains a web site, the board of 87576
elections shall post notice of the election on its web site for 87577
thirty days prior to the election. The notice shall contain the 87578
time and place of the election and the question to be submitted to 87579
the electors. The question covered by the resolution shall be 87580
submitted as a separate proposition, but may be printed on the 87581
same ballot with any other proposition submitted at the same 87582
election, other than the election of officers. 87583

(D) No board of education shall submit the question of a tax 87584
on school district income to the electors of the district more 87585
than twice in any calendar year. If a board submits the question 87586
twice in any calendar year, one of the elections on the question 87587
shall be held on the date of the general election. 87588

(E)(1) No board of education may submit to the electors of 87589
the district the question of a tax on school district income on 87590
the taxable income of individuals as defined in division (E)(1)(b) 87591
of section 5748.01 of the Revised Code if that tax would be in 87592
addition to an existing tax on the taxable income of individuals 87593

and estates as defined in divisions (E)(1)(a) and (2) of that section. 87594
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(2) No board of education may submit to the electors of the district the question of a tax on school district income on the taxable income of individuals and estates as defined in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised Code if that tax would be in addition to an existing tax on the taxable income of individuals as defined in division (E)(1)(b) of that section. 87596
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Sec. 5748.03. (A) The form of the ballot on a question submitted to the electors under section 5748.02 of the Revised Code shall be as follows: 87602
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"Shall an annual income tax of (state the proposed rate of tax) on the school district income of individuals and of estates be imposed by (state the name of the school district), for (state the number of years the tax would be levied, or that it would be levied for a continuing period of time), beginning (state the date the tax would first take effect), for the purpose of (state the purpose of the tax)? 87605
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	FOR THE TAX
	AGAINST THE TAX

"

(B)(1) If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division (E)(1)(b) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals and of estates." 87612
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(2) If the question submitted to electors proposes to renew 87623

~~an~~ one or more expiring income tax levies, the ballot shall be 87624
modified by adding the following language immediately after the 87625
name of the school district that would impose the tax: "to renew 87626
an income tax (or income taxes) expiring at the end of 87627
(state the last year the existing income tax or taxes may be 87628
levied)." 87629

(3) If the question includes a proposal under division (B)(2) 87630
of section 5748.02 of the Revised Code to reduce the rate of one 87631
or more school district property taxes, the ballot shall state 87632
that the purpose of the school district income tax is for current 87633
expenses, and the form of the ballot shall be modified by adding 87634
the following language immediately after the statement of the 87635
purpose of the proposed income tax: ", and shall the rate of an 87636
existing tax on property, currently levied for the purpose of 87637
current expenses at the rate of mills, be REDUCED to 87638
..... mills until any such time as the income tax is repealed." 87639
In lieu of "for the tax" and "against the tax," the phrases "for 87640
the issue" and "against the issue," respectively, shall be used. 87641
If a board of education proposes a reduction in the rates of more 87642
than one tax, the ballot language shall be modified accordingly to 87643
express the rates at which those taxes currently are levied and 87644
the rates to which the taxes will be reduced. 87645

(C) The board of elections shall certify the results of the 87646
election to the board of education and to the tax commissioner. If 87647
a majority of the electors voting on the question vote in favor of 87648
it, the income tax, the applicable provisions of Chapter 5747. of 87649
the Revised Code, and the reduction in the rate or rates of 87650
existing property taxes if the question included such a reduction 87651
shall take effect on the date specified in the resolution. If the 87652
question approved by the voters includes a reduction in the rate 87653
of a school district property tax, the board of education shall 87654
not levy the tax at a rate greater than the rate to which the tax 87655

is reduced, unless the school district income tax is repealed in 87656
an election under section 5748.04 of the Revised Code. 87657

(D) If the rate at which a property tax is levied and 87658
collected is reduced pursuant to a question approved under this 87659
section, the tax commissioner shall compute the percentage 87660
required to be computed for that tax under division (D) of section 87661
319.301 of the Revised Code each year the rate is reduced as if 87662
the tax had been levied in the preceding year at the rate at which 87663
it has been reduced. If the rate of a property tax increases due 87664
to the repeal of the school district income tax pursuant to 87665
section 5748.04 of the Revised Code, the tax commissioner, for the 87666
first year for which the rate increases, shall compute the 87667
percentage as if the tax in the preceding year had been levied at 87668
the rate at which the tax was authorized to be levied prior to any 87669
rate reduction. 87670

Sec. 5749.12. Any nonresident of this state who accepts the 87671
privilege extended by the laws of this state to nonresidents 87672
severing natural resources in this state, and any resident of this 87673
state who subsequently becomes a nonresident or conceals ~~his~~ the 87674
resident's whereabouts, makes the secretary of state of Ohio ~~his~~ 87675
the person's agent for the service of process or notice in any 87676
assessment, action or proceedings instituted in this state against 87677
such person under this chapter. 87678

Such process or notice shall be served, ~~by the officer to~~ 87679
~~whom the same is directed by the tax commissioner or by the~~ 87680
~~sheriff of Franklin county, who may be deputized for such purpose~~ 87681
~~by the officer to whom the service is directed, upon the secretary~~ 87682
~~of state by leaving at the office of the secretary of state, at~~ 87683
~~least fifteen days before the return day of such process or~~ 87684
~~notice, a true and attested copy thereof, and by sending to the~~ 87685
~~defendant by certified mail, a like and true attested copy, with~~ 87686

~~an endorsement thereon of the service upon said secretary of~~ 87687
~~state, addressed to such defendant at his last known address as~~ 87688
~~provided under section 5703.37 of the Revised Code.~~ 87689

Sec. 5751.01. As used in this chapter: 87690

(A) "Person" means, but is not limited to, individuals, 87691
combinations of individuals of any form, receivers, assignees, 87692
trustees in bankruptcy, firms, companies, joint-stock companies, 87693
business trusts, estates, partnerships, limited liability 87694
partnerships, limited liability companies, associations, joint 87695
ventures, clubs, societies, for-profit corporations, S 87696
corporations, qualified subchapter S subsidiaries, qualified 87697
subchapter S trusts, trusts, entities that are disregarded for 87698
federal income tax purposes, and any other entities. ~~"Person" does~~ 87699
~~not include nonprofit organizations or the state, its agencies,~~ 87700
~~its instrumentalities, and its political subdivisions.~~ 87701

(B) "Consolidated elected taxpayer" means a group of two or 87702
more persons treated as a single taxpayer for purposes of this 87703
chapter as the result of an election made under section 5751.011 87704
of the Revised Code. 87705

(C) "Combined taxpayer" means a group of two or more persons 87706
treated as a single taxpayer for purposes of this chapter under 87707
section 5751.012 of the Revised Code. 87708

(D) "Taxpayer" means any person, or any group of persons in 87709
the case of a consolidated elected taxpayer or combined taxpayer 87710
treated as one taxpayer, required to register or pay tax under 87711
this chapter. "Taxpayer" does not include excluded persons. 87712

(E) "Excluded person" means any of the following: 87713

(1) Any person with not more than one hundred fifty thousand 87714
dollars of taxable gross receipts during the calendar year. 87715
Division (E)(1) of this section does not apply to a person that is 87716

a member of a ~~group that is a~~ consolidated elected taxpayer ~~or a~~ 87717
~~combined taxpayer;~~ 87718

(2) A public utility that paid the excise tax imposed by 87719
section 5727.24 or 5727.30 of the Revised Code based on one or 87720
more measurement periods that include the entire tax period under 87721
this chapter, except that a public utility that is a combined 87722
company is a taxpayer with regard to the following gross receipts: 87723

(a) Taxable gross receipts directly attributed to a public 87724
utility activity, but not directly attributed to an activity that 87725
is subject to the excise tax imposed by section 5727.24 or 5727.30 87726
of the Revised Code; 87727

(b) Taxable gross receipts that cannot be directly attributed 87728
to any activity, multiplied by a fraction whose numerator is the 87729
taxable gross receipts described in division (E)(2)(a) of this 87730
section and whose denominator is the total taxable gross receipts 87731
that can be directly attributed to any activity; 87732

(c) Except for any differences resulting from the use of an 87733
accrual basis method of accounting for purposes of determining 87734
gross receipts under this chapter and the use of the cash basis 87735
method of accounting for purposes of determining gross receipts 87736
under section 5727.24 of the Revised Code, the gross receipts 87737
directly attributed to the activity of a natural gas company shall 87738
be determined in a manner consistent with division (D) of section 87739
5727.03 of the Revised Code. 87740

As used in division (E)(2) of this section, "combined 87741
company" and "public utility" have the same meanings as in section 87742
5727.01 of the Revised Code. 87743

(3) A financial institution, as defined in section 5725.01 of 87744
the Revised Code, that paid the corporation franchise tax charged 87745
by division (D) of section 5733.06 of the Revised Code based on 87746
one or more taxable years that include the entire tax period under 87747

this chapter; 87748

(4) A dealer in intangibles, as defined in section 5725.01 of the Revised Code, that paid the dealer in intangibles tax levied by division (D) of section 5707.03 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter; 87749
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(5) A financial holding company as defined in the "Bank Holding Company Act," 12 U.S.C. 1841(p); 87754
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(6) A bank holding company as defined in the "Bank Holding Company Act," 12 U.S.C. 1841(a); 87756
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(7) A savings and loan holding company as defined in the "Home Owners Loan Act," 12 U.S.C. 1467a(a)(1)(D) that is engaging only in activities or investments permissible for a financial holding company under 12 U.S.C. 1843(k); 87758
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(8) A person directly or indirectly owned by one or more financial institutions, financial holding companies, bank holding companies, or savings and loan holding companies described in division (E)(3), (5), (6), or (7) of this section that is engaged in activities permissible for a financial holding company under 12 U.S.C. 1843(k), except that any such person held pursuant to merchant banking authority under 12 U.S.C. 1843(k)(4)(H) or 12 U.S.C. 1843(k)(4)(I) is not an excluded person, or a person directly or indirectly owned by one or more insurance companies described in division (E)(9) of this section that is authorized to do the business of insurance in this state. 87762
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For the purposes of division (E)(8) of this section, a person owns another person under the following circumstances: 87773
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(a) In the case of corporations issuing capital stock, one corporation owns another corporation if it owns fifty per cent or more of the other corporation's capital stock with current voting rights; 87775
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(b) In the case of a limited liability company, one person 87779
owns the company if that person's membership interest, as defined 87780
in section 1705.01 of the Revised Code, is fifty per cent or more 87781
of the combined membership interests of all persons owning such 87782
interests in the company; 87783

(c) In the case of a partnership, trust, or other 87784
unincorporated business organization other than a limited 87785
liability company, one person owns the organization if, under the 87786
articles of organization or other instrument governing the affairs 87787
of the organization, that person has a beneficial interest in the 87788
organization's profits, surpluses, losses, or distributions of 87789
fifty per cent or more of the combined beneficial interests of all 87790
persons having such an interest in the organization; 87791

(d) In the case of multiple ownership, the ownership 87792
interests of more than one person may be aggregated to meet the 87793
fifty per cent ownership tests in this division only when each 87794
such owner is described in division (E)(3), (5), (6), or (7) of 87795
this section and is engaged in activities permissible for a 87796
financial holding company under 12 U.S.C. 1843(k) or is a person 87797
directly or indirectly owned by one or more insurance companies 87798
described in division (E)(9) of this section that is authorized to 87799
do the business of insurance in this state. 87800

(9) A domestic insurance company or foreign insurance 87801
company, as defined in section 5725.01 of the Revised Code, that 87802
paid the insurance company premiums tax imposed by section 5725.18 87803
or Chapter 5729. of the Revised Code based on one or more 87804
measurement periods that include the entire tax period under this 87805
chapter; 87806

(10) A person that solely facilitates or services one or more 87807
securitizations or similar transactions for any person described 87808
in division (E)(3), (5), (6), (7), (8), or (9) of this section. 87809
For purposes of this division, "securitization" means transferring 87810

one or more assets to one or more persons and then issuing 87811
securities backed by the right to receive payment from the asset 87812
or assets so transferred. 87813

(11) Except as otherwise provided in this division, a 87814
pre-income tax trust as defined in division (FF)(4) of section 87815
5747.01 of the Revised Code and any pass-through entity of which 87816
such pre-income tax trust owns or controls, directly, indirectly, 87817
or constructively through related interests, more than five per 87818
cent of the ownership or equity interests. If the pre-income tax 87819
trust has made a qualifying pre-income tax trust election under 87820
division (FF)(3) of section 5747.01 of the Revised Code, then the 87821
trust and the pass-through entities of which it owns or controls, 87822
directly, indirectly, or constructively through related interests, 87823
more than five per cent of the ownership or equity interests, 87824
shall not be excluded persons for purposes of the tax imposed 87825
under section 5751.02 of the Revised Code. 87826

(12) Nonprofit organizations or the state and its agencies, 87827
instrumentalities, or political subdivisions. 87828

(F) Except as otherwise provided in divisions (F)(2), (3), 87829
and (4) of this section, "gross receipts" means the total amount 87830
realized by a person, without deduction for the cost of goods sold 87831
or other expenses incurred, that contributes to the production of 87832
gross income of the person, including the fair market value of any 87833
property and any services received, and any debt transferred or 87834
forgiven as consideration. 87835

(1) The following are examples of gross receipts: 87836

(a) Amounts realized from the sale, exchange, or other 87837
disposition of the taxpayer's property to or with another; 87838

(b) Amounts realized from the taxpayer's performance of 87839
services for another; 87840

(c) Amounts realized from another's use or possession of the 87841

taxpayer's property or capital;	87842
(d) Any combination of the foregoing amounts.	87843
(2) "Gross receipts" excludes the following amounts:	87844
(a) Interest income except interest on credit sales;	87845
(b) Dividends and distributions from corporations, and	87846
distributive or proportionate shares of receipts and income from a	87847
pass-through entity as defined under section 5733.04 of the	87848
Revised Code;	87849
(c) Receipts from the sale, exchange, or other disposition of	87850
an asset described in section 1221 or 1231 of the Internal Revenue	87851
Code, without regard to the length of time the person held the	87852
asset. Notwithstanding section 1221 of the Internal Revenue Code,	87853
receipts from hedging transactions also are excluded to the extent	87854
the transactions are entered into primarily to protect a financial	87855
position, such as managing the risk of exposure to (i) foreign	87856
currency fluctuations that affect assets, liabilities, profits,	87857
losses, equity, or investments in foreign operations; (ii)	87858
interest rate fluctuations; or (iii) commodity price fluctuations.	87859
As used in division (F)(2)(c) of this section, "hedging	87860
transaction" has the same meaning as used in section 1221 of the	87861
Internal Revenue Code and also includes transactions accorded	87862
hedge accounting treatment under statement of financial accounting	87863
standards number 133 of the financial accounting standards board.	87864
For the purposes of division (F)(2)(c) of this section, the actual	87865
transfer of title of real or tangible personal property to another	87866
entity is not a hedging transaction.	87867
(d) Proceeds received attributable to the repayment,	87868
maturity, or redemption of the principal of a loan, bond, mutual	87869
fund, certificate of deposit, or marketable instrument;	87870
(e) The principal amount received under a repurchase	87871
agreement or on account of any transaction properly characterized	87872

as a loan to the person; 87873

(f) Contributions received by a trust, plan, or other 87874
arrangement, any of which is described in section 501(a) of the 87875
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 87876
1, Subchapter (D) of the Internal Revenue Code applies; 87877

(g) Compensation, whether current or deferred, and whether in 87878
cash or in kind, received or to be received by an employee, former 87879
employee, or the employee's legal successor for services rendered 87880
to or for an employer, including reimbursements received by or for 87881
an individual for medical or education expenses, health insurance 87882
premiums, or employee expenses, or on account of a dependent care 87883
spending account, legal services plan, any cafeteria plan 87884
described in section 125 of the Internal Revenue Code, or any 87885
similar employee reimbursement; 87886

(h) Proceeds received from the issuance of the taxpayer's own 87887
stock, options, warrants, puts, or calls, or from the sale of the 87888
taxpayer's treasury stock; 87889

(i) Proceeds received on the account of payments from ~~life~~ 87890
insurance policies, except those proceeds received for the loss of 87891
business revenue; 87892

(j) Gifts or charitable contributions received; ~~i~~ membership 87893
dues received; by trade, professional, homeowners', or condominium 87894
associations; and payments received for educational courses, 87895
meetings, meals, or similar payments to a trade, professional, or 87896
other similar association; and fundraising receipts received by 87897
any person when any excess receipts are donated or used 87898
exclusively for charitable purposes; ~~and proceeds received by a~~ 87899
~~nonprofit organization including proceeds realized with regard to~~ 87900
~~its unrelated business taxable income;~~ 87901

(k) Damages received as the result of litigation in excess of 87902
amounts that, if received without litigation, would be gross 87903

receipts;	87904
(l) Property, money, and other amounts received or acquired	87905
by an agent on behalf of another in excess of the agent's	87906
commission, fee, or other remuneration;	87907
(m) Tax refunds, other tax benefit recoveries, and	87908
reimbursements for the tax imposed under this chapter made by	87909
entities that are part of the same combined taxpayer or	87910
consolidated elected taxpayer group, and reimbursements made by	87911
entities that are not members of a combined taxpayer or	87912
consolidated elected taxpayer group that are required to be made	87913
for economic parity among multiple owners of an entity whose tax	87914
obligation under this chapter is required to be reported and paid	87915
entirely by one owner, pursuant to the requirements of sections	87916
5751.011 and 5751.012 of the Revised Code;	87917
(n) Pension reversions;	87918
(o) Contributions to capital;	87919
(p) Sales or use taxes collected as a vendor or an	87920
out-of-state seller on behalf of the taxing jurisdiction from a	87921
consumer or other taxes the taxpayer is required by law to collect	87922
directly from a purchaser and remit to a local, state, or federal	87923
tax authority;	87924
(q) In the case of receipts from the sale of cigarettes or	87925
tobacco products by a wholesale dealer, retail dealer,	87926
distributor, manufacturer, or seller, all as defined in section	87927
5743.01 of the Revised Code, an amount equal to the federal and	87928
state excise taxes paid by any person on or for such cigarettes or	87929
tobacco products under subtitle E of the Internal Revenue Code or	87930
Chapter 5743. of the Revised Code;	87931
(r) In the case of receipts from the sale of motor fuel by a	87932
licensed motor fuel dealer, licensed retail dealer, or licensed	87933
permissive motor fuel dealer, all as defined in section 5735.01 of	87934

the Revised Code, an amount equal to federal and state excise 87935
taxes paid by any person on such motor fuel under section 4081 of 87936
the Internal Revenue Code or Chapter 5735. of the Revised Code; 87937

(s) In the case of receipts from the sale of beer or 87938
intoxicating liquor, as defined in section 4301.01 of the Revised 87939
Code, by a person holding a permit issued under Chapter 4301. or 87940
4303. of the Revised Code, an amount equal to federal and state 87941
excise taxes paid by any person on or for such beer or 87942
intoxicating liquor under subtitle E of the Internal Revenue Code 87943
or Chapter 4301. or 4305. of the Revised Code; 87944

(t) Receipts realized by a new motor vehicle dealer or used 87945
motor vehicle dealer, as defined in section 4517.01 of the Revised 87946
Code, from the sale or other transfer of a motor vehicle, as 87947
defined in that section, to another motor vehicle dealer for the 87948
purpose of resale by the transferee motor vehicle dealer, but only 87949
if the sale or other transfer was based upon the transferee's need 87950
to meet a specific customer's preference for a motor vehicle; 87951

(u) Receipts from a financial institution described in 87952
division (E)(3) of this section for services provided to the 87953
financial institution in connection with the issuance, processing, 87954
servicing, and management of loans or credit accounts, if such 87955
financial institution and the recipient of such receipts have at 87956
least fifty per cent of their ownership interests owned or 87957
controlled, directly or constructively through related interests, 87958
by common owners; 87959

(v) Receipts realized from administering anti-neoplastic 87960
drugs and other cancer chemotherapy, biologicals, therapeutic 87961
agents, and supportive drugs in a physician's office to patients 87962
with cancer; 87963

(w) Funds received or used by a mortgage broker that is not a 87964
dealer in intangibles, other than fees or other consideration, 87965

pursuant to a table-funding mortgage loan or warehouse-lending mortgage loan. Terms used in division (F)(2)(w) of this section have the same meanings as in section 1322.01 of the Revised Code, except "mortgage broker" means a person assisting a buyer in obtaining a mortgage loan for a fee or other consideration paid by the buyer or a lender, or a person engaged in table-funding or warehouse-lending mortgage loans that are first lien mortgage loans.

(x) Property, money, and other amounts received by a professional employer organization, as defined in section 4125.01 of the Revised Code, from a client employer, as defined in that section, in excess of the administrative fee charged by the professional employer organization to the client employer;

(y) In the case of amounts retained as commissions by a permit holder under Chapter 3769. of the Revised Code, an amount equal to the amounts specified under that chapter that must be paid to or collected by the tax commissioner as a tax and the amounts specified under that chapter to be used as purse money;

(z) Qualifying distribution center receipts.

(i) For purposes of division (F)(2)(z) of this section:

(I) "Qualifying distribution center receipts" means receipts of a supplier from qualified property that is delivered to a qualified distribution center, multiplied by a quantity that equals one minus the Ohio delivery percentage.

(II) "Qualified property" means tangible personal property delivered to a qualified distribution center that is shipped to that qualified distribution center solely for further shipping by the qualified distribution center to another location in this state or elsewhere. "Further shipping" includes storing and repackaging such property into smaller or larger bundles, so long as such property is not subject to further manufacturing or

processing. 87997

(III) "Qualified distribution center" means a warehouse or 87998
other similar facility in this state that, for the qualifying 87999
year, is operated by a person that is not part of a combined 88000
taxpayer group and that has a qualifying certificate. However, all 88001
warehouses or other similar facilities that are operated by 88002
persons in the same taxpayer group and that are located within one 88003
mile of each other shall be treated as one qualified distribution 88004
center. 88005

(IV) "Qualifying year" means the calendar year to which the 88006
qualifying certificate applies. 88007

(V) "Qualifying period" means the period of the first day of 88008
July of the second year preceding the qualifying year through the 88009
thirtieth day of June of the year preceding the qualifying year. 88010

(VI) "Qualifying certificate" means the certificate issued by 88011
the tax commissioner after the operator of a distribution center 88012
files an annual application approved by the tax commissioner from 88013
an operator of a distribution center that has filed an application 88014
as prescribed by the commissioner and paid the annual fee for the 88015
qualifying certificate on or before the first day of September 88016
prior to the qualifying year or forty five days after the opening 88017
of the distribution center, whichever is later with the 88018
commissioner. The application and annual fee shall be filed and 88019
paid for each qualified distribution center on or before the first 88020
day of September before the qualifying year or within forty-five 88021
days after the distribution center opens, whichever is later. 88022

The applicant must substantiate to the commissioner's 88023
satisfaction that, for the qualifying period, all persons 88024
operating the distribution center have more than fifty per cent of 88025
the cost of the qualified property shipped to a location such that 88026
it would be sitused outside this state under the provisions of 88027

division (E) of section 5751.033 of the Revised Code. The 88028
applicant must also substantiate that the distribution center 88029
cumulatively had costs from its suppliers equal to or exceeding 88030
five hundred million dollars during the qualifying period. (For 88031
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 88032
excludes any person that is part of the consolidated elected 88033
taxpayer group, if applicable, of the operator of the qualified 88034
distribution center.) The commissioner may require the applicant 88035
to have an independent certified public accountant certify that 88036
the calculation of the minimum thresholds required for a qualified 88037
distribution center by the operator of a distribution center has 88038
been made in accordance with generally accepted accounting 88039
principles. The commissioner shall issue or deny the issuance of a 88040
certificate within sixty days after the receipt of the 88041
application. A denial is subject to appeal under section 5717.02 88042
of the Revised Code. If the operator files a timely appeal under 88043
section 5717.02 of the Revised Code, the operator shall be granted 88044
a qualifying certificate, provided that the operator is liable for 88045
any tax, interest, or penalty upon amounts claimed as qualifying 88046
distribution center receipts, other than those receipts exempt 88047
under division (C)(1) of section 5751.011 of the Revised Code, 88048
that would have otherwise not been owed by its suppliers if the 88049
qualifying certificate was valid. 88050

(VII) "Ohio delivery percentage" means the proportion of the 88051
total property delivered to a destination inside Ohio from the 88052
qualified distribution center during the qualifying period 88053
compared with total deliveries from such distribution center 88054
everywhere during the qualifying period. 88055

(ii) If the distribution center is new and was not open for 88056
the entire qualifying period, the operator of the distribution 88057
center may request that the commissioner grant a qualifying 88058
certificate. If the certificate is granted and it is later 88059

determined that more than fifty per cent of the qualified property 88060
during that year was not shipped to a location such that it would 88061
be situated outside of this state under the provisions of division 88062
(E) of section 5751.033 of the Revised Code or if it is later 88063
determined that the person that operates the distribution center 88064
had average monthly costs from its suppliers of less than forty 88065
million dollars during that year, then the operator of the 88066
distribution center shall be liable for any tax, interest, or 88067
penalty upon amounts claimed as qualifying distribution center 88068
receipts, other than those receipts exempt under division (C)(1) 88069
of section 5751.011 of the Revised Code, that would have not 88070
otherwise been owed by its suppliers during the qualifying year if 88071
the qualifying certificate was valid. (For purposes of division 88072
(F)(2)(z)(ii) of this section, "supplier" excludes any person that 88073
is part of the consolidated elected taxpayer group, if applicable, 88074
of the operator of the qualified distribution center.) 88075

(iii) When filing an application for a qualifying certificate 88076
under division (F)(2)(z)(i)(VI) of this section, the operator of a 88077
qualified distribution center also shall provide documentation, as 88078
the commissioner requires, for the commissioner to ascertain the 88079
Ohio delivery percentage. The commissioner, upon issuing the 88080
qualifying certificate, also shall certify the Ohio delivery 88081
percentage. The operator of the qualified distribution center may 88082
appeal the commissioner's certification of the Ohio delivery 88083
percentage in the same manner as an appeal is taken from the 88084
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 88085
of this section. 88086

Within thirty days after all appeals have been exhausted, the 88087
operator of the qualified distribution center shall notify the 88088
affected suppliers of qualified property that such suppliers are 88089
required to file, within sixty days after receiving notice from 88090
the operator of the qualified distribution center, amended reports 88091

for the impacted calendar quarter or quarters or calendar year, 88092
whichever the case may be. Any additional tax liability or tax 88093
overpayment shall be subject to interest but shall not be subject 88094
to the imposition of any penalty so long as the amended returns 88095
are timely filed. The supplier of tangible personal property 88096
delivered to the qualified distribution center shall include in 88097
its report of taxable gross receipts the receipts from the total 88098
sales of property delivered to the qualified distribution center 88099
for the calendar quarter or calendar year, whichever the case may 88100
be, multiplied by the Ohio delivery percentage for the qualifying 88101
year. Nothing in division (F)(2)(z)(iii) of this section shall be 88102
construed as imposing liability on the operator of a qualified 88103
distribution center for the tax imposed by this chapter arising 88104
from any change to the Ohio delivery percentage. 88105

(iv) In the case where the distribution center is new and not 88106
open for the entire qualifying period, the operator shall make a 88107
good faith estimate of an Ohio delivery percentage for use by 88108
suppliers in their reports of taxable gross receipts for the 88109
remainder of the qualifying period. The operator of the facility 88110
shall disclose to the suppliers that such Ohio delivery percentage 88111
is an estimate and is subject to recalculation. By the due date of 88112
the next application for a qualifying certificate, the operator 88113
shall determine the actual Ohio delivery percentage for the 88114
estimated qualifying period and proceed as provided in division 88115
(F)(2)(z)(iii) of this section with respect to the calculation and 88116
recalculation of the Ohio delivery percentage. The supplier is 88117
required to file, within sixty days after receiving notice from 88118
the operator of the qualified distribution center, amended reports 88119
for the impacted calendar quarter or quarters or calendar year, 88120
whichever the case may be. Any additional tax liability or tax 88121
overpayment shall be subject to interest but shall not be subject 88122
to the imposition of any penalty so long as the amended returns 88123
are timely filed. 88124

(v) Qualifying certificates and Ohio delivery percentages 88125
issued by the commissioner shall be open to public inspection and 88126
shall be timely published by the commissioner. A supplier relying 88127
in good faith on a certificate issued under this division shall 88128
not be subject to tax on the qualifying distribution center 88129
receipts under division (F)(2)(z) of this section. A person 88130
receiving a qualifying certificate is responsible for paying the 88131
tax, interest, and penalty upon amounts claimed as qualifying 88132
distribution center receipts that would not otherwise have been 88133
owed by the supplier if the qualifying certificate were available 88134
when it is later determined that the qualifying certificate should 88135
not have been issued because the statutory requirements were in 88136
fact not met. 88137

(vi) The annual fee for a qualifying certificate shall be one 88138
hundred thousand dollars for each qualified distribution center. 88139
If a qualifying certificate is not issued, the annual fee is 88140
subject to refund after the exhaustion of all appeals provided for 88141
in division (F)(2)(z)(i)(VI) of this section. The fee imposed 88142
under this division may be assessed in the same manner as the tax 88143
imposed under this chapter. The first one hundred thousand dollars 88144
of the annual application fees collected each calendar year shall 88145
be credited to the commercial activity tax administrative fund. 88146
The remainder of the annual application fees collected shall be 88147
distributed in the same manner required under section 5751.20 of 88148
the Revised Code. 88149

(vii) The tax commissioner may require that adequate security 88150
be posted by the operator of the distribution center on appeal 88151
when the commissioner disagrees that the applicant has met the 88152
minimum thresholds for a qualified distribution center as set 88153
forth in divisions (F)(2)(z)(i)(VI) and (F)(2)(z)(ii) of this 88154
section. 88155

(aa) Receipts of an employer from payroll deductions relating 88156

to the reimbursement of the employer for advancing moneys to an 88157
unrelated third party on an employee's behalf; 88158

(bb) Cash discounts allowed and taken; 88159

(cc) Returns and allowances; 88160

(dd) Bad debts from receipts on the basis of which the tax 88161
imposed by this chapter was paid in a prior quarterly tax payment 88162
period. For the purpose of this division, "bad debts" means any 88163
debts that have become worthless or uncollectible between the 88164
preceding and current quarterly tax payment periods, have been 88165
uncollected for at least six months, and that may be claimed as a 88166
deduction under section 166 of the Internal Revenue Code and the 88167
regulations adopted under that section, or that could be claimed 88168
as such if the taxpayer kept its accounts on the accrual basis. 88169
"Bad debts" does not include repossessed property, uncollectible 88170
amounts on property that remains in the possession of the taxpayer 88171
until the full purchase price is paid, or expenses in attempting 88172
to collect any account receivable or for any portion of the debt 88173
recovered; 88174

(ee) Any amount realized from the sale of an account 88175
receivable to the extent the receipts from the underlying 88176
transaction giving rise to the account receivable were included in 88177
the gross receipts of the taxpayer; 88178

(ff) Exchanges of products derived from crude oil, including 88179
motor fuels, between licensed motor fuel dealers or licensed 88180
permissive motor fuel dealers where the exchanging parties agree 88181
that neither party shall require payment in money from the other 88182
for the value of the petroleum products exchanged and where 88183
delivery occurs at a refinery, terminal, pipeline, or marine 88184
vessel. Division (F)(2)(ff) does not apply to receipts for the 88185
value of location or grade differences, or handling, lubricity, 88186
dye, or other additive injection fees, pipeline security fees, or 88187

similar fees, or to purchases within a refinery, terminal,
pipeline, or marine vessel of a product that is resold to another
party; 88188
88189
88190

(gg) Any receipts for which the tax imposed by this chapter 88191
is prohibited by the Constitution or laws of the United States or 88192
the Constitution of Ohio. 88193

(3) In the case of a taxpayer when acting as a real estate 88194
broker, "gross receipts" includes only the portion of any fee for 88195
the service of a real estate broker, or service of a real estate 88196
salesperson associated with that broker, that is retained by the 88197
broker and not paid to an associated real estate salesperson or 88198
another real estate broker. For the purposes of this division, 88199
"real estate broker" and "real estate salesperson" have the same 88200
meanings as in section 4735.01 of the Revised Code. 88201

(4) A taxpayer's method of accounting for gross receipts for 88202
a tax period shall be the same as the taxpayer's method of 88203
accounting for federal income tax purposes for the taxpayer's 88204
federal taxable year that includes the tax period. If a taxpayer's 88205
method of accounting for federal income tax purposes changes, its 88206
method of accounting for gross receipts under this chapter shall 88207
be changed accordingly. 88208

~~In calculating gross receipts, the following shall be 88209
deducted to the extent included as a gross receipt in the current 88210
tax period or reported as taxable gross receipts in a prior tax 88211
period:~~ 88212

~~(a) Cash discounts allowed and taken;~~ 88213

~~(b) Returns and allowances;~~ 88214

~~(c) Bad debts. For the purposes of this division, "bad debts" 88215
mean any debts that have become worthless or uncollectible between 88216
the preceding and current quarterly tax payment periods, have been 88217
uncollected for at least six months, and may be claimed as a 88218~~

~~deduction under section 166 of the Internal Revenue Code and the 88219
regulations adopted pursuant thereto, or that could be claimed as 88220
such if the taxpayer kept its accounts on the accrual basis. "Bad 88221
debts" does not include uncollectible amounts on property that 88222
remains in the possession of the taxpayer until the full purchase 88223
price is paid, expenses in attempting to collect any account 88224
receivable or for any portion of the debt recovered, and 88225
repossessed property;~~ 88226

~~(d) Any amount realized from the sale of an account 88227
receivable but only to the extent the receipts from the underlying 88228
transaction giving rise to the account receivable were included in 88229
the gross receipts of the taxpayer.~~ 88230

(G) "Taxable gross receipts" means gross receipts sitused to 88231
this state under section 5751.033 of the Revised Code. 88232

(H) A person has "substantial nexus with this state" if any 88233
of the following applies. The person: 88234

(1) Owns or uses a part or all of its capital in this state; 88235

(2) Holds a certificate of compliance with the laws of this 88236
state authorizing the person to do business in this state; 88237

(3) Has bright-line presence in this state; 88238

(4) Otherwise has nexus with this state to an extent that the 88239
person can be required to remit the tax imposed under this chapter 88240
under the Constitution of the United States. 88241

(I) A person has "bright-line presence" in this state for a 88242
reporting period and for the remaining portion of the calendar 88243
year if any of the following applies. The person: 88244

(1) Has at any time during the calendar year property in this 88245
state with an aggregate value of at least fifty thousand dollars. 88246
For the purpose of division (I)(1) of this section, owned property 88247
is valued at original cost and rented property is valued at eight 88248

times the net annual rental charge.	88249
(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all of the following:	88250 88251 88252
(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code;	88253 88254
(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and	88255 88256 88257
(c) Any amount the person pays for services performed in this state on its behalf by another.	88258 88259
(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars.	88260 88261
(4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total gross receipts.	88262 88263 88264
(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes.	88265 88266
(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code.	88267 88268
(K) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in this chapter that is not otherwise defined has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes unless a different meaning is clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.	88269 88270 88271 88272 88273 88274 88275 88276
(L) "Calendar quarter" means a three-month period ending on the thirty-first day of March, the thirtieth day of June, the	88277 88278

thirtieth day of September, or the thirty-first day of December.	88279
(M) "Tax period" means the calendar quarter or calendar year on the basis of which a taxpayer is required to pay the tax imposed under this chapter.	88280 88281 88282
(N) "Calendar year taxpayer" means a taxpayer for which the tax period is a calendar year.	88283 88284
(O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter.	88285 88286
(P) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following:	88287 88288 88289
(1) A person receiving a fee to sell financial instruments;	88290
(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;	88291 88292 88293
(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;	88294 88295
(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;	88296 88297
(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.	88298 88299
(Q) "Received" includes amounts accrued under the accrual method of accounting.	88300 88301
(R) <u>"Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group.</u>	88302 88303 88304 88305 88306 88307 88308

Sec. 5751.011. (A) A group of two or more persons may elect 88309
to be a consolidated elected taxpayer for the purposes of this 88310
chapter if the group satisfies all of the following requirements: 88311

(1) The group elects to include all persons, including 88312
persons enumerated in divisions (E)(2) to (10) of section 5751.01 88313
of the Revised Code, having at least eighty per cent, or having at 88314
least fifty per cent, of the value of their ownership interests 88315
owned or controlled, directly or constructively through related 88316
interests, by common owners during all or any portion of the tax 88317
period, together with the common owners. ~~At~~ 88318

A group making its initial election on the basis of the 88319
eighty per cent ownership test may change its election so that its 88320
consolidated elected taxpayer group is formed on the basis of the 88321
fifty per cent ownership test if all of the following are 88322
satisfied: 88323

(a) When the initial election was made, the group did not 88324
have any persons satisfying the fifty per cent ownership test; 88325

(b) One or more of the persons in the initial group 88326
subsequently acquires ownership interests in a person such that 88327
the fifty per cent ownership test is satisfied, the eighty per 88328
cent ownership test is not satisfied, and the acquired person 88329
would be required to be included in a combined taxpayer group 88330
under section 5751.012 of the Revised Code; 88331

(c) The group requests the change in a written request to the 88332
tax commissioner on or before the due date for filing the first 88333
return due under section 5751.051 of the Revised Code after the 88334
date of the acquisition; 88335

(d) The group has not previously changed its election. 88336

At the election of the group, all entities that are not 88337
incorporated or formed under the laws of a state or of the United 88338

States and that meet the consolidated elected ownership test shall 88339
either be included in the group or all shall be excluded from the 88340
group. ~~The~~ If, at the time of registration, the group does not 88341
include any such entities that meet the consolidated elected 88342
ownership test, the group shall elect to either include or exclude 88343
the newly acquired entities before the due date of the first 88344
return due after the date of the acquisition. 88345

Each group shall notify the tax commissioner of the foregoing 88346
elections before the due date of the return ~~in which the election~~ 88347
~~is to become effective~~ for the period in which the election 88348
becomes binding. If fifty per cent of the value of a person's 88349
ownership interests is owned or controlled by each of two 88350
consolidated elected taxpayer groups formed under the fifty per 88351
cent ownership or control test, that person is a member of each 88352
group for the purposes of this section, and each group shall 88353
include in the group's taxable gross receipts fifty per cent of 88354
that person's taxable gross receipts. Otherwise, all of that 88355
person's taxable gross receipts shall be included in the taxable 88356
gross receipts of the consolidated elected taxpayer group of which 88357
the person is a member. In no event shall the ownership or control 88358
of fifty per cent of the value of a person's ownership interests 88359
by two otherwise unrelated groups form the basis for consolidating 88360
the groups into a single consolidated elected taxpayer group or 88361
permit any exclusion under division (C) of this section of taxable 88362
gross receipts between members of the two groups. Division (A)(3) 88363
of this section applies with respect to the elections described in 88364
this division. 88365

(2) The group makes the election to be treated as a 88366
consolidated elected taxpayer in the manner prescribed under 88367
division (D) of this section. 88368

(3) Subject to review and audit by the tax commissioner, the 88369
group agrees that all of the following apply: 88370

(a) The group shall file reports as a single taxpayer for at least the next eight calendar quarters following the election so long as at least two or more of the members of the group meet the requirements of division (A)(1) of this section.

(b) Before the expiration of the eighth such calendar quarter, the group shall notify the commissioner if it elects to cancel its designation as a consolidated elected taxpayer. If the group does not so notify the tax commissioner, the election remains in effect for another eight calendar quarters.

(c) If, at any time during any of those eight calendar quarters following the election, a former member of the group no longer meets the requirements under division (A)(1) of this section, that member shall report and pay the tax imposed under this chapter separately, as a member of a combined taxpayer, or, if the former member satisfies such requirements with respect to another consolidated elected group, as a member of that consolidated elected group.

(d) The group agrees to the application of division (B) of this section.

(B) A group of persons making the election under this section shall report and pay tax on all of the group's taxable gross receipts even if substantial nexus with this state does not exist for one or more persons in the group.

(C)(1)(a) Members of a consolidated elected taxpayer group shall exclude gross receipts among persons included in the consolidated elected taxpayer group.

(b) Subject to divisions (C)(1)(c) and (C)(2) of this section, nothing in this section shall have the effect of requiring a consolidated elected taxpayer group to include gross receipts received by a person enumerated in divisions (E)(2) to (10) of section 5751.01 of the Revised Code if that person is a

member of the group pursuant to the elections made by the group 88402
under division (A)(1) of this section. 88403

(c)(i) As used in division (C)(1)(c) of this section, "dealer 88404
transfer" means a transfer of property that satisfies both of the 88405
following: (I) the property is directly transferred by any means 88406
from one member of the group to another member of the group that 88407
is a dealer in intangibles but is not a qualifying dealer as 88408
defined in section 5725.24 of the Revised Code; and (II) the 88409
property is subsequently delivered by the dealer in intangibles to 88410
a person that is not a member of the group. 88411

(ii) In the event of a dealer transfer, a consolidated 88412
elected taxpayer group shall not exclude, under division (C) of 88413
this section, gross receipts from the transfer described in 88414
division (C)(1)(c)(i)(I) of this section. 88415

(2) Gross receipts related to the sale or transmission of 88416
electricity through the use of an intermediary regional 88417
transmission organization approved by the federal energy 88418
regulatory commission shall be excluded from taxable gross 88419
receipts under division (C)(1) of this section if all other 88420
requirements of that division are met, even if the receipts are 88421
from and to the same member of the group. 88422

(D) To make the election to be a consolidated elected 88423
taxpayer, a group of persons shall notify the tax commissioner of 88424
the election in the manner prescribed by the commissioner and pay 88425
the commissioner a registration fee equal to the lesser of two 88426
hundred dollars or twenty dollars for each person in the group. No 88427
additional fee shall be imposed for the addition of new members to 88428
the group once the group has remitted a fee in the amount of two 88429
hundred dollars. The election shall be made and the fee paid 88430
before ~~the later of~~ the beginning of the first calendar quarter to 88431
which the election applies ~~or November 15, 2005~~. The fee shall be 88432
collected and used in the same manner as provided in section 88433

5751.04 of the Revised Code. 88434

The election shall be made on a form prescribed by the tax 88435
commissioner for that purpose and shall be signed by one or more 88436
individuals with authority, separately or together, to make a 88437
binding election on behalf of all persons in the group. 88438

Any person acquired or formed after the filing of the 88439
registration shall be included in the group if the person meets 88440
the requirements of division (A)(1) of this section, and the group 88441
shall notify the tax commissioner of any additions to the group 88442
with the next tax return it files with the commissioner. 88443

~~(E) Each member of a consolidated elected taxpayer is jointly 88444
and severally liable for the tax imposed by this chapter and any 88445
penalties or interest thereon. The tax commissioner may require 88446
one person in the group to be the taxpayer for purposes of 88447
registration and remittance of the tax, but all members of the 88448
group are subject to assessment under section 5751.09 of the 88449
Revised Code. 88450~~

Sec. 5751.012. (A) All persons, other than persons enumerated 88451
in divisions (E)(2) to (10) of section 5751.01 of the Revised 88452
Code, having more than fifty per cent of the value of their 88453
ownership interest owned or controlled, directly or constructively 88454
through related interests, by common owners during all or any 88455
portion of the tax period, together with the common owners, shall 88456
be members of a combined taxpayer if those persons are not members 88457
of a consolidated elected taxpayer pursuant to an election under 88458
section 5751.011 of the Revised Code. 88459

(B) A combined taxpayer shall register, file returns, and pay 88460
taxes under this chapter as a single taxpayer. 88461

(C) A combined taxpayer shall neither exclude taxable gross 88462
receipts between its members nor from others that are not members. 88463

(D) A combined taxpayer shall pay to the tax commissioner a registration fee equal to the lesser of two hundred dollars or twenty dollars for each person in the group. No additional fee shall be imposed for the addition of new members to the group once the group has remitted a fee in the amount of two hundred dollars. The fee shall be timely paid before the later of the beginning of the first calendar quarter or November 15, 2005. The fee shall be collected and used in the same manner as provided in section 5751.04 of the Revised Code.

Any person acquired or formed after the filing of the registration shall be included in the group if the person meets the requirements of division (A) of this section, and the group must notify the tax commissioner of any additions with the next quarterly tax return it files with the commissioner.

~~(E) Each member of a combined taxpayer is jointly and severally liable for the tax imposed by this chapter and any penalties or interest thereon. The tax commissioner may require one person in the group to be the taxpayer for purposes of registration and remittance of the tax, but all members of the group are subject to assessment under section 5751.09 of the Revised Code.~~

Sec. 5751.013. (A) Except as provided in division (B) of this section:

(1) A person shall include as taxable gross receipts the value of property the person transfers into this state for the person's own use within one year after the person receives the property outside this state; and

(2) In the case of ~~an elected~~ a consolidated elected taxpayer group or a combined taxpayer group, the taxpayer shall include as taxable gross receipts the value of property that any of the taxpayer's members transferred into this state for the use of any

of the taxpayer's members within one year after the taxpayer 88495
receives the property outside this state. 88496

(B) Property brought into this state within one year after it 88497
is received outside this state by a person or group described in 88498
division (A)(1) or (2) of this section shall not be included as 88499
taxable gross receipts as required under those divisions if the 88500
tax commissioner ascertains that the property's receipt outside 88501
this state by the person or group followed by its transfer into 88502
this state within one year was not intended in whole or in part to 88503
avoid in whole or in part the tax imposed under this chapter. 88504

(C) The tax commissioner may adopt rules necessary to 88505
administer this section. 88506

Sec. 5751.014. All members of a consolidated elected taxpayer 88507
or combined taxpayer group during the tax period or periods for 88508
which additional tax, penalty, or interest is owed are jointly and 88509
severally liable for such amounts. Although the reporting person 88510
will be assessed for the liability, such amounts due may be 88511
pursued against any member of the group when a liability is 88512
certified to the attorney general under section 131.02 of the 88513
Revised Code. 88514

Sec. 5751.03. (A) Except as provided in divisions (B) and (D) 88515
of this section and in sections 5751.031 and 5751.032 of the 88516
Revised Code, the tax levied under this section for each tax 88517
period shall be the product of two and six-tenths mills per dollar 88518
times the remainder of the taxpayer's taxable gross receipts for 88519
the tax period after subtracting the exclusion amount provided for 88520
in division (C) of this section. 88521

(B) Notwithstanding division (C) of this section, the tax on 88522
the first one million dollars in taxable gross receipts each 88523
calendar year shall be one hundred fifty dollars. For calendar 88524

year 2006, the tax imposed under this division shall be paid not 88525
later than May 10, 2006, by both calendar year taxpayers and 88526
calendar quarter taxpayers. For calendar ~~year years~~ 2007 ~~and~~ 88527
~~thereafter, 2008, and 2009~~, the tax imposed under this division 88528
shall be paid with the fourth-quarter tax return or annual tax 88529
return for the prior calendar year by both calendar year taxpayers 88530
and calendar quarter taxpayers. For calendar years 2010 and 88531
thereafter, the tax imposed under this division shall be paid not 88532
later than the tenth day of May of each year along with the first 88533
quarter or annual tax return, as applicable. 88534

(C)(1) Each calendar quarter taxpayer may exclude the first 88535
two hundred fifty thousand dollars of taxable gross receipts for a 88536
calendar quarter and may carry forward and apply any unused 88537
exclusion amount to the three subsequent calendar quarters. Each 88538
calendar year taxpayer may exclude the first one million dollars 88539
of taxable gross receipts for a calendar year. 88540

(2) A taxpayer switching from a calendar year tax period to a 88541
calendar quarter tax period may, for the first quarter of the 88542
change, apply the prior calendar quarter exclusion amounts to the 88543
first calendar quarter return the taxpayer files that calendar 88544
year. The tax rate shall be based on the rate imposed that 88545
calendar quarter when the taxpayer switches from a calendar year 88546
to a calendar quarter tax period. 88547

(D) There is hereby allowed a credit against the tax imposed 88548
under this chapter for each of the following calendar years if a 88549
transfer was made in the preceding calendar year from the general 88550
revenue fund to the commercial activity tax refund fund under 88551
division (D) of section 5751.032 of the Revised Code: calendar 88552
years 2008, 2010, and 2012. The credit is allowed for taxpayers 88553
that paid in full the tax imposed under this chapter for the 88554
calendar year in which the transfer was made. The amount of a 88555
taxpayer's credit equals the amount computed under division (D) of 88556

section 5751.032 of the Revised Code. 88557

Sec. 5751.04. (A) As used in this section, "person" includes a reporting person. 88558
88559

(B) Not later than ~~the later of November 15, 2005, or~~ thirty 88560
days after a person first has more than one hundred fifty thousand 88561
dollars in taxable gross receipts in a calendar year, each person 88562
subject to this chapter shall register with the tax commissioner 88563
on the form prescribed by the commissioner. The form shall include 88564
the following: 88565

(1) The person's name; 88566

(2) If applicable, the name of the state or country under the 88567
laws of which the person is incorporated; 88568

(3) If applicable, the location of a person's principal 88569
office and the name and address of the officer or agent of the 88570
corporation in charge of the business; 88571

(4) If applicable, the names of the person's president, 88572
secretary, treasurer, and statutory agent designated pursuant to 88573
section 1703.041 of the Revised Code, with the post office address 88574
of each; 88575

(5) The kind of business in which the person is engaged, 88576
including applicable business or industry codes; 88577

(6) If required by the tax commissioner, the date of the 88578
beginning of the person's annual accounting period that includes 88579
the first day of January of the taxable calendar year; 88580

(7) If the person is not a corporation or a sole proprietor, 88581
the names of the person's owners and officers, if required by the 88582
tax commissioner; 88583

(8) The person's federal employer identification number or 88584
numbers or, if those are not applicable, the person's social 88585

security number or equivalent; 88586

(9) All other information that the commissioner requires to 88587
administer and enforce this chapter. 88588

~~(B)~~(C) Except as otherwise provided in this division, each 88589
person registering with the tax commissioner as required by 88590
division ~~(A)~~(B) of this section shall pay a registration fee. The 88591
fee shall be in the amount of fifteen dollars if a person 88592
registers electronically and twenty dollars if a person does not 88593
register electronically. The registration fee shall be paid in the 88594
manner prescribed by the tax commissioner at the same time the 88595
registration is due if a person is subject to the tax imposed 88596
under this chapter before January 1, 2006. If a person first 88597
becomes subject to the tax after that date, the registration fee 88598
is payable with the first tax period return the person is required 88599
to file as prescribed by section 5751.051 of the Revised Code. If 88600
a ~~registration fee is not paid when due~~ person does not register 88601
within the time prescribed by this section, an additional fee is 88602
imposed in the amount of one hundred dollars per month or part 88603
thereof that the fee is outstanding, not to exceed one thousand 88604
dollars. The tax commissioner may abate the additional fee. The 88605
fee imposed under this division may be assessed in the same manner 88606
as the tax imposed under this chapter. Proceeds from the fee shall 88607
be credited to the commercial activity tax administrative fund, 88608
which is hereby created in the state treasury for the commissioner 88609
to use in implementing and administering the tax imposed under 88610
this chapter. 88611

~~No registration fee is payable by a person for a calendar 88612
year if the person first begins business operations in this state 88613
after the thirtieth day of November of that calendar year or if 88614
the person's taxable gross receipts for the calendar year exceed 88615
one hundred fifty thousand dollars but do not exceed one hundred 88616
fifty thousand dollars as of the first day of December of the 88617~~

~~calendar year.~~ 88618

Registration fees paid under this section, excluding any 88619
additional fee imposed for ~~late payment of the registration fee a~~ 88620
person's failure to timely register, shall be credited against the 88621
first payment of tax payable under section 5751.03 of the Revised 88622
Code ~~after the registration fee is paid.~~ 88623

~~(C)(D)~~ If a person that has registered under this section is 88624
no longer a taxpayer subject to this chapter, including no longer 88625
being a taxpayer because of the application of division (E)(1) of 88626
section 5751.01 of the Revised Code, the person shall notify the 88627
commissioner that the person's registration should be cancelled. 88628

(E) With respect to registrations received by the 88629
commissioner before the effective date of the amendment of this 88630
section by the main operating appropriations act of the 128th 88631
general assembly, the taxpayer listed as the primary taxpayer on 88632
the registration shall be the reporting person until the taxpayer 88633
notifies the commissioner otherwise. 88634

Sec. 5751.05. (A) If a person subject to this chapter 88635
anticipates that the person's taxable gross receipts will be more 88636
than one million dollars ~~or less~~ in a calendar year ~~2006~~, the 88637
person ~~may elect to be a calendar year taxpayer. If a person is~~ 88638
~~not required to be registered under this section for calendar year~~ 88639
~~2006 and anticipates that the person's taxable gross receipts will~~ 88640
~~be one million dollars or less in the first calendar year the~~ 88641
~~person is required to register under this section, the person may~~ 88642
~~elect to be a calendar year taxpayer~~ shall notify the tax 88643
commissioner on the person's initial registration form and file on 88644
a quarterly basis as a calendar quarter taxpayer. Any taxpayer 88645
with taxable gross receipts of one million dollars or less shall 88646
register as a calendar year taxpayer and shall file annually. 88647

(B) Any person that is a calendar year taxpayer ~~pursuant to~~ 88648

~~an election~~ under division (A) of this section shall become a 88649
calendar quarter taxpayer in the subsequent calendar year if the 88650
person's taxable gross receipts for the prior calendar year are 88651
more than one million dollars, and shall remain a calendar quarter 88652
taxpayer until the person notifies the tax commissioner, and 88653
receives approval in writing from the tax commissioner, to switch 88654
back to being a calendar year taxpayer. Nothing in this division 88655
prohibits a person that has elected to be a calendar year taxpayer 88656
from notifying the tax commissioner, using the procedures 88657
prescribed by the commissioner, that it is switching back to being 88658
a calendar quarter taxpayer. 88659

(C) Any taxpayer that is not a calendar ~~year~~ quarter taxpayer 88660
pursuant to this section is a calendar ~~quarter~~ year taxpayer. The 88661
~~tax~~ commissioner may grant written approval for a calendar quarter 88662
taxpayer to use an alternative reporting schedule or estimate the 88663
amount of tax due for a calendar quarter if the taxpayer 88664
demonstrates to the commissioner the need for such a deviation. 88665
The commissioner may adopt a rule to apply division (C) of this 88666
section to a group of taxpayers without the taxpayers having to 88667
receive written approval from the commissioner. 88668

Sec. 5751.051. (A)(1) Not later than ~~forty days~~ the tenth day 88669
of the second month after the end of each calendar quarter, every 88670
taxpayer other than a calendar year taxpayer shall file with the 88671
tax commissioner a tax return in such form as the commissioner 88672
prescribes. The return shall include, but is not limited to, the 88673
amount of the taxpayer's taxable gross receipts for the calendar 88674
quarter and shall indicate the amount of tax due under section 88675
5751.03 of the Revised Code for the calendar quarter. 88676

(2)(a) Subject to division (C) of section 5751.05 of the 88677
Revised Code, a calendar quarter taxpayer shall report the taxable 88678
gross receipts for that calendar quarter. 88679

(b) With respect to taxable gross receipts incorrectly reported in a calendar quarter that has a lower tax rate, the tax shall be computed at the tax rate in effect for the quarterly return in which such receipts should have been reported. Nothing in division (A)(2)(b) of this section prohibits a taxpayer from filing an application for refund under section 5751.08 of the Revised Code with regard to the incorrect reporting of taxable gross receipts discovered after filing the annual return described in division (A)(3) of this section.

A tax return shall not be deemed to be an incorrect reporting of taxable gross receipts for the purposes of division (A)(2)(b) of this section if the return reflects between ninety-five and one hundred five per cent of the actual taxable gross receipts for the calendar quarter.

(3) ~~The~~ For the purposes of division (A)(2)(b) of this section, the tax return filed for the fourth calendar quarter of a calendar year is the annual return for the privilege tax imposed by this chapter. Such return shall report any additional taxable gross receipts not previously reported in the calendar year and shall adjust for any over-reported taxable gross receipts in the calendar year. If the taxpayer ceases to be a taxpayer before the end of the calendar year, the last return the taxpayer is required to file shall be the annual return for the taxpayer and the taxpayer shall report any additional taxable gross receipts not previously reported in the calendar year and shall adjust for any over-reported taxable gross receipts in the calendar year.

(4) Because the tax imposed by this chapter is a privilege tax, the tax rate with respect to taxable gross receipts for a calendar quarter is not fixed until the end of the measurement period for each calendar quarter. Subject to division (A)(2)(b) of this section, the total amount of taxable gross receipts reported for a given calendar quarter shall be subject to the tax rate in

effect in that quarter. 88712

(5) Not later than ~~forty days after~~ the tenth day of May 88713
following the end of each calendar year, every calendar year 88714
taxpayer shall file with the tax commissioner a tax return in such 88715
form as the commissioner prescribes. The return shall include, but 88716
is not limited to, the amount of the taxpayer's taxable gross 88717
receipts for the calendar year and shall indicate the amount of 88718
tax due under section 5751.03 of the Revised Code for the calendar 88719
year. 88720

(B)(1) A person that first becomes subject to the tax imposed 88721
under this chapter shall pay the minimum tax imposed under 88722
division (B) of section 5751.03 of the Revised Code along with the 88723
registration fee imposed under this section, if applicable, on or 88724
before the day the return is required to be filed for that quarter 88725
under division (A)(1) of this section, regardless of whether the 88726
person elects to be a calendar year taxpayer under section 5751.05 88727
of the Revised Code. 88728

(2) The amount of the minimum tax for a person subject to 88729
division (B)(1) of this section shall be reduced to seventy-five 88730
dollars if the registration is timely filed after the first day of 88731
May and before the first day of January of the following calendar 88732
year. 88733

Sec. 5751.06. (A) Any taxpayer that fails to file a return or 88734
pay the full amount of the tax due within the period prescribed 88735
therefor under this chapter shall pay a penalty in an amount not 88736
exceeding the greater of fifty dollars or ten per cent of the tax 88737
required to be paid for the tax period. 88738

(B)(1) If any additional tax is found to be due, the tax 88739
commissioner may impose an additional penalty of up to fifteen per 88740
cent on the additional tax found to be due. 88741

(2) Any delinquent payments of the tax made after a taxpayer 88742
is notified of an audit or a tax discrepancy by the commissioner 88743
is subject to the penalty imposed by division (B) of this section. 88744
If an assessment is issued under section ~~5751.10~~ 5751.09 of the 88745
Revised Code in connection with such delinquent payments, the 88746
payments shall be credited to the assessment. 88747

(C) After calendar year 2008, the tax commissioner may impose 88748
an additional penalty against a taxpayer that fails to switch to 88749
being a calendar quarter taxpayer at the time it had over two 88750
million in taxable gross receipts in the calendar year, as 88751
required under section 5751.04 of the Revised Code. The penalty 88752
may be imposed in an amount not to exceed ten per cent of the tax 88753
due above two million dollars in taxable gross receipts for the 88754
calendar year. Any penalty imposed under this division is in 88755
addition to any other penalties imposed under this section. 88756

(D) If the tax commissioner notifies a person required to 88757
register under section 5751.05 of the Revised Code of such 88758
requirement and of the requirement to remit the tax due under this 88759
chapter, and the person fails to so register and remit the tax 88760
within sixty days after such notice, the tax commissioner may 88761
impose an additional penalty of up to thirty-five per cent of the 88762
tax due. The penalty imposed under this division is in addition to 88763
any other penalties imposed under this section. 88764

(E) The tax commissioner may collect any penalty or interest 88765
imposed by this section in the same manner as the tax imposed 88766
under this chapter. Penalties and interest so collected shall be 88767
considered as revenue arising from the tax imposed under this 88768
chapter. 88769

(F) The tax commissioner may abate all or a portion of any 88770
penalties imposed under this section and may adopt rules governing 88771
such abatements. 88772

(G) If any tax due is not timely paid in accordance with this chapter, the taxpayer shall pay interest, calculated at the rate per annum prescribed by section 5703.47 of the Revised Code, from the date the tax payment was due to the date of payment or to the date an assessment was issued, whichever occurs first.

(H) The tax commissioner may impose a penalty of up to ten per cent for any additional tax that is due under division (A)(2)(b) of section 5751.051 of the Revised Code from a taxpayer incorrectly reporting its taxable gross receipts.

(I) If the tax commissioner discovers that a taxpayer has billed or invoiced another person for the tax imposed under this chapter in violation of division (B) of section 5751.02 of the Revised Code, the tax commissioner shall notify the taxpayer of the violation by certified mail and may impose a penalty of up to five hundred dollars. If the taxpayer subsequently bills or invoices a person for the tax imposed under this chapter, the tax commissioner shall impose a penalty of five hundred dollars.

Sec. 5751.08. (A) An application for refund to the taxpayer of the amount of taxes imposed under this chapter that are overpaid, paid illegally or erroneously, or paid on any illegal or erroneous assessment shall be filed by the reporting person with the tax commissioner, on the form prescribed by the commissioner, within four years after the date of the illegal or erroneous payment of the tax. The applicant shall provide the amount of the requested refund along with the claimed reasons for, and documentation to support, the issuance of a refund.

(B) On the filing of the refund application, the tax commissioner shall determine the amount of refund to which the applicant is entitled. If the amount is not less than that claimed, the commissioner shall certify the amount to the director of budget and management and treasurer of state for payment from

the tax refund fund created under section 5703.052 of the Revised Code. If the amount is less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code. 88804
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(C) Interest on a refund applied for under this section, computed at the rate provided for in section 5703.47 of the Revised Code, shall be allowed from the later of the date the tax was paid or when the tax payment was due. 88808
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(D) A calendar quarter taxpayer with more than one million dollars in taxable gross receipts in a calendar year other than calendar year 2005 and that is not able to exclude one million dollars in taxable gross receipts because of the operation of the taxpayer's business in that calendar year may file for a refund under this section to obtain the full exclusion of one million dollars in taxable gross receipts for that calendar year. 88812
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(E) No person with an active registration as a taxpayer under this chapter may claim a refund under this section for the tax imposed under division (B) of section 5751.03 of the Revised Code unless the person cancelled the registration before the tenth day of ~~February~~ May of the current calendar year pursuant to division ~~(C)~~ (D) of section 5751.04 of the Revised Code. 88819
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(F) Except as provided in section 5751.091 of the Revised Code, the tax commissioner may, with the consent of the taxpayer, provide for the crediting against tax due for a tax year the amount of any refund due the taxpayer under this chapter for a preceding tax year. 88825
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Sec. 5751.09. (A) The tax commissioner may make an assessment, based on any information in the commissioner's possession, against any person that fails to file a return or pay any tax as required by this chapter. The commissioner shall give the person assessed written notice of the assessment as provided 88830
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in section 5703.37 of the Revised Code. With the notice, the 88835
commissioner shall provide instructions on the manner in which to 88836
petition for reassessment and request a hearing with respect to 88837
the petition. The commissioner shall send any assessments against 88838
consolidated elected taxpayer and combined taxpayer groups under 88839
section 5751.011 or 5751.012 of the Revised Code to the taxpayer's 88840
"reporting person" as defined under division (R) of section 88841
5751.01 of the Revised Code. The reporting person shall notify all 88842
members of the group of the assessment and all outstanding taxes, 88843
interest, and penalties for which the assessment is issued. 88844

(B) Unless the person assessed, within sixty days after 88845
service of the notice of assessment, files with the tax 88846
commissioner, either personally or by certified mail, a written 88847
petition signed by the person or the person's authorized agent 88848
having knowledge of the facts, the assessment becomes final, and 88849
the amount of the assessment is due and payable from the person 88850
assessed to the treasurer of state. The petition shall indicate 88851
the objections of the person assessed, but additional objections 88852
may be raised in writing if received by the commissioner prior to 88853
the date shown on the final determination. 88854

If a petition for reassessment has been properly filed, the 88855
commissioner shall proceed under section 5703.60 of the Revised 88856
Code. 88857

(C)(1) After an assessment becomes final, if any portion of 88858
the assessment, including accrued interest, remains unpaid, a 88859
certified copy of the tax commissioner's entry making the 88860
assessment final may be filed in the office of the clerk of the 88861
court of common pleas in the county in which the person resides or 88862
has its principal place of business in this state, or in the 88863
office of the clerk of court of common pleas of Franklin county. 88864

(2) Immediately upon the filing of the entry, the clerk shall 88865

enter judgment for the state against the person assessed in the 88866
amount shown on the entry. The judgment may be filed by the clerk 88867
in a loose-leaf book entitled, "special judgments for the 88868
commercial activity tax" and shall have the same effect as other 88869
judgments. Execution shall issue upon the judgment at the request 88870
of the tax commissioner, and all laws applicable to sales on 88871
execution shall apply to sales made under the judgment. 88872

(3) The portion of the assessment not paid within sixty days 88873
after the day the assessment was issued shall bear interest at the 88874
rate per annum prescribed by section 5703.47 of the Revised Code 88875
from the day the tax commissioner issues the assessment until it 88876
is paid. Interest shall be paid in the same manner as the tax and 88877
may be collected by the issuance of an assessment under this 88878
section. 88879

(D) If the tax commissioner believes that collection of the 88880
tax will be jeopardized unless proceedings to collect or secure 88881
collection of the tax are instituted without delay, the 88882
commissioner may issue a jeopardy assessment against the person 88883
liable for the tax. Immediately upon the issuance of the jeopardy 88884
assessment, the commissioner shall file an entry with the clerk of 88885
the court of common pleas in the manner prescribed by division (C) 88886
of this section. Notice of the jeopardy assessment shall be served 88887
on the person assessed or the person's authorized agent in the 88888
manner provided in section 5703.37 of the Revised Code within five 88889
days of the filing of the entry with the clerk. The total amount 88890
assessed is immediately due and payable, unless the person 88891
assessed files a petition for reassessment in accordance with 88892
division (B) of this section and provides security in a form 88893
satisfactory to the commissioner and in an amount sufficient to 88894
satisfy the unpaid balance of the assessment. Full or partial 88895
payment of the assessment does not prejudice the commissioner's 88896
consideration of the petition for reassessment. 88897

(E) The tax commissioner shall immediately forward to the 88898
treasurer of state all amounts the commissioner receives under 88899
this section, and such amounts shall be considered as revenue 88900
arising from the tax imposed under this chapter. 88901

(F) Except as otherwise provided in this division, no 88902
assessment shall be made or issued against a taxpayer for the tax 88903
imposed under this chapter more than four years after the due date 88904
for the filing of the return for the tax period for which the tax 88905
was reported, or more than four years after the return for the tax 88906
period was filed, whichever is later. Nothing in this division 88907
bars an assessment against a taxpayer that fails to file a return 88908
required by this chapter or that files a fraudulent return. 88909

(G) If the tax commissioner possesses information that 88910
indicates that the amount of tax a taxpayer is required to pay 88911
under this chapter exceeds the amount the taxpayer paid, the tax 88912
commissioner may audit a sample of the taxpayer's gross receipts 88913
over a representative period of time to ascertain the amount of 88914
tax due, and may issue an assessment based on the audit. The tax 88915
commissioner shall make a good faith effort to reach agreement 88916
with the taxpayer in selecting a representative sample. The tax 88917
commissioner may apply a sampling method only if the commissioner 88918
has prescribed the method by rule. 88919

(H) If the whereabouts of a person subject to this chapter is 88920
not known to the tax commissioner, the ~~secretary of state is~~ 88921
~~hereby deemed to be that person's agent for purposes of service of~~ 88922
~~process of notice of any assessment, action, or proceedings~~ 88923
~~instituted in this state against the person under this chapter.~~ 88924
~~Such process or notice shall be served on such person by the~~ 88925
~~commissioner or by one of the commissioner's agents by leaving at~~ 88926
~~the office of the secretary of state, at least fifteen days before~~ 88927
~~the return day of such process or notice, a true and attested copy~~ 88928
~~of the notice, and by sending to such person by ordinary mail,~~ 88929

~~with an endorsement thereon of the service upon the secretary of~~ 88930
~~state, addressed to such person at the person's last known address~~ 88931
commissioner shall follow the procedures under section 5703.37 of 88932
the Revised Code. 88933

Sec. 5751.20. (A) As used in sections 5751.20 to 5751.22 of 88934
the Revised Code: 88935

(1) "School district," "joint vocational school district," 88936
"local taxing unit," "recognized valuation," "fixed-rate levy," 88937
and "fixed-sum levy" have the same meanings as used in section 88938
5727.84 of the Revised Code. 88939

(2) "State education aid" for a school district means the sum 88940
of state aid amounts computed for the district under division (A) 88941
of section 3317.022 of the Revised Code, including the amounts 88942
calculated under sections 3317.029 and 3317.0217 of the Revised 88943
Code; divisions (C)(1), (C)(4), (D), (E), and (F) of section 88944
3317.022; divisions (B), (C), and (D) of section 3317.023; 88945
divisions (L) and (N) of section 3317.024; section 3317.0216; and 88946
any unit payments for gifted student services paid under sections 88947
3317.05, 3317.052, and 3317.053 of the Revised Code; except that, 88948
for fiscal years 2008 and 2009, the amount computed for the 88949
district under Section 269.20.80 of H.B. 119 of the 127th general 88950
assembly and as that section subsequently may be amended shall be 88951
substituted for the amount computed under division (D) of section 88952
3317.022 of the Revised Code, and the amount computed under 88953
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 88954
that section subsequently may be amended shall be included. 88955

(3) "State education aid" for a joint vocational school 88956
district means the sum of the state aid computed for the district 88957
under division (N) of section 3317.024 and section 3317.16 of the 88958
Revised Code, except that, for fiscal years 2008 and 2009, the 88959
amount computed under Section 269.30.80 of H.B. 119 of the 127th 88960

general assembly and as that section subsequently may be amended 88961
shall be included. 88962

(4) "State education aid offset" means the amount determined 88963
for each school district or joint vocational school district under 88964
division (A)(1) of section 5751.21 of the Revised Code. 88965

(5) "Machinery and equipment property tax value loss" means 88966
the amount determined under division (C)(1) of this section. 88967

(6) "Inventory property tax value loss" means the amount 88968
determined under division (C)(2) of this section. 88969

(7) "Furniture and fixtures property tax value loss" means 88970
the amount determined under division (C)(3) of this section. 88971

(8) "Machinery and equipment fixed-rate levy loss" means the 88972
amount determined under division (D)(1) of this section. 88973

(9) "Inventory fixed-rate levy loss" means the amount 88974
determined under division (D)(2) of this section. 88975

(10) "Furniture and fixtures fixed-rate levy loss" means the 88976
amount determined under division (D)(3) of this section. 88977

(11) "Total fixed-rate levy loss" means the sum of the 88978
machinery and equipment fixed-rate levy loss, the inventory 88979
fixed-rate levy loss, the furniture and fixtures fixed-rate levy 88980
loss, and the telephone company fixed-rate levy loss. 88981

(12) "Fixed-sum levy loss" means the amount determined under 88982
division (E) of this section. 88983

(13) "Machinery and equipment" means personal property 88984
subject to the assessment rate specified in division (F) of 88985
section 5711.22 of the Revised Code. 88986

(14) "Inventory" means personal property subject to the 88987
assessment rate specified in division (E) of section 5711.22 of 88988
the Revised Code. 88989

(15) "Furniture and fixtures" means personal property subject to the assessment rate specified in division (G) of section 5711.22 of the Revised Code.

(16) "Qualifying levies" are levies in effect for tax year 2004 or applicable to tax year 2005 or approved at an election conducted before September 1, 2005. For the purpose of determining the rate of a qualifying levy authorized by section 5705.212 or 5705.213 of the Revised Code, the rate shall be the rate that would be in effect for tax year 2010.

(17) "Telephone property" means tangible personal property of a telephone, telegraph, or interexchange telecommunications company subject to an assessment rate specified in section 5727.111 of the Revised Code in tax year 2004.

(18) "Telephone property tax value loss" means the amount determined under division (C)(4) of this section.

(19) "Telephone property fixed-rate levy loss" means the amount determined under division (D)(4) of this section.

(B) The commercial activities tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed under this chapter. All money in that Eighty-five one-hundredths of one per cent of the money credited to that fund shall be credited to the tax reform system implementation fund, which is hereby created in the state treasury, and shall be used to defray the costs incurred by the department of taxation in administering the tax imposed by this chapter and in implementing tax reform measures. The remainder in the commercial activities tax receipts fund shall be credited for each fiscal year in the following percentages to the general revenue fund, to the school district tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section

5751.21 of the Revised Code, and to the local government tangible 89021
property tax replacement fund, which is hereby created in the 89022
state treasury for the purpose of making the payments described in 89023
section 5751.22 of the Revised Code, in the following percentages: 89024

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2006	67.7%	22.6%	9.7%	89026
2007	0%	70.0%	30.0%	89027
2008	0%	70.0%	30.0%	89028
2009	0%	70.0%	30.0%	89029
2010	0%	70.0%	30.0%	89030
2011 <u>and</u>	0%	70.0%	30.0%	89031
<u>thereafter</u>				89032
2012	5.3%	70.0%	24.7%	89033
2013	10.6%	70.0%	19.4%	89034
2014	14.1%	70.0%	15.9%	89035
2015	17.6%	70.0%	12.4%	89036
2016	21.1%	70.0%	8.9%	89037
2017	24.6%	70.0%	5.4%	89038
2018	28.1%	70.0%	1.9%	89039
2019 and	30%	70%	0%	89040
thereafter				

(C) Not later than September 15, 2005, the tax commissioner 89041
shall determine for each school district, joint vocational school 89042
district, and local taxing unit its machinery and equipment, 89043
inventory property, furniture and fixtures property, and telephone 89044
property tax value losses, which are the applicable amounts 89045
described in divisions (C)(1), (2), (3), and (4) of this section, 89046
except as provided in division (C)(5) of this section: 89047

(1) Machinery and equipment property tax value loss is the taxable value of machinery and equipment property as reported by taxpayers for tax year 2004 multiplied by:	89048
	89049
	89050
(a) For tax year 2006, thirty-three and eight-tenths per cent;	89051
	89052
(b) For tax year 2007, sixty-one and three-tenths per cent;	89053
(c) For tax year 2008, eighty-three per cent;	89054
(d) For tax year 2009 and thereafter, one hundred per cent.	89055
(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:	89056
	89057
	89058
(a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;	89059
	89060
	89061
(b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;	89062
	89063
(c) For tax year 2008, a fraction, the numerator of which is thirteen and one-fourth and the denominator of which is twenty-three;	89064
	89065
	89066
(d) For tax year 2009 and thereafter a fraction, the numerator of which is seventeen and the denominator of which is twenty-three.	89067
	89068
	89069
(3) Furniture and fixtures property tax value loss is the taxable value of furniture and fixture property as reported by taxpayers for tax year 2004 multiplied by:	89070
	89071
	89072
(a) For tax year 2006, twenty-five per cent;	89073
(b) For tax year 2007, fifty per cent;	89074
(c) For tax year 2008, seventy-five per cent;	89075
(d) For tax year 2009 and thereafter, one hundred per cent.	89076

The taxable value of property reported by taxpayers used in divisions (C)(1), (2), and (3) of this section shall be such values as determined to be final by the tax commissioner as of August 31, 2005. Such determinations shall be final except for any correction of a clerical error that was made prior to August 31, 2005, by the tax commissioner.

(4) Telephone property tax value loss is the taxable value of telephone property as taxpayers would have reported that property for tax year 2004 if the assessment rate for all telephone property for that year were twenty-five per cent, multiplied by:

- (a) For tax year 2006, zero per cent;
- (b) For tax year 2007, zero per cent;
- (c) For tax year 2008, zero per cent;
- (d) For tax year 2009, sixty per cent;
- (e) For tax year 2010, eighty per cent;
- (f) For tax year 2011 and thereafter, one hundred per cent.

(5) Division (C)(5) of this section applies to any school district, joint vocational school district, or local taxing unit in a county in which is located a facility currently or formerly devoted to the enrichment or commercialization of uranium or uranium products, and for which the total taxable value of property listed on the general tax list of personal property for any tax year from tax year 2001 to tax year 2004 was fifty per cent or less of the taxable value of such property listed on the general tax list of personal property for the next preceding tax year.

In computing the fixed-rate levy losses under divisions (D)(1), (2), and (3) of this section for any school district, joint vocational school district, or local taxing unit to which division (C)(5) of this section applies, the taxable value of such

property as listed on the general tax list of personal property 89107
for tax year 2000 shall be substituted for the taxable value of 89108
such property as reported by taxpayers for tax year 2004, in the 89109
taxing district containing the uranium facility, if the taxable 89110
value listed for tax year 2000 is greater than the taxable value 89111
reported by taxpayers for tax year 2004. For the purpose of making 89112
the computations under divisions (D)(1), (2), and (3) of this 89113
section, the tax year 2000 valuation is to be allocated to 89114
machinery and equipment, inventory, and furniture and fixtures 89115
property in the same proportions as the tax year 2004 values. For 89116
the purpose of the calculations in division (A) of section 5751.21 89117
of the Revised Code, the tax year 2004 taxable values shall be 89118
used. 89119

To facilitate the calculations required under division (C) of 89120
this section, the county auditor, upon request from the tax 89121
commissioner, shall provide by August 1, 2005, the values of 89122
machinery and equipment, inventory, and furniture and fixtures for 89123
all single-county personal property taxpayers for tax year 2004. 89124

(D) Not later than September 15, 2005, the tax commissioner 89125
shall determine for each tax year from 2006 through 2009 for each 89126
school district, joint vocational school district, and local 89127
taxing unit its machinery and equipment, inventory, and furniture 89128
and fixtures fixed-rate levy losses, and for each tax year from 89129
2006 through 2011 its telephone property fixed-rate levy loss, 89130
~~which. Except as provided in division (F) of this section, such~~ 89131
losses are the applicable amounts described in divisions (D)(1), 89132
(2), (3), and (4) of this section: 89133

(1) The machinery and equipment fixed-rate levy loss is the 89134
machinery and equipment property tax value loss multiplied by the 89135
sum of the tax rates of fixed-rate qualifying levies. 89136

(2) The inventory fixed-rate loss is the inventory property 89137
tax value loss multiplied by the sum of the tax rates of 89138

fixed-rate qualifying levies. 89139

(3) The furniture and fixtures fixed-rate levy loss is the 89140
furniture and fixture property tax value loss multiplied by the 89141
sum of the tax rates of fixed-rate qualifying levies. 89142

(4) The telephone property fixed-rate levy loss is the 89143
telephone property tax value loss multiplied by the sum of the tax 89144
rates of fixed-rate qualifying levies. 89145

(E) Not later than September 15, 2005, the tax commissioner 89146
shall determine for each school district, joint vocational school 89147
district, and local taxing unit its fixed-sum levy loss. The 89148
fixed-sum levy loss is the amount obtained by subtracting the 89149
amount described in division (E)(2) of this section from the 89150
amount described in division (E)(1) of this section: 89151

(1) The sum of the machinery and equipment property tax value 89152
loss, the inventory property tax value loss, and the furniture and 89153
fixtures property tax value loss, and, for 2008 ~~through 2017 and~~ 89154
thereafter the telephone property tax value loss of the district 89155
or unit multiplied by the sum of the fixed-sum tax rates of 89156
qualifying levies. For 2006 through 2010, this computation shall 89157
include all qualifying levies remaining in effect for the current 89158
tax year and any school district levies imposed under section 89159
5705.194 or 5705.213 of the Revised Code that are qualifying 89160
levies not remaining in effect for the current year. For 2011 89161
~~through 2017 in the case of school district levies imposed under~~ 89162
~~section 5705.194 or 5705.213 of the Revised Code and for all years~~ 89163
~~after 2010 in the case of other fixed sum levies and thereafter,~~ 89164
this computation shall include only qualifying levies remaining in 89165
effect for the current year. For purposes of this computation, a 89166
qualifying school district levy imposed under section 5705.194 or 89167
5705.213 of the Revised Code remains in effect in a year after 89168
2010 only if, for that year, the board of education levies a 89169
school district levy imposed under section 5705.194 ~~or~~, 5705.199, 89170

5705.213, or 5705.219 of the Revised Code for an annual sum at 89171
least equal to the annual sum levied by the board in tax year 2004 89172
less the amount of the payment certified under this division for 89173
2006. 89174

(2) The total taxable value in tax year 2004 less the sum of 89175
the machinery and equipment, inventory, furniture and fixtures, 89176
and telephone property tax value losses in each school district, 89177
joint vocational school district, and local taxing unit multiplied 89178
by one-half of one mill per dollar. 89179

(3) For the calculations in divisions (E)(1) and (2) of this 89180
section, the tax value losses are those that would be calculated 89181
for tax year 2009 under divisions (C)(1), (2), and (3) of this 89182
section and for tax year 2011 under division (C)(4) of this 89183
section. 89184

(4) To facilitate the calculation under divisions (D) and (E) 89185
of this section, not later than September 1, 2005, any school 89186
district, joint vocational school district, or local taxing unit 89187
that has a qualifying levy that was approved at an election 89188
conducted during 2005 before September 1, 2005, shall certify to 89189
the tax commissioner a copy of the county auditor's certificate of 89190
estimated property tax millage for such levy as required under 89191
division (B) of section 5705.03 of the Revised Code, which is the 89192
rate that shall be used in the calculations under such divisions. 89193

If the amount determined under division (E) of this section 89194
for any school district, joint vocational school district, or 89195
local taxing unit is greater than zero, that amount shall equal 89196
the reimbursement to be paid pursuant to division (E) of section 89197
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 89198
and the one-half of one mill that is subtracted under division 89199
(E)(2) of this section shall be apportioned among all contributing 89200
fixed-sum levies in the proportion that each levy bears to the sum 89201
of all fixed-sum levies within each school district, joint 89202

vocational school district, or local taxing unit. 89203

(F) If a school district levies a tax under section 5705.219 of the Revised Code, the fixed-rate levy loss for qualifying levies, to the extent repealed under that section, shall equal the sum of the following amounts in lieu of the amounts computed for such levies under division (D) of this section: 89204
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(1) The sum of the rates of qualifying levies to the extent so repealed multiplied by the sum of the machinery and equipment, inventory, and furniture and fixtures tax value losses for 2009 as determined under that division; 89209
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(2) The sum of the rates of qualifying levies to the extent so repealed multiplied by the telephone property tax value loss for 2011 as determined under that division. 89213
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The fixed-rate levy losses for qualifying levies to the extent not repealed under section 5705.219 of the Revised Code shall be as determined under division (D) of this section. The revised fixed-rate levy losses determined under this division and division (D) of this section first apply in the year following the first year the district levies the tax under section 5705.219 of the Revised Code. 89216
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(G) Not later than October 1, 2005, the tax commissioner shall certify to the department of education for every school district and joint vocational school district the machinery and equipment, inventory, furniture and fixtures, and telephone property tax value losses determined under division (C) of this section, the machinery and equipment, inventory, furniture and fixtures, and telephone fixed-rate levy losses determined under division (D) of this section, and the fixed-sum levy losses calculated under division (E) of this section. The calculations under divisions (D) and (E) of this section shall separately display the levy loss for each levy eligible for reimbursement. 89223
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~~(G)~~(H) Not later than October 1, 2005, the tax commissioner 89234
shall certify the amount of the fixed-sum levy losses to the 89235
county auditor of each county in which a school district, joint 89236
vocational school district, or local taxing unit with a fixed-sum 89237
levy loss reimbursement has territory. 89238

(I) Not later than the twenty-eighth day of February each 89239
year beginning in 2011 and ending in 2014, the tax commissioner 89240
shall certify to the department of education for each school 89241
district first levying a tax under section 5705.219 of the Revised 89242
Code in the preceding year the revised fixed-rate levy losses 89243
determined under divisions (D) and (F) of this section. 89244

Sec. 5751.21. (A) Not later than the thirtieth day of July of 89245
2007 ~~through 2017~~ and of each year thereafter, the department of 89246
education shall consult with the director of budget and management 89247
and determine the following for each school district and each 89248
joint vocational school district eligible for payment under 89249
division (B) of this section: 89250

(1) The state education aid offset, which is the difference 89251
obtained by subtracting the amount described in division (A)(1)(b) 89252
of this section from the amount described in division (A)(1)(a) of 89253
this section: 89254

(a) The state education aid computed for the school district 89255
or joint vocational school district for the current fiscal year as 89256
of the thirtieth day of July; 89257

(b) The state education aid that would be computed for the 89258
school district or joint vocational school district for the 89259
current fiscal year as of the thirtieth day of July if the 89260
recognized valuation included the machinery and equipment, 89261
inventory, furniture and fixtures, and telephone property tax 89262
value losses for the school district or joint vocational school 89263
district for the second preceding tax year, and if taxes charged 89264

and payable associated with the tax value losses are accounted for 89265
in any state education aid computation dependent on taxes charged 89266
and payable. 89267

(2) The greater of zero or the difference obtained by 89268
subtracting the state education aid offset determined under 89269
division (A)(1) of this section from the sum of the machinery and 89270
equipment fixed-rate levy loss, the inventory fixed-rate levy 89271
loss, furniture and fixtures fixed-rate levy loss, and telephone 89272
property fixed-rate levy loss certified under ~~division (F)~~ 89273
divisions (G) and (I) of section 5751.20 of the Revised Code for 89274
all taxing districts in each school district and joint vocational 89275
school district for the second preceding tax year. 89276

By the thirtieth day of July of each such year, the 89277
department of education and the director of budget and management 89278
shall agree upon the amount to be determined under division (A)(1) 89279
of this section. 89280

(B) On or before the thirty-first day of August of each year 89281
beginning in 2008, the department of education shall recalculate 89282
the offset described under division (A) of this section for the 89283
previous fiscal year and recalculate the payments made under 89284
division (C) of this section in the preceding fiscal year using 89285
the offset calculated under this division. If the payments 89286
calculated under this division differ from the payments made under 89287
division (C) of this section in the preceding fiscal year, the 89288
difference shall either be paid to a school district or recaptured 89289
from a school district through an adjustment at the same times 89290
during the current fiscal year that the payments under division 89291
(C) of this section are made. In August and October of the current 89292
fiscal year, the amount of each adjustment shall be three-sevenths 89293
of the amount calculated under this division. In May of the 89294
current fiscal year, the adjustment shall be one-seventh of the 89295
amount calculated under this division. 89296

(C) The department of education shall pay from the school district tangible property tax replacement fund to each school district and joint vocational school district all of the following for fixed-rate levy losses certified under ~~division (F)~~ divisions (G) and (I) of section 5751.20 of the Revised Code:

(1) On or before May 31, 2006, one-seventh of the total fixed-rate levy loss for tax year 2006;

(2) On or before August 31, 2006, and October 31, 2006, one-half of six-sevenths of the total fixed-rate levy loss for tax year 2006;

(3) On or before May 31, 2007, one-seventh of the total fixed-rate levy loss for tax year 2007;

(4) On or before August 31, 2007, and October 31, 2007, forty-three per cent of the amount determined under division (A)(2) of this section for fiscal year 2008, but not less than zero, plus one-half of six-sevenths of the difference between the total fixed-rate levy loss for tax year 2007 and the total fixed-rate levy loss for tax year 2006.

(5) On or before May 31, 2008, fourteen per cent of the amount determined under division (A)(2) of this section for fiscal year 2008, but not less than zero, plus one-seventh of the difference between the total fixed-rate levy loss for tax year 2008 and the total fixed-rate levy loss for tax year 2006.

(6) On or before August 31, 2008, and October 31, 2008, forty-three per cent of the amount determined under division (A)(2) of this section for fiscal year 2009, but not less than zero, plus one-half of six-sevenths of the difference between the total fixed-rate levy loss in tax year 2008 and the total fixed-rate levy loss in tax year 2007.

(7) On or before May 31, 2009, fourteen per cent of the amount determined under division (A)(2) of this section for fiscal

year 2009, but not less than zero, plus one-seventh of the 89328
difference between the total fixed-rate levy loss for tax year 89329
2009 and the total fixed-rate levy loss for tax year 2007. 89330

(8) On or before August 31, 2009, and October 31, 2009, 89331
forty-three per cent of the amount determined under division 89332
(A)(2) of this section for fiscal year 2010, but not less than 89333
zero, plus one-half of six-sevenths of the difference between the 89334
total fixed-rate levy loss in tax year 2009 and the total 89335
fixed-rate levy loss in tax year 2008. 89336

(9) On or before May 31, 2010, fourteen per cent of the 89337
amount determined under division (A)(2) of this section for fiscal 89338
year 2010, but not less than zero, plus one-seventh of the 89339
difference between the total fixed-rate levy loss in tax year 2010 89340
and the total fixed-rate levy loss in tax year 2008. 89341

(10) On or before August 31, 2010, and October 31, 2010, 89342
forty-three per cent of the amount determined under division 89343
(A)(2) of this section for fiscal year 2011, but not less than 89344
zero, plus one-half of six-sevenths of the difference between the 89345
telephone property fixed-rate levy loss for tax year 2010 and the 89346
telephone property fixed-rate levy loss for tax year 2009. 89347

(11) On or before May 31, 2011, fourteen per cent of the 89348
amount determined under division (A)(2) of this section for fiscal 89349
year 2011, but not less than zero, plus one-seventh of the 89350
difference between the telephone property fixed-rate levy loss for 89351
tax year 2011 and the telephone property fixed-rate levy loss for 89352
tax year 2009. 89353

(12) On or before August 31, 2011, and October 31, 2011, 89354
forty-three per cent of the amount determined under division 89355
(A)(2) of this section ~~multiplied by a fraction, the numerator of~~ 89356
~~which is fourteen and the denominator of which is seventeen, but~~ 89357
not less than zero, ~~multiplied by forty three per cent,~~ plus 89358

one-half of six-sevenths of the difference between the telephone 89359
property fixed-rate levy loss for tax year 2011 and the telephone 89360
property fixed-rate levy loss for tax year 2010. 89361

(13) On or before May 31, 2012, fourteen per cent of the 89362
amount determined under division (A)(2) of this section for fiscal 89363
year 2012, ~~multiplied by a fraction, the numerator of which is~~ 89364
~~fourteen and the denominator of which is seventeen~~ but not less 89365
than zero, plus one-seventh of the difference between the 89366
telephone property fixed-rate levy loss for tax year 2011 and the 89367
telephone property fixed-rate levy loss for tax year 2010. 89368

(14) On or before ~~August 31, 2012, October 31, 2012, and May~~ 89369
~~31, 2013, the amount determined under division (A)(2) of this~~ 89370
~~section multiplied by a fraction, the numerator of which is eleven~~ 89371
~~and the denominator of which is seventeen, but not less than zero,~~ 89372
~~multiplied by one third.~~ 89373

~~(15) On or before August 31, 2013, October 31, 2013, and May~~ 89374
~~31, 2014, the amount determined under division (A)(2) of this~~ 89375
~~section multiplied by a fraction, the numerator of which is nine~~ 89376
~~and the denominator of which is seventeen, but not less than zero,~~ 89377
~~multiplied by one third.~~ 89378

~~(16) On or before August 31, 2014, October 31, 2014, and May~~ 89379
~~31, 2015, the amount determined under division (A)(2) of this~~ 89380
~~section multiplied by a fraction, the numerator of which is seven~~ 89381
~~and the denominator of which is seventeen, but not less than zero,~~ 89382
~~multiplied by one third.~~ 89383

~~(17) On or before August 31, 2015, October 31, 2015, and May~~ 89384
~~31, 2016, the amount determined under division (A)(2) of this~~ 89385
~~section multiplied by a fraction, the numerator of which is five~~ 89386
~~and the denominator of which is seventeen, but not less than zero,~~ 89387
~~multiplied by one third.~~ 89388

~~(18) On or before August 31, 2016, October 31, 2016, and May~~ 89389

~~31, 2017, the amount determined under division (A)(2) of this section multiplied by a fraction, the numerator of which is three and the denominator of which is seventeen, but not less than zero, multiplied by one third.~~

~~(19) On or before August 31, 2017, October 31, 2017, and May 31, 2018, the amount determined under division (A)(2) of this section multiplied by a fraction, the numerator of which is one and the denominator of which is seventeen, but not less than zero, multiplied by one third the thirty-first day of August and October of 2012 and of each year thereafter and the thirty-first day of May of 2013 and of each year thereafter, one-third of the amount determined under division (A)(2) of this section, but not less than zero.~~

The department of education shall report to each school district and joint vocational school district the apportionment of the payments among the school district's or joint vocational school district's funds based on the certifications under ~~division (F)~~ divisions (G) and (I) of section 5751.20 of the Revised Code.

Any qualifying levy that is a fixed-rate levy that is not applicable to a tax year after 2010 does not qualify for any reimbursement after the tax year to which it is last applicable.

(D) For taxes levied within the ten-mill limitation for debt purposes in tax year 2005, payments shall be made equal to one hundred per cent of the loss computed as if the tax were a fixed-rate levy, ~~but those payments shall extend from fiscal year 2006 through fiscal year 2018, as long as the qualifying levy continues to be used for debt purposes. If the purpose of such a qualifying levy is changed, that levy becomes subject to the payments determined in division (C) of this section.~~

(E)(1) Not later than January 1, 2006, for each fixed-sum levy of each school district or joint vocational school district

and for each year for which a determination is made under division 89421
(~~F~~)(E) of section 5751.20 of the Revised Code that a fixed-sum 89422
levy loss is to be reimbursed, the tax commissioner shall certify 89423
to the department of education the fixed-sum levy loss determined 89424
under that division. The certification shall cover a time period 89425
sufficient to include all fixed-sum levies for which the 89426
commissioner made such a determination. The department shall pay 89427
from the school district property tax replacement fund to the 89428
school district or joint vocational school district one-third of 89429
the fixed-sum levy loss so certified for each year, plus one-third 89430
of the amount certified under division (I) of section 5751.20 of 89431
the Revised Code, on or before the last day of May, August, and 89432
October of the current year. Payments under this division of the 89433
amounts certified under division (I) of section 5751.20 of the 89434
Revised Code shall continue until the levy adopted under section 89435
5705.219 of the Revised Code expires. 89436

(2) Beginning in 2006, by the first day of January of each 89437
year, the tax commissioner shall review the certification 89438
originally made under division (E)(1) of this section. If the 89439
commissioner determines that a debt levy that had been scheduled 89440
to be reimbursed in the current year has expired, a revised 89441
certification for that and all subsequent years shall be made to 89442
the department of education. 89443

(F) Beginning in September 2007 ~~and through June 2018~~, the 89444
director of budget and management shall transfer from the school 89445
district tangible property tax replacement fund to the general 89446
revenue fund each of the following: 89447

(1) On the first day of September, one-fourth of the amount 89448
determined for that fiscal year under division (A)(1) of this 89449
section; 89450

(2) On the first day of December, one-fourth of the amount 89451
determined for that fiscal year under division (A)(1) of this 89452

section; 89453

(3) On the first day of March, one-fourth of the amount 89454
determined for that fiscal year under division (A)(1) of this 89455
section; 89456

(4) On the first day of June, one-fourth of the amount 89457
determined for that fiscal year under division (A)(1) of this 89458
section. 89459

If, when a transfer is required under division (F)(1), (2), 89460
(3), or (4) of this section, there is not sufficient money in the 89461
school district tangible property tax replacement fund to make the 89462
transfer in the required amount, the director shall transfer the 89463
balance in the fund to the general revenue fund and may make 89464
additional transfers on later dates as determined by the director 89465
in a total amount that does not exceed one-fourth of the amount 89466
determined for the fiscal year. 89467

(G) ~~For each of the fiscal years 2006 through 2018, if~~ If the 89468
total amount in the school district tangible property tax 89469
replacement fund is insufficient to make all payments under 89470
divisions (C), (D), and (E) of this section at the times the 89471
payments are to be made, the director of budget and management 89472
shall transfer from the general revenue fund to the school 89473
district tangible property tax replacement fund the difference 89474
between the total amount to be paid and the amount in the school 89475
district tangible property tax replacement fund. ~~For each fiscal~~ 89476
~~year after 2018, at the time payments under division (E) of this~~ 89477
~~section are to be made, the director of budget and management~~ 89478
~~shall transfer from the general revenue fund to the school~~ 89479
~~district property tax replacement fund the amount necessary to~~ 89480
~~make such payments.~~ 89481

(H)~~(1)~~ On the fifteenth day of June of 2006 through 2011, the 89482
director of budget and management may transfer any balance in the 89483

school district tangible property tax replacement fund to the 89484
general revenue fund. ~~At the end of fiscal years 2012 through~~ 89485
~~2018, any balance in the school district tangible property tax~~ 89486
~~replacement fund shall remain in the fund to be used in future~~ 89487
~~fiscal years for school purposes.~~ 89488

~~(2) In each fiscal year beginning with fiscal year 2019~~ In 89489
each fiscal year thereafter, all amounts credited to the school 89490
district tangible personal property tax replacement fund shall be 89491
appropriated for school purposes. 89492

(1) If all of the territory of a school district or joint 89493
vocational school district is merged with another district, or if 89494
a part of the territory of a school district or joint vocational 89495
school district is transferred to an existing or newly created 89496
district, the department of education, in consultation with the 89497
tax commissioner, shall adjust the payments made under this 89498
section as follows: 89499

(1) For a merger of two or more districts, the machinery and 89500
equipment, inventory, furniture and fixtures, and telephone 89501
property fixed-rate levy losses and the fixed-sum levy losses of 89502
the successor district shall be equal to the sum of the machinery 89503
and equipment, inventory, furniture and fixtures, and telephone 89504
property fixed-rate levy losses and debt levy losses as determined 89505
in section 5751.20 of the Revised Code, for each of the districts 89506
involved in the merger. 89507

(2) If property is transferred from one district to a 89508
previously existing district, the amount of machinery and 89509
equipment, inventory, furniture and fixtures, and telephone 89510
property tax value losses and fixed-rate levy losses that shall be 89511
transferred to the recipient district shall be an amount equal to 89512
the total machinery and equipment, inventory, furniture and 89513
fixtures, and telephone property fixed-rate levy losses times a 89514
fraction, the numerator of which is the value of business tangible 89515

personal property on the land being transferred in the most recent 89516
year for which data are available, and the denominator of which is 89517
the total value of business tangible personal property in the 89518
district from which the land is being transferred in the most 89519
recent year for which data are available. For each of the first 89520
five years after the property is transferred, but not after fiscal 89521
year 2012, if the tax rate in the recipient district is less than 89522
the tax rate of the district from which the land was transferred, 89523
one-half of the payments arising from the amount of fixed-rate 89524
levy losses so transferred to the recipient district shall be paid 89525
to the recipient district and one-half of the payments arising 89526
from the fixed-rate levy losses so transferred shall be paid to 89527
the district from which the land was transferred. Fixed-rate levy 89528
losses so transferred shall be computed on the basis of the sum of 89529
the rates of fixed-rate qualifying levies of the district from 89530
which the land was transferred, notwithstanding division (E) of 89531
this section. 89532

(3) After December 31, 2004, if property is transferred from 89533
one or more districts to a district that is newly created out of 89534
the transferred property, the newly created district shall be 89535
deemed not to have any machinery and equipment, inventory, 89536
furniture and fixtures, or telephone property fixed-rate levy 89537
losses and the districts from which the property was transferred 89538
shall have no reduction in their machinery and equipment, 89539
inventory, furniture and fixtures, and telephone property 89540
fixed-rate levy losses. 89541

(4) If the recipient district under division (I)(2) of this 89542
section or the newly created district under ~~divisions~~ division 89543
(I)(3) of this section is assuming debt from one or more of the 89544
districts from which the property was transferred and any of the 89545
districts losing the property had fixed-sum levy losses, the 89546
department of education, in consultation with the tax 89547

commissioner, shall make an equitable division of the fixed-sum 89548
levy loss reimbursements. 89549

Sec. 5751.22. (A) Not later than January 1, 2006, the tax 89550
commissioner shall compute the payments to be made to each local 89551
taxing unit for each year according to divisions (A)(1), (2), (3), 89552
and (4) of this section, and shall distribute the payments in the 89553
manner prescribed by division (C) of this section. The calculation 89554
of the fixed-sum levy loss shall cover a time period sufficient to 89555
include all fixed-sum levies for which the commissioner 89556
determined, pursuant to division (E) of section 5751.20 of the 89557
Revised Code, that a fixed-sum levy loss is to be reimbursed. 89558

~~(1) Except as provided in division (A)(4) of this section,~~ 89559
~~for~~ For machinery and equipment, inventory, and furniture and 89560
fixtures fixed-rate levy losses determined under division (D) of 89561
section 5751.20 of the Revised Code, payments shall be made in an 89562
amount equal to each of those losses ~~multiplied by the following:~~ 89563

~~(a) For tax years 2006 through 2010, one hundred per cent;~~ 89564

~~(b) For tax year 2011, a fraction, the numerator of which is 89565
fourteen and the denominator of which is seventeen;~~ 89566

~~(c) For tax year 2012, a fraction, the numerator of which is 89567
eleven and the denominator of which is seventeen;~~ 89568

~~(d) For tax year 2013, a fraction, the numerator of which is 89569
nine and the denominator of which is seventeen;~~ 89570

~~(e) For tax year 2014, a fraction, the numerator of which is 89571
seven and the denominator of which is seventeen;~~ 89572

~~(f) For tax year 2015, a fraction, the numerator of which is 89573
five and the denominator of which is seventeen;~~ 89574

~~(g) For tax year 2016, a fraction, the numerator of which is 89575
three and the denominator of which is seventeen;~~ 89576

~~(h) For tax year 2017, a fraction, the numerator of which is one and the denominator of which is seventeen;~~ 89577
89578

~~(i) For tax years 2018 and thereafter, no fixed rate payments shall be made.~~ 89579
89580

Any qualifying levy that is a fixed-rate levy that is not applicable to a tax year after 2010 shall not qualify for any reimbursement after the tax year to which it is last applicable. 89581
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~~(2) Except as provided in division (A)(4) of this section,~~ 89584
~~for~~ For telephone property fixed-rate levy losses determined under 89585
division (D)(4) of section 5751.20 of the Revised Code, payments 89586
shall be made in an amount equal to each of those losses 89587
~~multiplied by the following:~~ 89588

~~(a) For tax years 2009 through 2011, one hundred per cent;~~ 89589

~~(b) For tax year 2012, seven eighths;~~ 89590

~~(c) For tax year 2013, six eighths;~~ 89591

~~(d) For tax year 2014, five eighths;~~ 89592

~~(e) For tax year 2015, four eighths;~~ 89593

~~(f) For tax year 2016, three eighths;~~ 89594

~~(g) For tax year 2017, two eighths;~~ 89595

~~(h) For tax year 2018, one eighth;~~ 89596

~~(i) For tax years 2019 and thereafter, no fixed rate payments shall be made.~~ 89597
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Any qualifying levy that is a fixed-rate levy that is not applicable to a tax year after 2011 shall not qualify for any reimbursement after the tax year to which it is last applicable. 89599
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(3) For fixed-sum levy losses determined under division (E) of section 5751.20 of the Revised Code, payments shall be made in the amount of one hundred per cent of the fixed-sum levy loss for payments required to be made in 2006 and thereafter. 89602
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(4) For taxes levied within the ten-mill limitation for debt purposes in tax year 2005, payments shall be made based on the schedule in division (A)(1) of this section for each of the calendar years 2006 through 2010. For each of the calendar years 2011 through 2017, the percentages for calendar year 2010 shall be used, as long as the qualifying levy continues to be used for debt purposes. If the purpose of such a qualifying levy is changed, that levy becomes subject to the payment schedules in divisions (A)(1)(a) to (h) of this section. No payments shall be made for such levies after calendar year 2017 equal to one-hundred per cent of the loss computed as if the tax were a fixed-rate levy.

(B) Beginning in 2007, by the thirty-first day of January of each year, the tax commissioner shall review the calculation originally made under division (A) of this section of the fixed-sum levy losses determined under division (E) of section 5751.20 of the Revised Code. If the commissioner determines that a fixed-sum levy that had been scheduled to be reimbursed in the current year has expired, a revised calculation for that and all subsequent years shall be made.

(C) Payments to local taxing units required to be made under division (A) of this section shall be paid from the local government tangible property tax replacement fund to the county undivided income tax fund in the proper county treasury. Beginning in May 2006, one-seventh of the amount certified under that division shall be paid by the last day of May each year, and three-sevenths shall be paid by the last day of August and October each year. Within forty-five days after receipt of such payments, the county treasurer shall distribute amounts determined under division (A) of this section to the proper local taxing unit as if they had been levied and collected as taxes, and the local taxing unit shall apportion the amounts so received among its funds in the same proportions as if those amounts had been levied and

collected as taxes. 89638

(D) ~~For each of the fiscal years 2006 through 2019, if~~ If the 89639
total amount in the local government tangible property tax 89640
replacement fund is insufficient to make all payments under 89641
division (C) of this section at the times the payments are to be 89642
made, the director of budget and management shall transfer from 89643
the general revenue fund to the local government tangible property 89644
tax replacement fund the difference between the total amount to be 89645
paid and the amount in the local government tangible property tax 89646
replacement fund. ~~For each fiscal year after 2019, at the time~~ 89647
~~payments under division (A)(2) of this section are to be made, the~~ 89648
~~director of budget and management shall transfer from the general~~ 89649
~~revenue fund to the local government property tax replacement fund~~ 89650
~~the amount necessary to make such payments.~~ 89651

(E) On the fifteenth day of June of each year ~~from 2006~~ 89652
~~through 2018~~ beginning in 2006, the director of budget and 89653
management may transfer any balance in the local government 89654
tangible property tax replacement fund to the general revenue 89655
fund. 89656

(F) If all or a part of the territories of two or more local 89657
taxing units are merged, or unincorporated territory of a township 89658
is annexed by a municipal corporation, the tax commissioner shall 89659
adjust the payments made under this section to each of the local 89660
taxing units in proportion to the tax value loss apportioned to 89661
the merged or annexed territory, or as otherwise provided by a 89662
written agreement between the legislative authorities of the local 89663
taxing units certified to the commissioner not later than the 89664
first day of June of the calendar year in which the payment is to 89665
be made. 89666

Sec. 5751.23. (A) As used in this section: 89667

(1) "Administrative fees" means the dollar percentages 89668

allowed by the county auditor for services or by the county 89669
treasurer as fees, or paid to the credit of the real estate 89670
assessment fund, under divisions (A) and (C) of section 319.54 and 89671
division (A) of section 321.26 of the Revised Code. 89672

(2) "Administrative fee loss" means a county's loss of 89673
administrative fees due to its tax value loss, determined ~~as~~ 89674
~~follows:~~ 89675

~~(a) For purposes of the determination made under division (B)~~ 89676
~~of this section in the years 2006 through 2010, the administrative~~ 89677
~~fee loss shall be computed~~ by multiplying the amounts determined 89678
for all taxing districts in the county under divisions (D) and (E) 89679
of section 5751.20 of the Revised Code by nine thousand six 89680
hundred fifty-nine ten-thousandths of one per cent if total taxes 89681
collected in the county in 2004 exceeded one hundred fifty million 89682
dollars, or one and one thousand one hundred fifty-nine 89683
ten-thousandths of one per cent if total taxes collected in the 89684
county in 2004 were one hundred fifty million dollars or less. 89685

~~(b) For purposes of the determination under division (B) of~~ 89686
~~this section in the years after 2010, the administrative fee~~ 89687
~~losses shall be determined by multiplying the administrative fee~~ 89688
~~losses calculated for 2010 by the fractions in divisions (A)(1)(b)~~ 89689
~~to (i) of section 5751.22 of the Revised Code.~~ 89690

(3) "Total taxes collected" means all money collected on any 89691
tax duplicate of the county, other than the estate tax duplicates. 89692
"Total taxes collected" does not include amounts received pursuant 89693
to divisions (F) and (G) of section 321.24 or section 323.156 of 89694
the Revised Code. 89695

(B) Not later than December 31, 2005, the tax commissioner 89696
shall certify to each county auditor the tax levy losses 89697
calculated under divisions (D) and (E) of section 5751.20 of the 89698
Revised Code for each school district, joint vocational school 89699

district, and local taxing unit in the county. Not later than the 89700
thirty-first day of January of 2006 through 2017, the county 89701
auditor shall determine the administrative fee loss for the county 89702
and apportion that loss ratably among the school districts, joint 89703
vocational school districts, and local taxing units on the basis 89704
of the tax levy losses certified under this division. 89705

(C) On or before each of the days prescribed for the 89706
settlements under divisions (A) and (C) of section 321.24 of the 89707
Revised Code in the years 2006 through 2017, the county treasurer 89708
shall deduct one-half of the amount apportioned to each school 89709
district, joint vocational school district, and local taxing unit 89710
from the portions of revenue payable to them. 89711

(D) On or before each of the days prescribed for settlements 89712
under divisions (A) and (C) of section 321.24 of the Revised Code 89713
in the years 2006 through 2017, the county auditor shall cause to 89714
be deposited an amount equal to one-half of the amount of the 89715
administrative fee loss in the same funds as if allowed as 89716
administrative fees. 89717

Sec. 5907.111. There is hereby created in the state treasury 89718
the Ohio veterans' home agency income tax contribution fund, which 89719
shall consist of money contributed to it under section 5747.113 of 89720
the Revised Code and of contributions made directly to it. Any 89721
person may contribute directly to the fund in addition to or 89722
independently of the income tax refund contribution system 89723
established in section 5747.113 of the Revised Code. 89724

Money credited to the fund shall be distributed by the 89725
director of veterans services among residents' benefit funds 89726
created pursuant to section 5907.11 of the Revised Code and shall 89727
be used specifically for advancement of veterans' services and 89728
assisting veterans with significant financial need. 89729

Sec. 5911.10. If any armory erected or purchased by the state 89730
becomes vacant because of the deactivation of the organizations 89731
quartered in that armory, the governor and the adjutant general 89732
may lease that armory for periods not to exceed one year; or, when 89733
authorized by an act of the general assembly, may sell that armory 89734
or lease it for a period of years. ~~The~~ 89735

The proceeds from the sale or lease of such an armory, or 89736
from the sale or lease of other facilities and land owned by the 89737
adjutant general, shall be credited to the armory improvements 89738
fund, which is hereby created in the state treasury. The moneys in 89739
the fund shall be used to support Ohio army national guard 89740
facility and maintenance expenses as the adjutant general directs. 89741
Any fund expenditure related to the construction, acquisition, 89742
lease, or financing of a capital asset is subject to approval by 89743
the controlling board. Investment earnings of the fund shall be 89744
credited to the general revenue fund. 89745

Sec. 5911.11. There is hereby created in the state treasury 89746
the community match armories fund. The fund shall consist of all 89747
amounts received as revenue from contributions from local entities 89748
for construction and maintenance of Ohio army national guard 89749
readiness and community centers and facilities. The moneys in the 89750
fund shall be used to support the acquisition and maintenance 89751
costs of centers and facilities representing the local entity's 89752
share of costs, including the local entity's share of utility 89753
costs. Investment earnings of the fund shall be credited to the 89754
fund. 89755

Sec. 5913.051. ~~To supplement the military staff of the~~ 89756
~~governor, the~~ (A) The adjutant general may appoint an assistant to 89757
~~the state area commander for readiness and training for adjutant~~ 89758
general - army. This assistant shall be a brigadier general and 89759

shall aid the adjutant general by performing duties that the 89760
adjutant general assigns ~~in~~ that include the areas of readiness, 89761
~~training, and mobilization, and homeland defense preparedness.~~ 89762
This assistant shall not be a full-time state employee or a member 89763
of the governor's military staff, but shall serve in that capacity 89764
only during federally recognized training, special duty periods, 89765
~~or~~ mobilization periods, or state active duty, and shall at the 89766
time of appointment be in the rank of colonel or above but 89767
otherwise meet the qualifications established ~~in section 5913.021~~ 89768
~~of the Revised Code~~ by the department of defense/army for general 89769
officer qualification. 89770

(B) The adjutant general may appoint an assistant adjutant 89771
general - airforce. This assistant shall be a brigadier general 89772
and shall aid the adjutant general by performing duties that the 89773
adjutant general assigns that include the areas of readiness, 89774
mobilization, and homeland defense preparedness. This assistant 89775
shall not be a full-time state employee or a member of the 89776
governor's military staff, but shall serve in that capacity only 89777
during federally recognized training, special duty periods, 89778
mobilization periods, or state active duty, and shall at the time 89779
of appointment be in the rank of colonel or above but otherwise 89780
meet the qualifications established by the department of 89781
defense/air force for general officer qualification. 89782

Sec. 5913.09. (A) The adjutant general is the custodian of 89783
all military and other adjutant general's department property, 89784
both real and personal, belonging to the state. 89785

(B) The adjutant general may make changes and improvements to 89786
military and other adjutant general's department property as the 89787
needs of the state and federal government and the exigencies of 89788
the service require. All improvements made upon that property 89789
belonging to the state, from moneys received either all or in part 89790

from the state or federal government, or both, become the property 89791
of the state, except as may be provided in an agreement and 89792
corresponding regulations by which the United States contributes 89793
to the cost of an improvement. 89794

(C)(1) In accordance with applicable state and federal law 89795
and regulations, the adjutant general, with the approval of the 89796
governor, may acquire by purchase lease, license, or otherwise, 89797
real and personal property necessary for the purposes of the 89798
department. 89799

(2) In accordance with applicable state and federal law and 89800
regulations, the adjutant general, with the approval of the 89801
attorney general, may enter into contracts for the construction, 89802
repair, renovation, maintenance, and operation of military or 89803
other adjutant general's department property. 89804

(3) In accordance with applicable state and federal law and 89805
regulations, the adjutant general, with the approval of the 89806
governor, may lease or exchange all or part of any military or 89807
other adjutant general's department property or grant easements or 89808
licenses, if the lease, exchange, easement, or license is 89809
advantageous to the state. 89810

(4) All real property of the adjutant general's department 89811
shall be sold in accordance with section 5911.10 of the Revised 89812
Code. 89813

(D)(1) Except as otherwise provided in this section, all 89814
income from any military or other adjutant general's department 89815
property of the state, not made a portion of the company, troop, 89816
battery, detachment, squadron, or other organization funds by 89817
regulations, shall be credited to the funds for the operation and 89818
maintenance of the Ohio organized militia, as the adjutant general 89819
directs, in accordance with applicable state and federal law and 89820
regulations and the agreements by which the United States 89821

contributes to the cost of operation and maintenance of the Ohio national guard. 89822
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(2) There is hereby created in the state treasury the camp Perry/buckeye inn operations fund. The fund shall consist of all amounts received as revenue from the rental of facilities located at the camp Perry training site in Ottawa county and the buckeye inn at Rickenbacker air national guard base in Franklin county, and all amounts received from the use of the camp Perry training site and its facilities, including shooting ranges. The moneys in the fund shall be used to support the facility operations of the camp Perry clubhouse and the buckeye inn. Investment earnings of the fund shall be credited to the general revenue fund. 89824
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Sec. 5919.20. There is hereby created in the state treasury the national guard service medal fund. The fund shall consist of all amounts received from the purchase of Ohio national guard service medals for eligible national guard service members as authorized by the general assembly. The moneys in the fund shall be used to purchase additional medals. Investment earnings of the fund shall be credited to the fund. 89834
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Sec. 5919.36. There is hereby created in the state treasury the Ohio national guard facility maintenance fund. The fund shall consist of all amounts received from revenue from leases of sites, including towers and wells, and other revenue received from reimbursements for services related to Ohio national guard programs. The moneys in the fund shall be used for service, maintenance, and repair expenses, and for equipment purchases for programs and facilities of the adjutant general. Investment earnings of the fund shall be credited to the general revenue fund. 89841
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Sec. 6103.01. As used in this chapter: 89851

(A) "Public water supply facilities," "water supply facilities," "water supply improvement," or "improvement" means, without limiting the generality of those terms, water wells and well fields, springs, lakes, rivers, streams, or other sources of water supply, intakes, pumping stations and equipment, treatment, filtration, or purification plants, force and distribution lines or mains, cisterns, reservoirs, storage facilities, necessary equipment for fire protection, other related structures, equipment, and furnishings, and real estate and interests in real estate, necessary or useful in the proper development of a water supply for domestic or other purposes and its proper distribution.

(B) "Current operating expenses," "debt charges," "permanent improvement," "public obligations," and "subdivision" have the same meanings as in section 133.01 of the Revised Code.

(C) "Construct," "construction," or "constructing" means construction, reconstruction, enlargement, extension, improvement, renovation, repair, and replacement of water supply facilities, but does not include repairs, replacements, or similar actions that do not constitute and qualify as permanent improvements.

(D) "Maintain," "maintaining," or "maintenance" means repairs, replacements, and similar actions that constitute and are payable as current operating expenses and that are required to restore water supply facilities to, or to continue water supply facilities in, good order and working condition, but does not include construction of permanent improvements.

(E) "Public agency" means a state and any agency or subdivision of a state, including a county, a municipal corporation, or other subdivision.

(F) "County sanitary engineer" means either of the following:

(1) The registered professional engineer employed or appointed by the board of county commissioners to be the county

sanitary engineer as provided in section 6117.01 of the Revised Code; 89883
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(2) The county engineer, if, for as long as and to the extent that engineer by agreement entered into under section 315.14 of the Revised Code is retained to discharge the duties of a county sanitary engineer under this chapter. 89885
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(G) "Homestead exemption" means the reduction of taxes allowed under division (A) of section 323.152 of the Revised Code. 89889
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(H) "Low- and moderate-income persons" has the same meaning as in section 175.01 of the Revised Code. 89891
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Sec. 6103.02. (A) For the purpose of preserving and promoting the public health and welfare, a board of county commissioners may acquire, construct, maintain, and operate any public water supply facilities within its county for one or more sewer districts and may provide for their protection and prevent their pollution and unnecessary waste. The board may negotiate and enter into a contract with any public agency or any person for the management, maintenance, operation, and repair of the facilities on behalf of the county, upon the terms and conditions as may be agreed upon with the agency or person and as may be determined by the board to be in the interests of the county. By contract with any public agency or any person operating public water supply facilities within or without its county, the board also may provide a supply of water to a sewer district from the facilities of the public agency or person. 89893
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(B) The county sanitary engineer or sanitary engineering department, in addition to other assigned duties, shall assist the board in the performance of its duties under this chapter and shall be charged with other duties and services in relation to the board's duties as the board prescribes. 89908
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(C) The board may adopt, publish, administer, and enforce 89913
rules for the construction, maintenance, protection, and use of 89914
county-owned or county-operated public water supply facilities 89915
outside municipal corporations and of public water supply 89916
facilities within municipal corporations that are owned or 89917
operated by the county or that are supplied with water from water 89918
supply facilities owned or operated by the county, including, but 89919
not limited to, rules for the establishment and use of any 89920
connections, the termination in accordance with reasonable 89921
procedures of water service for nonpayment of county water rates 89922
and charges, and the establishment and use of security deposits to 89923
the extent considered necessary to ensure the payment of county 89924
water rates and charges. The rules shall not be inconsistent with 89925
the laws of the state or any applicable rules of the director of 89926
environmental protection. 89927

(D) No public water supply facilities shall be constructed in 89928
any county outside municipal corporations by any person, except 89929
for the purpose of supplying water to those municipal 89930
corporations, until the plans and specifications for the 89931
facilities have been approved by the board. Construction shall be 89932
done under the supervision of the county sanitary engineer. Any 89933
person constructing public water supply facilities shall pay to 89934
the county all expenses incurred by the board in connection with 89935
the construction. 89936

(E) The county sanitary engineer or the county sanitary 89937
engineer's authorized assistants or agents, when properly 89938
identified in writing or otherwise and after written notice is 89939
delivered to the owner at least five days in advance or mailed at 89940
least five days in advance by first class or certified mail to the 89941
owner's tax mailing address, may enter upon any public or private 89942
property for the purpose of making, and may make, surveys or 89943
inspections necessary for the design or evaluation of county 89944

public water supply facilities. This entry is not a trespass and 89945
is not to be considered an entry in connection with any 89946
appropriation of property proceedings under sections 163.01 to 89947
163.22 of the Revised Code that may be pending. No person or 89948
public agency shall forbid the county sanitary engineer or the 89949
county sanitary engineer's authorized assistants or agents to 89950
enter, or interfere with their entry, upon the property for the 89951
purpose of making the surveys or inspections. If actual damage is 89952
done to property by the making of the surveys or inspections, the 89953
board shall pay the reasonable value of the damage to the property 89954
owner, and the cost shall be included in the cost of the 89955
facilities and may be included in any special assessments levied 89956
and collected to pay that cost. 89957

(F) The board shall fix reasonable rates, including penalties 89958
for late payments, for water supplied to public agencies and 89959
persons when the source of supply or the facilities for its 89960
distribution are owned or operated by the county and may change 89961
the rates from time to time as it considers advisable. When the 89962
source of the water supply to be used by the county is owned by 89963
another public agency or person, the schedule of rates to be 89964
charged by the public agency or person shall be approved by the 89965
board at the time it enters into a contract for the use of water 89966
from the public agency or person. ~~When~~ 89967

When the distribution facilities are owned by the county, the 89968
board also may fix reasonable charges to be collected for the 89969
privilege of connecting to the distribution facilities and may 89970
require that, prior to the connection, the charges be paid in full 89971
or, if determined by the board to be equitable in a resolution 89972
relating to the payment of the charges, may require their payment 89973
in installments, as considered adequate by the board, at the 89974
times, in the amounts, and with the security, carrying charges, 89975
and penalties as may be determined by the board in that resolution 89976

to be fair and appropriate. No public agency or person shall be 89977
permitted to connect to those facilities until the charges have 89978
been paid in full or provision for their payment in installments 89979
has been made. If the connection charges are to be paid in 89980
installments, the board shall certify, to the county auditor, 89981
information sufficient to identify each parcel of property served 89982
by a connection and, with respect to each parcel, the total of the 89983
charges to be paid in installments, the amount of each 89984
installment, and the total number of installments to be paid. The 89985
county auditor shall record and maintain the information so 89986
supplied in the waterworks record provided for in section 6103.16 89987
of the Revised Code until the connection charges are paid in full. 89988
The board may include amounts attributable to connection charges 89989
being paid in installments in its billings of rates and other 89990
charges for water supplied. In addition, the board may consider 89991
payments made to a school district under section 6103.25 of the 89992
Revised Code when the board establishes rates and other charges 89993
for water supplied. 89994

A board may establish discounted rates or charges or may 89995
establish another mechanism for providing a reduction in rates or 89996
charges for persons who are sixty-five years of age or older. The 89997
board shall establish eligibility requirements for such discounted 89998
or reduced rates or charges, including a requirement that a person 89999
be eligible for the homestead exemption or qualify as a low- and 90000
moderate-income person. 90001

(G) When any rates or charges are not paid when due, the 90002
board may do any or all of the following: 90003

(1) Certify the unpaid rates or charges, together with any 90004
penalties, to the county auditor. The county auditor shall place 90005
the certified amount upon the real property tax list and duplicate 90006
against the property served by the connection. The certified 90007
amount shall be a lien on the property from the date placed on the 90008

real property tax list and duplicate and shall be collected in the 90009
same manner as taxes, except that, notwithstanding section 323.15 90010
of the Revised Code, a county treasurer shall accept a payment in 90011
that amount when separately tendered as payment for the full 90012
amount of the unpaid rates or charges and associated penalties. 90013
The lien shall be released immediately upon payment in full of the 90014
certified amount. 90015

(2) Collect the unpaid rates or charges, together with any 90016
penalties, by actions at law in the name of the county from an 90017
owner, tenant, or other person or public agency that is liable for 90018
the payment of the rates or charges; 90019

(3) Terminate, in accordance with established rules, the 90020
water service to the particular property unless and until the 90021
unpaid rates or charges, together with any penalties, are paid in 90022
full; 90023

(4) Apply, to the extent required, any security deposit made 90024
in accordance with established rules to the payment of the unpaid 90025
rates and charges, together with any penalties, for water service 90026
to the particular property. 90027

All moneys collected as rates, charges, or penalties fixed or 90028
established in accordance with division (F) of this section for 90029
water supply purposes in or for any sewer district shall be paid 90030
to the county treasurer and kept in a separate and distinct water 90031
fund established by the board to the credit of the district. 90032

Each board that fixes water rates or charges may render 90033
estimated bills periodically, provided that at least quarterly it 90034
shall schedule an actual reading of each customer's meter so as to 90035
render a bill for the actual amount shown by the meter reading to 90036
be due, with credit for prior payments of any estimated bills 90037
submitted for any part of the billing period, except that 90038
estimated bills may be rendered if a customer's meter is not 90039

accessible for a timely reading or if the circumstances preclude a 90040
scheduled reading. Each board also shall establish procedures 90041
providing a fair and reasonable opportunity for the resolution of 90042
billing disputes. 90043

When property to which water service is provided is about to 90044
be sold, any party to the sale or an agent of a party may request 90045
the board to have the meter at that property read and to render, 90046
within ten days following the date on which the request is made, a 90047
final bill for all outstanding rates and charges for water 90048
service. The request shall be made at least fourteen days prior to 90049
the transfer of the title of the property. 90050

At any time prior to a certification under division (G)(1) of 90051
this section, the board shall accept any partial payment of unpaid 90052
water rates or charges in the amount of ten dollars or more. 90053

Except as otherwise provided in any proceedings authorizing 90054
or providing for the security for and payment of any public 90055
obligations, or in any indenture or trust or other agreement 90056
securing public obligations, moneys in the water fund shall be 90057
applied first to the payment of the cost of the management, 90058
maintenance, and operation of the water supply facilities of, or 90059
used or operated for, the sewer district, which cost may include 90060
the county's share of management, maintenance, and operation costs 90061
under cooperative contracts for the acquisition, construction, or 90062
use of water supply facilities and, in accordance with a cost 90063
allocation plan adopted under division (H) of this section, 90064
payment of all allowable direct and indirect costs of the 90065
district, the county sanitary engineer or sanitary engineering 90066
department, or a federal or state grant program, incurred for the 90067
purposes of this chapter, and shall be applied second to the 90068
payment of debt charges payable on any outstanding public 90069
obligations issued or incurred for the acquisition or construction 90070
of water supply facilities for or serving the district, or for the 90071

funding of a bond retirement or other fund established for the 90072
payment of or security for the obligations. Any surplus remaining 90073
may be applied to the acquisition or construction of those 90074
facilities or for the payment of contributions to be made, or 90075
costs incurred, for the acquisition or construction of those 90076
facilities under cooperative contracts. Moneys in the water fund 90077
shall not be expended other than for the use and benefit of the 90078
district. 90079

(H) A board of county commissioners may adopt a cost 90080
allocation plan that identifies, accumulates, and distributes 90081
allowable direct and indirect costs that may be paid from the 90082
water fund of the sewer district created pursuant to division (G) 90083
of this section, and that prescribes methods for allocating those 90084
costs. The plan shall authorize payment from the fund of only 90085
those costs incurred by the district, the county sanitary engineer 90086
or sanitary engineering department, or a federal or state grant 90087
program, and those costs incurred by the general and other funds 90088
of the county for a common or joint purpose, that are necessary 90089
and reasonable for the proper and efficient administration of the 90090
district under this chapter. The plan shall not authorize payment 90091
from the fund of any general government expense required to carry 90092
out the overall governmental responsibilities of a county. The 90093
plan shall conform to United States office of management and 90094
budget Circular A-87, "Cost Principles for State, Local, and 90095
Indian Tribal Governments," published May 17, 1995. 90096

Sec. 6109.21. (A) Except as provided in divisions (D) and (E) 90097
of this section, on and after January 1, 1994, no person shall 90098
operate or maintain a public water system in this state without a 90099
license issued by the director of environmental protection. A 90100
person who operates or maintains a public water system on January 90101
1, 1994, shall obtain an initial license under this section in 90102
accordance with the following schedule: 90103

(1) If the public water system is a community water system, 90104
not later than January 31, 1994; 90105

(2) If the public water system is not a community water 90106
system and serves a nontransient population, not later than 90107
January 31, 1994; 90108

(3) If the public water system is not a community water 90109
system and serves a transient population, not later than January 90110
31, 1995. 90111

A person proposing to operate or maintain a new public water 90112
system after January 1, 1994, in addition to complying with 90113
section 6109.07 of the Revised Code and rules adopted under it, 90114
shall submit an application for an initial license under this 90115
section to the director prior to commencing operation of the 90116
system. 90117

A license or license renewal issued under this section shall 90118
be renewed annually. Such a license or license renewal shall 90119
expire on the thirtieth day of January in the year following its 90120
issuance. A license holder that proposes to continue operating the 90121
public water system for which the license or license renewal was 90122
issued shall apply for a license renewal at least thirty days 90123
prior to that expiration date. 90124

The director shall adopt, and may amend and rescind, rules in 90125
accordance with Chapter 119. of the Revised Code establishing 90126
procedures governing and information to be included on 90127
applications for licenses and license renewals under this section. 90128
Through June 30, ~~2010~~ 2012, each application shall be accompanied 90129
by the appropriate fee established under division (M) of section 90130
3745.11 of the Revised Code, provided that an applicant for an 90131
initial license who is proposing to operate or maintain a new 90132
public water system after January 1, 1994, shall submit a fee that 90133
equals a prorated amount of the appropriate fee established under 90134

that division for the remainder of the licensing year. 90135

(B) Not later than thirty days after receiving a completed 90136
application and the appropriate license fee for an initial license 90137
under division (A) of this section, the director shall issue the 90138
license for the public water system. Not later than thirty days 90139
after receiving a completed application and the appropriate 90140
license fee for a license renewal under division (A) of this 90141
section, the director shall do one of the following: 90142

(1) Issue the license renewal for the public water system; 90143

(2) Issue the license renewal subject to terms and conditions 90144
that the director determines are necessary to ensure compliance 90145
with this chapter and rules adopted under it; 90146

(3) Deny the license renewal if the director finds that the 90147
public water system was not operated in substantial compliance 90148
with this chapter and rules adopted under it. 90149

(C) The director may suspend or revoke a license or license 90150
renewal issued under this section if the director finds that the 90151
public water system was not operated in substantial compliance 90152
with this chapter and rules adopted under it. The director shall 90153
adopt, and may amend and rescind, rules in accordance with Chapter 90154
119. of the Revised Code governing such suspensions and 90155
revocations. 90156

(D)(1) As used in division (D) of this section, "church" 90157
means a fellowship of believers, congregation, society, 90158
corporation, convention, or association that is formed primarily 90159
or exclusively for religious purposes and that is not formed or 90160
operated for the private profit of any person. 90161

(2) This section does not apply to a church that operates or 90162
maintains a public water system solely to provide water for that 90163
church or for a campground that is owned by the church and 90164
operated primarily or exclusively for members of the church and 90165

their families. A church that, on or before March 5, 1996, has
obtained a license under this section for such a public water
system need not obtain a license renewal under this section.

(E) This section does not apply to any public or nonpublic
school that meets minimum standards of the state board of
education that operates or maintains a public water system solely
to provide water for that school.

(F) The environmental protection agency shall collect well
log filing fees on behalf of the division of soil and water
resources in the department of natural resources in accordance
with section 1521.05 of the Revised Code and rules adopted under
it. The fees shall be submitted to the division quarterly as
provided in those rules.

Sec. 6111.044. Upon receipt of an application for an
injection well drilling permit, an injection well operating
permit, a renewal of an injection well operating permit, or a
modification of an injection well drilling permit, operating
permit, or renewal of an operating permit, the director of
environmental protection shall determine whether the application
is complete and demonstrates that the activities for which the
permit, renewal permit, or modification is requested will comply
with the Federal Water Pollution Control Act and regulations
adopted under it; the "Safe Drinking Water Act," 88 Stat. 1661
(1974), 42 U.S.C.A. 300(f), as amended, and regulations adopted
under it; and this chapter and the rules adopted under it. If the
application demonstrates that the proposed activities will not
comply or will pose an unreasonable risk of inducing seismic
activity, inducing geologic fracturing, or contamination of an
underground source of drinking water, the director shall deny the
application. If the application does not make the required
demonstrations, the director shall return it to the applicant with

an indication of those matters about which a required 90197
demonstration was not made. If the director determines that the 90198
application makes the required demonstrations, the director shall 90199
transmit copies of the application and all of the accompanying 90200
maps, data, samples, and information to the chief of the division 90201
of mineral resources management, the chief of the division of 90202
geological survey, and the chief of the division of soil and water 90203
resources in the department of natural resources. 90204

The chief of the division of geological survey shall comment 90205
upon the application if the chief determines that the proposed 90206
well or injection will present an unreasonable risk of loss or 90207
damage to valuable mineral resources. If the chief submits 90208
comments on the application, those comments shall be accompanied 90209
by an evaluation of the geological factors upon which the comments 90210
are based, including fractures, faults, earthquake potential, and 90211
the porosity and permeability of the injection zone and confining 90212
zone, and by the documentation supporting the evaluation. The 90213
director shall take into consideration the chief's comments, and 90214
the accompanying evaluation of geologic factors and supporting 90215
documentation, when considering the application. The director 90216
shall provide written notice to the chief of the director's 90217
decision on the application and, if the chief's comments are not 90218
included in the permit, renewal permit, or modification, of the 90219
director's rationale for not including them. 90220

The chief of the division of mineral resources management 90221
shall comment upon the application if the chief determines that 90222
the proposed well or injection will present an unreasonable risk 90223
that waste or contamination of recoverable oil or gas in the earth 90224
will occur. If the chief submits comments on the application, 90225
those comments shall be accompanied by an evaluation of the oil or 90226
gas reserves that, in the best professional judgment of the chief, 90227
are recoverable and will be adversely affected by the proposed 90228

well or injection, and by the documentation supporting the 90229
evaluation. The director shall take into consideration the chief's 90230
comments, and the accompanying evaluation and supporting 90231
documentation, when considering the application. The director 90232
shall provide written notice to the chief of the director's 90233
decision on the application and, if the chief's comments are not 90234
included in the permit, renewal permit, or modification, of the 90235
director's rationale for not including them. 90236

The chief of the division of soil and water resources shall 90237
assist the director in determining whether all underground sources 90238
of drinking water in the area of review of the proposed well or 90239
injection have been identified and correctly delineated in the 90240
application. If the application fails to identify or correctly 90241
delineate an underground source of drinking water, the chief shall 90242
provide written notice of that fact to the director. 90243

The chief of the division of mineral resources management 90244
also shall review the application as follows: 90245

If the application concerns the drilling or conversion of a 90246
well or the injection into a well that is not or is not to be 90247
located within five thousand feet of the excavation and workings 90248
of a mine, the chief of the division of mineral resources 90249
management shall note upon the application that it has been 90250
examined by the division of mineral resources management, retain a 90251
copy of the application and map, and immediately return a copy of 90252
the application to the director. 90253

If the application concerns the drilling or conversion of a 90254
well or the injection into a well that is or is to be located 90255
within five thousand feet, but more than five hundred feet from 90256
the surface excavations and workings of a mine, the chief of the 90257
division of mineral resources management immediately shall notify 90258
the owner or lessee of the mine that the application has been 90259
filed and send to the owner or lessee a copy of the map 90260

accompanying the application setting forth the location of the 90261
well. The chief of the division of mineral resources management 90262
shall note on the application that the notice has been sent to the 90263
owner or lessee of the mine, retain a copy of the application and 90264
map, and immediately return a copy of the application to the 90265
director with the chief's notation on it. 90266

If the application concerns the drilling or conversion of a 90267
well or the injection into a well that is or is to be located 90268
within five thousand feet of the underground excavations and 90269
workings of a mine or within five hundred feet of the surface 90270
excavations and workings of a mine, the chief of the division of 90271
mineral resources management immediately shall notify the owner or 90272
lessee of the mine that the application has been filed and send to 90273
the owner or lessee a copy of the map accompanying the application 90274
setting forth the location of the well. If the owner or lessee 90275
objects to the application, the owner or lessee shall notify the 90276
chief of the division of mineral resources management of the 90277
objection, giving the reasons, within six days after the receipt 90278
of the notice. If the chief of the division of mineral resources 90279
management receives no objections from the owner or lessee of the 90280
mine within ten days after the receipt of the notice by the owner 90281
or lessee, or if in the opinion of the chief of the division of 90282
mineral resources management the objections offered by the owner 90283
or lessee are not sufficiently ~~well-founded~~ well founded, the 90284
chief shall retain a copy of the application and map and return a 90285
copy of the application to the director with any applicable notes 90286
concerning it. 90287

If the chief of the division of mineral resources management 90288
receives an objection from the owner or lessee of the mine as to 90289
the application, within ten days after receipt of the notice by 90290
the owner or lessee, and if in the opinion of the chief the 90291
objection is ~~well-founded~~ well founded, the chief shall disapprove 90292

the application and immediately return it to the director together 90293
with the chief's reasons for the disapproval. The director 90294
promptly shall notify the applicant for the permit, renewal 90295
permit, or modification of the disapproval. The applicant may 90296
appeal the disapproval of the application by the chief of the 90297
division of mineral resources management to the reclamation 90298
commission created under section 1513.05 of the Revised Code, and 90299
the commission shall hear the appeal in accordance with section 90300
1513.13 of the Revised Code. The appeal shall be filed within 90301
thirty days from the date the applicant receives notice of the 90302
disapproval. No comments concerning or disapproval of an 90303
application shall be delayed by the chief of the division of 90304
mineral resources management for more than fifteen days from the 90305
date of sending of notice to the mine owner or lessee as required 90306
by this section. 90307

The director shall not approve an application for an 90308
injection well drilling permit, an injection well operating 90309
permit, a renewal of an injection well operating permit, or a 90310
modification of an injection well drilling permit, operating 90311
permit, or renewal of an operating permit for a well that is or is 90312
to be located within three hundred feet of any opening of any mine 90313
used as a means of ingress, egress, or ventilation for persons 90314
employed in the mine, nor within one hundred feet of any building 90315
or flammable structure connected with the mine and actually used 90316
as a part of the operating equipment of the mine, unless the chief 90317
of the division of mineral resources management determines that 90318
life or property will not be endangered by drilling and operating 90319
the well in that location. 90320

Upon review by the chief of the division of mineral resources 90321
management, the chief of the division of geological survey, and 90322
the chief of the division of soil and water resources, and if the 90323
chief of the division of mineral resources management has not 90324

disapproved the application, the director shall issue a permit, 90325
renewal permit, or modification with any terms and conditions that 90326
may be necessary to comply with the Federal Water Pollution 90327
Control Act and regulations adopted under it; the "Safe Drinking 90328
Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f) as amended, 90329
and regulations adopted under it; and this chapter and the rules 90330
adopted under it. The director shall not issue a permit, renewal 90331
permit, or modification to an applicant if the applicant or 90332
persons associated with the applicant have engaged in or are 90333
engaging in a substantial violation of this chapter that is 90334
endangering or may endanger human health or the environment or if, 90335
in the case of an applicant for an injection well drilling permit, 90336
the applicant, at the time of applying for the permit, did not 90337
hold an injection well operating permit or renewal of an injection 90338
well drilling permit and failed to demonstrate sufficient 90339
expertise and competency to operate the well in compliance with 90340
the applicable provisions of this chapter. 90341

If the director receives a disapproval from the chief of the 90342
division of mineral resources management regarding an application 90343
for an injection well drilling or operating permit, renewal 90344
permit, or modification, if required, the director shall issue an 90345
order denying the application. 90346

The director need not issue a proposed action under section 90347
3745.07 of the Revised Code or hold an adjudication hearing under 90348
that section and Chapter 119. of the Revised Code before issuing 90349
or denying a permit, renewal permit, or modification of a permit 90350
or renewal permit. Before issuing or renewing a permit to drill or 90351
operate a class I injection well or a modification of it, the 90352
director shall propose the permit, renewal permit, or modification 90353
in draft form and shall hold a public hearing to receive public 90354
comment on the draft permit, renewal permit, or modification. At 90355
least fifteen days before the public hearing on a draft permit, 90356

renewal permit, or modification, the director shall publish notice 90357
of the date, time, and location of the public hearing in at least 90358
one newspaper of general circulation serving the area where the 90359
well is or is to be located. The proposing of such a draft permit, 90360
renewal permit, or modification does not constitute the issuance 90361
of a proposed action under section 3745.07 of the Revised Code, 90362
and the holding of the public hearing on such a draft permit, 90363
renewal permit, or modification does not constitute the holding of 90364
an adjudication hearing under that section and Chapter 119. of the 90365
Revised Code. Appeals of orders other than orders of the chief of 90366
the division of mineral resources management shall be taken under 90367
sections 3745.04 to 3745.08 of the Revised Code. 90368

The director may order that an injection well drilling permit 90369
or an injection well operating permit or renewal permit be 90370
suspended and that activities under it cease after determining 90371
that those activities are occurring in violation of law, rule, 90372
order, or term or condition of the permit. Upon service of a copy 90373
of the order upon the permit holder or the permit holder's 90374
authorized agent or assignee, the permit and activities under it 90375
shall be suspended immediately without prior hearing and shall 90376
remain suspended until the violation is corrected and the order of 90377
suspension is lifted. If a violation is the second within a 90378
one-year period, the director, after a hearing, may revoke the 90379
permit. 90380

The director may order that an injection well drilling permit 90381
or an injection well operating permit or renewal permit be 90382
suspended and that activities under it cease if the director has 90383
reasonable cause to believe that the permit would not have been 90384
issued if the information available at the time of suspension had 90385
been available at the time a determination was made by one of the 90386
agencies acting under authority of this section. Upon service of a 90387
copy of the order upon the permit holder or the permit holder's 90388

authorized agent or assignee, the permit and activities under it 90389
shall be suspended immediately without prior hearing, but a permit 90390
may not be suspended for that reason without prior hearing unless 90391
immediate suspension is necessary to prevent waste or 90392
contamination of oil or gas, comply with the Federal Water 90393
Pollution Control Act and regulations adopted under it; the "Safe 90394
Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as 90395
amended, and regulations adopted under it; and this chapter and 90396
the rules adopted under it, or prevent damage to valuable mineral 90397
resources, prevent contamination of an underground source of 90398
drinking water, or prevent danger to human life or health. If 90399
after a hearing the director determines that the permit would not 90400
have been issued if the information available at the time of the 90401
hearing had been available at the time a determination was made by 90402
one of the agencies acting under authority of this section, the 90403
director shall revoke the permit. 90404

When a permit has been revoked, the permit holder or other 90405
person responsible for it immediately shall plug the well in the 90406
manner required by the director. 90407

The director may issue orders to prevent or require cessation 90408
of violations of this section, section 6111.043, 6111.045, 90409
6111.046, or 6111.047 of the Revised Code, rules adopted under any 90410
of those sections, and terms or conditions of permits issued under 90411
any of them. The orders may require the elimination of conditions 90412
caused by the violation. 90413

Sec. 6117.01. (A) As used in this chapter: 90414

(1) "Sanitary facilities" means sanitary sewers, force mains, 90415
lift or pumping stations, and facilities for the treatment, 90416
disposal, impoundment, or storage of wastes; equipment and 90417
furnishings; and all required appurtenances and necessary real 90418
estate and interests in real estate. 90419

(2) "Drainage" or "waters" means flows from rainfall or otherwise produced by, or resulting from, the elements, storm water discharges and releases or migrations of waters from properties, accumulations, flows, and overflows of water, including accelerated flows and runoffs, flooding and threats of flooding of properties and structures, and other surface and subsurface drainage.

(3) "Drainage facilities" means storm sewers, force mains, pumping stations, and facilities for the treatment, disposal, impoundment, retention, control, or storage of waters; improvements of or for any channel, ditch, drain, floodway, or watercourse, including location, construction, reconstruction, reconditioning, widening, deepening, cleaning, removal of obstructions, straightening, boxing, culverting, tiling, filling, walling, arching, or change in course, location, or terminus; improvements of or for a river, creek, or run, including reinforcement of banks, enclosing, deepening, widening, straightening, removal of obstructions, or change in course, location, or terminus; facilities for the protection of lands from the overflow of water, including a levee, wall, embankment, jetty, dike, dam, sluice, revetment, reservoir, retention or holding basin, control gate, or breakwater; facilities for controlled drainage, regulation of stream flow, and protection of an outlet; the vacation of a ditch or drain; equipment and furnishings; and all required appurtenances and necessary real estate and interests in real estate.

(4) "County sanitary engineer" means either of the following:

(a) The registered professional engineer employed or appointed by the board of county commissioners to be the county sanitary engineer as provided in this section³;

(b) The county engineer, if, for as long as and to the extent that engineer by agreement entered into under section 315.14 of

the Revised Code is retained to discharge duties of a county sanitary engineer under this chapter. 90452
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(5) "Current operating expenses," "debt charges," "permanent improvement," "public obligations," and "subdivision" have the same meanings as in section 133.01 of the Revised Code. 90454
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(6) "Construct," "construction," or "constructing" means construction, reconstruction, enlargement, extension, improvement, renovation, repair, and replacement of sanitary or drainage facilities or of prevention or replacement facilities, but does not include any repairs, replacements, or similar actions that do not constitute and qualify as permanent improvements. 90457
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(7) "Maintain," "maintaining," or "maintenance" means repairs, replacements, and similar actions that constitute and are payable as current operating expenses and that are required to restore sanitary or drainage facilities or prevention or replacement facilities to, or to continue sanitary or drainage facilities or prevention or replacement facilities in, good order and working condition, but does not include construction of permanent improvements. 90463
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(8) "Public agency" means a state and any agency or subdivision of a state, including a county, a municipal corporation, or other subdivision. 90471
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(9) "Combined sewer" means a sewer system that is designed to collect and convey sewage, including domestic, commercial, and industrial wastewater, and storm water through a single-pipe system to a treatment works or combined sewer overflow outfall approved by the director of environmental protection. 90474
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(10) "Prevention or replacement facilities" means vegetated swales or median strips, permeable pavement, trees and tree boxes, rain barrels and cisterns, rain gardens and filtration planters, vegetated roofs, wetlands, riparian buffers, and practices and 90479
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structures that use or mimic natural processes to filter or reuse storm water. 90483
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(11) "Homestead exemption" means the reduction of taxes allowed under division (A) of section 323.152 of the Revised Code. 90485
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(12) "Low- and moderate-income person" has the same meaning as in section 175.01 of the Revised Code. 90487
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(B)(1) For the purpose of preserving and promoting the public health and welfare, a board of county commissioners may lay out, establish, consolidate, or otherwise modify the boundaries of, and maintain, one or more sewer districts within the county and outside municipal corporations and may have a registered professional engineer make the surveys necessary for the determination of the proper boundaries of each district, which shall be designated by an appropriate name or number. The board may acquire, construct, maintain, and operate within any district sanitary or drainage facilities that it determines to be necessary or appropriate for the collection of sewage and other wastes originating in or entering the district, to comply with the provisions of a contract entered into for the purposes described in sections 6117.41 to 6117.44 of the Revised Code and pursuant to those sections or other applicable provisions of law, or for the collection, control, or abatement of waters originating or accumulating in, or flowing in, into, or through, the district, and other sanitary or drainage facilities, within or outside of the district, that it determines to be necessary or appropriate to conduct the wastes and waters to a proper outlet and to provide for their proper treatment, disposal, and disposition. The board may provide for the protection of the sanitary and drainage facilities and may negotiate and enter into a contract with any public agency or person for the management, maintenance, operation, and repair of any of the facilities on behalf of the county upon the terms and conditions that may be agreed upon with 90489
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the agency or person and that may be determined by the board to be 90515
in the best interests of the county. By contract with any public 90516
agency or person operating sanitary or drainage facilities within 90517
or outside of the county, the board may provide a proper outlet 90518
for any of the wastes and waters and for their proper treatment, 90519
disposal, and disposition. 90520

(2) For purposes of preventing storm water from entering a 90521
combined sewer and causing an overflow or an inflow to a sanitary 90522
sewer, the board may acquire, design, construct, operate, repair, 90523
maintain, and provide for a project or program that separates 90524
storm water from a combined sewer or for a prevention or 90525
replacement facility that prevents or minimizes storm water from 90526
entering a combined sewer or a sanitary sewer. 90527

(C) The board of county commissioners may employ a registered 90528
professional engineer to be the county sanitary engineer for the 90529
time and on the terms it considers best and may authorize the 90530
county sanitary engineer to employ necessary assistants upon the 90531
terms fixed by the board. Prior to the initial assignment of 90532
drainage facilities duties to the county sanitary engineer, if the 90533
county sanitary engineer is not the county engineer, the board 90534
first shall offer to enter into an agreement with the county 90535
engineer pursuant to section 315.14 of the Revised Code for 90536
assistance in the performance of those duties of the board 90537
pertaining to drainage facilities, and the county engineer shall 90538
accept or reject the offer within thirty days after the date the 90539
offer is made. 90540

The board may create and maintain a sanitary engineering 90541
department, which shall be under its supervision and which shall 90542
be headed by the county sanitary engineer, for the purpose of 90543
aiding it in the performance of its duties under this chapter and 90544
Chapter 6103. of the Revised Code or its other duties regarding 90545
sanitation, drainage, and water supply provided by law. The board 90546

shall provide suitable facilities for the use of the department 90547
and shall provide for and pay the compensation of the county 90548
sanitary engineer and all authorized necessary expenses of the 90549
county sanitary engineer and the sanitary engineering department. 90550
The county sanitary engineer, with the approval of the board, may 90551
appoint necessary assistants and clerks, and the compensation of 90552
those assistants and clerks shall be provided for and paid by the 90553
board. 90554

(D) The board of county commissioners may adopt, publish, 90555
administer, and enforce rules for the construction, maintenance, 90556
protection, and use of county-owned or county-operated sanitary 90557
and drainage facilities and prevention or replacement facilities 90558
outside municipal corporations, and of sanitary and drainage 90559
facilities and prevention or replacement facilities within 90560
municipal corporations that are owned or operated by the county or 90561
that discharge into sanitary or drainage facilities or prevention 90562
or replacement facilities owned or operated by the county, 90563
including, but not limited to, rules for the establishment and use 90564
of any connections, the termination in accordance with reasonable 90565
procedures of sanitary service for the nonpayment of county 90566
sanitary rates and charges and, if so determined, the concurrent 90567
termination of any county water service for the nonpayment of 90568
those rates and charges, the termination in accordance with 90569
reasonable procedures of drainage service for the nonpayment of 90570
county drainage rates and charges, and the establishment and use 90571
of security deposits to the extent considered necessary to ensure 90572
the payment of county sanitary or drainage rates and charges. The 90573
rules shall not be inconsistent with the laws of this state or any 90574
applicable rules of the director of environmental protection. 90575

90576

(E) No sanitary or drainage facilities or prevention or 90577
replacement facilities shall be constructed in any county outside 90578

municipal corporations by any person until the plans and 90579
specifications have been approved by the board of county 90580
commissioners, and any construction shall be done under the 90581
supervision of the county sanitary engineer. Not less than thirty 90582
days before the date drainage plans are submitted to the board for 90583
its approval, the plans shall be submitted to the county engineer. 90584
If the county engineer is of the opinion after review that the 90585
facilities will have a significant adverse effect on roads, 90586
culverts, bridges, or existing maintenance within the county, the 90587
county engineer may submit a written opinion to the board not 90588
later than thirty days after the date the plans are submitted to 90589
the county engineer. The board may take action relative to the 90590
drainage plans only after the earliest of receiving the written 90591
opinion of the county engineer, receiving a written waiver of 90592
submission of an opinion from the county engineer, or passage of 90593
thirty days from the date the plans are submitted to the county 90594
engineer. Any person constructing the facilities shall pay to the 90595
county all expenses incurred by the board in connection with the 90596
construction. 90597

(F) The county sanitary engineer or the county sanitary 90598
engineer's authorized assistants or agents, when properly 90599
identified in writing or otherwise and after written notice is 90600
delivered to the owner at least five days in advance or is mailed 90601
at least five days in advance by first class or certified mail to 90602
the owner's tax mailing address, may enter upon any public or 90603
private property for the purpose of making, and may make, surveys 90604
or inspections necessary for the laying out of sewer districts or 90605
the design or evaluation of county sanitary or drainage facilities 90606
or prevention or replacement facilities. This entry is not a 90607
trespass and is not to be considered an entry in connection with 90608
any appropriation of property proceedings under sections 163.01 to 90609
163.22 of the Revised Code that may be pending. No person or 90610
public agency shall forbid the county sanitary engineer or the 90611

county sanitary engineer's authorized assistants or agents to 90612
enter, or interfere with their entry, upon the property for that 90613
purpose or forbid or interfere with their making of surveys or 90614
inspections. If actual damage is done to property by the making of 90615
the surveys and inspections, the board shall pay the reasonable 90616
value of the damage to the property owner, and the cost shall be 90617
included in the cost of the facilities and may be included in any 90618
special assessments to be levied and collected to pay that cost. 90619

Sec. 6117.02. (A) The board of county commissioners shall fix 90620
reasonable rates, including penalties for late payments, for the 90621
use, or the availability for use, of the sanitary facilities of a 90622
sewer district to be paid by every person and public agency whose 90623
premises are served, or capable of being served, by a connection 90624
directly or indirectly to those facilities when those facilities 90625
are owned or operated by the county and may change the rates from 90626
time to time as it considers advisable. When the sanitary 90627
facilities to be used by the county are owned by another public 90628
agency or person, the schedule of rates to be charged by the 90629
public agency or person for the use of the facilities by the 90630
county, or the formula or other procedure for their determination, 90631
shall be approved by the board at the time it enters into a 90632
contract for that use. 90633

(B) The board also shall establish reasonable charges to be 90634
collected for the privilege of connecting to the sanitary 90635
facilities of the district, with the requirement that, prior to 90636
the connection, the charges shall be paid in full, or, if 90637
determined by the board to be equitable in a resolution relating 90638
to the payment of the charges, provision considered adequate by 90639
the board shall be made for their payment in installments at the 90640
times, in the amounts, and with the security, carrying charges, 90641
and penalties as may be found by the board in that resolution to 90642
be fair and appropriate. No public agency or person shall be 90643

permitted to connect to those facilities until the charges have 90644
been paid in full or provision for their payment in installments 90645
has been made. If the connection charges are to be paid in 90646
installments, the board shall certify to the county auditor 90647
information sufficient to identify each parcel of property served 90648
by a connection and, with respect to each parcel, the total of the 90649
charges to be paid in installments, the amount of each 90650
installment, and the total number of installments to be paid. The 90651
auditor shall record and maintain the information supplied in the 90652
sewer improvement record provided for in section 6117.33 of the 90653
Revised Code until the connection charges are paid in full. The 90654
board may include amounts attributable to connection charges being 90655
paid in installments in its billings of rates and charges for the 90656
use of sanitary facilities. 90657

(C) When any of the sanitary rates or charges are not paid 90658
when due, the board may do any or all of the following as it 90659
considers appropriate: 90660

(1) Certify the unpaid rates or charges, together with any 90661
penalties, to the county auditor, who shall place them upon the 90662
real property tax list and duplicate against the property served 90663
by the connection. The certified amount shall be a lien on the 90664
property from the date placed on the real property tax list and 90665
duplicate and shall be collected in the same manner as taxes, 90666
except that, notwithstanding section 323.15 of the Revised Code, a 90667
county treasurer shall accept a payment in that amount when 90668
separately tendered as payment for the full amount of the unpaid 90669
sanitary rates or charges and associated penalties. The lien shall 90670
be released immediately upon payment in full of the certified 90671
amount. 90672

(2) Collect the unpaid rates or charges, together with any 90673
penalties, by actions at law in the name of the county from an 90674
owner, tenant, or other person or public agency that is liable for 90675

the payment of the rates or charges; 90676

(3) Terminate, in accordance with established rules, the 90677
sanitary service to the particular property and, if so determined, 90678
any county water service to that property, unless and until the 90679
unpaid sanitary rates or charges, together with any penalties, are 90680
paid in full; 90681

(4) Apply, to the extent required, any security deposit made 90682
in accordance with established rules to the payment of sanitary 90683
rates and charges for service to the particular property. 90684

All moneys collected as sanitary rates, charges, or penalties 90685
fixed or established in accordance with divisions (A) and (B) of 90686
this section for any sewer district shall be paid to the county 90687
treasurer and kept in a separate and distinct sanitary fund 90688
established by the board to the credit of the district. Except as 90689
otherwise provided in any proceedings authorizing or providing for 90690
the security for and payment of any public obligations, or in any 90691
indenture or trust or other agreement securing public obligations, 90692
moneys in the sanitary fund shall be applied first to the payment 90693
of the cost of the management, maintenance, and operation of the 90694
sanitary facilities of, or used or operated for, the district, 90695
which cost may include the county's share of management, 90696
maintenance, and operation costs under cooperative contracts for 90697
the acquisition, construction, or use of sanitary facilities and, 90698
in accordance with a cost allocation plan adopted under division 90699
(E) of this section, payment of all allowable direct and indirect 90700
costs of the district, the county sanitary engineer or sanitary 90701
engineering department, or a federal or state grant program, 90702
incurred for sanitary purposes under this chapter, and shall be 90703
applied second to the payment of debt charges payable on any 90704
outstanding public obligations issued or incurred for the 90705
acquisition or construction of sanitary facilities for or serving 90706
the district, or for the funding of a bond retirement or other 90707

fund established for the payment of or security for the 90708
obligations. Any surplus remaining may be applied to the 90709
acquisition or construction of those facilities or for the payment 90710
of contributions to be made, or costs incurred, for the 90711
acquisition or construction of those facilities under cooperative 90712
contracts. Moneys in the sanitary fund shall not be expended other 90713
than for the use and benefit of the district. 90714

(D) The board may fix reasonable rates and charges, including 90715
connection charges and penalties for late payments, to be paid by 90716
any person or public agency owning or having possession or control 90717
of any properties that are connected with, capable of being served 90718
by, or otherwise served directly or indirectly by, drainage 90719
facilities owned or operated by or under the jurisdiction of the 90720
county, including, but not limited to, properties requiring, or 90721
lying within an area of the district requiring, in the judgment of 90722
the board, the collection, control, or abatement of waters 90723
originating or accumulating in, or flowing in, into, or through, 90724
the district, and may change those rates and charges from time to 90725
time as it considers advisable. In addition, the board may fix the 90726
rates and charges in order to pay the costs of complying with the 90727
requirements of phase II of the storm water program of the 90728
national pollutant discharge elimination system established in 40 90729
C.F.R. part 122. 90730

The rates and charges shall be payable periodically as 90731
determined by the board, except that any connection charges shall 90732
be paid in full in one payment, or, if determined by the board to 90733
be equitable in a resolution relating to the payment of those 90734
charges, provision considered adequate by the board shall be made 90735
for their payment in installments at the times, in the amounts, 90736
and with the security, carrying charges, and penalties as may be 90737
found by the board in that resolution to be fair and appropriate. 90738
The board may include amounts attributable to connection charges 90739

being paid in installments in its billings of rates and charges 90740
for the services provided by the drainage facilities. In the case 90741
of rates and charges that are fixed in order to pay the costs of 90742
complying with the requirements of phase II of the storm water 90743
program of the national pollutant discharge elimination system 90744
established in 40 C.F.R. part 122, the rates and charges may be 90745
paid annually or semiannually with real property taxes, provided 90746
that the board certifies to the county auditor information that is 90747
sufficient for the auditor to identify each parcel of property for 90748
which a rate or charge is levied and the amount of the rate or 90749
charge. 90750

When any of the drainage rates or charges are not paid when 90751
due, the board may do any or all of the following as it considers 90752
appropriate: 90753

(1) Certify the unpaid rates or charges, together with any 90754
penalties, to the county auditor, who shall place them upon the 90755
real property tax list and duplicate against the property to which 90756
the rates or charges apply. The certified amount shall be a lien 90757
on the property from the date placed on the real property tax list 90758
and duplicate and shall be collected in the same manner as taxes, 90759
except that notwithstanding section 323.15 of the Revised Code, a 90760
county treasurer shall accept a payment in that amount when 90761
separately tendered as payment for the full amount of the unpaid 90762
drainage rates or charges and associated penalties. The lien shall 90763
be released immediately upon payment in full of the certified 90764
amount. 90765

(2) Collect the unpaid rates or charges, together with any 90766
penalties, by actions at law in the name of the county from an 90767
owner, tenant, or other person or public agency that is liable for 90768
the payment of the rates or charges; 90769

(3) Terminate, in accordance with established rules, the 90770
drainage service for the particular property until the unpaid 90771

rates or charges, together with any penalties, are paid in full; 90772

(4) Apply, to the extent required, any security deposit made 90773
in accordance with established rules to the payment of drainage 90774
rates and charges applicable to the particular property. 90775

All moneys collected as drainage rates, charges, or penalties 90776
in or for any sewer district shall be paid to the county treasurer 90777
and kept in a separate and distinct drainage fund established by 90778
the board to the credit of the district. Except as otherwise 90779
provided in any proceedings authorizing or providing for the 90780
security for and payment of any public obligations, or in any 90781
indenture or trust or other agreement securing public obligations, 90782
moneys in the drainage fund shall be applied first to the payment 90783
of the cost of the management, maintenance, and operation of the 90784
drainage facilities of, or used or operated for, the district, 90785
which cost may include the county's share of management, 90786
maintenance, and operation costs under cooperative contracts for 90787
the acquisition, construction, or use of drainage facilities and, 90788
in accordance with a cost allocation plan adopted under division 90789
(E) of this section, payment of all allowable direct and indirect 90790
costs of the district, the county sanitary engineer or sanitary 90791
engineering department, or a federal or state grant program, 90792
incurred for drainage purposes under this chapter, and shall be 90793
applied second to the payment of debt charges payable on any 90794
outstanding public obligations issued or incurred for the 90795
acquisition or construction of drainage facilities for or serving 90796
the district, or for the funding of a bond retirement or other 90797
fund established for the payment of or security for the 90798
obligations. Any surplus remaining may be applied to the 90799
acquisition or construction of those facilities or for the payment 90800
of contributions to be made, or costs incurred, for the 90801
acquisition or construction of those facilities under cooperative 90802
contracts. Moneys in the drainage fund shall not be expended other 90803

than for the use and benefit of the district. 90804

(E) A board of county commissioners may adopt a cost 90805
allocation plan that identifies, accumulates, and distributes 90806
allowable direct and indirect costs that may be paid from each of 90807
the funds of the district created pursuant to divisions (C) and 90808
(D) of this section, and that prescribes methods for allocating 90809
those costs. The plan shall authorize payment from each of those 90810
funds of only those costs incurred by the district, the county 90811
sanitary engineer or sanitary engineering department, or a federal 90812
or state grant program, and those costs incurred by the general 90813
and other funds of the county for a common or joint purpose, that 90814
are necessary and reasonable for the proper and efficient 90815
administration of the district under this chapter and properly 90816
attributable to the particular fund of the district. The plan 90817
shall not authorize payment from either of the funds of any 90818
general government expense required to carry out the overall 90819
governmental responsibilities of a county. The plan shall conform 90820
to United States office of management and budget Circular A-87, 90821
"Cost Principles for State, Local, and Indian Tribal Governments," 90822
published May 17, 1995. 90823

(F) A board of county commissioners may establish discounted 90824
rates or charges or may establish another mechanism for providing 90825
a reduction in rates or charges for persons who are sixty-five 90826
years of age or older. The board shall establish eligibility 90827
requirements for such discounted or reduced rates or charges, 90828
including a requirement that a person be eligible for the 90829
homestead exemption or qualify as a low- and moderate-income 90830
person. 90831

Sec. 6119.011. As used in ~~Chapter 6119. of the Revised Code~~ 90832
this chapter: 90833

(A) "Court of common pleas" or "court" means, unless the 90834

context indicates a different meaning or intent, the court of 90835
common pleas in which the petition for the organization of a 90836
regional water and sewer district is filed. 90837

(B) "Political subdivision" includes departments, divisions, 90838
authorities, or other units of state governments, watershed 90839
districts, soil and water conservation districts, park districts, 90840
municipal corporations, counties, townships, and other political 90841
subdivisions, special water districts, including county and 90842
regional water and sewer districts, conservancy districts, 90843
sanitary districts, sewer districts or any other public 90844
corporation or agency having the authority to acquire, construct, 90845
or operate waste water or water management facilities, and all 90846
other governmental agencies now or hereafter granted the power of 90847
levying taxes or special assessments, the United States or any 90848
agency thereof, and any agency, commission, or authority 90849
established pursuant to an interstate compact or agreement. 90850

(C) "Person" means any natural person, firm, partnership, 90851
association, or corporation other than a political subdivision. 90852

(D) "Beneficial use" means a use of water, including the 90853
method of diversion, storage, transportation, treatment, and 90854
application, that is reasonable and consistent with the public 90855
interest in the proper utilization of water resources, including, 90856
but not limited to, domestic, agricultural, industrial, power, 90857
municipal, navigational, fish and wildlife, and recreational uses. 90858

(E) "Waters of the state" ~~mean~~ means all streams, lakes, 90859
ponds, marshes, watercourses, waterways, wells, springs, 90860
irrigation systems, drainage systems, and all other bodies or 90861
accumulations of water, surface and underground, natural or 90862
artificial, ~~which~~ that are situated wholly or partly within, or 90863
border upon, this state, or are within its jurisdiction, except 90864
those private waters ~~which~~ that do not combine or effect a 90865
junction with natural surface or underground waters. 90866

(F) "Water resources" means all waters of the state occurring 90867
on the surface in natural or artificial channels, lakes, 90868
reservoirs, or impoundments, and in subsurface aquifers, ~~which~~ 90869
that are available or may be made available to agricultural, 90870
commercial, recreational, public, and domestic users. 90871

(G) "Project" or "water resource project" means any waste 90872
water facility or water management facility acquired, constructed, 90873
or operated by or leased to a regional water and sewer district or 90874
to be acquired, constructed, or operated by or leased to a 90875
regional water and sewer district under ~~Chapter 6119. of the~~ 90876
~~Revised Code~~ this chapter, or acquired or constructed or to be 90877
acquired or constructed by a political subdivision with a portion 90878
of the cost thereof being paid from a loan or grant from the 90879
district under ~~Chapter 6119. of the Revised Code~~ this chapter, 90880
including all buildings and facilities ~~which~~ that the district 90881
considers necessary for the operation of the project, together 90882
with all property, rights, easements, and interest ~~which~~ that may 90883
be required for the operation of the project. Any water resource 90884
project shall be determined by the board of trustees of the 90885
district to be consistent with any applicable comprehensive plan 90886
of water management approved by the director of natural resources 90887
~~of the state~~ or in the process of preparation by ~~such~~ the director 90888
and to be not inconsistent with the standards set for the waters 90889
of the state affected thereby by the ~~water pollution control board~~ 90890
~~of the state~~ environmental protection agency. Any resolution of 90891
the board of trustees of the district providing for acquiring, 90892
operating, leasing, or constructing such projects or for making a 90893
loan or grant for such projects shall include a finding by the 90894
board of trustees of the district that ~~such~~ those determinations 90895
have been made. 90896

(H) "Pollution" means the placing of any noxious or 90897
deleterious substances in any waters of the state or affecting the 90898

properties of any waters of the state in a manner ~~which~~ that 90899
renders ~~such~~ those waters harmful or inimical to the public 90900
health, or to animal or aquatic life, or to the use of ~~such~~ the 90901
waters for domestic water supply, industrial or agricultural 90902
purposes, or recreation. 90903

(I) "Sewage" means any substance that contains any of the 90904
waste products or excrementitious or other discharge from the 90905
bodies of human beings or animals, ~~which~~ that pollutes the waters 90906
of the state. 90907

(J) "Industrial waste" means any liquid, gaseous, or solid 90908
waste substance resulting from any process of industry, 90909
manufacture, trade, or business, or from the development, 90910
processing, or recovery of any natural resource, together with 90911
such sewage as is present, ~~which~~ that pollutes the waters of the 90912
state. 90913

(K) "Waste water" means any storm water and any water 90914
containing sewage or industrial waste or other pollutants or 90915
contaminants derived from the prior use of ~~such~~ the water. 90916

(L) "Waste water facilities" means facilities for the purpose 90917
of treating, neutralizing, disposing of, stabilizing, cooling, 90918
segregating, or holding waste water, including, without limiting 90919
the generality of the foregoing, facilities for the treatment and 90920
disposal of sewage or industrial waste and the residue thereof, 90921
facilities for the temporary or permanent impoundment of waste 90922
water, both surface and underground, and storm and sanitary sewers 90923
and other systems, whether on the surface or underground, designed 90924
to transport waste water, together with the equipment and 90925
furnishings thereof and their appurtenances and systems, whether 90926
on the surface or underground, including force mains and pumping 90927
facilities therefor when necessary. 90928

(M) "Water management facilities" means facilities for the 90929

purpose of the development, use, and protection of water 90930
resources, including, without limiting the generality of the 90931
foregoing, facilities for water supply, facilities for stream flow 90932
improvement, dams, reservoirs, and other impoundments, water 90933
transmission lines, water wells and well fields, pumping stations 90934
and works for underground water recharge, stream monitoring 90935
systems, facilities for the stabilization of stream and river 90936
banks, and facilities for the treatment of streams and rivers, 90937
including, without limiting the generality of the foregoing, 90938
facilities for the removal of oil, debris, and other solid waste 90939
from the waters of the state and stream and river aeration 90940
facilities. 90941

(N) "Cost" as applied to water resource projects means the 90942
cost of acquisition and construction, the cost of acquisition of 90943
all land, rights-of-way, property rights, easements, franchise 90944
rights, and interests required by the district for such 90945
acquisition and construction, the cost of demolishing or removing 90946
any buildings or structures on land so acquired, including the 90947
cost of acquiring any lands to which such buildings or structures 90948
may be moved, the cost of acquiring or constructing and equipping 90949
a principal office and sub-offices of the district, the cost of 90950
diverting highways, interchange of highways, and access roads to 90951
private property, including the cost of land or easements 90952
therefor, the cost of all machinery, furnishings, and equipment, 90953
financing charges, interest prior to and during construction and 90954
for no more than eighteen months after completion of ~~acquisition~~ 90955
acquisition or construction, engineering, expenses of research and 90956
development with respect to waste water or water management 90957
facilities, legal expenses, plans, specifications, surveys, 90958
estimates of cost and revenues, working capital, other expenses 90959
necessary or incident to determining the feasibility or 90960
practicability of acquiring or constructing any such project, 90961
administrative expense, and such other expense as may be necessary 90962

or incident to the acquisition or construction of the project, the 90963
financing of ~~such~~ the acquisition or construction, including the 90964
amount authorized in the resolution of the district providing for 90965
the issuance of water resource revenue bonds to be paid into any 90966
special funds from the proceeds of ~~such~~ those bonds and the 90967
financing of the placing of any such project in operation. Any 90968
obligation or expense incurred by any political subdivision, and 90969
approved by the district, for surveys, borings, preparation of 90970
plans and specifications, and other engineering services in 90971
connection with the acquisition or construction of a project shall 90972
be regarded as a part of the cost of ~~such~~ the project and may be 90973
reimbursed by the district. 90974

(O) "Owner" includes all individuals, partnerships, 90975
associations, corporations, or political subdivisions having any 90976
title or interest in any property rights, easements, and interests 90977
authorized to be acquired by ~~Chapter 6119. of the Revised Code~~ 90978
this chapter. 90979

(P) "Revenues" means all rentals and other charges received 90980
by a district for the use or services of any project, all special 90981
assessments levied by the district pursuant to ~~Chapter 6119. of~~ 90982
~~the Revised Code~~ this chapter, any gift or grant received with 90983
respect thereto, and moneys received in repayment of and for 90984
interest on any loan made by the district to a political 90985
subdivision, whether from the United States or a department, 90986
administration, or agency thereof, or otherwise. 90987

(Q) "Public roads" includes all public highways, roads, and 90988
streets in the state, whether maintained by the state, county, 90989
city, township, or other political subdivision. 90990

(R) "Public utility facilities" includes tracks, pipes, 90991
mains, conduits, cables, wires, towers, poles, and other equipment 90992
and appliances of any public utility. 90993

(S) "Construction," unless the context indicates a different meaning or intent, includes reconstruction, enlargement, improvement, or providing furnishings or equipment.

(T) "Water resources bonds," unless the context indicates a different meaning or intent, includes water resource notes and water resource refunding bonds.

(U) "Regional water and sewer district" means a district organized or operating for one or both of the purposes described in section 6119.01 of the Revised Code and, if organized or operating for only one of ~~such~~ those purposes, may be designated either a regional water district or a regional sewer district, as the case may be.

(V) "Homestead exemption" means the reduction of taxes allowed under division (A) of section 323.152 of the Revised Code.

(W) "Low- and moderate-income person" has the same meaning as in section 175.01 of the Revised Code.

Sec. 6119.091. When fixing rentals or other charges under section 6119.09 of the Revised Code, a board of trustees of a regional water and sewer district may establish discounted rentals or charges or may establish another mechanism for providing a reduction in rentals or charges for persons who are sixty-five years of age or older. The board shall establish eligibility requirements for such discounted or reduced rentals or charges, including a requirement that a person be eligible for the homestead exemption or qualify as a low- and moderate-income person.

Sec. 6301.03. (A) In administering the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, the "Wagner-Peyser Act," 48 Stat. 113 (1933), 29 U.S.C.A. 49, as amended, the funds received pursuant to those acts, and the

workforce development system, the director of job and family 91024
services may make allocations and payment of funds for the local 91025
administration of the workforce development activities established 91026
under this chapter. Pursuant to the "Workforce Investment Act of 91027
1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, the governor 91028
shall reserve not more than fifteen per cent of the amounts 91029
allocated to the state under Title I of that act for adults, 91030
dislocated workers, and youth for statewide activities, and not 91031
more than twenty-five per cent of funds allocated for dislocated 91032
workers under Title I of that act for statewide rapid response 91033
activities. 91034

(B) The director shall allocate to local areas all funds 91035
required to be allocated to local areas pursuant to the "Workforce 91036
Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as 91037
amended. The director shall make allocations only with funds 91038
available. Local areas, as defined by either section 101 of the 91039
"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 91040
2801, as amended, or section 6301.01 of the Revised Code, and 91041
subrecipients of a local area shall establish a workforce 91042
development fund and the entity receiving funds shall deposit all 91043
funds received under this section into the workforce development 91044
fund. All expenditures for activities funded under this section 91045
shall be made from the workforce development fund, including 91046
reimbursements to a county public assistance fund for expenditures 91047
made for activities funded under this section. 91048

(C) The use of funds, reporting requirements, and other 91049
administrative and operational requirements governing the use of 91050
funds received by the director pursuant to this section shall be 91051
governed by internal management rules adopted by the director 91052
pursuant to section 111.15 of the Revised Code. 91053

(D) To the extent permitted by state or federal law, the 91054
director, local areas, counties, and municipal corporations 91055

authorized to administer workforce development activities may 91056
assess a fee for specialized services requested by an employer. 91057
The director shall adopt rules pursuant to Chapter 119. of the 91058
Revised Code governing the nature and amount of those types of 91059
fees. 91060

Section 101.02. That existing sections 7.12, 9.03, 9.314, 91061
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6111.044, 6117.01, 6117.02, 6119.011, and 6301.03 of the Revised 91188
Code are hereby repealed. 91189

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Section 105.01. That sections 117.102, 119.031, 121.24, 91199
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4735.23, 4753.101, 5101.072, 5119.40, 5120.12, and 5123.23 of the 91216
Revised Code are hereby repealed. 91217

Section 110.10. That the version of section 2949.111 of the 91218
Revised Code that is scheduled to take effect January 1, 2010, be 91219
amended to read as follows: 91220

Sec. 2949.111. (A) As used in this section: 91221

(1) "Court costs" means any assessment that the court 91222
requires an offender to pay to defray the costs of operating the 91223
court. 91224

(2) "State fines or costs" means any costs imposed or 91225
forfeited bail collected by the court under section 2743.70 of the 91226
Revised Code for deposit into the reparations fund or under 91227
section 2949.091 of the Revised Code for deposit into the ~~general~~ 91228
revenue indigent defense support fund established under section 91229
120.08 of the Revised Code and all fines, penalties, and forfeited 91230
bail collected by the court and paid to a law library association 91231
under section 307.515 of the Revised Code. 91232

(3) "Reimbursement" means any reimbursement for the costs of 91233
confinement that the court orders an offender to pay pursuant to 91234
section 2929.28 of the Revised Code, any supervision fee, any fee 91235
for the costs of house arrest with electronic monitoring that an 91236
offender agrees to pay, any reimbursement for the costs of an 91237
investigation or prosecution that the court orders an offender to 91238
pay pursuant to section 2929.71 of the Revised Code, or any other 91239
costs that the court orders an offender to pay. 91240

(4) "Supervision fees" means any fees that a court, pursuant 91241
to sections 2929.18, 2929.28, and 2951.021 of the Revised Code, 91242
requires an offender who is under a community control sanction to 91243

pay for supervision services. 91244

(5) "Community control sanction" has the same meaning as in 91245
section 2929.01 of the Revised Code. 91246

(B) Unless the court, in accordance with division (C) of this 91247
section, enters in the record of the case a different method of 91248
assigning payments, if a person who is charged with a misdemeanor 91249
is convicted of or pleads guilty to the offense, if the court 91250
orders the offender to pay any combination of court costs, state 91251
fines or costs, restitution, a conventional fine, or any 91252
reimbursement, and if the offender makes any payment of any of 91253
them to a clerk of court, the clerk shall assign the offender's 91254
payment in the following manner: 91255

(1) If the court ordered the offender to pay any court costs, 91256
the offender's payment shall be assigned toward the satisfaction 91257
of those court costs until they have been entirely paid. 91258

(2) If the court ordered the offender to pay any state fines 91259
or costs and if all of the court costs that the court ordered the 91260
offender to pay have been paid, the remainder of the offender's 91261
payment shall be assigned on a pro rata basis toward the 91262
satisfaction of the state fines or costs until they have been 91263
entirely paid. 91264

(3) If the court ordered the offender to pay any restitution 91265
and if all of the court costs and state fines or costs that the 91266
court ordered the offender to pay have been paid, the remainder of 91267
the offender's payment shall be assigned toward the satisfaction 91268
of the restitution until it has been entirely paid. 91269

(4) If the court ordered the offender to pay any fine and if 91270
all of the court costs, state fines or costs, and restitution that 91271
the court ordered the offender to pay have been paid, the 91272
remainder of the offender's payment shall be assigned toward the 91273
satisfaction of the fine until it has been entirely paid. 91274

(5) If the court ordered the offender to pay any reimbursement and if all of the court costs, state fines or costs, restitution, and fines that the court ordered the offender to pay have been paid, the remainder of the offender's payment shall be assigned toward the satisfaction of the reimbursements until they have been entirely paid.

(C) If a person who is charged with a misdemeanor is convicted of or pleads guilty to the offense and if the court orders the offender to pay any combination of court costs, state fines or costs, restitution, fines, or reimbursements, the court, at the time it orders the offender to make those payments, may prescribe an order of payments that differs from the order set forth in division (B) of this section by entering in the record of the case the order so prescribed. If a different order is entered in the record, on receipt of any payment, the clerk of the court shall assign the payment in the manner prescribed by the court.

Section 110.11. That the existing version of section 2949.111 of the Revised Code that is scheduled to take effect January 1, 2010, is hereby repealed.

Section 110.12. Sections 110.10 and 110.11 of this act take effect January 1, 2010.

Section 110.20. That the version of section 5739.033 of the Revised Code that is scheduled to take effect January 1, 2010, be amended to read as follows:

Sec. 5739.033. (A) The amount of tax due pursuant to sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code is the sum of the taxes imposed pursuant to those sections at the sourcing location of the sale as determined under this section or, if applicable, under division (C) of section 5739.031 or section

5739.034 of the Revised Code. This section applies only to a 91304
vendor's or seller's obligation to collect and remit sales taxes 91305
under section 5739.02, 5739.021, 5739.023, or 5739.026 of the 91306
Revised Code or use taxes under section 5741.02, 5741.021, 91307
5741.022, or 5741.023 of the Revised Code. Division (A) of this 91308
section does not apply in determining the jurisdiction for which 91309
sellers are required to collect the use tax under section 5741.05 91310
of the Revised Code. This section does not affect the obligation 91311
of a consumer to remit use taxes on the storage, use, or other 91312
consumption of tangible personal property or on the benefit 91313
realized of any service provided, to the jurisdiction of that 91314
storage, use, or consumption, or benefit realized. 91315

(B)(1) Beginning January 1, 2010, retail sales, excluding the 91316
lease or rental, of tangible personal property or digital goods 91317
shall be sourced to the location where the vendor receives an 91318
order for the sale of such property or goods if: 91319

(a) The vendor receives the order in this state and the 91320
consumer receives the property or goods in this state; 91321

(b) The location where the consumer receives the property or 91322
goods is determined under division (C)(2), (3), or (4) of this 91323
section; and 91324

(c) The record-keeping system used by the vendor to calculate 91325
the tax imposed captures the location where the order is received 91326
at the time the order is received. 91327

(2) A consumer has no additional liability to this state 91328
under this chapter or Chapter 5741. of the Revised Code for tax, 91329
penalty, or interest on a sale for which the consumer remits tax 91330
to the vendor in the amount invoiced by the vendor if the invoice 91331
amount is calculated at either the rate applicable to the location 91332
where the consumer receives the property or digital good or at the 91333
rate applicable to the location where the order is received by the 91334

vendor. A consumer may rely on a written representation by the 91335
vendor as to the location where the order for the sale was 91336
received by the vendor. If the consumer does not have a written 91337
representation by the vendor as to the location where the order 91338
was received by the vendor, the consumer may use a location 91339
indicated by a business address for the vendor that is available 91340
from records that are maintained in the ordinary course of the 91341
consumer's business to determine the rate applicable to the 91342
location where the order was received. 91343

(3) For the purposes of division (B) of this section, the 91344
location where an order is received by or on behalf of a vendor 91345
means the physical location of the vendor or a third party such as 91346
an established outlet, office location, or automated order receipt 91347
system operated by or on behalf of the vendor, where an order is 91348
initially received by or on behalf of the vendor, and not where 91349
the order may be subsequently accepted, completed, or fulfilled. 91350
An order is received when all necessary information to determine 91351
whether the order can be accepted has been received by or on 91352
behalf of the vendor. The location from which the property or 91353
digital good is shipped shall not be used to determine the 91354
location where the order is received by the vendor. 91355

(4) For the purposes of division (B) of this section, if 91356
services subject to taxation under this chapter or Chapter 5741. 91357
of the Revised Code are sold with tangible personal property or 91358
digital goods pursuant to a single contract or in the same 91359
transaction, the services are billed on the same billing statement 91360
or invoice, and, because of the application of division (B) of 91361
this section, the transaction would be sourced to more than one 91362
jurisdiction, the situs of the transaction shall be the location 91363
where the order is received by or on behalf of the vendor. 91364

(C) Except for sales, other than leases, of titled motor 91365
vehicles, titled watercraft, or titled outboard motors as provided 91366

in section 5741.05 of the Revised Code, or as otherwise provided 91367
in this section and section 5739.034 of the Revised Code, all 91368
sales shall be sourced as follows: 91369

(1) If the consumer or a donee designated by the consumer 91370
receives tangible personal property or a service at a vendor's 91371
place of business, the sale shall be sourced to that place of 91372
business. 91373

(2) When the tangible personal property or service is not 91374
received at a vendor's place of business, the sale shall be 91375
sourced to the location known to the vendor where the consumer or 91376
the donee designated by the consumer receives the tangible 91377
personal property or service, including the location indicated by 91378
instructions for delivery to the consumer or the consumer's donee. 91379

(3) If divisions (C)(1) and (2) of this section do not apply, 91380
the sale shall be sourced to the location indicated by an address 91381
for the consumer that is available from the vendor's business 91382
records that are maintained in the ordinary course of the vendor's 91383
business, when use of that address does not constitute bad faith. 91384
91385

(4) If divisions (C)(1), (2), and (3) of this section do not 91386
apply, the sale shall be sourced to the location indicated by an 91387
address for the consumer obtained during the consummation of the 91388
sale, including the address associated with the consumer's payment 91389
instrument, if no other address is available, when use of that 91390
address does not constitute bad faith. 91391

(5) If divisions (C)(1), (2), (3), and (4) of this section do 91392
not apply, including in the circumstance where the vendor is 91393
without sufficient information to apply any of those divisions, 91394
the sale shall be sourced to the address from which tangible 91395
personal property was shipped, or from which the service was 91396
provided, disregarding any location that merely provided the 91397

electronic transfer of the property sold or service provided. 91398

(6) As used in division (C) of this section, "receive" means 91399
taking possession of tangible personal property or making first 91400
use of a service. "Receive" does not include possession by a 91401
shipping company on behalf of a consumer. 91402

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 91403
section, a business consumer that is not a holder of a direct 91404
payment permit granted under section 5739.031 of the Revised Code, 91405
that purchases a digital good, computer software, except computer 91406
software received in person by a business consumer at a vendor's 91407
place of business, or a service, and that knows at the time of 91408
purchase that such digital good, software, or service will be 91409
concurrently available for use in more than one taxing 91410
jurisdiction shall deliver to the vendor in conjunction with its 91411
purchase an exemption certificate claiming multiple points of use, 91412
or shall meet the requirements of division (D)(2) of this section. 91413
On receipt of the exemption certificate claiming multiple points 91414
of use, the vendor is relieved of its obligation to collect, pay, 91415
or remit the tax due, and the business consumer must pay the tax 91416
directly to the state. 91417

(b) A business consumer that delivers the exemption 91418
certificate claiming multiple points of use to a vendor may use 91419
any reasonable, consistent, and uniform method of apportioning the 91420
tax due on the digital good, computer software, or service that is 91421
supported by the consumer's business records as they existed at 91422
the time of the sale. The business consumer shall report and pay 91423
the appropriate tax to each jurisdiction where concurrent use 91424
occurs. The tax due shall be calculated as if the apportioned 91425
amount of the digital good, computer software, or service had been 91426
delivered to each jurisdiction to which the sale is apportioned 91427
under this division. 91428

(c) The exemption certificate claiming multiple points of use 91429

shall remain in effect for all future sales by the vendor to the 91430
business consumer until it is revoked in writing by the business 91431
consumer, except as to the business consumer's specific 91432
apportionment of a subsequent sale under division (D)(1)(b) of 91433
this section and the facts existing at the time of the sale. 91434

(2) When the vendor knows that a digital good, computer 91435
software, or service sold will be concurrently available for use 91436
by the business consumer in more than one jurisdiction, but the 91437
business consumer does not provide an exemption certificate 91438
claiming multiple points of use as required by division (D)(1) of 91439
this section, the vendor may work with the business consumer to 91440
produce the correct apportionment. Governed by the principles of 91441
division (D)(1)(b) of this section, the vendor and business 91442
consumer may use any reasonable, but consistent and uniform, 91443
method of apportionment that is supported by the vendor's and 91444
business consumer's books and records as they exist at the time 91445
the sale is reported for purposes of the taxes levied under this 91446
chapter. If the business consumer certifies to the accuracy of the 91447
apportionment and the vendor accepts the certification, the vendor 91448
shall collect and remit the tax accordingly. In the absence of bad 91449
faith, the vendor is relieved of any further obligation to collect 91450
tax on any transaction where the vendor has collected tax pursuant 91451
to the information certified by the business consumer. 91452

(3) When the vendor knows that the digital good, computer 91453
software, or service will be concurrently available for use in 91454
more than one jurisdiction, and the business consumer does not 91455
have a direct pay permit and does not provide to the vendor an 91456
exemption certificate claiming multiple points of use as required 91457
in division (D)(1) of this section, or certification pursuant to 91458
division (D)(2) of this section, the vendor shall collect and 91459
remit the tax based on division (C) of this section. 91460

(4) Nothing in this section shall limit a person's obligation 91461

for sales or use tax to any state in which a digital good, 91462
computer software, or service is concurrently available for use, 91463
nor limit a person's ability under local, state, or federal law, 91464
to claim a credit for sales or use taxes legally due and paid to 91465
other jurisdictions. 91466

(E) A person who holds a direct payment permit issued under 91467
section 5739.031 of the Revised Code is not required to deliver an 91468
exemption certificate claiming multiple points of use to a vendor. 91469
But such permit holder shall comply with division (D)(2) of this 91470
section in apportioning the tax due on a digital good, computer 91471
software, or a service for use in business that will be 91472
concurrently available for use in more than one taxing 91473
jurisdiction. 91474

(F)(1) Notwithstanding divisions (C)(1) to (5) of this 91475
section, the consumer of direct mail that is not a holder of a 91476
direct payment permit shall provide to the vendor in conjunction 91477
with the sale either an exemption certificate claiming direct mail 91478
prescribed by the tax commissioner, or information to show the 91479
jurisdictions to which the direct mail is delivered to recipients. 91480

(2) Upon receipt of such exemption certificate, the vendor is 91481
relieved of all obligations to collect, pay, or remit the 91482
applicable tax and the consumer is obligated to pay that tax on a 91483
direct pay basis. An exemption certificate claiming direct mail 91484
shall remain in effect for all future sales of direct mail by the 91485
vendor to the consumer until it is revoked in writing. 91486

(3) Upon receipt of information from the consumer showing the 91487
jurisdictions to which the direct mail is delivered to recipients, 91488
the vendor shall collect the tax according to the delivery 91489
information provided by the consumer. In the absence of bad faith, 91490
the vendor is relieved of any further obligation to collect tax on 91491
any transaction where the vendor has collected tax pursuant to the 91492
delivery information provided by the consumer. 91493

(4) If the consumer of direct mail does not have a direct payment permit and does not provide the vendor with either an exemption certificate claiming direct mail or delivery information as required by division (F)(1) of this section, the vendor shall collect the tax according to division (C)(5) of this section. Nothing in division (F)(4) of this section shall limit a consumer's obligation to pay sales or use tax to any state to which the direct mail is delivered.

(5) If a consumer of direct mail provides the vendor with documentation of direct payment authority, the consumer shall not be required to provide an exemption certificate claiming direct mail or delivery information to the vendor.

(G) If the vendor provides lodging to transient guests as specified in division (B)(2) of section 5739.01 of the Revised Code, the sale shall be sourced to the location where the lodging is located.

(H)(1) As used in this division and division (I) of this section, "transportation equipment" means any of the following:

(a) Locomotives and railcars that are utilized for the carriage of persons or property in interstate commerce.

(b) Trucks and truck-tractors with a gross vehicle weight rating of greater than ten thousand pounds, trailers, semi-trailers, or passenger buses that are registered through the international registration plan and are operated under authority of a carrier authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate commerce.

(c) Aircraft that are operated by air carriers authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or

property in interstate or foreign commerce. 91525

(d) Containers designed for use on and component parts 91526
attached to or secured on the items set forth in division 91527
(H)(1)(a), (b), or (c) of this section. 91528

(2) A sale, lease, or rental of transportation equipment 91529
shall be sourced pursuant to division (C) of this section. 91530

(I)(1) A lease or rental of tangible personal property that 91531
does not require recurring periodic payments shall be sourced 91532
pursuant to division (C) of this section. 91533

(2) A lease or rental of tangible personal property that 91534
requires recurring periodic payments shall be sourced as follows: 91535

(a) In the case of a motor vehicle, other than a motor 91536
vehicle that is transportation equipment, or an aircraft, other 91537
than an aircraft that is transportation equipment, such lease or 91538
rental shall be sourced as follows: 91539

(i) An accelerated tax payment on a lease or rental taxed 91540
pursuant to division (A)(2) of section 5739.02 of the Revised Code 91541
shall be sourced to the primary property location at the time the 91542
lease or rental is consummated. Any subsequent taxable charges on 91543
the lease or rental shall be sourced to the primary property 91544
location for the period in which the charges are incurred. 91545

(ii) For a lease or rental taxed pursuant to division (A)(3) 91546
of section 5739.02 of the Revised Code, each lease or rental 91547
installment shall be sourced to the primary property location for 91548
the period covered by the installment. 91549

(b) In the case of a lease or rental of all other tangible 91550
personal property, other than transportation equipment, such lease 91551
or rental shall be sourced as follows: 91552

(i) An accelerated tax payment on a lease or rental that is 91553
taxed pursuant to division (A)(2) of section 5739.02 of the 91554

Revised Code shall be sourced pursuant to division (C) of this section at the time the lease or rental is consummated. Any subsequent taxable charges on the lease or rental shall be sourced to the primary property location for the period in which the charges are incurred.

(ii) For a lease or rental that is taxed pursuant to division (A)(3) of section 5739.02 of the Revised Code, the initial lease or rental installment shall be sourced pursuant to division (C) of this section. Each subsequent installment shall be sourced to the primary property location for the period covered by the installment.

(3) As used in division (I) of this section, "primary property location" means an address for tangible personal property provided by the lessee or renter that is available to the lessor or owner from its records maintained in the ordinary course of business, when use of that address does not constitute bad faith.

(J) If the vendor provides a service specified in division (B)(11) of section 5739.01 of the Revised Code, the situs of the sale is the location of the enrollee for whom a medicaid health insurance corporation receives managed care premiums. Such sales shall be sourced to the locations of the enrollees in the same proportion as the managed care premiums received by the medicaid health insuring corporation on behalf of enrollees located in a particular taxing jurisdiction in Ohio as compared to all managed care premiums received by the medicaid health insuring corporation.

Section 110.21. That the existing version of section 5739.033 of the Revised Code that is scheduled to take effect January 1, 2010, is hereby repealed.

Section 110.22. Sections 110.20 and 110.21 of this act take

effect January 1, 2010. 91585

Section 201.01. Except as otherwise provided in this act, all 91586
appropriation items in this act are appropriated out of any moneys 91587
in the state treasury to the credit of the designated fund that 91588
are not otherwise appropriated. For all appropriations made in 91589
this act, the amounts in the first column are for fiscal year 2010 91590
and the amounts in the second column are for fiscal year 2011. 91591
91592

Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO 91593

General Services Fund Group 91594

4J80 889601	CPA Education	\$	200,000	\$	200,000	91595
	Assistance					
4K90 889609	Operating Expenses	\$	1,000,000	\$	1,000,000	91596
TOTAL GSF General Services Fund						91597
Group						
		\$	1,200,000	\$	1,200,000	91598
TOTAL ALL BUDGET FUND GROUPS						91599

Section 205.10. ADJ ADJUTANT GENERAL 91601

General Revenue Fund 91602

GRF 745401	Ohio Military Reserve	\$	13,675	\$	13,675	91603
GRF 745404	Air National Guard	\$	2,010,606	\$	2,010,606	91604
GRF 745407	National Guard	\$	500,000	\$	500,000	91605
	Benefits					
GRF 745409	Central	\$	3,105,784	\$	3,105,784	91606
	Administration					
GRF 745499	Army National Guard	\$	6,008,551	\$	6,008,551	91607
TOTAL GRF General Revenue Fund						91608
General Services Fund Group						91609
5340 745612	Property	\$	534,304	\$	534,304	91610

		Operations/Management					
5360	745605	Marksmanship	\$	128,600	\$	128,600	91611
		Activities					
5360	745620	Camp Perry/Buckeye	\$	1,502,970	\$	1,502,970	91612
		Inn Operations					
5370	745604	Ohio National Guard	\$	269,826	\$	269,826	91613
		Facility Maintenance					
TOTAL	GSF	General Services Fund	\$	2,435,700	\$	2,435,700	91614
Group							
Federal Special Revenue Fund Group							91615
3410	745615	Air National Guard	\$	2,777,692	\$	2,777,692	91616
		Base Security					
3420	745616	Army National Guard	\$	10,970,050	\$	10,970,050	91617
		Agreement					
3E80	745628	Air National Guard	\$	16,048,595	\$	16,048,595	91618
		Agreement					
3R80	745603	Counter Drug	\$	25,000	\$	25,000	91619
		Operations					
TOTAL	FED	Federal Special Revenue	\$	29,821,337	\$	29,821,337	91620
Fund Group							
State Special Revenue Fund Group							91621
5U80	745613	Community Match	\$	250,000	\$	250,000	91622
		Armories					
TOTAL	SSR	State Special Revenue	\$	250,000	\$	250,000	91623
Fund Group							
TOTAL	ALL	BUDGET FUND GROUPS	\$	44,145,653	\$	44,145,653	91624
NATIONAL GUARD BENEFITS							91625
The foregoing appropriation item 745407, National Guard							91626
Benefits, shall be used for purposes of sections 5919.31 and							91627
5919.33 of the Revised Code, and for administrative costs of the							91628
associated programs.							91629
For active duty members of the Ohio National Guard who died							91630

after October 7, 2001, while performing active duty, the death 91631
benefit, pursuant to section 5919.33 of the Revised Code, shall be 91632
paid to the beneficiary or beneficiaries designated on the 91633
member's Servicemembers' Group Life Insurance Policy. 91634

STATE ACTIVE DUTY COSTS 91635

Of the foregoing appropriation item 745409, Central 91636
Administration, \$50,000 in each fiscal year shall be used for the 91637
purpose of paying expenses related to state active duty of members 91638
of the Ohio organized militia, in accordance with a proclamation 91639
of the Governor. Expenses include, but are not limited to, the 91640
cost of equipment, supplies, and services, as determined by the 91641
Adjutant General's Department. 91642

Section 205.20. FUND ABOLITION 91643

On July 1, 2009, or as soon as possible thereafter, the 91644
Director of Budget and Management, upon request by the Adjutant 91645
General, shall transfer the cash balance in the Marksmanship 91646
Activities Fund (Fund 5280) to the Camp Perry/Buckeye Inn 91647
Operations Fund (Fund 5360). The Director shall cancel any 91648
existing encumbrances against appropriation item 745645, 91649
Marksmanship Activities, and re-establish them against 91650
appropriation item 745620, Camp Perry/Buckeye Inn Operations. The 91651
re-established encumbrance amounts are hereby appropriated. Upon 91652
completion of the transfer, Fund 5280 is abolished. 91653

Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 91654

General Revenue Fund 91655

GRF	100405	Agency Audit Expenses	\$	294,904	\$	294,904	91656
GRF	100415	OAKS Rental Payments	\$	18,607,000	\$	21,728,000	91657
GRF	100416	STARS Lease Rental	\$	4,977,600	\$	7,638,500	91658
		Payments					
GRF	100417	EEO Project Tracking	\$	0	\$	100,000	91659

		Software-Federal					
GRF	100418	Web Sites and Business Gateway	\$	2,943,074	\$	2,943,076	91660
GRF	100419	IT Security	\$	975,000	\$	975,000	91661
		Infrastructure					
GRF	100421	OAKS Project Implementation	\$	202,500	\$	202,500	91662
GRF	100433	State of Ohio Computer Center	\$	5,819,871	\$	5,819,871	91663
GRF	100439	Equal Opportunity Certification Programs	\$	712,724	\$	712,724	91664
GRF	100447	OBA - Building Rent Payments	\$	102,635,400	\$	97,712,600	91665
GRF	100448	OBA - Building Operating Payments	\$	25,603,000	\$	25,603,000	91666
GRF	100449	DAS - Building Operating Payments	\$	3,271,384	\$	3,271,384	91667
GRF	100451	Minority Affairs	\$	50,016	\$	50,016	91668
GRF	102321	Construction Compliance	\$	1,108,744	\$	1,108,744	91669
GRF	130321	State Agency Support Services	\$	3,039,578	\$	3,039,578	91670
TOTAL GRF		General Revenue Fund	\$	170,240,795	\$	171,199,897	91671
		General Services Fund Group					91672
1120	100616	DAS Administration	\$	4,500,000	\$	4,500,000	91673
1150	100632	Central Service Agency	\$	756,642	\$	756,642	91674
1170	100644	General Services Division - Operating	\$	10,000,000	\$	10,000,000	91675
1220	100637	Fleet Management	\$	1,500,000	\$	1,500,000	91676
1250	100622	Human Resources Division - Operating	\$	20,560,614	\$	20,560,614	91677
1280	100620	Collective Bargaining	\$	3,662,534	\$	3,662,534	91678
1300	100606	Risk Management	\$	5,568,548	\$	5,568,548	91679

		Reserve					
1310	100639	State Architect's	\$	7,544,146	\$	7,544,146	91680
		Office					
1320	100631	DAS Building	\$	8,637,670	\$	8,637,670	91681
		Management					
1330	100607	IT Services Delivery	\$	58,750,678	\$	58,750,678	91682
1880	100649	Equal Opportunity	\$	884,650	\$	884,650	91683
		Division - Operating					
2100	100612	State Printing	\$	12,000,000	\$	12,000,000	91684
2290	100630	IT Governance	\$	15,346,474	\$	15,346,474	91685
4270	100602	Investment Recovery	\$	5,592,697	\$	5,592,697	91686
4N60	100617	Major IT Purchases	\$	7,495,719	\$	1,950,000	91687
4P30	100603	DAS Information	\$	4,054,414	\$	4,054,414	91688
		Services					
5C20	100605	MARCS Administration	\$	11,069,291	\$	11,069,291	91689
5C30	100608	Skilled Trades	\$	605,885	\$	605,885	91690
5EB0	100635	OAKS Support	\$	15,984,761	\$	18,009,192	91691
		Organization					
5L70	100610	Professional	\$	3,900,000	\$	3,900,000	91692
		Development					
5V60	100619	Employee Educational	\$	936,129	\$	936,129	91693
		Development					
5X30	100634	Centralized Gateway	\$	3,676,956	\$	2,052,308	91694
		Enhancement					
TOTAL	GSF	General Services Fund					91695
Group			\$	203,027,807	\$	197,881,871	91696
TOTAL	ALL	BUDGET FUND GROUPS	\$	373,268,602	\$	369,081,768	91697

Section 207.10.10. AGENCY AUDIT EXPENSES 91699

The foregoing appropriation item 100405, Agency Audit 91700
 Expenses, shall be used for auditing expenses designated in 91701
 division (A)(1) of section 117.13 of the Revised Code for those 91702
 state agencies audited on a biennial basis. 91703

Section 207.10.20. OAKS RENTAL PAYMENTS 91704

The foregoing appropriation item 100415, OAKS Rental 91705
Payments, shall be used for payments for the period from July 1, 91706
2009, through June 30, 2011, pursuant to leases and agreements 91707
entered into under Chapter 125. of the Revised Code, as 91708
supplemented by Section 503.10 of Am. Sub. H.B. 496 and Section 91709
281.10 of Am. Sub. H.B. 562 of the 127th General Assembly with 91710
respect to financing the costs associated with the acquisition, 91711
development, installation, and implementation of the Ohio 91712
Administrative Knowledge System. If it is determined that 91713
additional appropriations are necessary for this purpose, the 91714
amounts are hereby appropriated. 91715

Section 207.10.30. STATE TAXATION ACCOUNTING AND REVENUE 91716
SYSTEM 91717

The Office of Information Technology, in conjunction with the 91718
Department of Taxation, may acquire the State Taxation Accounting 91719
and Revenue System (STARS) pursuant to Chapter 125. of the Revised 91720
Code, including, but not limited to, the application software and 91721
installation and implementation thereof, for the use of the 91722
Department of Taxation. STARS is an integrated tax collection and 91723
audit system that will replace all of the state's existing 91724
separate tax software and administration systems for the various 91725
taxes collected by the state. Any lease-purchase arrangement used 91726
under Chapter 125. of the Revised Code to acquire STARS, including 91727
any fractionalized interests therein as defined in division (N) of 91728
section 133.01 of the Revised Code, shall provide that at the end 91729
of the lease period, STARS becomes the property of the state. 91730
91731

Section 207.10.40. STARS LEASE RENTAL PAYMENTS 91732

The foregoing appropriation item 100416, STARS Lease Rental 91733

Payments, shall be used for payments for the period from July 1, 91734
2009, through June 30, 2011, pursuant to leases and agreements 91735
entered into under Chapter 125. of the Revised Code, as 91736
supplemented by Section 757.10 of Am. Sub. H.B. 119 of the 127th 91737
General Assembly, with respect to financing the cost associated 91738
with the acquisition, development, installation, and 91739
implementation of the State Taxation Accounting and Revenue System 91740
(STARS). If it is determined that additional appropriations are 91741
necessary for this purpose, the amounts are appropriated. 91742

Section 207.10.50. BUILDING RENT PAYMENTS 91743

The foregoing appropriation item 100447, OBA - Building Rent 91744
Payments, shall be used to meet all payments at the times they are 91745
required to be made during the period from July 1, 2009, to June 91746
30, 2011, by the Department of Administrative Services to the Ohio 91747
Building Authority pursuant to leases and agreements under Chapter 91748
152. of the Revised Code. These appropriations are the source of 91749
funds pledged for bond service charges on obligations issued 91750
pursuant to Chapter 152. of the Revised Code. 91751

The foregoing appropriation item 100448, OBA - Building 91752
Operating Payments, shall be used to meet all payments at the 91753
times that they are required to be made during the period from 91754
July 1, 2009, to June 30, 2011, by the Department of 91755
Administrative Services to the Ohio Building Authority pursuant to 91756
leases and agreements under Chapter 152. of the Revised Code, but 91757
limited to the aggregate amount of \$51,206,000. 91758

The payments to the Ohio Building Authority are for paying 91759
the expenses of agencies that occupy space in various state 91760
facilities. The Department of Administrative Services may enter 91761
into leases and agreements with the Ohio Building Authority 91762
providing for the payment of these expenses. The Ohio Building 91763
Authority shall report to the Department of Administrative 91764

Services and the Office of Budget and Management not later than 91765
five months after the start of each fiscal year the actual 91766
expenses incurred by the Ohio Building Authority in operating the 91767
facilities and any balances remaining from payments and rentals 91768
received in the prior fiscal year. The Department of 91769
Administrative Services shall reduce subsequent payments by the 91770
amount of the balance reported to it by the Ohio Building 91771
Authority. 91772

Section 207.10.60. DAS - BUILDING OPERATING PAYMENTS 91773

The foregoing appropriation item 100449, DAS - Building 91774
Operating Payments, shall be used to pay the rent expenses of 91775
veterans organizations pursuant to section 123.024 of the Revised 91776
Code in fiscal years 2010 and 2011. 91777

The foregoing appropriation item, 100449, DAS - Building 91778
Operating Payments, also may be used to provide funding for the 91779
cost of property appraisals or building studies that the 91780
Department of Administrative Services may be required to obtain 91781
for property that is being sold by the state or property under 91782
consideration to be renovated or purchased by the state. 91783

Notwithstanding section 125.28 of the Revised Code, the 91784
remaining portion of the appropriation may be used to pay the 91785
operating expenses of state facilities maintained by the 91786
Department of Administrative Services that are not billed to 91787
building tenants. These expenses may include, but are not limited 91788
to, the costs for vacant space and space undergoing renovation, 91789
and the rent expenses of tenants that are relocated because of 91790
building renovations. These payments shall be processed by the 91791
Department of Administrative Services through intrastate transfer 91792
vouchers and placed in the Building Management Fund (Fund 1320). 91793

Notwithstanding division (A)(1) of section 125.28 of the 91794
Revised Code, the Department of Administrative Services may use 91795

the Building Management Fund (Fund 1320) to support utility costs 91796
at the State of Ohio Computer Center that exceed the available 91797
appropriation in appropriation item 100433, State of Ohio Computer 91798
Center. 91799

Section 207.10.70. CENTRAL SERVICE AGENCY FUND 91800

The appropriation item 100632, Central Service Agency, shall 91801
be used to purchase the equipment, products, and services that are 91802
needed to maintain automated applications for the professional 91803
licensing boards and to support board licensing functions in 91804
fiscal years 2010 and 2011. The Department of Administrative 91805
Services shall establish charges for recovering the costs of 91806
carrying out these functions. The charges shall be billed to the 91807
professional licensing boards and deposited via intrastate 91808
transfer vouchers to the credit of the Central Service Agency Fund 91809
(Fund 1150). Total Department of Administrative Services charges 91810
for the maintenance and support of the licensing system shall not 91811
exceed \$363,678 in each fiscal year of the biennium. 91812

Section 207.20.10. GENERAL SERVICE CHARGES 91813

The Department of Administrative Services, with the approval 91814
of the Director of Budget and Management, shall establish charges 91815
for recovering the costs of administering the programs funded by 91816
the General Services Fund (Fund 1170) and the State Printing Fund 91817
(Fund 2100). Such charges within Fund 1170 may be used to recover 91818
the cost of paying a vendor to establish reduced pricing for 91819
contracted supplies or services. 91820

If the Director of Administrative Services determines that 91821
additional amounts are necessary to pay for consulting and 91822
administrative costs related to securing lower pricing, the 91823
Director of Administrative Services may request that the Director 91824
of Budget and Management approve additional expenditures. Such 91825

approved additional amounts are appropriated to appropriation item 91826
100644, General Services Division-Operating. 91827

Section 207.20.20. COLLECTIVE BARGAINING ARBITRATION EXPENSES 91828
91829

With approval of the Director of Budget and Management, the 91830
Department of Administrative Services may seek reimbursement from 91831
state agencies for the actual costs and expenses the Department 91832
incurs in the collective bargaining arbitration process. The 91833
reimbursements shall be processed through intrastate transfer 91834
vouchers and credited to the Collective Bargaining Fund (Fund 91835
1280). 91836

Section 207.20.40. EQUAL OPPORTUNITY PROGRAM 91837

The Department of Administrative Services, with the approval 91838
of the Director of Budget and Management, shall establish charges 91839
for recovering the costs of administering the activities supported 91840
by the State EEO Fund (Fund 1880). These charges shall be 91841
deposited to the credit of the State EEO Fund (Fund 1880) upon 91842
payment made by state agencies, state-supported or state-assisted 91843
institutions of higher education, and tax-supported agencies, 91844
municipal corporations, and other political subdivisions of the 91845
state, for services rendered. 91846

Section 207.20.50. MERCHANDISE RESALE FUND ABOLISHMENT 91847

On July 1, 2009, or as soon as possible thereafter, the 91848
Director of Budget and Management shall transfer the cash balance, 91849
functions, assets, and liabilities of the Merchandise Resale Fund 91850
(Fund 2010) to the State Printing Fund (Fund 2100). The Director 91851
of Budget and Management shall cancel any existing encumbrances 91852
against appropriation item 100653, General Services Resale 91853
Merchandise, and re-establish them against appropriation item 91854

100612, State Printing. The re-established encumbrances are 91855
appropriated. Upon completion of the transfer, Fund 2010 is 91856
abolished. 91857

The State Printing Fund is thereupon and thereafter successor 91858
to, assumes the obligations of, and otherwise constitutes the 91859
continuation of the Merchandise Resale Fund. Any business 91860
commenced but not completed pertaining to the Merchandise for 91861
Resale Fund by July 1, 2009, shall be completed within the State 91862
Printing Fund in the same manner and with the same effect as if it 91863
were completed within the Merchandise for Resale Fund. All of the 91864
rules, orders, and determinations associated with the Merchandise 91865
for Resale Fund continue in effect as rules, orders, and 91866
determinations associated with the State Printing Fund until 91867
modified or rescinded by the Director of Administrative Services. 91868
If necessary to ensure the integrity of the Administrative Code, 91869
the Director of the Legislative Service Commission shall renumber 91870
the rules relating to the Merchandise for Resale Fund to reflect 91871
its transfer to the State Printing Fund. 91872

On and after July 1, 2009, when the Merchandise for Resale 91873
Fund is referred to in any statute, rule, contract, grant or other 91874
document, the reference is hereby deemed to refer to the State 91875
Printing Fund. 91876

Section 207.20.80. INVESTMENT RECOVERY FUND 91877

Notwithstanding division (B) of section 125.14 of the Revised 91878
Code, cash balances in the Investment Recovery Fund (Fund 4270) 91879
may be used to support the operating expenses of the Federal 91880
Surplus Operating Program created in sections 125.84 to 125.90 of 91881
the Revised Code. 91882

Notwithstanding division (B) of section 125.14 of the Revised 91883
Code, cash balances in the Investment Recovery Fund may be used to 91884
support the operating expenses of the Asset Management Services 91885

Program, including, but not limited to, the cost of establishing 91886
and maintaining procedures for inventory records for state 91887
property as described in section 125.16 of the Revised Code. 91888

Of the foregoing appropriation item 100602, Investment 91889
Recovery, up to \$2,093,564 in fiscal year 2010 and up to 91890
\$2,107,388 in fiscal year 2011 shall be used to pay the operating 91891
expenses of the State Surplus Property Program, the Surplus 91892
Federal Property Program, and the Asset Management Services 91893
Program under Chapter 125. of the Revised Code and this section. 91894
If additional appropriations are necessary for the operations of 91895
these programs, the Director of Administrative Services shall seek 91896
increased appropriations from the Controlling Board under section 91897
131.35 of the Revised Code. 91898

Of the foregoing appropriation item 100602, Investment 91899
Recovery, \$3,590,000 in fiscal year 2010 and \$3,576,176 in fiscal 91900
year 2011 shall be used to transfer proceeds from the sale of 91901
surplus property from the Investment Recovery Fund to non-General 91902
Revenue Funds under division (A)(2) of section 125.14 of the 91903
Revised Code. If it is determined by the Director of 91904
Administrative Services that additional amounts are necessary for 91905
the transfer of such sale proceeds, the Director of Administrative 91906
Services may request the Director of Budget and Management to 91907
authorize additional amounts. Such authorized additional amounts 91908
are hereby appropriated. 91909

Section 207.20.90. DAS INFORMATION SERVICES 91910

There is hereby established in the State Treasury the DAS 91911
Information Services Fund. The foregoing appropriation item 91912
100603, DAS Information Services, shall be used to pay the costs 91913
of providing information systems and services in the Department of 91914
Administrative Services. Any state agency, board, or commission 91915
may use DAS Information Services by paying for the services 91916

rendered. 91917

The Department of Administrative Services shall establish 91918
user charges for all information systems and services that are 91919
allowable in the statewide indirect cost allocation plan submitted 91920
annually to the United States Department of Health and Human 91921
Services. These charges shall comply with federal regulations and 91922
shall be deposited to the credit of the DAS Information Services 91923
Fund (Fund 4P30). 91924

Section 207.30.30. CASH TRANSFER TO OAKS SUPPORT ORGANIZATION 91925
FUND 91926

The Director of Budget and Management may transfer 91927
\$1,317,922.16 in cash from the IT Services Delivery Fund (Fund 91928
1330) to the OAKS Support Organization Fund (5EB0) to correct an 91929
intrastate transfer voucher from the Department of Administrative 91930
Services that was deposited in the IT Services Delivery Fund. 91931

Section 207.30.40. PROFESSIONAL DEVELOPMENT FUND 91932

The foregoing appropriation item 100610, Professional 91933
Development, shall be used to make payments from the Professional 91934
Development Fund (Fund 5L70) under section 124.182 of the Revised 91935
Code. 91936

Section 207.30.50. EMPLOYEE EDUCATIONAL DEVELOPMENT 91937

The foregoing appropriation item 100619, Employee Educational 91938
Development, shall be used to make payments from the Employee 91939
Educational Development Fund (Fund 5V60) under section 124.86 of 91940
the Revised Code. The fund shall be used to pay the costs of 91941
administering educational programs under existing collective 91942
bargaining agreements with District 1199, the Health Care and 91943
Social Service Union; State Council of Professional Educators; 91944
Ohio Education Association and National Education Association; the 91945

Fraternal Order of Police Ohio Labor Council, Unit 2; and the Ohio State Troopers Association, Units 1 and 15. 91946
91947

If it is determined by the Director of Administrative Services that additional amounts are necessary, the Director of Administrative Services may request that the Director of Budget and Management approve additional amounts. Such approved additional amounts are hereby appropriated. 91948
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Section 207.30.60. CENTRALIZED GATEWAY ENHANCEMENT FUND 91953

(A) As used in this section, "Ohio Business Gateway" refers to the internet-based system operated by the Department of Administrative Services with the advice of the Ohio Business Gateway Steering Committee established under section 5703.57 of the Revised Code. The Ohio Business Gateway is established to provide businesses a central web site where various filings and payments are submitted on-line to government. The information is then distributed to the various government entities that interact with the business community. 91954
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(B) As used in this section: 91963

(1) "State Portal" refers to the official web site of the state, operated by the Department of Administrative Services. 91964
91965

(2) "Shared Hosting Environment" refers to the computerized system operated by the Department of Administrative Services for the purpose of providing capability for state agencies to host web sites. 91966
91967
91968
91969

(C) There is hereby created in the state treasury the Centralized Gateway Enhancement Fund (Fund 5X30). The foregoing appropriation item 100634, Centralized Gateway Enhancement, shall be used by the Department of Administrative Services to pay the costs of enhancing, expanding, and operating the infrastructure of the Ohio Business Gateway, State Portal, and Shared Hosting 91970
91971
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Environment. The Director of Administrative Services shall submit 91976
spending plans to the Director of Budget and Management to justify 91977
operating transfers to the fund from the General Revenue Fund. 91978
Upon approval, the Director of Budget and Management shall 91979
transfer approved amounts to the fund, not to exceed the amount of 91980
the annual appropriation in each fiscal year. The spending plans 91981
may be based on the recommendations of the Ohio Business Gateway 91982
Steering Committee or its successor. 91983

Section 207.30.70. MAJOR IT PURCHASES AND CONTRACTS 91984

The Director of Administrative Services shall compute the 91985
amount of revenue attributable to the amortization of all 91986
equipment purchases and capitalized systems from appropriation 91987
item 100607, IT Services Delivery; appropriation item 100617, 91988
Major IT Purchases; and appropriation item C10014, Major Computer 91989
Purchases, which is recovered by the Department of Administrative 91990
Services as part of the rates charged by the IT Service Delivery 91991
Fund (Fund 1330) created in section 125.15 of the Revised Code. 91992
The Director of Budget and Management may transfer cash in an 91993
amount not to exceed the amount of amortization computed from the 91994
IT Service Delivery Fund (Fund 1330) to the Major IT Purchases 91995
Fund (Fund 4N60). 91996

Section 207.30.80. CASH TRANSFERS FROM THE MAJOR IT PURCHASES 91997
FUND 91998

Upon request of the Director of Administrative Services, the 91999
Director of Budget and Management may make the following transfers 92000
from the Major IT Purchases Fund (Fund 4N60): 92001

(1) Up to \$2,800,000 in each fiscal year of the biennium to 92002
the State Architect's Fund (Fund 1310) to support the OAKS Capital 92003
Improvements Module and other costs of the State Architect's 92004
Office that are not directly related to capital projects managed 92005

by the State Architect; 92006

(2) Up to \$457,467 in fiscal year 2010 and up to \$471,630 in 92007
fiscal year 2011 to the Director's Office Fund (Fund 1120) to 92008
support operating expenses of the Accountability and Results 92009
Initiative; 92010

(3) Up to \$4,000,000 in fiscal year 2010 and up to \$1,000,000 92011
in fiscal year 2011 to the OAKS Support Organization Fund (Fund 92012
5EB0) to support OAKS operating costs not billed to the Office of 92013
Budget and Management's Accounting and Budgeting Fund (Fund 1050), 92014
to the Department of Administrative Services' Human Resources 92015
Services Fund (Fund 1250), or paid from other funds of the 92016
Department of Administrative Services; and 92017

(4) Up to \$639,945 in each fiscal year of the biennium to the 92018
General Revenue Fund. 92019

Upon approval of the Director of Budget and Management, the 92020
transferred amounts to non-GRF funds are appropriated in the 92021
designated fiscal years to the following appropriation items: 92022
100639, State Architect's Office (Fund 1310) in each fiscal year 92023
2010 and fiscal year 2011; 100616, DAS Administration (Fund 1120) 92024
in both fiscal year 2010 and fiscal year 2011; and 100635, OAKS 92025
Support Organization (Fund 5EB0) in fiscal year 2010 only. 92026

**Section 207.30.90. CORRECTIVE CASH TRANSFER TO INFORMATION 92027
TECHNOLOGY FUND 92028**

On July 1, 2009, or as soon as possible thereafter, the 92029
Director of Budget and Management shall transfer \$7,768.37 in cash 92030
from the Unemployment Compensation Fund (Fund 1130) to the 92031
Information Technology Fund (Fund 1330). This transfer corrects a 92032
deposit of revenue that was made to Fund 1130. Upon completion of 92033
the transfer, Fund 1130 is abolished. 92034

Section 207.40.10. MULTI-AGENCY RADIO COMMUNICATION SYSTEM 92035

DEBT SERVICE PAYMENTS 92036

The Director of Administrative Services, in consultation with 92037
the Multi-Agency Radio Communication System (MARCS) Steering 92038
Committee and the Director of Budget and Management, shall 92039
determine the share of debt service payments attributable to 92040
spending for MARCS components that are not specific to any one 92041
agency and that shall be charged to agencies supported by the 92042
motor fuel tax. Such share of debt service payments shall be 92043
calculated for MARCS capital disbursements made beginning July 1, 92044
1997. Within thirty days of any payment made from appropriation 92045
item 100447, OBA - Building Rent Payments, the Director of 92046
Administrative Services shall certify to the Director of Budget 92047
and Management the amount of this share. The Director of Budget 92048
and Management shall transfer such amounts to the General Revenue 92049
Fund from the State Highway Safety Fund (Fund 7036) established in 92050
section 4501.06 of the Revised Code. 92051

The Director of Administrative Services shall consider 92052
renting or leasing existing tower sites at reasonable or current 92053
market rates, so long as these existing sites are equipped with 92054
the technical capabilities to support the MARCS project. 92055

Section 207.40.30. DIRECTOR'S DECLARATION OF PUBLIC EXIGENCY 92056

Whenever the Director of Administrative Services declares a 92057
"public exigency," as provided in division (C) of section 123.15 92058
of the Revised Code, the Director shall also notify the members of 92059
the Controlling Board. 92060

Section 209.10. AGE DEPARTMENT OF AGING 92061

General Revenue Fund 92062

GRF	490321	Operating Expenses	\$	2,109,817	\$	2,109,817	92063
GRF	490409	AmeriCorps Operations	\$	125,000	\$	125,000	92064
GRF	490410	Long-Term Care	\$	535,857	\$	535,857	92065

		Ombudsman					
GRF	490411	Senior Community	\$	9,049,134	\$	9,049,134	92066
		Services					
GRF	490412	Residential State	\$	7,325,417	\$	7,325,417	92067
		Supplement					
GRF	490414	Alzheimer's Respite	\$	3,644,277	\$	3,685,593	92068
GRF	490423	Long Term Care Budget	\$	112,916,967	\$	149,317,603	92069
		- State					
GRF	490506	National Senior	\$	268,237	\$	268,237	92070
		Service Corps					
GRF	490625	Alzheimer's Respite -	\$	512,318	\$	471,002	92071
		Federal Stimulus					
TOTAL GRF		General Revenue Fund	\$	136,487,024	\$	172,887,660	92072
		General Services Fund Group					92073
4800	490606	Senior Community	\$	372,677	\$	372,677	92074
		Outreach and					
		Education					
TOTAL GSF		General Services Fund					92075
Group			\$	372,677	\$	372,677	92076
		Federal Special Revenue Fund Group					92077
3220	490618	Federal Aging Grants	\$	10,200,000	\$	10,200,000	92078
3C40	490623	Long Term Care Budget	\$	350,162,957	\$	340,193,418	92079
3M40	490612	Federal Independence	\$	63,655,080	\$	63,655,080	92080
		Services					
3R70	490617	AmeriCorps Programs	\$	8,870,000	\$	8,870,000	92081
TOTAL FED		Federal Special Revenue					92082
Fund Group			\$	432,888,037	\$	422,918,498	92083
		State Special Revenue Fund Group					92084
4C40	490609	Regional Long-Term	\$	935,000	\$	935,000	92085
		Care Ombudsman					
		Program					
4J40	490610	PASSPORT/Residential	\$	33,263,984	\$	33,263,984	92086

		State Supplement				
4U90	490602	PASSPORT Fund	\$	4,424,969	\$	4,424,969 92087
5AA0	490673	Ohio's Best Rx	\$	202,712	\$	0 92088
		Administration				
5BA0	490620	Ombudsman Support	\$	600,000	\$	600,000 92089
5K90	490613	Long Term Care	\$	820,400	\$	820,400 92090
		Consumers Guide				
5W10	490616	Resident Services	\$	330,000	\$	330,000 92091
		Coordinator Program				
6240	490604	OCSC Community	\$	470,000	\$	470,000 92092
		Support				
TOTAL SSR		State Special Revenue				92093
Fund Group			\$	41,047,065	\$	40,844,353 92094
TOTAL ALL BUDGET FUND GROUPS			\$	610,794,803	\$	637,023,188 92095

Section 209.20. LONG-TERM CARE 92097

Pursuant to an interagency agreement, the Department of Job and Family Services shall designate the Department of Aging to perform assessments under section 5111.204 of the Revised Code. The Department of Aging shall provide long-term care consultations under section 173.42 of the Revised Code to assist individuals in planning for their long-term health care needs. The foregoing appropriation items 490423, Long Term Care Budget - State, and 490623, Long Term Care Budget, may be used to provide the preadmission screening and resident review (PASRR), which includes screening, assessments, and determinations made under sections 5111.02, 5111.204, 5119.061, and 5123.021 of the Revised Code.

The foregoing appropriation items 490423, Long Term Care Budget - State, and 490623, Long Term Care Budget, may be used to assess and provide long-term care consultations to clients regardless of Medicaid eligibility.

The Director of Aging shall adopt rules under section 111.15

of the Revised Code governing the nonwaiver funded PASSPORT 92114
program, including client eligibility. The foregoing appropriation 92115
item 490423, Long Term Care Budget - State, may be used by the 92116
Department of Aging to provide nonwaiver funded PASSPORT services 92117
to persons the Department has determined to be eligible to 92118
participate in the nonwaiver funded PASSPORT Program, including 92119
those persons not yet determined to be financially eligible to 92120
participate in the Medicaid waiver component of the PASSPORT 92121
Program by a county department of job and family services. 92122

The Department of Aging shall administer the Medicaid 92123
waiver-funded PASSPORT Home Care Program, the Choices Program, the 92124
Assisted Living Program, and the PACE Program as delegated by the 92125
Department of Job and Family Services in an interagency agreement. 92126
The foregoing appropriation item 490423, Long Term Care Budget - 92127
State, shall be used to provide the required state match for 92128
federal Medicaid funds supporting the Medicaid Waiver-funded 92129
PASSPORT Home Care Program, the Choices Program, the Assisted 92130
Living Program, and the PACE Program. The foregoing appropriation 92131
items 490423, Long Term Care Budget - State, and 490623, Long Term 92132
Care Budget, may also be used to support the Department of Aging's 92133
administrative costs associated with operating the PASSPORT, 92134
Choices, Assisted Living, and PACE programs. 92135

The foregoing appropriation item 490623, Long Term Care 92136
Budget, shall be used to provide the federal matching share for 92137
all program costs determined by the Department of Job and Family 92138
Services to be eligible for Medicaid reimbursement. 92139

HOME FIRST PROGRAM 92140

(A) As used in this section, "Long Term Care Budget Services" 92141
includes the following existing programs: PASSPORT, Assisted 92142
Living, Residential State Supplement, and PACE. 92143

(B) On a quarterly basis, on receipt of the certified 92144

expenditures related to sections 173.401, 173.351, and 5111.894 of 92145
the Revised Code, the Director of Budget and Management may do all 92146
of the following for fiscal years 2010 and 2011: 92147

(1) Transfer cash from the Nursing Facility Stabilization 92148
Fund (Fund 5R20), used by the Department of Job and Family 92149
Services, to the PASSPORT/Residential State Supplement Fund (Fund 92150
4J40), used by the Department of Aging. 92151

The transferred cash is hereby appropriated to appropriation 92152
item 490610, PASSPORT/Residential State Supplement. 92153

(2) If receipts credited to the PASSPORT Fund (Fund 3C40) 92154
exceed the amounts appropriated from the fund, the Director of 92155
Aging may request the Director of Budget and Management to 92156
authorize expenditures from the fund in excess of the amounts 92157
appropriated. Upon the approval of the Director of Budget and 92158
Management, the additional amounts are hereby appropriated. 92159

(3) If receipts credited to the Interagency Reimbursement 92160
Fund (Fund 3G50) exceed the amounts appropriated from the fund, 92161
the Director of Job and Family Services may request the Director 92162
of Budget and Management to authorize expenditures from the fund 92163
in excess of the amounts appropriated. Upon the approval of the 92164
Director of Budget and Management, the additional amounts are 92165
hereby appropriated. 92166

(C) The individuals placed in Long Term Care Budget Services 92167
pursuant to this section shall be in addition to the individuals 92168
placed in Long Term Care Budget Services during fiscal years 2010 92169
and 2011 before any transfers to appropriation item 490423, Long 92170
Term Care Budget-State, are made under this section. 92171

ALLOCATION OF PACE SLOTS 92172

In order to effectively administer and manage growth within 92173
the PACE Program, the Director of Aging may, as the director deems 92174
appropriate and to the extent funding is available, expand the 92175

PACE Program to regions of Ohio beyond those currently served by 92176
the PACE Program. In implementing the expansion, the Director may 92177
not decrease the number of residents of Cuyahoga and Hamilton 92178
counties and parts of Butler, Clermont, and Warren counties who 92179
are participating in the PACE Program below the number of 92180
residents of those counties and parts of counties who were 92181
enrolled in the PACE Program on July 1, 2008. 92182

Section 209.30. OHIO COMMUNITY SERVICE COUNCIL 92183

The foregoing appropriation items 490409, AmeriCorps 92184
Operations, and 490617, AmeriCorps Programs, shall be used in 92185
accordance with section 121.40 of the Revised Code. 92186

LONG-TERM CARE OMBUDSMAN 92187

The foregoing appropriation item 490410, Long-Term Care 92188
Ombudsman, shall be used for a program to fund ombudsman program 92189
activities as authorized in sections 173.14 to 173.27 and section 92190
173.99 of the Revised Code. 92191

SENIOR COMMUNITY SERVICES 92192

The foregoing appropriation item 490411, Senior Community 92193
Services, shall be used for services designated by the Department 92194
of Aging, including, but not limited to, home-delivered and 92195
congregate meals, transportation services, personal care services, 92196
respite services, adult day services, home repair, care 92197
coordination, and decision support systems. Service priority shall 92198
be given to low income, frail, and cognitively impaired persons 60 92199
years of age and over. The department shall promote cost sharing 92200
by service recipients for those services funded with senior 92201
community services funds, including, when possible, sliding-fee 92202
scale payment systems based on the income of service recipients. 92203

RESIDENTIAL STATE SUPPLEMENT 92204
92205

Under the Residential State Supplement Program, the amount 92206
used to determine whether a resident is eligible for payment and 92207
for determining the amount per month the eligible resident will 92208
receive shall be as follows: 92209

(A) \$927 for a residential care facility, as defined in 92210
section 3721.01 of the Revised Code; 92211

(B) \$927 for an adult group home, as defined in Chapter 3722. 92212
of the Revised Code; 92213

(C) \$824 for an adult foster home, as defined in Chapter 173. 92214
of the Revised Code; 92215

(D) \$824 for an adult family home, as defined in Chapter 92216
3722. of the Revised Code; 92217

(E) \$824 for an adult residential facility, as defined in 92218
Chapter 5119. of the Revised Code; 92219

(F) \$618 for adult community mental health housing services, 92220
as defined in division (B)(5) of section 173.35 of the Revised 92221
Code. 92222

The Departments of Aging and Job and Family Services shall 92223
reflect these amounts in any applicable rules the departments 92224
adopt under section 173.35 of the Revised Code. 92225

TRANSFER OF RESIDENTIAL STATE SUPPLEMENT APPROPRIATIONS 92226

The foregoing appropriation items 490412, Residential State 92227
Supplement, and 490610, PASSPORT/Residential State Supplement, may 92228
be used by the Director of Aging to transfer cash to the Home and 92229
Community Based Services for the Aged Fund (Fund 4J50), which is 92230
used by the Department of Job and Family Services and the 92231
Residential State Supplement Fund (Fund 5CH0), used by the 92232
Department of Mental Health. The transferred cash shall be used to 92233
make benefit payments to residential state supplement recipients. 92234
The transfer shall be made using an intrastate transfer voucher. 92235

	92236
RESIDENTIAL STATE SUPPLEMENT WORKGROUP	92237
(A) There is hereby created the Residential State Supplement	92238
Workgroup consisting of all of the following:	92239
(1) The Director of Aging or the Director's designee;	92240
(2) The Director of Health or the Director's designee;	92241
(3) The Director of Job and Family Services or the Director's	92242
designee;	92243
(4) The Director of Mental Health or the Director's designee.	92244
(B) The Director of Aging or the Director's designee shall	92245
serve as the chairperson of the Workgroup. Members of the	92246
Workgroup shall serve without compensation, except to the extent	92247
that serving on the Workgroup is considered part of their regular	92248
employment duties.	92249
(C) The Workgroup shall examine solely the issue of which	92250
state agency is the most appropriate to administer the Residential	92251
State Supplement Program. Not later than December 31, 2009, the	92252
Workgroup shall submit written recommendations on this issue to	92253
the Governor and, in accordance with section 101.68 of the Revised	92254
Code, to the General Assembly. The Workgroup shall cease to exist	92255
on submission of its recommendations.	92256
ALZHEIMER'S RESPITE	92257
The foregoing appropriation item 490414, Alzheimer's Respite,	92258
shall be used to fund only Alzheimer's disease services under	92259
section 173.04 of the Revised Code.	92260
ALZHEIMER'S RESPITE - FEDERAL STIMULUS	92261
The foregoing appropriation item 490625, Alzheimer's Respite	92262
- Federal Stimulus, shall be used to fund only Alzheimer's disease	92263
services under section 173.04 of the Revised Code.	92264

EDUCATION AND TRAINING	92265
The foregoing appropriation item 490606, Senior Community Outreach and Education, may be used to provide training to workers in the field of aging pursuant to division (G) of section 173.02 of the Revised Code.	92266 92267 92268 92269
REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM	92270
The foregoing appropriation item 490609, Regional Long-Term Care Ombudsman, shall be used to pay the costs of operating the regional long-term care ombudsman programs designated by the Long-Term Care Ombudsman.	92271 92272 92273 92274
PASSPORT/RESIDENTIAL STATE SUPPLEMENT	92275
The foregoing appropriation item 490610, PASSPORT/Residential State Supplement, may be used to fund the Residential State Supplement Program. The remaining available funds shall be used to fund the PASSPORT program.	92276 92277 92278 92279
TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES AND FEDERAL AGING GRANTS	92280 92281
At the request of the Director of Aging, the Director of Budget and Management may transfer appropriation between appropriation items 490612, Federal Independence Services, and 490618, Federal Aging Grants. The amounts transferred shall not exceed 30 per cent of the appropriation from which the transfer is made. Any transfers shall be reported by the Department of Aging to the Controlling Board at the next scheduled meeting of the board.	92282 92283 92284 92285 92286 92287 92288 92289
TRANSFER OF RESIDENT PROTECTION FUNDS	92290
In each fiscal year, the Director of Budget and Management may transfer \$600,000 cash from the Resident Protection Fund (Fund 4E30), which is used by the Department of Job and Family Services, to the Ombudsman Support Fund (Fund 5BA0), which is used by the	92291 92292 92293 92294

Department of Aging.	92295
Section 209.40. UNIFIED LONG-TERM CARE BUDGET WORKGROUP	92296
(A) There is hereby created the Unified Long-Term Care Budget	92297
Workgroup. The Workgroup shall consist of the following members:	92298
(1) The Director of Aging;	92299
(2) Consumer advocates, representatives of the provider	92300
community, representatives of managed care organizations with	92301
which the Department of Job and Family Services contracts under	92302
section 5111.17 of the Revised Code, and state policy makers,	92303
appointed by the Governor;	92304
(3) Two members of the House of Representatives, one member	92305
from the majority party and one member from the minority party,	92306
appointed by the Speaker of the House of Representatives;	92307
(4) Two members of the Senate, one member from the majority	92308
party and one member from the minority party, appointed by the	92309
President of the Senate.	92310
The Director of Aging shall serve as the chairperson of the	92311
Workgroup.	92312
The Workgroup shall be staffed by the departments of Aging	92313
and Job and Family Services.	92314
(B) The Workgroup shall develop a unified long-term care	92315
budget that facilitates the following:	92316
(1) Providing a consumer a choice of services that meet the	92317
consumer's health care needs and improve the consumer's quality of	92318
life;	92319
(2) Providing a continuum of services that meet the needs of	92320
a consumer throughout life and promote a consumer's independence	92321
and autonomy;	92322
(3) Consolidating policymaking authority and the associated	92323

budgets in a single entity to simplify the consumer's decision 92324
making and maximize the state's flexibility in meeting the 92325
consumer's needs; 92326

(4) Assuring the state has a system that is cost effective 92327
and links disparate services across agencies and jurisdictions. 92328

(C) On an annual basis, the Directors of Aging, Job and 92329
Family Services, and Budget and Management shall submit a written 92330
report to the Speaker of the House of Representatives, the 92331
Minority Leader of the House of Representatives, the President of 92332
the Senate, the Minority Leader of the Senate, and the members of 92333
the Joint Legislative Committee on Medicaid Technology and Reform 92334
describing the progress towards establishing, or if already 92335
established, the effectiveness of the unified long-term care 92336
budget. 92337

(D) In support of the Workgroup's proposal, the Director of 92338
Budget and Management may seek Controlling Board approval to 92339
transfer cash from the Nursing Facility Stabilization Fund (Fund 92340
5R20), used by the Department of Job and Family Services, to the 92341
PASSPORT/Residential State Supplement Fund (Fund 4J40), used by 92342
the Department of Aging. 92343

Any transfers of cash approved by the Controlling Board under 92344
this section are hereby appropriated to appropriation item 490610, 92345
PASSPORT/Residential State Supplement. 92346

Section 209.45. MEDICAID MANAGED LONG-TERM CARE REPORT 92347

Not later than July 1, 2010, the Directors of Aging and Job 92348
and Family Services shall submit a written report to the Speaker 92349
of the House of Representatives, Minority Leader of the House of 92350
Representatives, President of the Senate, Minority Leader of the 92351
Senate, and members of the Joint Legislative Committee on Medicaid 92352
Technology and Reform on the feasibility of including aged, blind, 92353

and disabled Medicaid recipients specified in division (B)(2)(a) 92354
to (e) of section 5111.16 of the Revised Code in the care 92355
management system established under that section. The report shall 92356
include all of the following: 92357

(A) An assessment of Medicaid managed care programs in other 92358
states that include such aged, blind, and disabled Medicaid 92359
recipients; 92360

(B) Anticipated costs and savings to the Medicaid program if 92361
such aged, blind, and disabled Medicaid recipients were included 92362
in the care management system; 92363

(C) Options for integrating the services specified in 92364
divisions (A) and (B) of section 173.431 of the Revised Code into 92365
the care management system. 92366

Section 209.50. OHIO'S BEST RX PROGRAM 92367

Notwithstanding the provisions of Chapter 173. of the Revised 92368
Code regarding the establishment and operation of the Ohio's Best 92369
Rx Program, the Director of Aging shall take all actions necessary 92370
to wind up the affairs of the program not later than January 1, 92371
2010. For purposes of this section, all of the following apply: 92372
92373

(A) Beginning on the effective date of this section, 92374
applications for program enrollment cards shall not be accepted 92375
and consideration of pending applications shall cease. 92376

(B) On November 15, 2009, each program enrollment card or the 92377
portion of a Golden Buckeye card used as a program enrollment card 92378
is no longer valid. 92379

(C) Except as provided in division (D) of this section, 92380
terminal distributors of dangerous drugs shall not dispense drugs 92381
under the program on or after November 15, 2009. 92382

(D) The drug mail order system included in the program shall 92383

dispense drugs under the program only for orders postmarked or 92384
otherwise submitted before November 15, 2009. 92385

(E) Drug manufacturers shall not enter into new manufacturer 92386
agreements on or after November 15, 2009, but shall continue to 92387
make payments in accordance with agreements in effect before 92388
November 15, 2009. 92389

(F) Accounts with terminal distributors of dangerous drugs 92390
and all other accounts under the program shall continue to be 92391
reconciled as necessary on and after November 15, 2009, but the 92392
accounts shall be closed not later than January 1, 2010, and are 92393
not subject to further reconciliation on or after January 1, 2010. 92394
92395

OHIO'S BEST RX ADMINISTRATION 92396

On January 1, 2010, or as soon as possible thereafter, the 92397
Director of Budget and Management shall transfer the cash balance 92398
in the Ohio's Best Rx Administration Fund (Fund 5AA0) to the 92399
General Revenue Fund. Upon completion of the transfer, Fund 5AA0 92400
is abolished. The Director shall cancel any existing encumbrances 92401
against appropriation item 490673, Ohio's Best Rx Administration. 92402
92403

Section 211.10. AGR DEPARTMENT OF AGRICULTURE 92404

General Revenue Fund 92405

GRF 700401 Animal Disease Control \$ 3,617,777 \$ 3,617,777 92406

GRF 700403 Dairy Division \$ 1,110,277 \$ 1,110,277 92407

GRF 700404 Ohio Proud \$ 246,895 \$ 246,895 92408

GRF 700406 Consumer Analytical \$ 1,256,469 \$ 1,274,854 92409
Lab

GRF 700409 Farmland Preservation \$ 200,000 \$ 200,000 92410

GRF 700411 International Trade \$ 531,440 \$ 531,440 92411

and Market Development

GRF 700412	Weights and Measures	\$	200,000	\$	200,000	92412
GRF 700415	Poultry Inspection	\$	375,401	\$	375,401	92413
GRF 700418	Livestock Regulation Program	\$	1,322,784	\$	1,353,676	92414
GRF 700424	Livestock Testing and Inspections	\$	120,906	\$	120,906	92415
GRF 700499	Meat Inspection Program - State Share	\$	4,920,926	\$	4,960,926	92416
GRF 700501	County Agricultural Societies	\$	334,903	\$	334,903	92417
GRF 700503	Livestock Exhibition Fund	\$	62,500	\$	62,500	92418
GRF 700654	Agriculture Operating - Federal Stimulus	\$	1,107,035	\$	1,017,758	92419
TOTAL GRF	General Revenue Fund	\$	15,407,313	\$	15,407,313	92420
	General Services Fund Group					92421
5DA0 700644	Laboratory Administration Support	\$	1,100,000	\$	1,100,000	92422
TOTAL GSF	General Services Fund Group	\$	1,100,000	\$	1,100,000	92423
	Federal Special Revenue Fund Group					92424
3260 700618	Meat Inspection Program - Federal Share	\$	4,950,000	\$	4,950,000	92425
3360 700617	Ohio Farm Loan Revolving Fund	\$	1,000,000	\$	1,000,000	92426
3820 700601	Cooperative Contracts	\$	2,000,000	\$	2,000,000	92427
3AB0 700641	Agricultural Easement	\$	1,000,000	\$	1,000,000	92428
3J40 700607	Indirect Cost	\$	600,000	\$	600,000	92429
3R20 700614	Federal Plant Industry	\$	1,000,000	\$	1,000,000	92430

TOTAL FED Federal Special Revenue				92431
Fund Group	\$	10,550,000	\$ 10,550,000	92432
State Special Revenue Fund Group				92433
4900 700651 License Plates -	\$	20,000	\$ 20,000	92434
Sustainable				
Agriculture				
4940 700612 Agricultural	\$	250,000	\$ 250,000	92435
Commodity Marketing				
Program				
4960 700626 Ohio Grape Industries	\$	849,999	\$ 849,999	92436
4970 700627 Commodity Handlers	\$	496,000	\$ 496,000	92437
Regulatory Program				
4C90 700605 Commercial Feed and	\$	2,200,000	\$ 2,200,000	92438
Seed				
4D20 700609 Auction Education	\$	41,000	\$ 41,000	92439
4E40 700606 Utility Radiological	\$	134,631	\$ 134,631	92440
Safety				
4R00 700636 Ohio Proud Marketing	\$	10,500	\$ 10,500	92441
4R20 700637 Dairy Industry	\$	1,800,000	\$ 1,800,000	92442
Inspection				
4T60 700611 Poultry and Meat	\$	140,469	\$ 140,469	92443
Inspection				
4T70 700613 Ohio Proud	\$	15,000	\$ 15,000	92444
International and				
Domestic Market				
Development				
5780 700620 Ride Inspection Fees	\$	1,000,001	\$ 1,000,001	92445
5B80 700629 Auctioneers	\$	365,390	\$ 365,390	92446
5CP0 700652 License Plate	\$	20,000	\$ 20,000	92447
Scholarships				
5FC0 700648 Plant Pest Program	\$	1,000,000	\$ 1,000,000	92448
5H20 700608 Metrology Lab and	\$	1,454,006	\$ 1,454,006	92449
Scale Certification				

5L80	700604	Livestock Management Program	\$	256,286	\$	256,286	92450
6520	700634	Animal and Consumer Analytical Laboratory	\$	4,300,000	\$	4,300,000	92451
6690	700635	Pesticide, Fertilizer, and Lime Inspection Program	\$	3,470,000	\$	3,470,000	92452
TOTAL SSR State Special Revenue							92453
Fund Group			\$	17,823,282	\$	17,823,282	92454
Clean Ohio Conservation Fund Group							92455
7057	700632	Clean Ohio Agricultural Easement	\$	149,000	\$	149,000	92456
TOTAL CLF Clean Ohio Conservation Fund Group							92457
Fund Group			\$	149,000	\$	149,000	92457
TOTAL ALL BUDGET FUND GROUPS							92458
COUNTY AGRICULTURAL SOCIETIES							92459
The foregoing appropriation item 700501, County Agricultural Societies, shall be used to reimburse county and independent agricultural societies for expenses related to Junior Fair activities.							92460 92461 92462 92463
FEDERAL ECONOMIC STIMULUS/RECOVERY FUNDS							92464
The foregoing appropriation item 700654, Agriculture Operating - Federal Stimulus, shall be used to support government services consistent with funds received from the federal government for fiscal stabilization and recovery purposes.							92465 92466 92467 92468
COMMERCIAL FEED AND SEED FUND TRANSFER							92469
On July 1, 2009, or as soon as possible thereafter, the Director of Budget and Management shall transfer thirty-two per cent of the cash balance in the Commercial Feed and Seed Fund (Fund 4C90) as of June 30, 2009, to the Pesticide, Fertilizer, and Lime Inspection Program Fund (Fund 6690). The Director shall							92470 92471 92472 92473 92474

cancel existing encumbrances against appropriation item 700605, 92475
Commercial Feed and Seed, and re-establish them against 92476
appropriation item 700635, Pesticide, Fertilizer, and Lime 92477
Inspection Program. The re-established encumbrance amounts are 92478
hereby appropriated. 92479

FOOD SAFETY FUND TRANSFER 92480

On July 1, 2009, or as soon as possible thereafter, the 92481
Director of Budget and Management shall transfer the unexpended, 92482
unencumbered balance of the Food Safety Fund (Fund 4P70) to the 92483
General Revenue Fund. 92484

PESTICIDE, FERTILIZER, AND LIME INSPECTION FUND TRANSFER 92485

On July, 1, 2009, or as soon as possible thereafter, the 92486
Director of Budget and Management shall transfer \$600,000 in cash 92487
from the Pesticide, Fertilizer, and Lime Inspection Fund (Fund 92488
6690) to the Plant Pest Program Fund (Fund 5FC0). 92489

CLEAN OHIO AGRICULTURAL EASEMENT 92490

The foregoing appropriation item 700632, Clean Ohio 92491
Agricultural Easement, shall be used by the Department of 92492
Agriculture in administering sections 901.21, 901.22, and 5301.67 92493
to 5301.70 of the Revised Code. 92494

Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY 92495

General Revenue Fund 92496

GRF 898402	Coal Development	\$	374,146	\$	374,146	92497
	Office					

GRF 898901	Coal Research and	\$	9,968,400	\$	10,947,000	92498
	Development General					
	Obligation Debt					
	Service					

TOTAL GRF General Revenue Fund	\$	10,342,546	\$	11,321,146	92499
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General Services Fund Group 92500

5EG0 898608	Energy Strategy	\$	307,000	\$	307,000	92501
	Development					
TOTAL GSF	General Services Fund	\$	307,000	\$	307,000	92502
	Agency Fund Group					92503
4Z90 898602	Small Business	\$	294,290	\$	294,290	92504
	Ombudsman					
5700 898601	Operating Expenses	\$	264,000	\$	264,000	92505
5A00 898603	Small Business	\$	71,087	\$	71,087	92506
	Assistance					
TOTAL AGY	Agency Fund Group	\$	629,377	\$	629,377	92507
	Coal Research/Development Fund					92508
7046 898604	Coal Research and	\$	66,000,000	\$	10,000,000	92509
	Development Fund					
TOTAL 046	Coal Research and	\$	66,000,000	\$	10,000,000	92510
	Development Fund					
TOTAL ALL BUDGET FUND GROUPS		\$	77,278,923	\$	22,257,523	92511
	COAL DEVELOPMENT OFFICE					92512
	The foregoing appropriation item 898402, Coal Development					92513
	Office, shall be used for the administrative costs of the Coal					92514
	Development Office.					92515
	COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE					92516
	The foregoing appropriation item GRF 898901, Coal Research					92517
	and Development General Obligation Debt Service, shall be used to					92518
	pay all debt service and related financing costs at the times they					92519
	are required to be made during the period from July 1, 2009, to					92520
	June 30, 2011, for obligations issued under sections 151.01 and					92521
	151.07 of the Revised Code.					92522
	Section 213.30. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT					92523
	AUTHORITY TRUST ACCOUNT					92524
	Notwithstanding any other provision of law to the contrary,					92525

the Air Quality Development Authority may reimburse the Air 92526
 Quality Development Authority trust account established under 92527
 section 3706.10 of the Revised Code from all operating funds of 92528
 the agency for expenses pertaining to the administration and 92529
 shared costs incurred by the Air Quality Development Authority in 92530
 the execution of responsibilities as prescribed in Chapter 3706. 92531
 of the Revised Code. Reimbursement shall be made by voucher and 92532
 completed in accordance with the administrative indirect costs 92533
 allocation plan approved by the Office of Budget and Management. 92534

Section 215.10. ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION 92535
 SERVICES 92536

General Revenue Fund 92537

GRF 038401	Treatment Services	\$	35,700,000	\$	35,500,000	92538
GRF 038404	Prevention Services	\$	837,131	\$	837,131	92539
GRF 038626	Local Alcohol and	\$	0	\$	2,954,598	92540
	Other Drug Subsidy -					
	Federal Stimulus					

TOTAL GRF General Revenue Fund \$ 36,537,131 \$ 39,291,729 92541

General Services Fund 92542

5T90 038616	Problem Gambling	\$	335,000	\$	335,000	92543
	Services					

TOTAL GSF General Services Fund \$ 335,000 \$ 335,000 92544

Group

Federal Special Revenue Fund Group 92545

3G30 038603	Drug Free Schools	\$	2,260,000	\$	2,260,000	92546
3G40 038614	Substance Abuse Block	\$	71,500,000	\$	71,500,000	92547
	Grant					
3H80 038609	Demonstration Grants	\$	7,093,075	\$	7,093,075	92548
3J80 038610	Medicaid	\$	62,772,342	\$	60,817,910	92549
3N80 038611	Administrative	\$	500,000	\$	500,000	92550
	Reimbursement					

TOTAL FED Federal Special Revenue				92551
Fund Group	\$	144,125,417	\$ 142,170,985	92552
State Special Revenue Fund Group				92553
4750 038621 Statewide Treatment and Prevention	\$	18,000,000	\$ 18,000,000	92554
5DH0 038620 Fetal Alcohol Spectrum Disorder	\$	327,500	\$ 327,500	92555
6890 038604 Education and Conferences	\$	200,000	\$ 200,000	92556
TOTAL SSR State Special Revenue				92557
Fund Group	\$	18,527,500	\$ 18,527,500	92558
TOTAL ALL BUDGET FUND GROUPS	\$	199,525,048	\$ 200,325,214	92559
Section 217.10. ARC ARCHITECTS BOARD				92561
General Services Fund Group				92562
4K90 891609 Operating Expenses	\$	522,055	\$ 550,718	92563
TOTAL GSF General Services Fund				92564
Group	\$	522,055	\$ 550,718	92565
TOTAL ALL BUDGET FUND GROUPS	\$	522,055	\$ 550,718	92566
Section 219.10. ART OHIO ARTS COUNCIL				92568
General Revenue Fund				92569
GRF 370321 Operating Expenses	\$	2,072,545	\$ 2,072,545	92570
GRF 370502 State Program Subsidies	\$	5,000,000	\$ 5,000,000	92571
TOTAL GRF General Revenue Fund	\$	7,072,545	\$ 7,072,545	92572
General Services Fund Group				92573
4600 370602 Management Expenses and Donations	\$	285,000	\$ 285,000	92574
4B70 370603 Percent for Art Acquisitions	\$	86,366	\$ 86,366	92575
TOTAL GSF General Services Fund	\$	371,366	\$ 371,366	92576

Group

Federal Special Revenue Fund Group					92577
3140 370601 Federal Support	\$	1,000,000	\$	1,000,000	92578
TOTAL FED Federal Special Revenue	\$	1,000,000	\$	1,000,000	92579

Fund Group

TOTAL ALL BUDGET FUND GROUPS	\$	8,443,911	\$	8,443,911	92580
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PROGRAM SUBSIDIES 92581

A museum is not eligible to receive funds from appropriation 92582
item 370502, State Program Subsidies, if \$8,000,000 or more in 92583
capital appropriations were appropriated by the state for the 92584
museum between January 1, 1986, and December 31, 2002. 92585

Section 221.10. ATH ATHLETIC COMMISSION 92586

General Services Fund Group					92587
4K90 175609 Operating Expenses	\$	247,624	\$	247,624	92588
TOTAL GSF General Services Fund	\$	247,624	\$	247,624	92589

Group

TOTAL ALL BUDGET FUND GROUPS	\$	247,624	\$	247,624	92590
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Section 223.10. AGO ATTORNEY GENERAL 92592

General Revenue Fund 92593

GRF 055321 Operating Expenses	\$	45,469,699	\$	45,469,699	92594
GRF 055405 Law-Related Education	\$	100,000	\$	100,000	92595
GRF 055411 County Sheriffs' Pay	\$	757,921	\$	757,921	92596

Supplement

GRF 055415 County Prosecutors'	\$	831,499	\$	831,499	92597
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Pay Supplement

TOTAL GRF General Revenue Fund	\$	47,159,119	\$	47,159,119	92598
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General Services Fund Group 92599

1060 055612 General Reimbursement	\$	38,750,000	\$	38,750,000	92600
1950 055660 Workers' Compensation	\$	8,415,504	\$	8,415,504	92601

		Section					
4180	055615	Charitable Foundations	\$	7,286,000	\$	7,286,000	92602
4200	055603	Attorney General Antitrust	\$	1,750,000	\$	1,750,000	92603
4210	055617	Police Officers' Training Academy Fee	\$	2,000,000	\$	2,000,000	92604
4Z20	055609	BCI Asset Forfeiture and Cost Reimbursement	\$	1,000,000	\$	1,000,000	92605
5900	055633	Peace Officer Private Security Fund	\$	98,370	\$	98,370	92606
5A90	055618	Telemarketing Fraud Enforcement	\$	7,500	\$	7,500	92607
5L50	055619	Law Enforcement Assistance Program	\$	1,457,852	\$	0	92608
6290	055636	Corrupt Activity Investigation and Prosecution	\$	15,000	\$	15,000	92609
6310	055637	Consumer Protection Enforcement	\$	3,500,000	\$	3,500,000	92610
TOTAL GSF General Services Fund Group							92611
			\$	64,280,226	\$	62,822,374	92612
Federal Special Revenue Fund Group							92613
3060	055620	Medicaid Fraud Control	\$	3,879,672	\$	3,879,672	92614
3810	055611	Civil Rights Legal Service	\$	402,540	\$	402,540	92615
3830	055634	Crime Victims Assistance	\$	16,000,000	\$	16,000,000	92616
3E50	055638	Attorney General Pass-Through Funds	\$	3,030,000	\$	3,030,000	92617
3R60	055613	Attorney General	\$	5,115,000	\$	5,115,000	92618

Federal Funds

TOTAL FED Federal Special Revenue				92619
Fund Group	\$	28,427,212	\$ 28,427,212	92620
State Special Revenue Fund Group				92621
4020 055616 Victims of Crime	\$	29,000,000	\$ 28,000,000	92622
4190 055623 Claims Section	\$	36,875,000	\$ 36,875,000	92623
4L60 055606 DARE Programs	\$	3,927,962	\$ 3,927,962	92624
4Y70 055608 Title Defect Recision	\$	600,000	\$ 600,000	92625
6590 055641 Solid and Hazardous	\$	621,159	\$ 621,159	92626
Waste Background				
Investigations				
TOTAL SSR State Special Revenue				92627
Fund Group	\$	71,024,121	\$ 70,024,121	92628
Holding Account Redistribution Fund Group				92629
R004 055631 General Holding	\$	1,000,000	\$ 1,000,000	92630
Account				
R005 055632 Antitrust Settlements	\$	1,000	\$ 1,000	92631
R018 055630 Consumer Frauds	\$	750,000	\$ 750,000	92632
R042 055601 Organized Crime	\$	25,025	\$ 25,025	92633
Commission				
Distributions				
R054 055650 Collection Outside	\$	4,500,000	\$ 4,500,000	92634
Counsel Payments				
TOTAL 090 Holding Account				92635
Redistribution Fund Group	\$	6,276,025	\$ 6,276,025	92636
Tobacco Master Settlement Agreement Fund Group				92637
J087 055635 Law Enforcement	\$	1,987,073	\$ 0	92638
Technology, Training, and Facility Enhancements				
U087 055402 Tobacco Settlement	\$	2,478,850	\$ 2,478,850	92639
Oversight,				

Administration, and
Enforcement

TOTAL TSF Tobacco Master Settlement \$ 4,465,923 \$ 2,478,850 92640
Agreement Fund Group
TOTAL ALL BUDGET FUND GROUPS \$ 221,632,626 \$ 217,187,701 92641

COUNTY SHERIFFS' PAY SUPPLEMENT 92642

The foregoing appropriation item 055411, County Sheriffs' Pay 92643
Supplement, shall be used for the purpose of supplementing the 92644
annual compensation of county sheriffs as required by section 92645
325.06 of the Revised Code. 92646

At the request of the Attorney General, the Director of 92647
Budget and Management may transfer appropriation from 92648
appropriation item 055321, Operating Expenses, to appropriation 92649
item 055411, County Sheriffs' Pay Supplement. Any appropriation so 92650
transferred shall be used to supplement the annual compensation of 92651
county sheriffs as required by section 325.06 of the Revised Code. 92652
92653

COUNTY PROSECUTORS' PAY SUPPLEMENT 92654

The foregoing appropriation item 055415, County Prosecutors' 92655
Pay Supplement, shall be used for the purpose of supplementing the 92656
annual compensation of certain county prosecutors as required by 92657
section 325.111 of the Revised Code. 92658

At the request of the Attorney General, the Director of 92659
Budget and Management may transfer appropriation from 92660
appropriation item 055321, Operating Expenses, to appropriation 92661
item 055415, County Prosecutors' Pay Supplement. Any appropriation 92662
so transferred shall be used to supplement the annual compensation 92663
of county prosecutors as required by section 325.111 of the 92664
Revised Code. 92665

WORKERS' COMPENSATION SECTION 92666

The Workers' Compensation Fund (Fund 1950) is entitled to 92667

receive payments from the Bureau of Workers' Compensation and the 92668
Ohio Industrial Commission at the beginning of each quarter of 92669
each fiscal year to fund legal services to be provided to the 92670
Bureau of Workers' Compensation and the Ohio Industrial Commission 92671
during the ensuing quarter. The advance payment shall be subject 92672
to adjustment. 92673

In addition, the Bureau of Workers' Compensation shall 92674
transfer payments at the beginning of each quarter for the support 92675
of the Workers' Compensation Fraud Unit. 92676

All amounts shall be mutually agreed upon by the Attorney 92677
General, the Bureau of Workers' Compensation, and the Ohio 92678
Industrial Commission. 92679

CORRUPT ACTIVITY INVESTIGATION AND PROSECUTION 92680

The foregoing appropriation item 055636, Corrupt Activity 92681
Investigation and Prosecution, shall be used as provided by 92682
division (D)(2) of section 2923.35 of the Revised Code to dispose 92683
of the proceeds, fines, and penalties credited to the Corrupt 92684
Activity Investigation and Prosecution Fund, which is created in 92685
division (D)(1)(b) of section 2923.35 of the Revised Code. If it 92686
is determined that additional amounts are necessary for this 92687
purpose, the amounts are hereby appropriated. 92688

GENERAL HOLDING ACCOUNT 92689

The foregoing appropriation item 055631, General Holding 92690
Account, shall be used to distribute moneys under the terms of 92691
relevant court orders or other settlements received in a variety 92692
of cases involving the Office of the Attorney General. If it is 92693
determined that additional amounts are necessary for this purpose, 92694
the amounts are hereby appropriated. 92695

ATTORNEY GENERAL PASS-THROUGH FUNDS 92696

The foregoing appropriation item 055638, Attorney General 92697

Pass-Through Funds, shall be used to receive federal grant funds 92698
provided to the Attorney General by other state agencies, 92699
including, but not limited to, the Department of Youth Services 92700
and the Department of Public Safety. 92701

ANTITRUST SETTLEMENTS 92702

The foregoing appropriation item 055632, Antitrust 92703
Settlements, shall be used to distribute moneys under the terms of 92704
relevant court orders or other out of court settlements in 92705
antitrust cases or antitrust matters involving the Office of the 92706
Attorney General. If it is determined that additional amounts are 92707
necessary for this purpose, the amounts are hereby appropriated. 92708

CONSUMER FRAUDS 92709

The foregoing appropriation item 055630, Consumer Frauds, 92710
shall be used for distribution of moneys from court-ordered 92711
judgments against sellers in actions brought by the Office of 92712
Attorney General under sections 1334.08 and 4549.48 and division 92713
(B) of section 1345.07 of the Revised Code. These moneys shall be 92714
used to provide restitution to consumers victimized by the fraud 92715
that generated the court-ordered judgments. If it is determined 92716
that additional amounts are necessary for this purpose, the 92717
amounts are hereby appropriated. 92718

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 92719

The foregoing appropriation item 055601, Organized Crime 92720
Commission Distributions, shall be used by the Organized Crime 92721
Investigations Commission, as provided by section 177.011 of the 92722
Revised Code, to reimburse political subdivisions for the expenses 92723
the political subdivisions incur when their law enforcement 92724
officers participate in an organized crime task force. If it is 92725
determined that additional amounts are necessary for this purpose, 92726
the amounts are hereby appropriated. 92727

FUND ABOLISHMENTS 92728

Effective July 1, 2009, or as soon as possible thereafter, 92729
the Director of Budget and Management shall transfer the cash 92730
balance in the Asbestos Abatement Distribution Fund (Fund 6740) to 92731
the General Revenue Fund. Upon completion of the transfer, Fund 92732
6740 is abolished. 92733

Effective July 1, 2009, the Bingo License Refunds Fund (Fund 92734
R003) is abolished. 92735

Section 225.10. AUD AUDITOR OF STATE 92736

General Revenue Fund 92737

GRF 070321 Operating Expenses \$ 29,279,031 \$ 29,279,031 92738

GRF 070403 Fiscal \$ 700,000 \$ 700,000 92739

Watch/Emergency

Technical Assistance

TOTAL GRF General Revenue Fund \$ 29,979,031 \$ 29,979,031 92740

Auditor of State Fund Group 92741

1090 070601 Public Audit Expense \$ 11,000,000 \$ 11,000,000 92742

- Intra-State

4220 070602 Public Audit Expense \$ 30,828,000 \$ 31,053,000 92743

- Local Government

5840 070603 Training Program \$ 181,250 \$ 181,250 92744

6750 070605 Uniform Accounting \$ 2,800,000 \$ 3,500,000 92745

Network

TOTAL AUD Auditor of State Fund 92746

Group \$ 44,809,250 \$ 45,734,250 92747

TOTAL ALL BUDGET FUND GROUPS \$ 74,788,281 \$ 75,713,281 92748

FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE 92749

The foregoing appropriation item 070403, Fiscal 92750

Watch/Emergency Technical Assistance, shall be used for expenses 92751

incurred by the Office of the Auditor of State in its role 92752

relating to fiscal watch or fiscal emergency activities under 92753

Chapters 118. and 3316. of the Revised Code. Expenses include, but 92754
are not limited to, the following: duties related to the 92755
determination or termination of fiscal watch or fiscal emergency 92756
of municipal corporations, counties, townships, or school 92757
districts; development of preliminary accounting reports; 92758
performance of annual forecasts; provision of performance audits; 92759
and supervisory, accounting, or auditing services for the 92760
municipal corporations, counties, townships, or school districts. 92761

An amount equal to the unexpended, unencumbered portion of 92762
appropriation item 070403, Fiscal Watch/Emergency Technical 92763
Assistance, at the end of fiscal year 2010 is hereby 92764
reappropriated for the same purpose in fiscal year 2011. 92765

PUBLIC AUDIT EXPENSE-LOCAL GOVERNMENT 92766

The foregoing appropriation item 070602, Public Audit 92767
Expense-Local Government, shall be used to conduct audits of local 92768
governments. If it is determined that additional amounts are 92769
necessary for this purpose, the amounts are hereby appropriated. 92770

Section 225.20. The moneys transferred pursuant to division 92771
(E) of section 117.13 of the Revised Code relative to costs of 92772
audits of state agencies and local public offices are hereby 92773
appropriated. 92774

Section 227.10. BRB BOARD OF BARBER EXAMINERS 92775

General Services Fund Group 92776
4K90 877609 Operating Expenses \$ 600,851 \$ 600,851 92777
TOTAL GSF General Services Fund 92778
Group \$ 600,851 \$ 600,851 92779
TOTAL ALL BUDGET FUND GROUPS \$ 600,851 \$ 600,851 92780

Section 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT 92782

General Revenue Fund 92783

Sub. H. B. No. 1
As Reported by the Senate Finance and Financial Institutions Committee

GRF	042321	Budget Development and Implementation	\$	2,412,346	\$	2,350,805	92784
GRF	042410	National Association Dues	\$	30,448	\$	31,361	92785
GRF	042412	Audit of Auditor of State	\$	44,528	\$	46,309	92786
GRF	042413	Payment Issuance	\$	446,968	\$	457,545	92787
GRF	042416	Medicaid Agency Transition	\$	571,028	\$	369,298	92788
GRF	042435	Gubernatorial Transition	\$	0	\$	250,000	92789
TOTAL GRF	General Revenue Fund		\$	3,505,318	\$	3,505,318	92790
General Services Fund Group							92791
1050	042603	State Accounting and Budgeting	\$	37,031,976	\$	41,206,060	92792
5N40	042602	OAKS Project Implementation	\$	2,100,000	\$	2,100,000	92793
5Z80	042608	Executive Medicaid Administration	\$	57,751	\$	0	92794
TOTAL GSF	General Services Fund Group		\$	39,189,727	\$	43,306,060	92795
Federal Special Revenue Fund Group							92796
3CM0	042606	Medicaid Transition - Federal	\$	734,979	\$	747,098	92797
TOTAL FED	Federal Special Revenue Fund Group		\$	734,979	\$	747,098	92798
Agency Fund Group							92799
5EH0	042604	Forgery Recovery	\$	50,000	\$	50,000	92800
TOTAL AGY	Agency Fund Group		\$	50,000	\$	50,000	92801
TOTAL ALL BUDGET FUND GROUPS			\$	43,480,024	\$	47,608,476	92802
AUDIT COSTS							92803
All centralized audit costs associated with either Single							92804

Audit Schedules or financial statements prepared in conformance 92805
with generally accepted accounting principles for the state shall 92806
be paid from the foregoing appropriation item 042603, State 92807
Accounting and Budgeting. 92808

INTERNAL CONTROL AND AUDIT OVERSIGHT 92809

Effective July 1, 2009, the Director of Budget and Management 92810
shall include the recovery of costs to operate the Internal 92811
Control and Audit Oversight Program in the accounting and 92812
budgeting services payroll rate and through a direct charge using 92813
intrastate transfer vouchers to agencies reviewed by the program. 92814
The Director of Budget and Management, with advice from the 92815
Internal Audit Advisory Council, shall determine the cost recovery 92816
methodology. Such cost recovery revenues shall be deposited to the 92817
credit of the Accounting and Budgeting Fund (Fund 1050). 92818

FORGERY RECOVERY 92819

The foregoing appropriation item 042604, Forgery Recovery, 92820
shall be used to reissue warrants that have been certified as 92821
forgeries by the rightful recipient as determined by the Bureau of 92822
Criminal Identification and Investigation and the Treasurer of 92823
State. Upon receipt of funds to cover the reissuance of the 92824
warrant, the Director of Budget and Management shall reissue a 92825
state warrant of the same amount. 92826

Section 231.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 92827

General Revenue Fund 92828

GRF	874100	Personal Services	\$	1,873,368	\$	1,873,368	92829
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GRF	874320	Maintenance and	\$	752,591	\$	752,590	92830
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Equipment

TOTAL GRF	General Revenue Fund	\$	2,625,959	\$	2,625,958	92831
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General Services Fund Group 92832

4G50	874603	Capitol Square	\$	15,000	\$	15,000	92833
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	Education Center and					
	Arts					
4S70 874602	Statehouse Gift	\$	686,708	\$	686,708	92834
	Shop/Events					
TOTAL GSF	General Services					92835
Fund Group		\$	701,708	\$	701,708	92836
	Underground Parking Garage					92837
2080 874601	Underground Parking	\$	2,923,224	\$	2,979,615	92838
	Garage Operations					
TOTAL UPG	Underground Parking					92839
Garage		\$	2,923,224	\$	2,979,615	92840
TOTAL ALL BUDGET FUND GROUPS		\$	6,250,891	\$	6,307,281	92841
	WAREHOUSE PAYMENTS					92842
	Of the foregoing appropriation item 874601, Underground					92843
	Parking Garage Operations, \$48,000 in each fiscal year shall be					92844
	used to meet all payments at the times they are required to be					92845
	made during the period from July 1, 2009, to June 30, 2011, to the					92846
	Ohio Building Authority for bond service charges relating to the					92847
	purchase and improvement of a warehouse acquired pursuant to					92848
	section 105.41 of the Revised Code, in which to store items of the					92849
	Capitol Collection Trust and, whenever necessary, equipment or					92850
	other property of the Board.					92851
	Notwithstanding division (G) of section 105.41 of the Revised					92852
	Code and any other provision to the contrary, moneys in the					92853
	Underground Parking Garage Fund (Fund 2080) may be used for					92854
	personnel and operating costs related to the operations of the					92855
	Statehouse and the Statehouse Underground Parking Garage.					92856
	Section 233.10. SCR STATE BOARD OF CAREER COLLEGES AND					92857
	SCHOOLS					92858
	General Services Fund Group					92859

4K90 233601	Operating Expenses	\$	490,008	\$	490,008	92860
TOTAL GSF	General Services Fund	\$	490,008	\$	490,008	92861
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	490,008	\$	490,008	92862

Section 235.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD 92864

General Services Fund Group 92865						
4K90 930609	Operating Expenses	\$	478,799	\$	478,799	92866
TOTAL GSF	General Services Fund	\$	478,799	\$	478,799	92867
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	478,799	\$	478,799	92868

Section 237.10. CHR STATE CHIROPRACTIC BOARD 92870

General Services Fund Group 92871						
4K90 878609	Operating Expenses	\$	541,455	\$	541,455	92872
TOTAL GSF	General Services Fund	\$	541,455	\$	541,455	92873
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	541,455	\$	541,455	92874

Section 239.10. CIV OHIO CIVIL RIGHTS COMMISSION 92876

General Revenue Fund 92877						
GRF 876321	Operating Expenses	\$	5,441,317	\$	5,441,317	92878
TOTAL GRF	General Revenue Fund	\$	5,441,317	\$	5,441,317	92879
General Services Fund Group 92880						
2170 876604	Operations Support	\$	8,000	\$	8,000	92881
TOTAL GSF	General Services					92882
Fund Group		\$	8,000	\$	8,000	92883
Federal Special Revenue Fund Group 92884						
3340 876601	Federal Programs	\$	3,876,500	\$	3,281,500	92885
TOTAL FED	Federal Special Revenue					92886
Fund Group		\$	3,876,500	\$	3,281,500	92887
TOTAL ALL BUDGET FUND GROUPS		\$	9,325,817	\$	8,730,817	92888

Section 241.10. COM DEPARTMENT OF COMMERCE				92890
General Revenue Fund				92891
GRF	800410	Labor and Worker Safety	\$ 2,025,776 \$	2,025,776 92892
Total GRF General Revenue Fund				\$ 2,025,776 \$ 2,025,776 92893
General Services Fund Group				92894
1630	800620	Division of Administration	\$ 4,478,037 \$	4,478,037 92895
1630	800637	Information Technology	\$ 6,219,734 \$	6,137,122 92896
5430	800602	Unclaimed Funds-Operating	\$ 8,695,254 \$	8,695,254 92897
5430	800625	Unclaimed Funds-Claims	\$ 75,000,000 \$	75,000,000 92898
5F10	800635	Small Government Fire Departments	\$ 300,000 \$	300,000 92899
TOTAL GSF General Services Fund Group				\$ 94,693,025 \$ 94,610,413 92901
Federal Special Revenue Fund Group				92902
3480	800622	Underground Storage Tanks	\$ 586,128 \$	585,782 92903
3480	800624	Leaking Underground Storage Tanks	\$ 1,477,606 \$	1,489,717 92904
TOTAL FED Federal Special Revenue Fund Group				\$ 2,063,734 \$ 2,075,499 92905
State Special Revenue Fund Group				92907
4B20	800631	Real Estate Appraisal Recovery	\$ 35,000 \$	35,000 92908
4H90	800608	Cemeteries	\$ 273,465 \$	273,465 92909
4X20	800619	Financial Institutions	\$ 2,233,031 \$	2,221,395 92910
5440	800612	Banks	\$ 6,703,253 \$	6,753,254 92911

5450 800613	Savings Institutions	\$	2,286,615	\$	2,307,019	92912
5460 800610	Fire Marshal	\$	14,082,429	\$	14,082,429	92913
5460 800639	Fire Department Grants	\$	1,695,198	\$	1,698,802	92914
5470 800603	Real Estate	\$	250,000	\$	250,000	92915
	Education/Research					
5480 800611	Real Estate Recovery	\$	50,000	\$	50,000	92916
5490 800614	Real Estate	\$	3,456,405	\$	3,451,694	92917
5500 800617	Securities	\$	4,761,545	\$	4,411,545	92918
5520 800604	Credit Union	\$	3,627,390	\$	3,627,390	92919
5530 800607	Consumer Finance	\$	5,367,260	\$	5,148,702	92920
5560 800615	Industrial Compliance	\$	25,753,662	\$	25,753,662	92921
5K70 800621	Penalty Enforcement	\$	75,000	\$	75,000	92922
5X60 800623	Video Service	\$	34,476	\$	34,476	92923
6530 800629	UST	\$	1,433,189	\$	1,431,831	92924
	Registration/Permit Fee					
6A40 800630	Real Estate	\$	664,006	\$	664,006	92925
	Appraiser-Operating					
TOTAL SSR State Special Revenue						92926
Fund Group		\$	72,781,924	\$	72,269,670	92927
	Liquor Control Fund Group					92928
7043 800601	Merchandising	\$	472,492,696	\$	488,434,277	92929
7043 800627	Liquor Control	\$	13,776,430	\$	14,313,346	92930
	Operating					
7043 800633	Development Assistance	\$	40,565,100	\$	52,412,800	92931
	Debt Service					
7043 800636	Revitalization Debt	\$	15,632,800	\$	20,359,000	92932
	Service					
TOTAL LCF Liquor Control						92933
Fund Group		\$	542,467,026	\$	575,519,423	92934
	Volunteer Firefighters' Dependents Fund Group					92935
7085 800985	Volunteer	\$	300,000	\$	300,000	92936

Firefighters'					
Dependents Fund					
TOTAL 085 Volunteer Firefighters'	\$	300,000	\$	300,000	92937
Dependents Fund Group					
Revenue Distribution Fund Group					92938
7066 800966 Undivided Liquor	\$	14,100,000	\$	14,100,000	92939
Permits					
TOTAL RDF Revenue Distribution Fund	\$	14,100,000	\$	14,100,000	92940
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	728,431,485	\$	760,900,781	92941
SMALL GOVERNMENT FIRE DEPARTMENTS					92942
Notwithstanding section 3737.17 of the Revised Code, the					92943
foregoing appropriation item 800635, Small Government Fire					92944
Departments, may be used to provide loans to private fire					92945
departments.					92946
UNCLAIMED FUNDS PAYMENTS					92947
The foregoing appropriation item 800625, Unclaimed					92948
Funds-Claims, shall be used to pay claims under section 169.08 of					92949
the Revised Code. If it is determined that additional amounts are					92950
necessary, the amounts are appropriated.					92951
UNCLAIMED FUNDS TRANSFERS					92952
Notwithstanding division (A) of section 169.05 of the Revised					92953
Code, on or after December 1, 2009, the Director of Budget and					92954
Management shall request the Director of Commerce to transfer to					92955
the General Revenue Fund up to \$250,000,000 of unclaimed funds					92956
that have been reported by holders of unclaimed funds under					92957
section 169.05 of the Revised Code, irrespective of the allocation					92958
of the unclaimed funds under that section. After such request has					92959
been made, the Director of Commerce shall transfer the funds prior					92960
to June 30, 2010.					92961
Notwithstanding division (A) of section 169.05 of the Revised					92962

Code, on or after December 1, 2010, the Director of Budget and 92963
Management shall request the Director of Commerce to transfer to 92964
the General Revenue Fund up to \$135,000,000 of unclaimed funds 92965
that have been reported by holders of unclaimed funds under 92966
section 169.05 of the Revised Code, irrespective of the allocation 92967
of the unclaimed funds under that section. After such request has 92968
been made, the Director of Commerce shall transfer the funds prior 92969
to June 30, 2011. 92970

TRANSFERS FROM FINANCIAL INSTITUTION FUNDS PROHIBITED 92971

Neither the Director of Budget and Management nor the 92972
Controlling Board shall transfer moneys in the Financial 92973
Institutions Fund (Fund 4X20), the Banks Fund (Fund 5440), the 92974
Savings Institution Fund (Fund 5450), or the Credit Unions Fund 92975
(Fund 5520) to any other fund. Interest earned on the moneys in 92976
Fund 4X20, Fund 5440, Fund 5450, and Fund 5520 shall be credited 92977
to each respective fund. 92978

FIRE DEPARTMENT GRANTS 92979

Of the foregoing appropriation item 800639, Fire Department 92980
Grants, up to \$1,647,140 in each fiscal year shall be used to make 92981
annual grants to volunteer fire departments, fire departments that 92982
serve one or more small municipalities or small townships, joint 92983
fire districts comprised of fire departments that primarily serve 92984
small municipalities or small townships, local units of government 92985
responsible for such fire departments, and local units of 92986
government responsible for the provision of fire protection 92987
services for small municipalities or small townships. 92988

The grants shall be used by recipients to purchase 92989
firefighting or rescue equipment or gear or similar items, to 92990
provide full or partial reimbursement for the documented costs of 92991
firefighter training, or, at the discretion of the State Fire 92992
Marshal, to cover fire department costs for providing fire 92993

protection services in that grant recipient's jurisdiction. 92994

Grant awards for firefighting or rescue equipment or gear or 92995
for fire department costs of providing fire protection services 92996
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 92997
fiscal year if an eligible entity serves a jurisdiction in which 92998
the Governor declared a natural disaster during the preceding or 92999
current fiscal year in which the grant was awarded. In addition to 93000
any grant funds awarded for rescue equipment or gear, or for fire 93001
department costs associated with the provision of fire protection 93002
services, an eligible entity may receive a grant for up to \$15,000 93003
per fiscal year for full or partial reimbursement of the 93004
documented costs of firefighter training. For each fiscal year, 93005
the State Fire Marshal shall determine the total amounts to be 93006
allocated for each eligible purpose. 93007

The grant program shall be administered by the State Fire 93008
Marshal in accordance with rules the State Fire Marshal adopts as 93009
part of the state fire code adopted pursuant to section 3737.82 of 93010
the Revised Code that are necessary for the administration and 93011
operation of the grant program. The rules may further define the 93012
entities eligible to receive grants and establish criteria for the 93013
awarding and expenditure of grant funds, including methods the 93014
State Fire Marshal may use to verify the proper use of grant funds 93015
or to obtain reimbursement for or the return of equipment for 93016
improperly used grant funds. Any amounts in appropriation item 93017
800639, Fire Department Grants, in excess of the amount allocated 93018
for these grants may be used for the administration of the grant 93019
program. 93020

DIVISION OF SECURITIES TECHNOLOGY UPGRADES 93021

Of the foregoing appropriation item 800617, Securities, such 93022
sums as are necessary may be used over the biennium to support the 93023
development and implementation of information technology solutions 93024
designed to enable the Division of Securities to better protect 93025

the interests of investors, the public, and the securities 93026
industry. Implementation of these solutions shall, among other 93027
things, enhance the Division's ability to monitor complaints about 93028
and actions against persons engaged in any practice prohibited by 93029
Chapter 1707. of the Revised Code or defined as fraudulent in that 93030
chapter or any other deceptive scheme or practice in connection 93031
with the sale of securities. The Director of Commerce may seek 93032
assistance from the Department of Administrative Services in 93033
relation to the development and implementation of the solutions. 93034
93035

CASH TRANSFERS TO THE REAL ESTATE OPERATING FUND 93036

The Director of Budget and Management, upon request of the 93037
Director of Commerce, shall transfer \$1,300,000 in cash over the 93038
FY 2010-FY 2011 biennium from the Real Estate Education and 93039
Research Fund (Fund 5470) to the Real Estate Operating Fund (Fund 93040
5490). 93041

The Director of Budget and Management, upon request of the 93042
Director of Commerce, shall transfer \$600,000 in cash over the FY 93043
2010-FY 2011 biennium from the Real Estate Recovery Fund (Fund 93044
5480) to the Real Estate Operating Fund (Fund 5490). 93045

INCREASED APPROPRIATION - MERCHANDISING 93046

The foregoing appropriation item 800601, Merchandising, shall 93047
be used under section 4301.12 of the Revised Code. If it is 93048
determined that additional expenditures are necessary, the amounts 93049
are appropriated. 93050

DEVELOPMENT ASSISTANCE DEBT SERVICE 93051

The foregoing appropriation item 800633, Development 93052
Assistance Debt Service, shall be used to pay debt service and 93053
related financing costs at the times they are required to be made 93054
during the period from July 1, 2009, to June 30, 2011, for bond 93055
service charges on obligations issued under Chapter 166. of the 93056

Revised Code. If it is determined that additional appropriations 93057
are necessary for this purpose, such amounts are appropriated, 93058
subject to the limitations set forth in section 166.11 of the 93059
Revised Code. An appropriation for this purpose is not required, 93060
but is made in this form and in this act for record purposes only. 93061
93062

REVITALIZATION DEBT SERVICE 93063

The foregoing appropriation item 800636, Revitalization Debt 93064
Service, shall be used to pay debt service and related financing 93065
costs under sections 151.01 and 151.40 of the Revised Code during 93066
the period from July 1, 2009, to June 30, 2011. If it is 93067
determined that additional appropriations are necessary for this 93068
purpose, such amounts are hereby appropriated. The General 93069
Assembly acknowledges the priority of the pledge of a portion of 93070
receipts from that source to obligations issued and to be issued 93071
under Chapter 166. of the Revised Code. 93072

ADMINISTRATIVE ASSESSMENTS 93073

Notwithstanding any other provision of law to the contrary, 93074
the Division of Administration Fund (Fund 1630) is entitled to 93075
receive assessments from all operating funds of the Department in 93076
accordance with procedures prescribed by the Director of Commerce 93077
and approved by the Director of Budget and Management. 93078

Section 243.10. OCC OFFICE OF CONSUMERS' COUNSEL 93079

General Services Fund Group 93080
5F50 053601 Operating Expenses \$ 8,498,000 \$ 8,498,000 93081
TOTAL GSF General Services Fund \$ 8,498,000 \$ 8,498,000 93082
Group
TOTAL ALL BUDGET FUND GROUPS \$ 8,498,000 \$ 8,498,000 93083

Section 245.10. CEB CONTROLLING BOARD 93085

General Revenue Fund					93086
GRF 911401	Emergency	\$	500,000	\$ 500,000	93087
	Purposes/Contingencies				
GRF 911404	Mandate Assistance	\$	545,417	\$ 545,417	93088
GRF 911441	Ballot Advertising	\$	487,600	\$ 487,600	93089
	Costs				
TOTAL GRF General Revenue Fund		\$	1,533,017	\$ 1,533,017	93090
TOTAL ALL BUDGET FUND GROUPS		\$	1,533,017	\$ 1,533,017	93091
	DISASTER SERVICES FUND TRANSFERS TO THE EMERGENCY				93092
	PURPOSES/CONTINGENCIES APPROPRIATION LINE ITEM				93093
	The Controlling Board may, at the request of any state agency				93094
	or the Director of Budget and Management, transfer all or part of				93095
	the appropriation in appropriation item 911401, Emergency				93096
	Purposes/Contingencies, for the purpose of providing disaster and				93097
	emergency situation aid to state agencies and political				93098
	subdivisions in the event of disasters and emergency situations or				93099
	for the other purposes noted in this section, including, but not				93100
	limited to, costs related to the disturbance that occurred on				93101
	April 11, 1993, at the Southern Ohio Correctional Facility in				93102
	Lucasville, Ohio.				93103
	FEDERAL SHARE				93104
	In transferring appropriations to or from appropriation items				93105
	that have federal shares identified in this act, the Controlling				93106
	Board shall add or subtract corresponding amounts of federal				93107
	matching funds at the percentages indicated by the state and				93108
	federal division of the appropriations in this act. Such changes				93109
	are hereby appropriated.				93110
	DISASTER ASSISTANCE				93111
	Pursuant to requests submitted by the Department of Public				93112
	Safety, the Controlling Board may approve transfers from				93113
	appropriation item 911401, Emergency Purposes/Contingencies, to				93114

appropriation items used by the Department of Public Safety to 93115
provide funding for assistance to political subdivisions and 93116
individuals made necessary by natural disasters or emergencies. 93117
Such transfers may be requested and approved prior to or following 93118
the occurrence of any specific natural disasters or emergencies in 93119
order to facilitate the provision of timely assistance. 93120

93121

DISASTER SERVICES

93122

Pursuant to requests submitted by the Department of Public 93123
Safety, the Controlling Board may approve transfers from the 93124
Disaster Services Fund (5E20) to a fund and appropriation item 93125
used by the Department of Public Safety to provide for assistance 93126
to political subdivisions made necessary by natural disasters or 93127
emergencies. These transfers may be requested and approved prior 93128
to the occurrence of any specific natural disasters or emergencies 93129
in order to facilitate the provision of timely assistance. The 93130
Emergency Management Agency of the Department of Public Safety 93131
shall use the funding to fund the State Disaster Relief Program 93132
for disasters that have been declared by the Governor, and the 93133
State Individual Assistance Program for disasters that have been 93134
declared by the Governor and the federal Small Business 93135
Administration. The Ohio Emergency Management Agency shall publish 93136
and make available application packets outlining procedures for 93137
the State Disaster Relief Program and the State Individual 93138
Assistance Program. 93139

Fund 5E20 shall be used by the Controlling Board, pursuant to 93140
requests submitted by state agencies, to transfer cash and 93141
appropriations to any fund and appropriation item for the payment 93142
of state agency disaster relief program expenses for disasters 93143
declared by the Governor, if the Director of Budget and Management 93144
determines that sufficient funds exist. 93145

SOUTHERN OHIO CORRECTIONAL FACILITY COST

93146

The Division of Criminal Justice Services in the Department of Public Safety and the Public Defender Commission may each request, upon approval of the Director of Budget and Management, additional funds from appropriation item 911401, Emergency Purposes/Contingencies, for costs related to the disturbance that occurred on April 11, 1993, at the Southern Ohio Correctional Facility in Lucasville, Ohio.

MANDATE ASSISTANCE

(A) The foregoing appropriation item 911404, Mandate Assistance, shall be used to provide financial assistance to local units of government and school districts for the cost of the following two state mandates:

(1) The cost to county prosecutors for prosecuting certain felonies that occur on the grounds of state institutions operated by the Department of Rehabilitation and Correction and the Department of Youth Services;

(2) The cost to school districts of in-service training for child abuse detection.

(B) The Division of Criminal Justice Services in the Department of Public Safety and the Department of Education may prepare and submit to the Controlling Board one or more requests to transfer appropriations from appropriation item 911404, Mandate Assistance. The state agencies charged with this administrative responsibility are listed below, as well as the estimated annual amounts that may be used for each program of state financial assistance.

		ESTIMATED	
	ADMINISTERING	ANNUAL	
PROGRAM	AGENCY	AMOUNT	
Prosecution Costs	Division of Criminal Justice Services	\$125,446	93176 93177

Child Abuse Detection	Department of	\$419,971	93178
Training Costs	Education		

(C) Subject to the total amount appropriated in each fiscal year for appropriation item 911404, Mandate Assistance, the Division of Criminal Justice Services and the Department of Education may request from the Controlling Board that amounts smaller or larger than these estimated annual amounts be transferred to each program.

(D) In addition to making the initial transfers requested by the Division of Criminal Justice Services and the Department of Education, the Controlling Board may transfer appropriations received by a state agency under this section back to appropriation item 911404, Mandate Assistance, or to the other program of state financial assistance identified under this section.

(E) It is expected that not all costs incurred by local units of government and school districts under each of the two programs of state financial assistance identified in this section will be fully reimbursed by the state. Reimbursement levels may vary by program and shall be based on: the relationship between the appropriation transfers requested by the Division of Criminal Justice Services and the Department of Education and provided by the Controlling Board for each of the programs; the rules and procedures established for each program by the administering state agency; and the actual costs incurred by local units of government and school districts.

(F) Each of these programs of state financial assistance shall be carried out as follows:

(1) PROSECUTION COSTS

(a) Appropriations may be transferred to the Division of Criminal Justice Services to cover local prosecution costs for

aggravated murder, murder, felonies of the first degree, and 93208
felonies of the second degree that occur on the grounds of 93209
institutions operated by the Department of Rehabilitation and 93210
Correction and the Department of Youth Services. 93211

(b) Upon a delinquency filing in juvenile court or the return 93212
of an indictment for aggravated murder, murder, or any felony of 93213
the first or second degree that was committed at a Department of 93214
Youth Services or a Department of Rehabilitation and Correction 93215
institution, the affected county may, in accordance with rules 93216
that the Division of Criminal Justice Services shall adopt, apply 93217
to the Division of Criminal Justice Services for a grant to cover 93218
all documented costs that are incurred by the county prosecutor's 93219
office. 93220

(c) Twice each year, the Division of Criminal Justice 93221
Services shall designate counties to receive grants from those 93222
counties that have submitted one or more applications in 93223
compliance with the rules that have been adopted by the Division 93224
of Criminal Justice Services for the receipt of such grants. In 93225
each year's first round of grant awards, if sufficient 93226
appropriations have been made, up to a total of \$100,000 may be 93227
awarded. In each year's second round of grant awards, the 93228
remaining appropriations available for this purpose may be 93229
awarded. 93230

(d) If for a given round of grants there are insufficient 93231
appropriations to make grant awards to all the eligible counties, 93232
the first priority shall be given to counties with cases involving 93233
aggravated murder and murder; second priority shall be given to 93234
counties with cases involving a felony of the first degree; and 93235
third priority shall be given to counties with cases involving a 93236
felony of the second degree. Within these priorities, the grant 93237
awards shall be based on the order in which the applications were 93238
received, except that applications for cases involving a felony of 93239

the first or second degree shall not be considered in more than 93240
two consecutive rounds of grant awards. 93241

(2) CHILD ABUSE DETECTION TRAINING COSTS 93242

Appropriations may be transferred to the Department of 93243
Education for payment to local school districts as full or partial 93244
reimbursement for the cost of providing in-service training for 93245
child abuse detection. In accordance with rules that the 93246
Department shall adopt, a local school district may apply to the 93247
Department for a grant to cover all documented costs that are 93248
incurred to provide in-service training for child abuse detection. 93249
The department shall make grants within the limits of the funding 93250
provided. 93251

(G) Any moneys allocated within appropriation item 911404, 93252
Mandate Assistance, not fully utilized may, upon application of 93253
the Ohio Public Defender Commission, and with the approval of the 93254
Controlling Board, be paid to boards of county commissioners to 93255
provide additional reimbursement for the costs incurred by 93256
counties in providing defense to indigent defendants pursuant to 93257
Chapter 120. of the Revised Code. Application for the unutilized 93258
funds shall be made by the Ohio Public Defender Commission at the 93259
first June meeting of the Controlling Board. 93260

The amount to be paid to each county shall be allocated 93261
proportionately on the basis of the total amount of reimbursement 93262
paid to each county as a percentage of the amount of reimbursement 93263
paid to all of the counties during the most recent state fiscal 93264
year for which data is available and as calculated by the Ohio 93265
Public Defender Commission. 93266

BALLOT ADVERTISING COSTS 93267

Pursuant to section 3501.17 of the Revised Code, and upon 93268
requests submitted by the Secretary of State, the Controlling 93269
Board shall approve transfers from the foregoing appropriation 93270

item 911441, Ballot Advertising Costs, to appropriation item	93271
050621, Statewide Ballot Advertising, in order to pay for the cost	93272
of public notices associated with statewide ballot initiatives.	93273
	93274
CAPITAL APPROPRIATION INCREASE FOR FEDERAL STIMULUS	93275
ELIGIBILITY	93276
A state agency director shall request that the Controlling	93277
Board increase the amount of the agency's capital appropriations	93278
if the director determines such an increase is necessary for the	93279
agency to receive and use funds under the federal American	93280
Recovery and Reinvestment Act of 2009. The Controlling Board may	93281
increase the capital appropriations pursuant to the request up to	93282
the exact amount necessary under the federal act if the Board	93283
determines it is necessary for the agency to receive and use those	93284
federal funds.	93285
Section 247.10. COS STATE BOARD OF COSMETOLOGY	93286
General Services Fund Group	93287
4K90 879609 Operating Expenses \$ 3,533,679 \$ 3,533,679	93288
TOTAL GSF General Services Fund	93289
Group \$ 3,533,679 \$ 3,533,679	93290
TOTAL ALL BUDGET FUND GROUPS \$ 3,533,679 \$ 3,533,679	93291
Section 249.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE	93293
AND FAMILY THERAPIST BOARD	93294
General Services Fund Group	93295
4K90 899609 Operating Expenses \$ 1,117,171 \$ 1,117,171	93296
TOTAL GSF General Services Fund	93297
Group \$ 1,117,171 \$ 1,117,171	93298
TOTAL ALL BUDGET FUND GROUPS \$ 1,117,171 \$ 1,117,171	93299
Section 251.10. CLA COURT OF CLAIMS	93301

General Revenue Fund				93302
GRF 015321 Operating Expenses	\$	2,699,369	\$ 2,780,350	93303
TOTAL GRF General Revenue Fund	\$	2,699,369	\$ 2,780,350	93304
State Special Revenue Fund Group				93305
5K20 015603 CLA Victims of Crime	\$	1,582,684	\$ 1,582,684	93306
TOTAL SSR State Special Revenue				93307
Fund Group	\$	1,582,684	\$ 1,582,684	93308
TOTAL ALL BUDGET FUND GROUPS	\$	4,282,053	\$ 4,363,034	93309

Section 253.10. AFC OHIO CULTURAL FACILITIES COMMISSION 93311

General Revenue Fund				93312
GRF 371321 Operating Expenses	\$	140,909	\$ 140,909	93313
GRF 371401 Lease Rental Payments	\$	26,454,900	\$ 28,301,600	93314
TOTAL GRF General Revenue Fund	\$	26,595,809	\$ 28,442,509	93315
State Special Revenue Fund Group				93316
4T80 371601 Riffe Theatre	\$	81,000	\$ 81,000	93317
Equipment Maintenance				
4T80 371603 Project	\$	1,302,866	\$ 1,302,866	93318
Administration				
Services				
TOTAL SSR State Special Revenue	\$	1,383,866	\$ 1,383,866	93319
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	27,979,675	\$ 29,826,375	93320

LEASE RENTAL PAYMENTS 93321

The foregoing appropriation item 371401, Lease Rental 93322
 Payments, shall be used to meet all payments from the Ohio 93323
 Cultural Facilities Commission to the Treasurer of State during 93324
 the period from July 1, 2009, to June 30, 2011, under the primary 93325
 leases and agreements for those arts and sports facilities made 93326
 under Chapters 152. and 154. of the Revised Code. This 93327
 appropriation is the source of funds pledged for bond service 93328

charges on related obligations issued under Chapters 152. and 154.	93329
of the Revised Code.	93330
OPERATING EXPENSES	93331
The foregoing appropriation item 371321, Operating Expenses,	93332
shall be used by the Ohio Cultural Facilities Commission to carry	93333
out its responsibilities under this section and Chapter 3383. of	93334
the Revised Code.	93335
By the tenth day following each calendar quarter in each	93336
fiscal year, or as soon as possible thereafter, the Director of	93337
Budget and Management shall determine the amount of cash from	93338
interest earnings to be transferred from the Cultural and Sports	93339
Facilities Building Fund (Fund 7030) to the Cultural Facilities	93340
Commission Administration Fund (Fund 4T80).	93341
As soon as possible after each bond issuance made on behalf	93342
of the Cultural Facilities Commission, the Director of Budget and	93343
Management shall determine the amount of cash from any premium	93344
paid on each issuance that is available to be transferred after	93345
all issuance costs have been paid from the Cultural and Sports	93346
Facilities Building Fund (Fund 7030) to the Cultural Facilities	93347
Commission Administration Fund (Fund 4T80).	93348
CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS	93349
The Executive Director of the Cultural Facilities Commission	93350
shall certify to the Director of Budget and Management the amount	93351
of cash receipts and related investment income, irrevocable	93352
letters of credit from a bank, or certification of the	93353
availability of funds that have been received from a county or a	93354
municipal corporation for deposit into the Capital Donations Fund	93355
(Fund 5A10) and that are related to an anticipated project. These	93356
amounts are hereby appropriated to appropriation item C37146,	93357
Capital Donations. Prior to certifying these amounts to the	93358
Director, the Executive Director shall make a written agreement	93359

with the participating entity on the necessary cash flows required 93360
 for the anticipated construction or equipment acquisition project. 93361

Section 255.10. DEN STATE DENTAL BOARD 93362

General Services Fund Group 93363
 4K90 880609 Operating Expenses \$ 1,409,944 \$ 1,409,944 93364
 TOTAL GSF General Services Fund 93365
 Group \$ 1,409,944 \$ 1,409,944 93366
 TOTAL ALL BUDGET FUND GROUPS \$ 1,409,944 \$ 1,409,944 93367

Section 257.10. BDP BOARD OF DEPOSIT 93369

General Services Fund Group 93370
 4M20 974601 Board of Deposit \$ 927,892 \$ 927,892 93371
 TOTAL GSF General Services Fund 93372
 Group \$ 927,892 \$ 927,892 93373
 TOTAL ALL BUDGET FUND GROUPS \$ 927,892 \$ 927,892 93374

BOARD OF DEPOSIT EXPENSE FUND 93375

Upon receiving certification of expenses from the Treasurer 93376
 of State, the Director of Budget and Management shall transfer 93377
 cash from the Investment Earnings Redistribution Fund (Fund 6080) 93378
 to the Board of Deposit Expense Fund (Fund 4M20). The latter fund 93379
 shall be used pursuant to section 135.02 of the Revised Code to 93380
 pay for any and all necessary expenses of the Board of Deposit or 93381
 for banking charges and fees required for the operation of the 93382
 State of Ohio Regular Account. 93383

Section 259.10. DEV DEPARTMENT OF DEVELOPMENT 93384

General Revenue Fund 93385
 GRF 195401 Thomas Edison Program \$ 7,500,000 \$ 7,500,000 93386
 GRF 195404 Small Business \$ 1,565,770 \$ 1,565,770 93387
 Development

GRF	195405	Minority Business Enterprise Division	\$	1,238,528	\$	1,238,528	93388
GRF	195407	Travel and Tourism	\$	1,399,410	\$	1,399,410	93389
GRF	195415	Strategic Business Investment Division and Regional Offices	\$	4,671,426	\$	4,671,426	93390
GRF	195416	Governor's Office of Appalachia	\$	4,253,845	\$	4,253,845	93391
GRF	195426	Clean Ohio Implementation	\$	168,365	\$	168,365	93392
GRF	195432	Global Markets	\$	3,758,915	\$	3,758,915	93393
GRF	195434	Industrial Training Grants	\$	10,741,912	\$	10,741,912	93394
GRF	195497	CDBG Operating Match	\$	1,056,075	\$	1,056,075	93395
GRF	195498	State Match Energy	\$	96,820	\$	96,820	93396
GRF	195501	Appalachian Local Development Districts	\$	391,482	\$	391,482	93397
GRF	195502	Appalachian Regional Commission Dues	\$	221,924	\$	221,924	93398
GRF	195521	Discover Ohio!	\$	3,000,000	\$	3,000,000	93399
GRF	195522	Targeted Industry Training Grants	\$	3,800,000	\$	3,800,000	93400
GRF	195905	Third Frontier Research & Development General Obligation Debt Service	\$	20,948,300	\$	29,011,600	93401
GRF	195912	Job Ready Site Development General Obligation Debt Service	\$	5,685,400	\$	10,601,900	93402
TOTAL GRF		General Revenue Fund	\$	70,498,172	\$	83,477,972	93403
		General Services Fund Group					93404

1350	195684	Supportive Services	\$	10,299,575	\$	10,299,575	93405
4W10	195646	Minority Business Enterprise Loan	\$	1,500,000	\$	1,500,000	93406
5AD0	195677	Economic Development Contingency	\$	4,000,000	\$	4,000,000	93407
5DU0	195689	Energy Projects	\$	840,000	\$	840,000	93408
5W50	195690	Travel and Tourism Cooperative Projects	\$	20,643	\$	20,643	93409
6850	195636	Direct Cost Recovery Expenditures	\$	416,742	\$	416,742	93410
TOTAL GSF General Services Fund							93411
Group			\$	17,076,959	\$	17,076,959	93412
Federal Special Revenue Fund Group							93413
3080	195602	Appalachian Regional Commission	\$	475,000	\$	475,000	93414
3080	195603	Housing and Urban Development	\$	6,000,000	\$	6,000,000	93415
3080	195605	Federal Projects	\$	27,000,000	\$	27,000,000	93416
3080	195609	Small Business Administration	\$	5,011,381	\$	5,011,381	93417
3080	195618	Energy Federal Grants	\$	3,400,000	\$	3,400,000	93418
3350	195610	Energy Conservation and Emerging Technology	\$	1,800,000	\$	1,100,000	93419
3AE0	195643	Workforce Development Initiatives	\$	17,000,000	\$	16,500,000	93420
3K80	195613	Community Development Block Grant	\$	65,000,000	\$	65,000,000	93421
3K90	195611	Home Energy Assistance Block Grant	\$	115,743,608	\$	115,743,608	93422
3K90	195614	HEAP Weatherization	\$	22,000,000	\$	22,000,000	93423
3L00	195612	Community Services	\$	25,235,000	\$	25,235,000	93424

		Block Grant				
3V10	195601	HOME Program	\$	40,000,000	\$	40,000,000 93425
	TOTAL FED	Federal Special Revenue				93426
	Fund Group		\$	328,664,989	\$	327,464,989 93427
	State Special Revenue Fund Group					93428
4440	195607	Water and Sewer	\$	29,628	\$	29,628 93429
		Commission Loans				
4500	195624	Minority Business	\$	53,967	\$	53,967 93430
		Bonding Program				
		Administration				
4510	195625	Economic Development	\$	1,924,557	\$	1,924,557 93431
		Financing Operating				
4F20	195639	State Special	\$	100,000	\$	100,000 93432
		Projects				
4F20	195676	Marketing	\$	4,356,424	\$	4,356,424 93433
		Initiatives				
4F20	195699	Utility Provided	\$	500,000	\$	500,000 93434
		Funds				
4S00	195630	Tax Incentive	\$	367,020	\$	367,020 93435
		Programs				
5CG0	195679	Alternative Fuel	\$	567,216	\$	567,216 93436
		Transportation				
5M40	195659	Low Income Energy	\$	245,000,000	\$	245,000,000 93437
		Assistance				
5M50	195660	Advanced Energy	\$	8,268,581	\$	8,268,581 93438
		Programs				
5W60	195691	International Trade	\$	25,000	\$	0 93439
		Cooperative Projects				
5X10	195651	Exempt Facility	\$	8,000	\$	0 93440
		Inspection				
6110	195631	Water and Sewer	\$	10,000	\$	10,000 93441
		Administration				
6170	195654	Volume Cap	\$	113,941	\$	113,941 93442

		Administration				
6460	195638	Low- and Moderate- Income Housing Trust Fund	\$	40,000,000	\$	40,000,000 93443
TOTAL SSR State Special Revenue 93444						
Fund Group			\$	301,324,334	\$	301,291,334 93445
Facilities Establishment Fund Group 93446						
4Z60	195647	Rural Industrial Park Loan	\$	2,000,000	\$	2,000,000 93447
5D20	195650	Urban Redevelopment Loans	\$	3,000,000	\$	3,000,000 93448
5S80	195627	Rural Development Initiative	\$	1,750,000	\$	1,750,000 93449
5S90	195628	Capital Access Loan Program	\$	2,000,000	\$	2,000,000 93450
7008	195698	Logistics & Distribution Infrastructure	\$	50,000,000	\$	0 93451
7009	195664	Innovation Ohio	\$	15,000,000	\$	15,000,000 93452
7010	195665	Research and Development	\$	12,000,000	\$	12,000,000 93453
7037	195615	Facilities Establishment	\$	65,000,000	\$	65,000,000 93454
TOTAL 037 Facilities 93455						
Establishment Fund Group			\$	150,750,000	\$	100,750,000 93456
Clean Ohio Revitalization Fund 93457						
7003	195663	Clean Ohio Operating	\$	964,200	\$	953,300 93458
TOTAL 7003 Clean Ohio Revitalization Fund			\$	964,200	\$	953,300 93459
Third Frontier Research & Development Fund Group 93460						
7011	195687	Third Frontier Research &	\$	55,000,000	\$	55,000,000 93461

		Development Projects				
7014	195692	Research &	\$	6,000,000	\$	6,000,000 93462
		Development Taxable				
		Bond Projects				
TOTAL	011	Third Frontier Research &	\$	61,000,000	\$	61,000,000 93463
		Development Fund Group				
		Job Ready Site Development Fund Group				93464
7012	195688	Job Ready Site	\$	1,000,000	\$	1,000,000 93465
		Operating				
TOTAL	012	Job Ready Site	\$	1,000,000	\$	1,000,000 93466
		Development Fund Group				
		Tobacco Master Settlement Agreement Fund Group				93467
M087	195435	Biomedical Research	\$	1,257,363	\$	1,259,563 93468
		and Technology				
		Transfer				
TOTAL	TSF	Tobacco Master Settlement	\$	1,257,363	\$	1,259,563 93469
		Agreement Fund Group				
TOTAL	ALL	BUDGET FUND GROUPS	\$	932,536,017	\$	894,274,117 93470

Section 259.10.10. THOMAS EDISON PROGRAM 93472

The foregoing appropriation item 195401, Thomas Edison 93473
 Program, shall be used for the purposes of sections 122.28 to 93474
 122.38 of the Revised Code. Of the foregoing appropriation item 93475
 195401, Thomas Edison Program, not more than ten per cent in each 93476
 fiscal year shall be used for operating expenditures in 93477
 administering the programs of the Technology and Innovation 93478
 Division. 93479

Section 259.10.20. SMALL BUSINESS DEVELOPMENT 93480

The foregoing appropriation item 195404, Small Business 93481
 Development, shall be used as matching funds for grants from the 93482
 United States Small Business Administration and other federal 93483

agencies, pursuant to Pub. L. No. 96-302 (1980) as amended by Pub. 93484
L. No. 98-395 (1984), and regulations and policy guidelines for 93485
the programs pursuant thereto. This appropriation item also may be 93486
used to provide grants to local organizations to support the 93487
operation of small business development centers and other local 93488
economic development activities that promote small business 93489
development and entrepreneurship. 93490

Section 259.10.40. STRATEGIC BUSINESS INVESTMENT DIVISION AND 93491
REGIONAL OFFICES 93492

The foregoing appropriation item 195415, Strategic Business 93493
Investment Division and Regional Offices, shall be used for the 93494
operating expenses of the Strategic Business Investment Division 93495
and the regional economic development offices and for grants for 93496
cooperative economic development ventures. 93497

Section 259.10.50. GOVERNOR'S OFFICE OF APPALACHIA 93498

The foregoing appropriation item 195416, Governor's Office of 93499
Appalachia, may be used for the administrative costs of planning 93500
and liaison activities for the Governor's Office of Appalachia, to 93501
provide financial assistance to projects in Ohio's Appalachian 93502
counties, and to match federal funds from the Appalachian Regional 93503
Commission. 93504

Section 259.10.70. CLEAN OHIO IMPLEMENTATION 93505

The foregoing appropriation item 195426, Clean Ohio 93506
Implementation, shall be used to fund the costs of administering 93507
the Clean Ohio Revitalization program and other urban 93508
revitalization programs that may be implemented by the Department 93509
of Development. 93510

Section 259.10.80. GLOBAL MARKETS 93511

The foregoing appropriation item 195432, Global Markets, 93512
shall be used to administer Ohio's foreign trade and investment 93513
programs, including operation and maintenance of Ohio's 93514
out-of-state trade and investment offices. This appropriation item 93515
also shall be used to fund the Global Markets Division and to 93516
assist Ohio manufacturers, agricultural producers, and service 93517
providers in exporting to foreign countries and to assist in the 93518
attraction of foreign direct investment. 93519

Section 259.10.90. OHIO WORKFORCE GUARANTEE PROGRAM 93520

The foregoing appropriation item 195434, Industrial Training 93521
Grants, may be used for the Ohio Workforce Guarantee Program to 93522
promote training through grants to businesses and, in the case of 93523
a business consortium, training and education providers for the 93524
reimbursement of eligible training expenses. 93525

Section 259.20.10. OHIO FILM OFFICE 93526

The Ohio Film Office shall promote media productions in the 93527
state and help the industry optimize its production experience in 93528
the state by enhancing local economies through increased 93529
employment and tax revenues and ensuring an accurate portrayal of 93530
Ohio. The Office shall serve as an informational clearinghouse and 93531
provide technical assistance to the media production industry and 93532
business entities engaged in media production in the state. The 93533
Office shall promote Ohio as the ideal site for media production 93534
and help those in the industry benefit from their experience in 93535
the state. 93536

The primary objective of the Office shall be to encourage 93537
development of a strong capital base for electronic media 93538
production in order to achieve an independent, self-supporting 93539
industry in Ohio. Other objectives shall include: 93540

(A) Attracting private investment for the electronic media 93541

production industry;	93542
(B) Developing a tax infrastructure that encourages private investment; and	93543 93544
(C) Encouraging increased employment opportunities within this sector and increased competition with other states.	93545 93546
Section 259.20.20. DISCOVER OHIO!	93547
The foregoing appropriation item 195521, Discover Ohio!, shall be used by the Ohio Tourism Division in the Department of Development for marketing and promoting Ohio as a tourism destination and for costs associated with operating such programs.	93548 93549 93550 93551 93552
Section 259.20.30. THIRD FRONTIER RESEARCH & DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE	93553 93554
The foregoing appropriation item 195905, Third Frontier Research & Development General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2009, to June 30, 2011, on obligations issued for research and development purposes under sections 151.01 and 151.10 of the Revised Code.	93555 93556 93557 93558 93559 93560
JOB READY SITE DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE	93561
The foregoing appropriation item 195912, Job Ready Site Development General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2009, to June 30, 2011, on obligations issued for job ready site development purposes under sections 151.01 and 151.11 of the Revised Code.	93562 93563 93564 93565 93566 93567
Section 259.20.40. SUPPORTIVE SERVICES	93568
The Director of Development may assess divisions of the	93569

department for the cost of central service operations. An 93570
assessment shall contain the characteristics of administrative 93571
ease and uniform application. A division's payments shall be 93572
credited to the Supportive Services Fund (Fund 1350) using an 93573
intrastate transfer voucher. 93574

ECONOMIC DEVELOPMENT CONTINGENCY 93575

The foregoing appropriation item 195677, Economic Development 93576
Contingency, may be used to award funds directly to either (1) 93577
business entities considering Ohio for expansion or new site 93578
location opportunities or (2) political subdivisions to assist 93579
with necessary costs involved in attracting a business entity. In 93580
addition, the Director of Development may award funds for 93581
alternative purposes when appropriate to satisfy an economic 93582
development opportunity or need deemed extraordinary in nature by 93583
the Director. 93584

DIRECT COST RECOVERY EXPENDITURES 93585

The foregoing appropriation item 195636, Direct Cost Recovery 93586
Expenditures, shall be used for reimbursable costs. Revenues to 93587
the General Reimbursement Fund (Fund 6850) shall consist of moneys 93588
charged for administrative costs that are not central service 93589
costs. 93590

Section 259.20.50. HEAP WEATHERIZATION 93591

Up to fifteen per cent of the federal funds deposited to the 93592
credit of the Home Energy Assistance Block Grant Fund (Fund 3K90) 93593
may be expended from appropriation item 195614, HEAP 93594
Weatherization, to provide home weatherization services in the 93595
state as determined by the Director of Development. Any transfers 93596
or increases in appropriation for the foregoing appropriation 93597
items 195614, HEAP Weatherization, or 195611, Home Energy 93598
Assistance Block Grant, shall be subject to approval by the 93599

Controlling Board.	93600
STATE SPECIAL PROJECTS	93601
The State Special Projects Fund (Fund 4F20), may be used for	93602
the deposit of private-sector funds from utility companies and for	93603
the deposit of other miscellaneous state funds. State moneys so	93604
deposited shall be used to match federal housing grants for the	93605
homeless and to market economic development opportunities in the	93606
state. Private-sector moneys shall be deposited for use in	93607
appropriation item 195699, Utility Provided Funds, and shall be	93608
used to (1) pay the expenses of verifying the income-eligibility	93609
of HEAP applicants, (2) leverage additional federal funds, (3)	93610
fund special projects to assist homeless individuals, (4) fund	93611
special projects to assist with the energy efficiency of	93612
households eligible to participate in the Percentage of Income	93613
Payment Plan, and (5) assist with training programs for agencies	93614
that administer low-income customer assistance programs.	93615
Section 259.20.60. TAX INCENTIVE PROGRAMS OPERATING	93616
The foregoing appropriation item 195630, Tax Incentive	93617
Programs, shall be used for the operating costs of the Office of	93618
Grants and Tax Incentives.	93619
Section 259.20.70. MINORITY BUSINESS ENTERPRISE LOAN	93620
All repayments from the Minority Development Financing	93621
Advisory Board Loan Program and the Ohio Mini-Loan Guarantee	93622
Program shall be deposited in the State Treasury to the credit of	93623
the Minority Business Enterprise Loan Fund (Fund 4W10). All	93624
operating costs of administering the Minority Business Enterprise	93625
Loan Fund shall be paid from the Minority Business Enterprise Loan	93626
Fund (Fund 4W10).	93627
MINORITY BUSINESS BONDING FUND	93628

Notwithstanding Chapters 122., 169., and 175. of the Revised Code, the Director of Development may, upon the recommendation of the Minority Development Financing Advisory Board, pledge up to \$10,000,000 in the fiscal year 2010-fiscal year 2011 biennium of unclaimed funds administered by the Director of Commerce and allocated to the Minority Business Bonding Program under section 169.05 of the Revised Code. The transfer of any cash by the Director of Budget and Management from the Department of Commerce's Unclaimed Funds Fund (Fund 5430) to the Department of Development's Minority Business Bonding Fund (Fund 4490) shall occur, if requested by the Director of Development, only if such funds are needed for payment of losses arising from the Minority Business Bonding Program, and only after proceeds of the initial transfer of \$2,700,000 by the Controlling Board to the Minority Business Bonding Program has been used for that purpose. Moneys transferred by the Director of Budget and Management from the Department of Commerce for this purpose may be moneys in custodial funds held by the Treasurer of State. If expenditures are required for payment of losses arising from the Minority Business Bonding Program, such expenditures shall be made from appropriation item 195623, Minority Business Bonding Contingency in the Minority Business Bonding Fund, and such amounts are hereby appropriated.

Section 259.20.80. ALTERNATIVE FUEL TRANSPORTATION

Of the foregoing appropriation item 195679, Alternative Fuel Transportation, not more than ten per cent shall be used by the Director of Development for administrative costs associated with the program under section 122.075 of the Revised Code.

ADVANCED ENERGY FUND

The foregoing appropriation item 195660, Advanced Energy Programs, shall be used to provide financial assistance to customers for eligible advanced energy projects for residential,

commercial, and industrial business, local government, educational 93660
institution, nonprofit, and agriculture customers, and to pay for 93661
the program's administrative costs as provided in sections 4928.61 93662
to 4928.63 of the Revised Code and rules adopted by the Director 93663
of Development. 93664

GLOBAL ANALYST SETTLEMENT AGREEMENTS PAYMENTS 93665

All payments received by the state pursuant to a series of 93666
settlements with ten brokerage firms reached with the United 93667
States Securities and Exchange Commission, the National 93668
Association of Securities Dealers, the New York Stock Exchange, 93669
the New York Attorney General, and other state regulators 93670
(henceforth referred to as the "Global Analysts Settlement 93671
Agreements"), shall be deposited into the state treasury to the 93672
credit of the Economic Development Contingency Fund (Fund 5Y60). 93673
The fund shall be used by the Director of Development to support 93674
economic development projects. Moneys shall be awarded to either 93675
(1) business entities considering Ohio for expansion or new site 93676
location opportunities or (2) political subdivisions to assist 93677
with necessary costs involved in attracting a business entity. In 93678
addition, the Director of Development may award funds for 93679
alternative purposes when appropriate to satisfy an economic 93680
development opportunity or need deemed extraordinary by the 93681
Director. Grant funds may be expended only after the submission of 93682
a request to the Controlling Board by the Department outlining the 93683
planned use of the funds and the subsequent approval of the 93684
Controlling Board. 93685

VOLUME CAP ADMINISTRATION 93686

The foregoing appropriation item 195654, Volume Cap 93687
Administration, shall be used for expenses related to the 93688
administration of the Volume Cap Program. Revenues received by the 93689
Volume Cap Administration Fund (Fund 6170) shall consist of 93690
application fees, forfeited deposits, and interest earned from the 93691

custodial account held by the Treasurer of State.	93692
INNOVATION OHIO LOAN FUND	93693
The foregoing appropriation item 195664, Innovation Ohio,	93694
shall be used to provide for innovation Ohio purposes, including	93695
loan guarantees and loans under Chapter 166. and particularly	93696
sections 166.12 to 166.16 of the Revised Code.	93697
RESEARCH AND DEVELOPMENT	93698
The foregoing appropriation item 195665, Research and	93699
Development, shall be used to provide for research and development	93700
purposes, including loans, under Chapter 166. and particularly	93701
sections 166.17 to 166.21 of the Revised Code.	93702
Section 259.20.90. LOGISTICS AND DISTRIBUTION INFRASTRUCTURE	93703
The foregoing appropriation item 195698, Logistics and	93704
Distribution Infrastructure, shall be used for eligible logistics	93705
and distribution infrastructure projects as defined in section	93706
166.01 of the Revised Code. Any unexpended and unencumbered	93707
portion of the appropriation item at the end of fiscal year 2009	93708
is hereby reappropriated for the same purpose in fiscal year 2010,	93709
and any unexpended and unencumbered portion of the appropriation	93710
item at the end of fiscal year 2010 is hereby reappropriated for	93711
the same purpose in fiscal year 2011.	93712
FACILITIES ESTABLISHMENT FUND	93713
The foregoing appropriation item 195615, Facilities	93714
Establishment (Fund 7037), shall be used for the purposes of the	93715
Facilities Establishment Fund under Chapter 166. of the Revised	93716
Code.	93717
Notwithstanding Chapter 166. of the Revised Code, an amount	93718
not to exceed \$2,000,000 in cash each fiscal year may be	93719
transferred from the Facilities Establishment Fund (Fund 7037) to	93720
the Economic Development Financing Operating Fund (Fund 4510). The	93721

transfer is subject to Controlling Board approval under division 93722
(B) of section 166.03 of the Revised Code. 93723

Notwithstanding Chapter 166. of the Revised Code, an amount 93724
not to exceed \$5,000,000 in cash each fiscal year may be 93725
transferred during the biennium from the Facilities Establishment 93726
Fund (Fund 7037) to the Urban Redevelopment Loans Fund (Fund 5D20) 93727
for the purpose of removing barriers to urban core redevelopment. 93728
The Director of Development shall develop program guidelines for 93729
the transfer and release of funds, including, but not limited to, 93730
the completion of all appropriate environmental assessments before 93731
state assistance is committed to a project. The transfers shall be 93732
subject to approval by the Controlling Board upon the submission 93733
of a request by the Department of Development. 93734

Notwithstanding Chapter 166. of the Revised Code, an amount 93735
not to exceed \$3,000,000 in cash each fiscal year may be 93736
transferred from the Facilities Establishment Fund (Fund 7037) to 93737
the Rural Industrial Park Loan Fund (Fund 4Z60). The transfer is 93738
subject to Controlling Board approval under section 166.03 of the 93739
Revised Code. 93740

Notwithstanding Chapter 166. of the Revised Code, on the 93741
first day of July of each year of the biennium, or as soon as 93742
possible thereafter, the Director of Budget and Management, at the 93743
request of the Director of Development, shall transfer \$4,275,000 93744
cash from the Facilities Establishment Fund (Fund 7037) to the Job 93745
Development Initiatives Fund (Fund 5AD0). The amount transferred 93746
is hereby appropriated in each fiscal year in appropriation item 93747
195677, Economic Development Contingency. 93748

Notwithstanding Chapter 166. of the Revised Code, of the 93749
foregoing appropriation item 195615, Facilities Establishment, 93750
\$20,000,000 in each fiscal year shall be used for Rapid Outreach 93751
Grants; \$3,500,000 in each fiscal year shall be used for 93752
Technology Action grants; \$7,500,000 in each fiscal year shall be 93753

used for Thomas Edison Program grants; and up to \$8,000,000 in 93754
each fiscal year shall be used for soil and water conservation 93755
districts. 93756

RAPID OUTREACH GRANTS 93757

Rapid Outreach Grants shall be used as an incentive for 93758
attracting, expanding, and retaining business opportunities for 93759
the state. Projects offering substantial opportunities for new, 93760
expanding, or retained business operations in Ohio, are eligible 93761
for grant funding. The projects must create or retain a 93762
significant number of jobs for Ohioans. An award of grant funds is 93763
reserved for only those instances in which Ohio's ability to 93764
attract, retain, or assist with an expansion of a project depends 93765
on an award of Rapid Outreach Grant funds from appropriation item 93766
195615, Facilities Establishment. 93767

The department's primary goal shall be to award funds 93768
directly to business entities considering Ohio for their expansion 93769
or new site location opportunities. Rapid Outreach grants shall be 93770
used by recipients to purchase equipment, make infrastructure 93771
improvements, make real property improvements, or fund other fixed 93772
assets. To meet the particular needs of economic development in a 93773
region, the department may elect to award funds directly to a 93774
political subdivision to assist with making on- or off-site 93775
infrastructure improvements to water and sewage treatment 93776
facilities, electric or gas service connections, fiber optic 93777
access, rail facilities, site preparation, and parking facilities. 93778
The Director of Development may recommend that the funds be used 93779
for alternative purposes when considered appropriate to satisfy an 93780
economic development opportunity or need deemed extraordinary in 93781
nature by the Director. 93782

Moneys designated for Rapid Outreach Grants in the foregoing 93783
appropriation item 195615, Facilities Establishment, may be 93784
expended only after the submission of a request to the Controlling 93785

Board by the Department of Development outlining the planned use 93786
of the funds, and the subsequent approval of the request by the 93787
Controlling Board. 93788

Moneys designated for Rapid Outreach Grants in the foregoing 93789
appropriation item 195615, Facilities Establishment, may be used 93790
for, but are not limited to, construction, rehabilitation, and 93791
acquisition projects for rail freight assistance as requested by 93792
the Department of Transportation. The Director of Transportation 93793
shall submit the proposed projects to the Director of Development 93794
for an evaluation of potential economic benefit. 93795

TECHNOLOGY ACTION 93796

Moneys designated for Technology Action in the foregoing 93797
appropriation item 195615, Facilities Establishment, shall be used 93798
for operating expenses the Department of Development incurs for 93799
administering sections 184.10 to 184.20 of the Revised Code. If 93800
the appropriation is insufficient to cover the operating expenses, 93801
the Department may request Controlling Board approval to 93802
appropriate the additional amount needed in appropriation item 93803
195686, Third Frontier Operating. The Department shall not request 93804
an amount in excess of the amount needed. 93805

ALTERNATIVE FUEL TRANSPORTATION GRANT FUND 93806

Notwithstanding Chapter 166. of the Revised Code, an amount 93807
not to exceed \$1,000,000 in cash in fiscal year 2010 and \$500,000 93808
in cash in fiscal year 2011 shall be transferred from moneys in 93809
the Facilities Establishment Fund (Fund 7037) to the Alternative 93810
Fuel Transportation Grant Fund (Fund 5CG0) in the Department of 93811
Development. 93812

RURAL DEVELOPMENT INITIATIVE FUND 93813

(A)(1) The Rural Development Initiative Fund (Fund 5S80) is 93814
entitled to receive moneys from the Facilities Establishment Fund 93815
(Fund 7037). The Director of Development may make grants from the 93816

Rural Development Initiative Fund as specified in division (A)(2) 93817
of this section to eligible applicants in Appalachian counties and 93818
in rural counties in the state that are designated as distressed 93819
under section 122.25 of the Revised Code. Preference shall be 93820
given to eligible applicants located in Appalachian counties 93821
designated as distressed by the federal Appalachian Regional 93822
Commission. 93823

(2) The Director of Development shall make grants from the 93824
Rural Development Initiative Fund (Fund 5S80) only to eligible 93825
applicants who also qualify for and receive funding under the 93826
Rural Industrial Park Loan Program as specified in sections 122.23 93827
to 122.27 of the Revised Code. Eligible applicants shall use the 93828
grants for the purposes specified in section 122.24 of the Revised 93829
Code. All projects supported by grants from the fund are subject 93830
to Chapter 4115. of the Revised Code as specified in division (E) 93831
of section 166.02 of the Revised Code. The Director shall develop 93832
program guidelines for the transfer and release of funds. The 93833
release of grant moneys to an eligible applicant is subject to 93834
Controlling Board approval. 93835

(B) Notwithstanding Chapter 166. of the Revised Code, the 93836
Director of Budget and Management may transfer an amount not to 93837
exceed \$3,000,000 in cash each fiscal year on an as-needed basis 93838
at the request of the Director of Development from the Facilities 93839
Establishment Fund (Fund 7037) to the Rural Development Initiative 93840
Fund (Fund 5S80). The transfer is subject to Controlling Board 93841
approval under section 166.03 of the Revised Code. 93842

CAPITAL ACCESS LOAN PROGRAM 93843

The foregoing appropriation item 195628, Capital Access Loan 93844
Program, shall be used for operating, program, and administrative 93845
expenses of the program. Funds of the Capital Access Loan Program 93846
shall be used to assist participating financial institutions in 93847
making program loans to eligible businesses that face barriers in 93848

accessing working capital and obtaining fixed-asset financing. 93849

Notwithstanding Chapter 166. of the Revised Code, the 93850
Director of Budget and Management may transfer an amount not to 93851
exceed \$3,000,000 in cash each fiscal year on an as-needed basis 93852
at the request of the Director of Development from the Facilities 93853
Establishment Fund (Fund 7037) to the Capital Access Loan Program 93854
Fund (Fund 5S90). The transfer is subject to Controlling Board 93855
approval under section 166.03 of the Revised Code. 93856

Section 259.30.10. CLEAN OHIO OPERATING EXPENSES 93857

The foregoing appropriation item 195663, Clean Ohio 93858
Operating, shall be used by the Department of Development in 93859
administering sections 122.65 to 122.658 of the Revised Code. 93860

Section 259.30.20. THIRD FRONTIER RESEARCH AND DEVELOPMENT 93861
PROJECTS AND RESEARCH AND DEVELOPMENT TAXABLE BOND PROJECTS 93862

The foregoing appropriation items 195687, Third Frontier 93863
Research and Development Projects, and 195692, Research and 93864
Development Taxable Bond Projects, shall be used by the Department 93865
of Development to fund selected projects. Eligible costs are those 93866
costs of research and development projects to which the proceeds 93867
of the Third Frontier Research and Development Fund (Fund 7011) 93868
and the Research & Development Taxable Bond Project Fund (Fund 93869
7014) are to be applied. 93870

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 93871

The Director of Budget and Management may approve written 93872
requests from the Director of Development for the transfer of 93873
appropriations between appropriation items 195687, Third Frontier 93874
Research and Development Projects, and 195692, Research and 93875
Development Taxable Bond Projects, based upon awards recommended 93876
by the Third Frontier Commission. The transfers are subject to 93877
approval by the Controlling Board. 93878

On or before June 30, 2010, any unexpended and unencumbered 93879
portions of the foregoing appropriation items 195687, Third 93880
Frontier Research & Development Projects, and 195692, Research & 93881
Development Taxable Bond Projects, for fiscal year 2010 are hereby 93882
reappropriated to the Department of Development for the same 93883
purposes for fiscal year 2011. 93884

AUTHORITY TO ISSUE AND SELL ORIGINAL OBLIGATIONS 93885

The Ohio Public Facilities Commission, upon request of the 93886
Department of Development, is hereby authorized to issue and sell, 93887
in accordance with Section 2p of Article VIII, Ohio Constitution, 93888
and particularly sections 151.01 and 151.10 of the Revised Code, 93889
original obligations of the State of Ohio in an aggregate amount 93890
not to exceed \$100,000,000 in addition to the original issuance of 93891
obligations authorized by prior acts of the General Assembly. The 93892
authorized obligations shall be issued and sold from time to time 93893
and in amounts necessary to ensure sufficient moneys to the credit 93894
of the Third Frontier Research and Development Fund (Fund 7011) to 93895
pay costs of research and development projects. 93896

Section 259.30.30. JOB READY SITE OPERATING 93897

The foregoing appropriation item 195688, Job Ready Site 93898
Operating, shall be used for operating expenses incurred by the 93899
Department of Development in administering the Job Ready Sites 93900
Program authorized under sections 122.085 to 122.0820 of the 93901
Revised Code. Operating expenses include, but are not limited to, 93902
certain expenses of the District Public Works Integrating 93903
Committees, as applicable, engineering review of submitted 93904
applications by the State Architect or a third party engineering 93905
firm, audit and accountability activities, and costs associated 93906
with formal certifications verifying that site infrastructure is 93907
in place and is functional. 93908

Section 259.30.40. THIRD FRONTIER BIOMEDICAL RESEARCH AND 93909
COMMERCIALIZATION PROGRAM 93910

The General Assembly and the Governor recognize the role that 93911
the biomedical industry has in job creation, innovation, and 93912
economic development throughout Ohio. It is the intent of the 93913
General Assembly, the Governor, the Director of Development, and 93914
the Director of Budget and Management to work together in 93915
continuing to provide comprehensive state support for the 93916
biomedical industry as a whole through the Third Frontier 93917
Biomedical Research and Commercialization Program. 93918

Section 259.30.60. JOBS FUND CASH TRANSFER 93919

On June 30, 2011, or as soon as possible thereafter, the 93920
Director of Budget and Management shall transfer the unexpended 93921
and unencumbered cash balance in the Jobs Fund (Fund 5Z30) to the 93922
General Revenue Fund. Upon completion of the transfer, the Jobs 93923
Fund is abolished. 93924

Section 259.30.70. UNCLAIMED FUNDS TRANSFER 93925

(A) Notwithstanding division (A) of section 169.05 of the 93926
Revised Code, upon the request of the Director of Budget and 93927
Management, the Director of Commerce, before June 30, 2010, shall 93928
transfer to the Job Development Initiatives Fund (Fund 5AD0) an 93929
amount not to exceed \$4,000,000 in cash of the unclaimed funds 93930
that have been reported by the holders of unclaimed funds under 93931
section 169.05 of the Revised Code, regardless of the allocation 93932
of the unclaimed funds described under that section. 93933

Notwithstanding division (A) of section 169.05 of the Revised 93934
Code, upon the request of the Director of Budget and Management, 93935
the Director of Commerce, before June 30, 2011, shall transfer to 93936
the Job Development Initiatives Fund (Fund 5AD0) an amount not to 93937

exceed \$4,000,000 in cash of the unclaimed funds that have been 93938
reported by the holders of unclaimed funds under section 169.05 of 93939
the Revised Code, regardless of the allocation of the unclaimed 93940
funds described under that section. 93941

(B) Notwithstanding division (A) of section 169.05 of the 93942
Revised Code, upon the request of the Director of Budget and 93943
Management, the Director of Commerce, before June 30, 2010, shall 93944
transfer to the State Special Projects Fund (Fund 4F20) an amount 93945
not to exceed \$6,100,000 of the unclaimed funds that have been 93946
reported by the holders of unclaimed funds under section 169.05 of 93947
the Revised Code, regardless of the allocation of the unclaimed 93948
funds described under that section. 93949

Notwithstanding division (A) of section 169.05 of the Revised 93950
Code, upon the request of the Director of Budget and Management, 93951
the Director of Commerce, prior to June 30, 2011, shall transfer 93952
to the State Special Projects Fund (Fund 4F20) an amount not to 93953
exceed \$6,100,000 in cash of the unclaimed funds that have been 93954
reported by the holders of unclaimed funds under section 169.05 of 93955
the Revised Code, regardless of the allocation of the unclaimed 93956
funds described under that section. 93957

Section 259.30.90. WORKFORCE DEVELOPMENT 93958

The Director of Development and the Director of Job and 93959
Family Services may enter into one or more interagency agreements 93960
between the two departments and take other actions the directors 93961
consider appropriate to further integrate workforce development 93962
into a larger economic development strategy, to implement the 93963
recommendations of the Workforce Policy Board, and to complete 93964
activities related to the transition of the administration of 93965
employment programs identified by the board. Subject to the 93966
approval of the Director of Budget and Management, the Department 93967
of Development and the Department of Job and Family Services may 93968

expend moneys to support the recommendations of the Workforce 93969
Policy Board in the area of integration of employment functions as 93970
described in this paragraph and to complete implementation and 93971
transition activities from the appropriations to those 93972
departments. 93973

Section 261.10. OBD OHIO BOARD OF DIETETICS 93974

General Services Fund Group 93975
4K90 860609 Operating Expenses \$ 311,067 \$ 311,067 93976
TOTAL GSF General Services Fund 93977
Group \$ 311,067 \$ 311,067 93978
TOTAL ALL BUDGET FUND GROUPS \$ 311,067 \$ 311,067 93979

Section 265.10. EDU DEPARTMENT OF EDUCATION 93981

General Revenue Fund 93982
GRF 200100 Personal Services \$ 11,228,147 \$ 11,228,147 93983
GRF 200320 Maintenance and \$ 3,495,350 \$ 3,495,350 93984
Equipment
GRF 200408 Early Childhood \$ 23,268,341 \$ 23,268,341 93985
Education
GRF 200410 Educator Training \$ 7,810,500 \$ 7,010,500 93986
GRF 200416 Career-Technical \$ 2,233,195 \$ 2,233,195 93987
Education Match
GRF 200420 Computer/Application/ \$ 4,930,871 \$ 4,930,871 93988
Network Development
GRF 200421 Alternative Education \$ 10,015,885 \$ 10,015,885 93989
Programs
GRF 200422 School Management \$ 4,660,572 \$ 4,660,572 93990
Assistance
GRF 200424 Policy Analysis \$ 456,687 \$ 456,687 93991
GRF 200425 Tech Prep Consortia \$ 1,594,373 \$ 1,594,373 93992
Support

GRF 200426	Ohio Educational Computer Network	\$ 25,761,025	\$ 25,761,025	93993
GRF 200427	Academic Standards	\$ 5,789,861	\$ 5,789,861	93994
GRF 200431	School Improvement Initiatives	\$ 14,259,997	\$ 14,259,997	93995
GRF 200437	Student Assessment	\$ 70,909,814	\$ 70,909,814	93996
GRF 200439	Accountability/Report Cards	\$ 6,828,650	\$ 6,828,650	93997
GRF 200442	Child Care Licensing	\$ 1,109,435	\$ 1,109,435	93998
GRF 200446	Education Management Information System	\$ 15,188,924	\$ 15,188,924	93999
GRF 200447	GED Testing	\$ 1,250,353	\$ 1,250,353	94000
GRF 200448	Educator Preparation	\$ 2,030,000	\$ 2,030,000	94001
GRF 200455	Community Schools	\$ 1,533,661	\$ 1,533,661	94002
GRF 200457	STEM Initiatives	\$ 6,100,000	\$ 6,100,000	94003
GRF 200458	School Employees Health Care Board	\$ 800,000	\$ 800,000	94004
GRF 200502	Pupil Transportation	\$ 428,212,970	\$ 428,212,970	94005
GRF 200503	Bus Purchase Allowance	\$ 3,425,000	\$ 3,425,000	94006
GRF 200505	School Lunch Match	\$ 11,798,025	\$ 11,798,025	94007
GRF 200511	Auxiliary Services	\$ 132,740,457	\$ 132,740,457	94008
GRF 200521	Gifted Pupil Program	\$ 47,336,763	\$ 47,336,763	94009
GRF 200532	Nonpublic Administrative Cost Reimbursement	\$ 59,810,517	\$ 59,810,517	94010
GRF 200540	Special Education Enhancements	\$ 139,719,648	\$ 142,292,936	94011
GRF 200545	Career-Technical Education Enhancements	\$ 8,052,662	\$ 8,102,699	94012
GRF 200550	Foundation Funding	\$ 5,430,568,100	\$ 5,405,671,145	94013
GRF 200551	Foundation Funding - Federal Stimulus	\$ 387,583,913	\$ 457,449,362	94014
GRF 200578	Violence Prevention	\$ 1,384,924	\$ 1,384,924	94015

		and School Safety				
GRF 200901	Property Tax		\$ 1,008,262,363	\$ 1,020,655,157	94016	
	Allocation - Education					
TOTAL GRF	General Revenue Fund		\$ 7,880,150,983	\$ 7,939,335,596	94017	
	General Services Fund Group				94018	
1380 200606	Computer		\$ 7,600,091	\$ 7,600,091	94019	
	Services-Operational					
	Support					
4520 200638	Miscellaneous		\$ 275,000	\$ 275,000	94020	
	Educational Services					
4L20 200681	Teacher Certification		\$ 8,013,206	\$ 8,147,756	94021	
	and Licensure					
5960 200656	Ohio Career		\$ 529,761	\$ 529,761	94022	
	Information System					
5H30 200687	School District		\$ 18,000,000	\$ 18,000,000	94023	
	Solvency Assistance					
TOTAL GSF	General Services				94024	
	Fund Group		\$ 34,418,058	\$ 34,552,608	94025	
	Federal Special Revenue Fund Group				94026	
3090 200601	Educationally		\$ 8,405,512	\$ 8,405,512	94027	
	Disadvantaged					
	Programs					
3670 200607	School Food Services		\$ 6,324,707	\$ 6,577,695	94028	
3680 200614	Veterans' Training		\$ 778,349	\$ 793,846	94029	
3690 200616	Career-Technical		\$ 5,000,000	\$ 5,000,000	94030	
	Education Federal					
	Enhancement					
3700 200624	Education of		\$ 2,664,000	\$ 2,755,000	94031	
	Exceptional Children					
3740 200647	Troops to Teachers		\$ 100,000	\$ 100,000	94032	
3780 200660	Learn and Serve		\$ 619,211	\$ 619,211	94033	
3AF0 200603	Schools Medicaid		\$ 639,000	\$ 639,000	94034	

		Administrative Claims				
3AN0	200671	School Improvement	\$	17,909,676	\$	17,936,675 94035
		Grants				
3AX0	200698	Improving Health and Educational Outcomes of Young People	\$	630,954	\$	630,954 94036
3BK0	200628	Longitudinal Data Systems	\$	100,000	\$	0 94037
3BV0	200636	Character Education	\$	700,000	\$	0 94038
3C50	200661	Early Childhood Education	\$	14,189,711	\$	14,554,749 94039
3CF0	200644	Foreign Language Assistance	\$	25,000	\$	0 94040
3CG0	200646	Teacher Incentive Fund	\$	3,007,975	\$	1,157,834 94041
3D10	200664	Drug Free Schools	\$	13,347,966	\$	13,347,966 94042
3D20	200667	Honors Scholarship Program	\$	6,990,000	\$	6,985,000 94043
3DJ0	200699	IDEA Part B - Federal Stimulus	\$	218,868,026	\$	218,868,026 94044
3DK0	200642	Title 1A - Federal Stimulus	\$	186,336,737	\$	186,336,737 94045
3DL0	200650	IDEA Preschool - Federal Stimulus	\$	6,679,679	\$	6,679,679 94046
3DM0	200651	Title IID Technology - Federal Stimulus	\$	11,951,000	\$	11,951,000 94047
3DP0	200652	Title I School Improvement - Federal Stimulus	\$	54,221,000	\$	54,221,000 94048
3H90	200605	Head Start Collaboration Project	\$	225,000	\$	225,000 94049
3L60	200617	Federal School Lunch	\$	295,421,000	\$	310,150,675 94050
3L70	200618	Federal School	\$	80,850,000	\$	84,892,500 94051

		Breakfast					
3L80	200619	Child/Adult Food	\$	89,250,000	\$	93,712,500	94052
		Programs					
3L90	200621	Career-Technical	\$	48,029,701	\$	48,029,701	94053
		Education Basic Grant					
3M00	200623	ESEA Title 1A	\$	530,000,000	\$	530,010,000	94054
3M10	200678	Innovative Education	\$	1,000,000	\$	0	94055
3M20	200680	Individuals with	\$	413,391,594	\$	421,241,163	94056
		Disabilities					
		Education Act					
3S20	200641	Education Technology	\$	9,487,397	\$	9,487,397	94057
3T40	200613	Public Charter	\$	14,275,618	\$	14,291,353	94058
		Schools					
3Y20	200688	21st Century	\$	36,000,000	\$	36,000,000	94059
		Community Learning					
		Centers					
3Y40	200632	Reading First	\$	27,366,373	\$	24,455,172	94060
3Y60	200635	Improving Teacher	\$	101,778,397	\$	101,778,400	94061
		Quality					
3Y70	200689	English Language	\$	8,142,299	\$	8,142,299	94062
		Acquisition					
3Y80	200639	Rural and Low Income	\$	1,500,000	\$	1,500,000	94063
		Technical Assistance					
3Z20	200690	State Assessments	\$	12,923,799	\$	12,923,799	94064
3Z30	200645	Consolidated Federal	\$	8,499,279	\$	8,499,280	94065
		Grant Administration					
3Z70	200697	General Supervisory	\$	887,319	\$	0	94066
		Enhancement Grant					
TOTAL FED		Federal Special					94067
Revenue Fund Group			\$	2,238,516,279	\$	2,262,899,123	94068
State Special Revenue Fund Group							94069
4540	200610	Guidance and Testing	\$	450,000	\$	450,000	94070
4550	200608	Commodity Foods	\$	24,000,000	\$	24,000,000	94071

4R70	200695	Indirect Operational Support	\$	6,050,000	\$	6,250,000	94072
4V70	200633	Interagency Operational Support	\$	1,111,838	\$	1,117,725	94073
5980	200659	Auxiliary Services Reimbursement	\$	1,328,910	\$	1,328,910	94074
5BB0	200696	State Action for Education Leadership	\$	1,250,000	\$	600,000	94075
5BJ0	200626	Half-Mill Maintenance Equalization	\$	16,100,000	\$	16,600,000	94076
5U20	200685	National Education Statistics	\$	300,000	\$	300,000	94077
5W20	200663	Early Learning Initiative	\$	2,200,000	\$	2,200,000	94078
5X90	200911	NGA STEM	\$	100,000	\$	0	94079
6200	200615	Educational Improvement Grants	\$	3,000,000	\$	3,000,000	94080
TOTAL SSR State Special Revenue							94081
Fund Group			\$	55,890,748	\$	55,846,635	94082
Lottery Profits Education Fund Group							94083
7017	200612	Foundation Funding	\$	705,000,000	\$	711,000,000	94084
TOTAL LPE Lottery Profits							94085
Education Fund Group			\$	705,000,000	\$	711,000,000	94086
Revenue Distribution Fund Group							94087
7047	200909	School District Property Tax Replacement-Business	\$	1,150,207,366	\$	1,150,207,366	94088
7053	200900	School District Property Tax Replacement-Utility	\$	91,123,523	\$	91,123,523	94089
TOTAL RDF Revenue Distribution							94090
Fund Group			\$	1,241,330,889	\$	1,241,330,889	94091

programs as defined in division (D) of this section. 94123

(3) "Eligible child" means a child who is at least three 94124
years of age as of the district entry date for kindergarten, is 94125
not of the age to be eligible for kindergarten, and whose family 94126
earns not more than two hundred per cent of the federal poverty 94127
guidelines as defined in division (A)(3) of section 5101.46 of the 94128
Revised Code. Children with an Individualized Education Program 94129
and where the Early Childhood Education program is the least 94130
restrictive environment may be enrolled on their third birthday. 94131

(B) In each fiscal year, up to two per cent of the total 94132
appropriation may be used by the Department for program support 94133
and technical assistance. The Department shall distribute the 94134
remainder of the appropriation in each fiscal year to serve 94135
eligible children. 94136

(C) The Department shall provide an annual report to the 94137
Governor, the Speaker of the House of Representatives, and the 94138
President of the Senate and post the report to the Department's 94139
web site, regarding early childhood education programs operated 94140
under this section and the early learning program guidelines. 94141

(D) After setting aside the amounts to make payments due from 94142
the previous fiscal year, in fiscal year 2010, the Department 94143
shall distribute funds first to recipients of funds for early 94144
childhood education programs under Section 269.10.20 of Am. Sub. 94145
H.B. 119 of the 127th General Assembly in the previous fiscal year 94146
and the balance to new eligible providers of early childhood 94147
education programs under this section or to existing providers to 94148
serve more eligible children or for purposes of program expansion, 94149
improvement, or special projects to promote quality and 94150
innovation. 94151

After setting aside the amounts to make payments due from the 94152
previous fiscal year, in fiscal year 2011, the Department shall 94153

distribute funds first to providers of early childhood education 94154
programs under this section in the previous fiscal year and the 94155
balance to new eligible providers or to existing providers to 94156
serve more eligible children or for purposes of program expansion, 94157
improvement, or special projects to promote quality and 94158
innovation. 94159

Awards under this section shall be distributed on a per-pupil 94160
basis, and in accordance with division (H) of this section. The 94161
Department may adjust the per-pupil amount so that the per-pupil 94162
amount multiplied by the number of eligible children enrolled and 94163
receiving services, as defined by the Department, reported on the 94164
first day of December or the first business day following that 94165
date equals the amount allocated under this section. 94166

(E) Costs for developing and administering an early childhood 94167
education program may not exceed fifteen per cent of the total 94168
approved costs of the program. 94169

All providers shall maintain such fiscal control and 94170
accounting procedures as may be necessary to ensure the 94171
disbursement of, and accounting for, these funds. The control of 94172
funds provided in this program, and title to property obtained 94173
therefrom, shall be under the authority of the approved provider 94174
for purposes provided in the program unless, as described in 94175
division (J) of this section, the program waives its right for 94176
funding or a program's funding is eliminated or reduced due to its 94177
inability to meet financial or early learning program guidelines. 94178
The approved provider shall administer and use such property and 94179
funds for the purposes specified. 94180

(F) The Department may examine a provider's financial and 94181
program records. If the financial practices of the program are not 94182
in accordance with standard accounting principles or do not meet 94183
financial standards outlined under division (E) of this section, 94184
or if the program fails to substantially meet the early learning 94185

program guidelines or exhibits below average performance as 94186
measured against the guidelines, the early childhood education 94187
program shall propose and implement a corrective action plan that 94188
has been approved by the Department. The approved corrective 94189
action plan shall be signed by the chief executive officer and the 94190
executive of the official governing body of the provider. The 94191
corrective action plan shall include a schedule for monitoring by 94192
the Department. Such monitoring may include monthly reports, 94193
inspections, a timeline for correction of deficiencies, and 94194
technical assistance to be provided by the Department or obtained 94195
by the early childhood education program. The Department may 94196
withhold funding pending corrective action. If an early childhood 94197
education program fails to satisfactorily complete a corrective 94198
action plan, the Department may deny expansion funding to the 94199
program or withdraw all or part of the funding to the program and 94200
establish a new eligible provider through a selection process 94201
established by the Department. 94202

(G) Each early childhood education program shall do all of 94203
the following: 94204

(1) Meet teacher qualification requirements prescribed by 94205
section 3301.311 of the Revised Code; 94206

(2) Align curriculum to the early learning content standards 94207
developed by the Department; 94208

(3) Meet any child or program assessment requirements 94209
prescribed by the Department; 94210

(4) Require teachers, except teachers enrolled and working to 94211
obtain a degree pursuant to section 3301.311 of the Revised Code, 94212
to attend a minimum of twenty hours every two years of 94213
professional development as prescribed by the Department; 94214

(5) Document and report child progress as prescribed by the 94215
Department; 94216

(6) Meet and report compliance with the early learning program guidelines as prescribed by the Department. 94217
94218

(H) Per-pupil funding for programs subject to this section shall be sufficient to provide eligible children with services for a standard early childhood schedule which shall be defined in this section as one-half of the statewide average length of the school day, as determined by the Department, for the minimum school year as defined in sections 3313.48, 3313.481, and 3313.482 of the Revised Code. Nothing in this section shall be construed to prohibit program providers from utilizing other funds to serve eligible children in programs that exceed the statewide average length of the school day or that exceed the minimum school year. For any provider for which a standard early childhood education does not meet the local need or creates a hardship, the provider may submit a waiver to the Department requesting an alternate schedule. If the Department approves a waiver for an alternate schedule that provides services for less time than the standard early childhood education schedule, the Department shall reduce the provider's annual allocation proportionately. Under no circumstances shall an annual allocation be increased because of the approval of an alternate schedule. 94219
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(I) Each provider shall develop a sliding fee scale based on family incomes and shall charge families who earn more than two hundred per cent of the federal poverty guidelines, as defined in division (A)(3) of section 5101.46 of the Revised Code, for the early childhood education program. 94238
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(J) If an early childhood education program voluntarily waives its right for funding, or has its funding eliminated for not meeting financial standards or the early learning program guidelines, the provider shall transfer control of title to property, equipment, and remaining supplies obtained through the program to providers designated by the Department and return any 94243
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unexpended funds to the Department along with any reports 94249
prescribed by the Department. The funding made available from a 94250
program that waives its right for funding or has its funding 94251
eliminated or reduced may be used by the Department for new grant 94252
awards or expansion grants. The Department may award new grants or 94253
expansion grants to eligible providers who apply. The eligible 94254
providers who apply must do so in accordance with the selection 94255
process established by the Department. 94256

(K) As used in this section, "early learning program 94257
guidelines" means the guidelines established by the Department 94258
pursuant to division (C)(3) of Section 206.09.54 of Am. Sub. H.B. 94259
66 of the 126th General Assembly. 94260

Section 265.10.23. EARLY CHILDHOOD CABINET 94261

The Governor shall appoint to the entity in the Office of the 94262
Governor known as the Early Childhood Cabinet a representative of 94263
a board of health of a city or general health district or an 94264
authority having the duties of a board of health under section 94265
3709.05 of the Revised Code. The Governor shall make the 94266
appointment not later than six months after the effective date of 94267
this section. 94268

Section 265.10.25. EDUCATOR TRAINING 94269

The foregoing appropriation item 200410, Educator Training, 94270
shall be used by the Department of Education to provide grants to 94271
pay \$2,225 of the application fee in order to assist teachers from 94272
public and chartered nonpublic schools applying for the first time 94273
to the National Board for Professional Teaching Standards for 94274
professional teaching certificates or licenses that the board 94275
offers. These moneys shall be used to pay up to the first 400 94276
applications in each fiscal year received by the Department. This 94277
set aside shall also be used to recognize and reward teachers who 94278

become certified by the National Board for Professional Teaching 94279
Standards under section 3319.55 of the Revised Code. Up to 94280
\$300,000 in each fiscal year may be used by the Department to pay 94281
for costs associated with activities to support candidates through 94282
the application and certification process. 94283
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Section 265.10.30. CAREER-TECHNICAL EDUCATION MATCH 94285

The foregoing appropriation item 200416, Career-Technical 94286
Education Match, shall be used by the Department of Education to 94287
provide vocational administration matching funds under 20 U.S.C. 94288
2311. 94289

COMPUTER/APPLICATION/NETWORK DEVELOPMENT 94290

The foregoing appropriation item 200420, 94291
Computer/Application/Network Development, shall be used to support 94292
the development and implementation of information technology 94293
solutions designed to improve the performance and services of the 94294
Department of Education. Funds may be used for personnel, 94295
maintenance, and equipment costs related to the development and 94296
implementation of these technical system projects. Implementation 94297
of these systems shall allow the Department to provide greater 94298
levels of assistance to school districts and to provide more 94299
timely information to the public, including school districts, 94300
administrators, and legislators. Funds may also be used to support 94301
data-driven decision-making and differentiated instruction, as 94302
well as to communicate academic content standards and curriculum 94303
models to schools through web-based applications. 94304

Section 265.10.40. ALTERNATIVE EDUCATION PROGRAMS 94305

The foregoing appropriation item 200421, Alternative 94306
Education Programs, shall be used for the renewal of successful 94307
implementation grants and for competitive matching grants to the 94308

21 urban school districts as defined in division (O) of section 94309
3317.02 of the Revised Code as it existed prior to July 1, 1998, 94310
and for the renewal of successful implementation grants and for 94311
competitive matching grants to rural and suburban school districts 94312
for alternative educational programs for existing and new at-risk 94313
and delinquent youth. Programs shall be focused on youth in one or 94314
more of the following categories: those who have been expelled or 94315
suspended, those who have dropped out of school or who are at risk 94316
of dropping out of school, those who are habitually truant or 94317
disruptive, or those on probation or on parole from a Department 94318
of Youth Services facility. Grants shall be awarded according to 94319
the criteria established by the Alternative Education Advisory 94320
Council in 1999. Grants shall be awarded only to programs in which 94321
the grant will not serve as the program's primary source of 94322
funding. These grants shall be administered by the Department of 94323
Education. 94324

The Department of Education may waive compliance with any 94325
minimum education standard established under section 3301.07 of 94326
the Revised Code for any alternative school that receives a grant 94327
under this section on the grounds that the waiver will enable the 94328
program to more effectively educate students enrolled in the 94329
alternative school. 94330

Of the foregoing appropriation item 200421, Alternative 94331
Education Programs, a portion may be used for program 94332
administration, monitoring, technical assistance, support, 94333
research, and evaluation. 94334

Section 265.10.50. SCHOOL MANAGEMENT ASSISTANCE 94335

Of the foregoing appropriation item 200422, School Management 94336
Assistance, up to \$2,000,000 in each fiscal year shall be used by 94337
the Auditor of State in consultation with the Department of 94338
Education for expenses incurred in the Auditor of State's role 94339

relating to fiscal caution, fiscal watch, and fiscal emergency 94340
activities as defined in Chapter 3316. of the Revised Code and may 94341
also be used by the Auditor of State to conduct performance audits 94342
of other school districts with priority given to districts in 94343
fiscal distress. Districts in fiscal distress shall be determined 94344
by the Auditor of State and shall include districts that the 94345
Auditor of State, in consultation with the Department of Education 94346
determines are employing fiscal practices or experiencing 94347
budgetary conditions that could produce a state of fiscal watch or 94348
fiscal emergency. 94349

The remainder of foregoing appropriation item 200422, School 94350
Management Assistance, shall be used by the Department of 94351
Education to provide fiscal technical assistance and inservice 94352
education for school district management personnel and to 94353
administer, monitor, and implement the fiscal caution, fiscal 94354
watch, and fiscal emergency provisions under Chapter 3316. of the 94355
Revised Code. 94356

Section 265.10.60. POLICY ANALYSIS 94357

The foregoing appropriation item 200424, Policy Analysis, 94358
shall be used by the Department of Education to support a system 94359
of administrative, statistical, and legislative education 94360
information to be used for policy analysis. Staff supported by 94361
this appropriation shall administer the development of reports, 94362
analyses, and briefings to inform education policymakers of 94363
current trends in education practice, efficient and effective use 94364
of resources, and evaluation of programs to improve education 94365
results. The database shall be kept current at all times. These 94366
research efforts shall be used to supply information and analysis 94367
of data to the General Assembly and other state policymakers, 94368
including the Office of Budget and Management and the Legislative 94369
Service Commission. 94370

The Department of Education may use funding from this 94371
appropriation item to purchase or contract for the development of 94372
software systems or contract for policy studies that will assist 94373
in the provision and analysis of policy-related information. 94374
Funding from this appropriation item also may be used to monitor 94375
and enhance quality assurance for research-based policy analysis 94376
and program evaluation to enhance the effective use of education 94377
information to inform education policymakers. 94378

TECH PREP CONSORTIA SUPPORT 94379

The foregoing appropriation item 200425, Tech Prep Consortia 94380
Support, shall be used by the Department of Education to support 94381
state-level activities designed to support, promote, and expand 94382
tech prep programs. Use of these funds shall include, but not be 94383
limited to, administration of grants, program evaluation, 94384
professional development, curriculum development, assessment 94385
development, program promotion, communications, and statewide 94386
coordination of tech prep consortia. 94387

Section 265.10.70. OHIO EDUCATIONAL COMPUTER NETWORK 94388

The foregoing appropriation item 200426, Ohio Educational 94389
Computer Network, shall be used by the Department of Education to 94390
maintain a system of information technology throughout Ohio and to 94391
provide technical assistance for such a system in support of the 94392
P-16 State Education Technology Plan under section 3301.07 of the 94393
Revised Code developed in conjunction with the Chancellor of the 94394
Board of Regents. 94395

Of the foregoing appropriation item 200426, Ohio Educational 94396
Computer Network, up to \$14,949,498 in each fiscal year shall be 94397
used by the Department of Education to support connection of all 94398
public school buildings and participating chartered nonpublic 94399
schools to the state's education network, to each other, and to 94400
the Internet. In each fiscal year the Department of Education 94401

shall use these funds to assist information technology centers or 94402
school districts with the operational costs associated with this 94403
connectivity. The Department of Education shall develop a formula 94404
and guidelines for the distribution of these funds to information 94405
technology centers or individual school districts. As used in this 94406
section, "public school building" means a school building of any 94407
city, local, exempted village, or joint vocational school 94408
district, any community school established under Chapter 3314. of 94409
the Revised Code, any educational service center building used for 94410
instructional purposes, the Ohio School for the Deaf and the Ohio 94411
School for the Blind, or high schools chartered by the Ohio 94412
Department of Youth Services and high schools operated by Ohio 94413
Department of Rehabilitation and Corrections' Ohio Central School 94414
System. 94415

Of the foregoing appropriation item 200426, Ohio Educational 94416
Computer Network, up to \$2,038,657 in each fiscal year shall be 94417
used for the Union Catalog and InfOhio Network and to support the 94418
provision of electronic resources with priority given to resources 94419
that support the teaching of state academic content standards in 94420
all public schools. Consideration shall be given by the Department 94421
of Education to coordinating the allocation of these moneys with 94422
the efforts of Libraries Connect Ohio, whose members include 94423
OhioLINK, the Ohio Public Information Network, and the State 94424
Library of Ohio. 94425

Of the foregoing appropriation item 200426, Ohio Educational 94426
Computer Network, up to \$7,442,391 in each fiscal year shall be 94427
used, through a formula and guidelines devised by the Department, 94428
to subsidize the activities of designated information technology 94429
centers, as defined by State Board of Education rules, to provide 94430
school districts and chartered nonpublic schools with 94431
computer-based student and teacher instructional and 94432
administrative information services, including approved 94433

computerized financial accounting, and to ensure the effective 94434
operation of local automated administrative and instructional 94435
systems. 94436

The remainder of appropriation item 200426, Ohio Educational 94437
Computer Network, shall be used to support development, 94438
maintenance, and operation of a network of uniform and compatible 94439
computer-based information and instructional systems. This 94440
technical assistance shall include, but not be restricted to, 94441
development and maintenance of adequate computer software systems 94442
to support network activities. In order to improve the efficiency 94443
of network activities, the Department and information technology 94444
centers may jointly purchase equipment, materials, and services 94445
from funds provided under this appropriation for use by the 94446
network and, when considered practical by the Department, may 94447
utilize the services of appropriate state purchasing agencies. 94448

Section 265.10.80. ACADEMIC STANDARDS 94449

The foregoing appropriation item 200427, Academic Standards, 94450
shall be used by the Department of Education to develop, revise, 94451
and communicate to school districts academic content standards and 94452
curriculum models. 94453

Section 265.10.90. SCHOOL IMPROVEMENT INITIATIVES 94454

Of the foregoing appropriation item 200431, School 94455
Improvement Initiatives, up to \$410,990 in each fiscal year shall 94456
be used by the Department of Education to support educational 94457
media centers to provide Ohio public schools with instructional 94458
resources and services, with priority given to resources and 94459
services aligned with state academic content standards. 94460

Of the foregoing appropriation item 200431, School 94461
Improvement Initiatives, up to \$9,349,007 in each fiscal year 94462
shall be used to support districts in the development and 94463

implementation of their continuous improvement plans as required 94464
in section 3302.04 of the Revised Code and to provide technical 94465
assistance and support in accordance with Title I of the "No Child 94466
Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6317. 94467

Of the foregoing appropriation item 200431, School 94468
Improvement Initiatives, up to \$3,500,000 in each fiscal year 94469
shall be used to support existing early college high schools, 94470
which are small, autonomous schools that blend high school and 94471
college into a coherent educational program for those not 94472
traditionally college-bound. The funds for early college high 94473
schools shall be distributed according to guidelines established 94474
by the Department of Education and the Chancellor of the Board of 94475
Regents. 94476

Section 265.20.10. STUDENT ASSESSMENT 94477

Of the foregoing appropriation item 200437, Student 94478
Assessment, up to \$212,486 in each fiscal year may be used to 94479
support the assessments required under section 3301.0715 of the 94480
Revised Code. 94481

The remainder of appropriation item 200437, Student 94482
Assessment, shall be used to develop, field test, print, 94483
distribute, score, report results, and support other associated 94484
costs for the tests required under sections 3301.0710 and 94485
3301.0711 of the Revised Code and for similar purposes as required 94486
by section 3301.27 of the Revised Code. If funds remain in this 94487
appropriation after these purposes have been fulfilled, the 94488
Department may use the remainder of the appropriation to develop 94489
end-of-course exams. 94490

Section 265.20.20. ACCOUNTABILITY/REPORT CARDS 94491

Of the foregoing appropriation item 200439, 94492
Accountability/Report Cards, up to \$2,378,976 in each fiscal year 94493

shall be used to train district and regional specialists and 94494
district educators in the use of the value-added progress 94495
dimension and in the use of data as it relates to improving 94496
student achievement. This funding shall be used in consultation 94497
with a credible nonprofit organization with expertise in 94498
value-added progress dimensions. 94499

The remainder of appropriation item 200439, 94500
Accountability/Report Cards, shall be used by the Department to 94501
incorporate a statewide pilot value-added progress dimension into 94502
performance ratings for school districts and for the development 94503
of an accountability system that includes the preparation and 94504
distribution of school report cards and funding and expenditure 94505
accountability reports under sections 3302.03 and 3302.031 of the 94506
Revised Code. 94507

CHILD CARE LICENSING 94508

The foregoing appropriation item 200442, Child Care 94509
Licensing, shall be used by the Department of Education to license 94510
and to inspect preschool and school-age child care programs under 94511
sections 3301.52 to 3301.59 of the Revised Code. 94512

Section 265.20.30. EDUCATION MANAGEMENT INFORMATION SYSTEM 94513

The foregoing appropriation item 200446, Education Management 94514
Information System, shall be used by the Department of Education 94515
to improve the Education Management Information System (EMIS). 94516

Of the foregoing appropriation item 200446, Education 94517
Management Information System, up to \$1,276,761 in each fiscal 94518
year shall be distributed to designated information technology 94519
centers for costs relating to processing, storing, and 94520
transferring data for the effective operation of the EMIS. These 94521
costs may include, but are not limited to, personnel, hardware, 94522
software development, communications connectivity, professional 94523

development, and support services, and to provide services to 94524
participate in the State Education Technology Plan pursuant to 94525
section 3301.07 of the Revised Code. 94526

Of the foregoing appropriation item 200446, Education 94527
Management Information System, up to \$7,874,541 in each fiscal 94528
year shall be distributed on a per-pupil basis to school 94529
districts, community schools established under Chapter 3314. of 94530
the Revised Code, educational service centers, joint vocational 94531
school districts, and any other education entity that reports data 94532
through EMIS. From this funding, each school district or community 94533
school established under Chapter 3314. of the Revised Code with 94534
enrollment greater than 100 students and each vocational school 94535
district shall receive a minimum of \$5,000 in each fiscal year. 94536
Each school district or community school established under Chapter 94537
3314. of the Revised Code with enrollment between one and one 94538
hundred and each educational service center and each county board 94539
of MR/DD that submits data through EMIS shall receive \$3,000 in 94540
each fiscal year. This subsidy shall be used for costs relating to 94541
reporting, processing, storing, transferring, and exchanging data 94542
necessary to meet requirements of the Department of Education's 94543
data system. 94544

The remainder of appropriation item 200446, Education 94545
Management Information System, shall be used to develop and 94546
support a common core of data definitions and standards as adopted 94547
by the Education Management Information System Advisory Board, 94548
including the ongoing development and maintenance of the data 94549
dictionary and data warehouse. In addition, such funds shall be 94550
used to support the development and implementation of data 94551
standards and the design, development, and implementation of a new 94552
data exchange system. 94553

Any provider of software meeting the standards approved by 94554
the Education Management Information System Advisory Board shall 94555

be designated as an approved vendor and may enter into contracts 94556
with local school districts, community schools, information 94557
technology centers, or other educational entities for the purpose 94558
of collecting and managing data required under Ohio's education 94559
management information system (EMIS) laws. On an annual basis, the 94560
Department of Education shall convene an advisory group of school 94561
districts, community schools, and other education-related entities 94562
to review the Education Management Information System data 94563
definitions and data format standards. The advisory group shall 94564
recommend changes and enhancements based upon surveys of its 94565
members, education agencies in other states, and current industry 94566
practices, to reflect best practices, align with federal 94567
initiatives, and meet the needs of school districts. 94568

School districts and community schools not implementing a 94569
common and uniform set of data definitions and data format 94570
standards for Education Management Information System purposes 94571
shall have all EMIS funding withheld until they are in compliance. 94572

Section 265.20.40. GED TESTING 94573

The foregoing appropriation item 200447, GED Testing, shall 94574
be used to provide General Educational Development (GED) testing 94575
at no cost to applicants, under rules adopted by the State Board 94576
of Education. The Department of Education may reimburse in fiscal 94577
year 2010 school districts and community schools, created under 94578
Chapter 3314. of the Revised Code, for a portion of the costs 94579
incurred in providing summer instructional or intervention 94580
services to students who have not graduated because of their 94581
inability to pass one or more parts of the state's Ohio Graduation 94582
Test. School districts shall also provide such services to 94583
students who are residents of the district under section 3313.64 94584
of the Revised Code, but who are enrolled in chartered, nonpublic 94585
schools. The services shall be provided in the public school, in 94586

nonpublic schools, in public centers, or in mobile units located 94587
on or off the nonpublic school premises. No school district shall 94588
provide summer instructional or intervention services to nonpublic 94589
school students as authorized by this section unless such services 94590
are available to students attending the public schools within the 94591
district. No school district shall provide services for use in 94592
religious courses, devotional exercises, religious training, or 94593
any other religious activity. Chartered, nonpublic schools shall 94594
pay for any unreimbursed costs incurred by school districts for 94595
providing summer instruction or intervention services to students 94596
enrolled in chartered, nonpublic schools. School districts may 94597
provide these services to students directly or contract with 94598
postsecondary or nonprofit community-based institutions in 94599
providing instruction. 94600

Section 265.20.50. EDUCATOR PREPARATION 94601

Of the foregoing appropriation item 200448, Educator 94602
Preparation, up to \$350,000 in each fiscal year shall be used for 94603
training and professional development of school administrators, 94604
school treasurers, and school business officials. 94605

The remainder of appropriation item 200448, Educator 94606
Preparation, may be used by the Department to support the Educator 94607
Standards Board under section 3319.61 of the Revised Code as it 94608
develops and recommends to the State Board of Education standards 94609
for educator training and standards for teacher and other school 94610
leadership positions. Also, any remaining funds may be used by the 94611
Department to develop alternative preparation programs for school 94612
leaders and coordination of a career ladder for teachers. 94613

Section 265.20.60. COMMUNITY SCHOOLS 94614

Of the foregoing appropriation item 200455, Community 94615
Schools, up to \$1,308,661 in each fiscal year may be used by the 94616

Department of Education for additional services and 94617
responsibilities under section 3314.11 of the Revised Code. 94618

Of the foregoing appropriation item 200455, Community 94619
Schools, up to \$225,000 in each fiscal year may be used by the 94620
Department of Education for developing and conducting training 94621
sessions for community schools and sponsors and prospective 94622
sponsors of community schools as prescribed in division (A)(1) of 94623
section 3314.015 of the Revised Code. In developing the training 94624
sessions, the Department shall collect and disseminate examples of 94625
best practices used by sponsors of independent charter schools in 94626
Ohio and other states. 94627

STEM INITIATIVES 94628

The foregoing appropriation item 200457, STEM Initiatives, 94629
shall be used to enhance STEM teacher preparation, professional 94630
development, and innovative STEM curricular approaches through the 94631
use of professional practice on-site laboratories, 94632
teacher-in-residence programs, master teacher and apprentice 94633
models, and STEM teaching fellowships that are connected to and 94634
leveraged against Ohio's portfolio of STEM education initiatives 94635
including STEM schools, STEM Programs of Excellence, and STEM 94636
Centers. Funds shall be allocated and distributed through a 94637
competitive process by an independent review panel established and 94638
managed by the Ohio STEM Learning Network, formed as a 94639
public-private entity and overseen by an Ohio-based nonprofit 94640
enterprise under section 3326.06 of the Revised Code. The Ohio 94641
STEM Learning Network shall work in collaboration with the 94642
Chancellor of the Board of Regents, the Superintendent of Public 94643
Instruction, and the Director of Development throughout the 94644
process. 94645

Of the foregoing appropriation item 200457, STEM Initiatives, 94646
up to \$3,000,000 in each fiscal year shall be provided as grants 94647
to STEM schools. 94648

Of the foregoing appropriation item 200457, STEM Initiatives, 94649
up to \$3,000,000 in each fiscal year shall be used to support STEM 94650
Programs of Excellence. 94651

SCHOOL EMPLOYEES HEALTH CARE BOARD 94652

The foregoing appropriation item 200458, School Employees 94653
Health Care Board, shall be used by the School Employees Health 94654
Care Board to hire staff to provide administrative support to the 94655
Board as the Board carries out its duties under section 9.901 of 94656
the Revised Code. 94657

Section 265.20.70. PUPIL TRANSPORTATION 94658

Of the foregoing appropriation item 200502, Pupil 94659
Transportation, up to \$838,930 in each fiscal year may be used by 94660
the Department of Education for training prospective and 94661
experienced school bus drivers in accordance with training 94662
programs prescribed by the Department. Up to \$60,469,220 in each 94663
fiscal year may be used by the Department of Education for special 94664
education transportation reimbursements to school districts and 94665
county MR/DD boards for transportation operating costs as provided 94666
in division (J) of section 3317.024 of the Revised Code. 94667

The remainder of appropriation item 200502, Pupil 94669
Transportation, shall be used to fund the transportation payments 94670
included in the state funding base calculated under division (A) 94671
of the Section of this act entitled "FUNDING FOR CITY, EXEMPTED 94672
VILLAGE, AND LOCAL SCHOOL DISTRICTS." 94673

Section 265.20.80. BUS PURCHASE ALLOWANCE 94674

The foregoing appropriation item 200503, Bus Purchase 94675
Allowance, shall be distributed to school districts, educational 94676
service centers, and county MR/DD boards pursuant to rules adopted 94677
under section 3317.07 of the Revised Code. Up to 28 per cent of 94678

the amount appropriated may be used to reimburse school districts 94679
and educational service centers for the purchase of buses to 94680
transport students with disabilities and nonpublic school students 94681
and to county MR/DD boards, the Ohio School for the Deaf, and the 94682
Ohio School for the Blind for the purchase of buses to transport 94683
students with disabilities. 94684

SCHOOL LUNCH MATCH 94685

The foregoing appropriation item 200505, School Lunch Match, 94686
shall be used to provide matching funds to obtain federal funds 94687
for the school lunch program. 94688

Any remaining appropriation after providing matching funds 94689
for the school lunch program shall be used to partially reimburse 94690
school buildings within school districts that are required to have 94691
a school breakfast program under section 3313.813 of the Revised 94692
Code, at a rate decided by the Department. 94693

Section 265.20.90. AUXILIARY SERVICES 94694

The foregoing appropriation item 200511, Auxiliary Services, 94695
shall be used by the Department of Education for the purpose of 94696
implementing section 3317.06 of the Revised Code. Of the 94697
appropriation, up to \$2,121,800 in each fiscal year may be used 94698
for payment of the Post-Secondary Enrollment Options Program for 94699
nonpublic students. Notwithstanding section 3365.10 of the Revised 94700
Code, the Department shall distribute funding according to rules 94701
adopted by the Department in accordance with Chapter 119. of the 94702
Revised Code. 94703

GIFTED PUPIL PROGRAM 94704

Of the foregoing appropriation item 200521, Gifted Pupil 94705
Program, up to \$4,794,470 in each fiscal year may be used as an 94706
additional supplement for identifying gifted students under 94707
Chapter 3324. of the Revised Code. 94708

Of the foregoing appropriation item 200521, Gifted Pupil 94709
Program, up to \$1,026,017 in each fiscal year shall be used by the 94710
Department of Education to fund the Summer Honors Institute, 94711
including funding for the Martin Essex Program, which shall be 94712
awarded through a request for proposals process. 94713

Of the foregoing appropriation item 200521, Gifted Pupil 94714
Program, up to \$8,100,000 in each fiscal year shall be used to 94715
fund the gifted education units that were awarded to educational 94716
service centers in fiscal year 2009 and approved under section 94717
3317.05 of the Revised Code for fiscal year 2010 and fiscal year 94718
2011, respectively. In fiscal year 2010 and fiscal year 2011, 94719
funding for each unit shall be equal to the funding provided in 94720
fiscal year 2009. 94721

The remainder of the foregoing appropriation item 200521, 94722
Gifted Pupil Program, shall be used to fund the gifted education 94723
units included in the state funding base calculated under division 94724
(A) of the Section of this act entitled "FUNDING FOR CITY, 94725
EXEMPTED VILLAGE, AND LOCAL SCHOOL DISTRICTS." 94726

Section 265.30.10. NONPUBLIC ADMINISTRATIVE COST 94727
REIMBURSEMENT 94728

The foregoing appropriation item 200532, Nonpublic 94729
Administrative Cost Reimbursement, shall be used by the Department 94730
of Education for the purpose of implementing section 3317.063 of 94731
the Revised Code. 94732

Section 265.30.20. SPECIAL EDUCATION ENHANCEMENTS 94733

Of the foregoing appropriation item 200540, Special Education 94734
Enhancements, up to \$2,906,875 in each fiscal year shall be used 94735
for home instruction for children with disabilities. 94736

Of the foregoing appropriation item 200540, Special Education 94737
Enhancements, up to \$47,518,582 in fiscal year 2010 and up to 94738

\$48,421,435 in fiscal year 2011 shall be used to fund special 94739
education and related services at county boards of mental 94740
retardation and developmental disabilities for eligible students 94741
under section 3317.20 of the Revised Code and at institutions for 94742
eligible students under section 3317.201 of the Revised Code. 94743
Notwithstanding the distribution formulas under sections 3317.20 94744
and 3317.201 of the Revised Code, funding for MR/DD boards and 94745
institutions in fiscal year 2010 and fiscal year 2011 shall be 94746
determined by inflating the per pupil amount received by each 94747
MR/DD board and institution in the prior fiscal year by 1.9 per 94748
cent and providing that inflated per pupil amount for each student 94749
served in the current fiscal year. 94750

Of the foregoing appropriation item 200540, Special Education 94751
Enhancements, up to \$1,500,000 in each fiscal year shall be used 94752
for parent mentoring programs. 94753

Of the foregoing appropriation item 200540, Special Education 94754
Enhancements, up to \$2,783,396 in each fiscal year shall be used 94755
for school psychology interns. 94756

The remainder of appropriation item 200540, Special Education 94757
Enhancements, shall be distributed by the Department of Education 94758
to county boards of mental retardation and developmental 94759
disabilities, educational service centers, and school districts 94760
for preschool special education units and preschool supervisory 94761
units under section 3317.052 of the Revised Code. To the greatest 94762
extent possible, the Department of Education shall allocate these 94763
units to school districts and educational service centers. 94764

The Department may reimburse county MR/DD boards, educational 94765
service centers, and school districts for services provided by 94766
instructional assistants, related services as defined in rule 94767
3301-51-11 of the Administrative Code, physical therapy services 94768
provided by a licensed physical therapist or physical therapist 94769
assistant under the supervision of a licensed physical therapist 94770

as required under Chapter 4755. of the Revised Code and Chapter 94771
4755-27 of the Administrative Code and occupational therapy 94772
services provided by a licensed occupational therapist or 94773
occupational therapy assistant under the supervision of a licensed 94774
occupational therapist as required under Chapter 4755. of the 94775
Revised Code and Chapter 4755-7 of the Administrative Code. 94776
Nothing in this section authorizes occupational therapy assistants 94777
or physical therapist assistants to generate or manage their own 94778
caseloads. 94779

The Department of Education shall require school districts, 94780
educational service centers, and county MR/DD boards serving 94781
preschool children with disabilities to document child progress 94782
using research-based indicators prescribed by the Department and 94783
report results annually. The reporting dates and method shall be 94784
determined by the Department. 94785

Section 265.30.30. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 94786

Of the foregoing appropriation item 200545, Career-Technical 94787
Education Enhancements, up to \$2,633,531 in fiscal year 2010 and 94788
up to \$2,683,568 in fiscal year 2011 shall be used to fund 94789
secondary career-technical education at institutions. 94790

Of the foregoing appropriation item 200545, Career-Technical 94791
Education Enhancements, up to \$2,228,281 in each fiscal year shall 94792
be used by the Department of Education to fund competitive grants 94793
to tech prep consortia that expand the number of students enrolled 94794
in tech prep programs. These grant funds shall be used to directly 94795
support expanded tech prep programs provided to students enrolled 94796
in school districts, including joint vocational school districts, 94797
and affiliated higher education institutions. This support may 94798
include the purchase of equipment. 94799

Of the foregoing appropriation item 200545, Career-Technical 94800
Education Enhancements, up to \$2,890,850 in each fiscal year shall 94801

be used by the Department of Education to support existing High 94802
Schools That Work (HSTW) sites, develop and support new sites, 94803
fund technical assistance, and support regional centers and middle 94804
school programs. The purpose of HSTW is to combine challenging 94805
academic courses and modern career-technical studies to raise the 94806
academic achievement of students. HSTW provides intensive 94807
technical assistance, focused staff development, targeted 94808
assessment services, and ongoing communications and networking 94809
opportunities. 94810

Of the foregoing appropriation item 200545, Career-Technical 94811
Education Enhancements, up to \$300,000 in each fiscal year shall 94812
be used by the Department of Education to enable students in 94813
agricultural programs to enroll in a fifth quarter of instruction 94814
based on the agricultural education model of delivering work-based 94815
learning through supervised agricultural experience. The 94816
Department of Education shall determine eligibility criteria and 94817
the reporting process for the Agriculture 5th Quarter Project and 94818
shall fund as many programs as possible given the set aside. 94819

Section 265.30.40. FOUNDATION FUNDING 94820

The foregoing appropriation item 200550, Foundation Funding, 94821
includes \$90,000,000 in each fiscal year for the state education 94822
aid offset due to the change in public utility valuation as a 94823
result of Am. Sub. S.B. 3 and Am. Sub. S.B. 287, both of the 123rd 94824
General Assembly. This amount represents the total state education 94825
aid offset calculated for fiscal year 2009 due to the valuation 94826
change for school districts and joint vocational school districts 94827
from all relevant appropriation line item sources. Upon 94828
certification by the Department of Education, in consultation with 94829
the Department of Taxation, to the Director of Budget and 94830
Management of the actual state aid offset for fiscal year 2009, 94831
the cash transfer from the School District Property Tax 94832

Replacement - Utility Fund (Fund 7053) to the General Revenue Fund 94833
shall be decreased or increased by the Director of Budget and 94834
Management to match the certification in accordance with section 94835
5727.84 of the Revised Code. 94836

The foregoing appropriation item 200550, Foundation Funding, 94837
includes \$119,000,000 in each fiscal year for the state education 94838
aid offset because of the changes in tangible personal property 94839
valuation as a result of Am. Sub. H.B. 66 of the 126th General 94840
Assembly. This amount represents the total state education aid 94841
offset calculated for fiscal year 2009 because of the valuation 94842
change for school districts and joint vocational school districts 94843
from all relevant appropriation item sources. Upon certification 94844
by the Department of Education of the actual state education aid 94845
offset for fiscal year 2009 to the Director of Budget and 94846
Management, the cash transfer from the School District Tangible 94847
Property Tax Replacement - Business Fund (Fund 7047) to the 94848
General Revenue Fund shall be decreased or increased by the 94849
Director of Budget and Management to match the certification in 94850
accordance with section 5751.21 of the Revised Code. 94851

Of the foregoing appropriation item 200550, Foundation 94852
Funding, up to \$425,000 shall be expended in each fiscal year for 94853
court payments under section 2151.362 of the Revised Code. 94854

Of the foregoing appropriation item 200550, Foundation 94855
Funding, up to \$10,000,000 in each fiscal year shall be used to 94856
provide additional state aid to school districts for special 94857
education students under division (C)(3) of section 3317.022 of 94858
the Revised Code, except that the Controlling Board may increase 94859
these amounts if presented with such a request from the Department 94860
of Education at the final meeting of the fiscal year; up to 94861
\$2,000,000 in each fiscal year shall be reserved for Youth 94862
Services tuition payments under section 3317.024 of the Revised 94863
Code; and up to \$47,000,000 in each fiscal year shall be reserved 94864

to fund the state reimbursement of educational service centers 94865
under section 3317.11 of the Revised Code and the section of this 94866
act entitled "EDUCATIONAL SERVICE CENTERS FUNDING." 94867

94868

Of the foregoing appropriation item 200550, Foundation 94869
Funding, up to \$1,000,000 in each fiscal year shall be used by the 94870
Department of Education for a program to pay for educational 94871
services for youth who have been assigned by a juvenile court or 94872
other authorized agency to any of the facilities described in 94873
division (A) of the section of this act entitled "PRIVATE 94874
TREATMENT FACILITY PROJECT." 94875

Of the foregoing appropriation item 200550, Foundation 94876
Funding, up to \$8,686,000 in fiscal year 2010 and up to \$8,722,860 94877
in fiscal year 2011 shall be used to operate school choice 94878
programs. 94879

Of the portion of the funds distributed to the Cleveland 94880
Municipal School District under this section, up to \$11,901,887 in 94881
each fiscal year shall be used to operate the school choice 94882
program in the Cleveland Municipal School District under sections 94883
3313.974 to 3313.979 of the Revised Code. Notwithstanding 94884
divisions (B) and (C) of section 3313.978 and division (C) of 94885
section 3313.979 of the Revised Code, up to \$1,000,000 in each 94886
fiscal year of this amount shall be used by the Cleveland 94887
Municipal School District to provide tutorial assistance as 94888
provided in division (H) of section 3313.974 of the Revised Code. 94889
The Cleveland Municipal School District shall report the use of 94890
these funds in the district's three-year continuous improvement 94891
plan as described in section 3302.04 of the Revised Code in a 94892
manner approved by the Department of Education. 94893

Of the foregoing appropriation item 200550, Foundation 94894
Funding, an amount shall be available in each fiscal year to be 94895
paid to joint vocational school districts in accordance with the 94896

section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 94897
94898

Appropriation items 200502, Pupil Transportation, 200521, 94899
Gifted Pupil Program, 200540, Special Education Enhancements, 94900
200550, Foundation Funding, and 200551, Foundation Funding - 94901
Federal Stimulus, other than specific set-asides, are collectively 94902
used in each fiscal year to pay state formula aid obligations for 94903
school districts, community schools, and joint vocational school 94904
districts under this act. The first priority of these 94905
appropriation items, with the exception of specific set-asides, is 94906
to fund state formula aid obligations. It may be necessary to 94907
reallocate funds among these appropriation items or use excess 94908
funds from other general revenue fund appropriation items in the 94909
Department of Education's budget in each fiscal year, in order to 94910
meet state formula aid obligations. If it is determined that it is 94911
necessary to transfer funds among these appropriation items or to 94912
transfer funds from other General Revenue Fund appropriations in 94913
the Department of Education's budget to meet state formula aid 94914
obligations, the Department of Education shall seek approval from 94915
the Controlling Board to transfer funds as needed. 94916
94917

Section 265.30.41. OPERATING FUNDING FOR FISCAL YEARS 2010 94918
AND 2011 94919

(A) Notwithstanding anything to the contrary in Chapter 3317. 94920
of the Revised Code, the Department of Education shall make no 94921
payments under that chapter for fiscal years 2010 and 2011 except 94922
as prescribed in this section. 94923

(B) Each school district and educational service center shall 94924
report student enrollment data as prescribed by section 3317.03 of 94925
the Revised Code, which data the department shall use to make 94926
payments under Chapter 3317. of the Revised Code and Section 94927

265.30.42 of this act.	94928
(C) The tax commissioner shall report data regarding tax valuation and receipts for school districts as prescribed by sections 3317.015, 3317.021, 3317.025, 3317.026, 3317.027, 3317.028, 3317.0210, 3317.0211, and 3317.08 and by division (M) of section 3317.02 of the Revised Code, which data the department shall use to make payments under Chapter 3317. of the Revised Code and Section 265.30.42 of this act.	94929 94930 94931 94932 94933 94934 94935
(D) Unless otherwise specified by another provision of law, in addition to the payments prescribed by Section 265.30.42 of this act, the department shall continue to make payments or adjustments for fiscal years 2010 and 2011 under the following provisions of Chapter 3317. of the Revised Code:	94936 94937 94938 94939 94940
(1) The catastrophic cost reimbursement under division (C)(3) of section 3317.022 of the Revised Code. No other payments shall be made under that section.	94941 94942 94943
(2) All payments or adjustments under section 3317.023 of the Revised Code, except no payments or adjustments shall be made under divisions (B), (C), and (D) of that section;	94944 94945 94946
(3) All payments or adjustments under section 3317.024 of the Revised Code, except no payments or adjustments shall be made under divisions (F), (L), and (N) of that section;	94947 94948 94949
(4) Unit payments under sections 3317.05, 3317.051, 3317.052, and 3317.053 of the Revised Code, except that no units for gifted funding are authorized for school districts for fiscal years 2010 and 2011;	94950 94951 94952 94953
(5) Payments under sections 3317.06, 3317.063, and 3317.064 of the Revised Code;	94954 94955
(6) Payments under section 3317.07 of the Revised Code;	94956
(7) Payments to educational service centers under section	94957

3317.11 of the Revised Code;	94958
(8) The catastrophic cost reimbursement under division (E) of section 3317.16 of the Revised Code and excess cost reimbursements under division (G) of that section. No other payments shall be made under that section.	94959 94960 94961 94962
(9) Payments under section 3317.17 of the Revised Code;	94963
(10) Adjustments under section 3317.18 of the Revised Code;	94964
(11) Payments to cooperative education school districts under section 3317.19 of the Revised Code;	94965 94966
(12) Payments to county MR/DD boards under section 3317.20 of the Revised Code;	94967 94968
(13) Payments to state institutions for weighted special education funding under section 3317.201 of the Revised Code.	94969 94970
(E) Notwithstanding anything to the contrary in Chapter 3317. of the Revised Code, for purposes of computing the payments under that chapter for fiscal years 2010 and 2011 authorized under this section, for which "state share percentage" is a factor, the Department shall use the state share percentage computed for each district for fiscal year 2009.	94971 94972 94973 94974 94975 94976
(F) For fiscal years 2010 and 2011, when calculating payments under Chapter 3317. of the Revised Code as authorized under this section, and for purposes of sections 3310.09, 3313.98, 3313.981, 3314.03, 3314.08, 3314.13, 3315.17, 3315.18, 3326.31, 3326.33, and 3365.01 of the Revised Code and any other provision of law with respect to education financing:	94977 94978 94979 94980 94981 94982
(1) The "formula amount" equals \$5,746 for fiscal year 2010 and \$5,775 for fiscal year 2011.	94983 94984
(2) The base funding supplements shall equal the per pupil amounts calculated under division (C)(1) of section 3317.012 of the Revised Code for fiscal year 2009.	94985 94986 94987

(3) Special education additional weighted funding shall be 94988
calculated by multiplying the applicable weight specified in 94989
section 3317.013 of the Revised Code for fiscal year 2009 times 94990
the formula amount specified in division (F)(1) of this section. 94991

(4) The special education catastrophic cost threshold for 94992
fiscal years 2010 and 2011 is \$27,375 for students in categories 94993
two through five special education ADM and \$32,850 for students in 94994
category six special education ADM. 94995

(5) Vocational education additional weighted funding shall be 94996
calculated by multiplying the applicable weight specified in 94997
section 3317.014 of the Revised Code for fiscal year 2009 times 94998
the formula amount specified in division (F)(1) of this section. 94999

(G) This section does not affect the provisions of sections 95000
3317.031, 3317.032, 3317.033, 3317.035, 3317.061, 3317.08, 95001
3317.081, 3317.082, 3317.09, 3317.12, 3317.13, 3317.14, 3317.15, 95002
3317.50, 3317.51, 3317.62, 3317.63, and 3317.64 of the Revised 95003
Code. 95004

Section 265.30.42. FUNDING FOR CITY, EXEMPTED VILLAGE, AND 95005
LOCAL SCHOOL DISTRICTS 95006

For each of fiscal years 2010 and 2011, the Department of 95007
Education shall pay each city, exempted village, and local school 95008
district that received operating funding in fiscal year 2009 the 95009
sum of the state funding base for that year prescribed in division 95010
(A) of this section, plus the funding enhancement prescribed in 95011
division (B) of this section, plus the all-day kindergarten 95012
expansion payment prescribed in division (C) of this section. 95013

(A) The state funding base for a district for fiscal year 95014
2010 and fiscal year 2011 equals the sum of the following computed 95015
for fiscal year 2009, as reconciled by the department, less any 95016
general revenue fund spending reductions ordered by the Governor 95017

for fiscal year 2009 under section 126.05 of the Revised Code:	95018
	95019
(1) Base-cost funding under division (A) of section 3317.022	95020
of the Revised Code;	95021
(2) Special education and related services additional	95022
weighted funding under division (C)(1) of section 3317.022 of the	95023
Revised Code;	95024
(3) Speech services funding under division (C)(4) of section	95025
3317.022 of the Revised Code;	95026
(4) Vocational education additional weighted funding under	95027
division (E) of section 3317.022 of the Revised Code;	95028
(5) GRADS funding under division (N) of section 3317.024 of	95029
the Revised Code;	95030
(6) Adjustments for classroom teachers and educational	95031
service personnel under divisions (B), (C), and (D) of section	95032
3317.023 of the Revised Code;	95033
(7) Gifted education units under division (L) of section	95034
3317.024 and section 3317.05 of the Revised Code;	95035
(8) Transportation under Section 269.20.80 of Am. Sub. H.B.	95036
119 of the 127th general assembly;	95037
(9) The excess cost supplement under division (F) of section	95038
3317.022 of the Revised Code;	95039
(10) The charge-off supplement under section 3317.0216 of the	95040
Revised Code;	95041
(11) Transitional aid under Section 269.30.80 of Am. Sub.	95042
H.B. 119 of the 127th general assembly.	95043
(B)(1) The funding enhancement for a district for fiscal year	95044
2010 shall be computed as follows:	95045
(a) Except as provided in division (B)(1)(b) of this section,	95046

0.0025 times the district's state funding base; 95047

(b) If the district's formula ADM for fiscal year 2010 is at 95048
least 2.00% greater than the district's formula ADM for fiscal 95049
year 2009, 0.02 times the district's state funding base. 95050

(2) The funding enhancement for a district for fiscal year 95051
2011 shall be computed as follows: 95052

(a) Except as provided in division (B)(2)(b) of this section, 95053
0.005 times the sum of the district's state funding base plus the 95054
district's funding enhancement payment for fiscal year 2010 under 95055
division (B)(1) of this section; 95056

(b) If the district's formula ADM for fiscal year 2011 is at 95057
least 2.00% greater than the district's formula ADM for fiscal 95058
year 2010, 0.02 times the sum of the district's state funding base 95059
for fiscal year 2011 plus the district's funding enhancement 95060
payment for fiscal year 2010 under division (B)(1) of this 95061
section. 95062

(3) When determining districts that qualify for the funding 95063
enhancement under division (B)(1)(b) or (2)(b) of this section, 95064
the Department shall calculate formula ADM percentage growth to 95065
the hundredths of a per cent. 95066

(4) As used in division (B) of this section, "formula ADM" 95067
has the same meaning as in section 3317.02 of the Revised Code. 95068

(C)(1) The all-day kindergarten expansion payment shall be 95069
paid only to city, exempted village, and local school districts 95070
that satisfy the requirements of this division. The payment shall 95071
be computed in the manner prescribed by division (D) of section 95072
3317.029 of the Revised Code. 95073

(a) A district is eligible for the payment for fiscal year 95074
2010 if it did not receive a payment under division (D) of section 95075
3317.029 of the Revised Code for fiscal year 2009 and its poverty 95076

index for that fiscal year was not less than 0.80. 95077

(b) A district is eligible for the payment for fiscal year 95078
2011 if it did not receive a payment under division (D) of section 95079
3317.029 of the Revised Code for fiscal year 2009 and its poverty 95080
index for that fiscal year was not less than 0.75. 95081

As used in this division, "poverty index" has the same 95082
meaning as in section 3317.029 of the Revised Code. 95083

(2) If at any time the Superintendent of Public Instruction 95084
determines that a school district receiving funds under division 95085
(C)(1) of this section has enrolled fewer than the number of 95086
all-day kindergarten students reported for that fiscal year, the 95087
Superintendent shall withhold from the funds otherwise due the 95088
district under that division a proportional amount as determined 95089
by the difference in the certified all-day kindergarten ADM and 95090
the actual all-day kindergarten ADM. 95091

Section 265.30.43. FUNDING FOR COMMUNITY SCHOOLS 95092

In fiscal years 2010 and 2011, the Department of Education 95093
shall make the deductions and payments for each student enrolled 95094
in a community school, established under Chapter 3314. of the 95095
Revised Code, in the manner prescribed by divisions (C) and (D) of 95096
section 3314.08 and section 3314.13 of the Revised Code, except 95097
that, for each of those fiscal years: 95098

(A) "State education aid" for a school district from which a 95099
deduction is made shall mean the amount paid to the district for 95100
that fiscal year under Section 265.30.42 of this act. 95101

(B) The per pupil amount deducted from a district under 95102
division (C)(4), (5), (6), (7), (8), or (9) of section 3314.08 of 95103
the Revised Code and the corresponding per pupil amount paid to a 95104
community school under division (D)(5), (6), (7), (8), (9), or 95105
(10) of that section shall be the same respective per pupil amount 95106

deducted or paid under those divisions for fiscal year 2009. 95107

(C) If an amount paid to a community school under section 95108
3314.13 of the Revised Code is required by that section to be 95109
deducted from the school district in which the student is entitled 95110
to attend school, that amount shall be deducted from that 95111
district's payment under Section 265.30.42 of this act. Otherwise, 95112
that amount shall be paid out of the funds appropriated under 95113
appropriation item 200550, Foundation Funding. As used in this 95114
division, "entitled to attend school" has the same meaning as in 95115
section 3314.08 of the Revised Code. 95116

Section 265.30.44. STEM SCHOOL FUNDING 95117

In fiscal years 2010 and 2011, the Department of Education 95118
shall make the deductions and payments for each student enrolled 95119
in a STEM school, established under Chapter 3326. of the Revised 95120
Code, in the manner prescribed by sections 3326.31 to 3326.49 and 95121
3326.51 of the Revised Code, except that, for each of those fiscal 95122
years: 95123

(A) "State education aid" for a school district from which a 95124
deduction is made shall mean the amount paid to the district for 95125
that fiscal year under Section 265.30.42 of this act. 95126

(B) The per pupil amount deducted from a district and paid to 95127
a STEM school under division (D), (E), (F), or (G) of section 95128
3326.33 of the Revised Code shall be the same respective per pupil 95129
amount deducted or paid under those divisions for fiscal year 95130
2009. 95131

Section 265.30.45. STATE EDUCATION AID OFFSET 95132

Notwithstanding anything to the contrary in sections 5727.84 95133
to 5727.87 or sections 5751.20 to 5751.22 of the Revised Code, 95134
when calculating payments under those sections for fiscal years 95135
2010 and 2011, the Department of Education shall use for each 95136

district for each fiscal year the respective "state education aid 95137
offset" amount calculated for the district for fiscal year 2009. 95138

Section 265.30.47. STUDENT-CENTERED EVIDENCE-BASED FUNDING 95139
COUNCIL 95140

(A) The Student-Centered Evidence-Based Funding Council is 95141
hereby established. The council shall develop a student-centered 95142
evidence-based funding model for schools that will establish a per 95143
pupil level of funding to follow a student to the school that best 95144
meets the student's individual learning needs. The model shall be 95145
comprised of components that the council determines to be most 95146
likely to result in improved student achievement and readiness for 95147
post-secondary education and employment. The council shall make 95148
its determinations based on current, rigorous, research-based 95149
evidence affecting student success. 95150

The council shall examine the cost-benefit of an extended 95151
school day and school year for all students or for students in 95152
need of additional academic intervention. 95153

The council shall examine the cost-benefit and effectiveness 95154
of universal class size reductions in lower grades across all 95155
schools statewide versus class size reductions among schools 95156
targeted by socioeconomic or other educationally relevant factors. 95157
The council shall also examine alternatives to class size 95158
reduction, where the research suggests that such alternatives 95159
might offer equal or superior outcomes. 95160

The council shall examine the range of effective additional 95161
services needed for successfully serving economically 95162
disadvantaged students. The council shall recommend an appropriate 95163
level of supplemental funding for the identified services. 95164

The council shall examine whether all-day every-day 95165
kindergarten should be required for all students in all schools or 95166

whether all-day every-day kindergarten should be offered based on 95167
student need as determined by socioeconomic and other relevant 95168
factors. The council shall also examine other early learning 95169
services either in lieu of, or in addition to, all-day every-day 95170
kindergarten where the research suggests that such alternatives 95171
might offer equal or superior outcomes. 95172

The council shall examine whether schools should have the 95173
flexibility to tailor the composition of the local basket of 95174
educational services in a manner that might differ from the 95175
specifications of the funding model computation. The council shall 95176
examine how such variation might be documented in order to 95177
determine whether the local outcomes are at least equivalent to 95178
outcome objectives of the funding model. 95179

The council shall examine the effects of alternative local 95180
share requirements on the overall equity of the school funding 95181
system. The council shall recommend an appropriate local share 95182
level for the state funding formula. 95183

The council shall examine the local funding capacity above 95184
the adequate education funding level. The council shall recommend 95185
an appropriate level of enhancement funding for low property 95186
wealth schools if needed. 95187

The council is subject to the Open Meetings Law, in section 95188
121.22 of the Revised Code, to ensure debate occurs in an open, 95189
transparent manner. 95190

The council is subject to the Public Records Law in section 95191
149.43 of the Revised Code. 95192

(B) The council shall consist of all the following members: 95193

(1) The Governor, who shall be the chair of the council; 95194

(2) The Superintendent of Public Instruction; 95195

(3) The Chancellor of the Ohio Board of Regents; 95196

(4) Two school district teachers, appointed by the Governor;	95197
(5) Two nonteaching, nonadministrative school district employees, appointed by the Governor;	95198 95199
(6) One school district principal, appointed by the Speaker of the House of Representatives;	95200 95201
(7) One school district superintendent, appointed by the President of the Senate;	95202 95203
(8) One school district treasurer, appointed by the Speaker of the House of Representatives;	95204 95205
(9) One member of a school district board, appointed by the President of the Senate;	95206 95207
(10) One representative of a college of education, appointed by the Speaker of the House of Representatives;	95208 95209
(11) One representative of the business community, appointed by the President of the Senate;	95210 95211
(12) One representative of a philanthropic organization, appointed by the Speaker of the House of Representatives;	95212 95213
(13) One representative of the Ohio Academy of Science, appointed by the President of the Senate;	95214 95215
(14) One representative of the general public, appointed by the President of the Senate;	95216 95217
(15) One representative of educational service centers, appointed by the Speaker of the House of Representatives;	95218 95219
(16) One parent of a student attending a school operated by a school district, appointed by the Governor;	95220 95221
(17) One representative of community school sponsors, appointed by the Governor;	95222 95223
(18) One representative of operators of community schools, appointed by the President of the Senate;	95224 95225

(19) One community school fiscal officer, appointed by the Speaker of the House of Representatives;	95226 95227
(20) One parent of a student attending a community school, appointed by the President of the Senate;	95228 95229
(21) One representative of early childhood education providers, appointed by the Governor;	95230 95231
(22) One representative of chartered nonpublic schools, appointed by the Speaker of the House of Representatives;	95232 95233
(23) Two persons appointed by the President of the Senate, one of whom shall be recommended by the Minority Leader of the Senate;	95234 95235 95236
(24) Two persons appointed by the Speaker of the House of Representatives, one of whom shall be recommended by the Minority Leader of the House of Representatives.	95237 95238 95239
(C) The council shall submit recommendations to the General Assembly, in accordance with section 101.68 of the Revised Code, the State Board of Education, and the Ohio Board of Regents not later than September 7, 2010. The council shall cease to exist on September 7, 2010.	95240 95241 95242 95243 95244
(D) Staff assistance shall be provided to the council by the Department of Education.	95245 95246
Section 265.30.50. FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS	95247 95248
(A) The Department of Education shall distribute funds within appropriation item 200550, Foundation Funding, for joint vocational funding in each fiscal year to each joint vocational school district that received joint vocational funding in fiscal year 2009. The Department shall distribute to each such district joint vocational funding in an amount equal to the district's joint vocational funding from the previous fiscal year inflated by	95249 95250 95251 95252 95253 95254 95255

1.9 per cent.	95256
(B)(1) A district's fiscal year 2009 joint vocational funding equals the sum of the following, as reconciled by the Department:	95257 95258 95259
(a) Base-cost funding under division (B) of section 3317.16 of the Revised Code;	95260 95261
(b) Special education and related services additional weighted funding under division (D)(1) of section 3317.16 of the Revised Code;	95262 95263 95264
(c) Speech services funding under division (D)(2) of section 3317.16 of the Revised Code;	95265 95266
(d) Vocational education additional weighted funding under division (C) of section 3317.16 of the Revised Code;	95267 95268
(e) GRADS funding under division (N) of section 3317.024 of the Revised Code;	95269 95270
(f) Any transitional aid computed for the district under Section 269.30.90 of Am. Sub. H.B. 119 of the 127th General Assembly.	95271 95272 95273
(2) The joint vocational funding for each fiscal year for each district is the amount specified in division (A) or (B) of this section less any general revenue fund spending reductions ordered by the Governor under section 126.05 of the Revised Code.	95274 95275 95276 95277
Section 265.30.55. Not later than the ninety-first day after the effective date of this section, the Department of Education shall notify the superintendent of each school district by letter of the amount of federal funding the department expects the district will receive under the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, over the 2009-2011 fiscal biennium. The letter also shall state that such funding is a one-time supplemental appropriation and the future continuation of	95278 95279 95280 95281 95282 95283 95284 95285

such funding cannot be guaranteed. 95286

Not later than the thirty-first day after receipt of the 95287
letter, each district superintendent shall sign an acknowledgement 95288
of receipt of the letter and return it to the department. 95289

Each district superintendent also shall promptly forward a 95290
copy of the letter to the president of the district board of 95291
education, who shall place the acknowledgment of the letter on the 95292
board's next meeting agenda. The board through its president shall 95293
sign an acknowledgement of receipt of the letter and return it to 95294
the department. 95295

Section 265.30.56. By a date set by the Superintendent of 95296
Public Instruction, the board of education of each school district 95297
shall adopt by resolution a draft indicating how the board plans 95298
to deploy the funds the district will receive under the American 95299
Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, over the 95300
2009-2011 fiscal biennium, and submit that draft plan to the 95301
Department of Education. Each board also shall post its draft plan 95302
on its web site if it has one. 95303

Section 265.30.70. VIOLENCE PREVENTION AND SCHOOL SAFETY 95304

Of the foregoing appropriation item 200578, Violence 95305
Prevention and School Safety, up to \$224,250 in each fiscal year 95306
shall be used to fund a safe school center to provide resources 95307
for parents and for school and law enforcement personnel. 95308

The remainder of the appropriation shall be distributed based 95309
on guidelines developed by the Department of Education to enhance 95310
school safety. The guidelines shall provide a list of 95311
research-based best practices and programs from which local 95312
grantees shall select based on local needs. These practices shall 95313
include, but not be limited to, school resource officers and safe 95314

and drug free school coordinators and social-emotional development 95315
programs. 95316

Section 265.30.80. PROPERTY TAX ALLOCATION - EDUCATION 95317

The Superintendent of Public Instruction shall not request, 95318
and the Controlling Board shall not approve, the transfer of 95319
appropriation from appropriation item 200901, Property Tax 95320
Allocation - Education, to any other appropriation item. 95321

The appropriation item 200901, Property Tax Allocation - 95322
Education, is appropriated to pay for the state's costs incurred 95323
because of the homestead exemption, the property tax rollback, and 95324
payments required under division (C) of section 5705.2110 of the 95325
Revised Code. In cooperation with the Department of Taxation, the 95326
Department of Education shall distribute these funds directly to 95327
the appropriate school districts of the state, notwithstanding 95328
sections 321.24 and 323.156 of the Revised Code, which provide for 95329
payment of the homestead exemption and property tax rollback by 95330
the Tax Commissioner to the appropriate county treasurer and the 95331
subsequent redistribution of these funds to the appropriate local 95332
taxing districts by the county auditor. 95333

Upon receipt of these amounts, each school district shall 95334
distribute the amount among the proper funds as if it had been 95335
paid as real or tangible personal property taxes. Payments for the 95336
costs of administration shall continue to be paid to the county 95337
treasurer and county auditor as provided for in sections 319.54, 95338
321.26, and 323.156 of the Revised Code. 95339

Any sums, in addition to the amount specifically appropriated 95340
in appropriation items 200901, Property Tax Allocation - 95341
Education, for the homestead exemption and the property tax 95342
rollback payments, and payments required under division (C) of 95343
section 5705.2110 of the Revised Code, which are determined to be 95344
necessary for these purposes, are hereby appropriated. 95345

Section 265.30.90. TEACHER CERTIFICATION AND LICENSURE 95346

The foregoing appropriation item 200681, Teacher 95347
Certification and Licensure, shall be used by the Department of 95348
Education in each year of the biennium to administer and support 95349
teacher certification and licensure activities. 95350

SCHOOL DISTRICT SOLVENCY ASSISTANCE 95351

Of the foregoing appropriation item 200687, School District 95352
Solvency Assistance, \$9,000,000 in each fiscal year shall be 95353
allocated to the School District Shared Resource Account and 95354
\$9,000,000 in each fiscal year shall be allocated to the 95355
Catastrophic Expenditures Account. These funds shall be used to 95356
provide assistance and grants to school districts to enable them 95357
to remain solvent under section 3316.20 of the Revised Code. 95358
Assistance and grants shall be subject to approval by the 95359
Controlling Board. Any required reimbursements from school 95360
districts for solvency assistance shall be made to the appropriate 95361
account in the School District Solvency Assistance Fund (Fund 95362
5H30). 95363

Notwithstanding any provision of law to the contrary, upon 95364
the request of the Superintendent of Public Instruction, the 95365
Director of Budget and Management may make transfers to the School 95366
District Solvency Assistance Fund (Fund 5H30) from any fund used 95367
by the Department of Education or the General Revenue Fund to 95368
maintain sufficient cash balances in Fund 5H30 in fiscal years 95369
2010 and 2011. Any cash transferred is hereby appropriated. The 95370
transferred cash may be used by the Department of Education to 95371
provide assistance and grants to school districts to enable them 95372
to remain solvent and to pay unforeseeable expenses of a temporary 95373
or emergency nature that the school district is unable to pay from 95374
existing resources. The Director of Budget and Management shall 95375
notify the members of the Controlling Board of any such transfers. 95376

95377

Section 265.40.10. SCHOOLS MEDICAID ADMINISTRATIVE CLAIMS 95378

Upon the request of the Superintendent of Public Instruction, 95379
the Director of Budget and Management may transfer up to \$639,000 95380
cash in each fiscal year from the General Revenue Fund to the 95381
Schools Medicaid Administrative Claims Fund (Fund 3AF0). The 95382
transferred cash is to be used by the Department of Education to 95383
pay the expenses the Department incurs in administering the 95384
Medicaid School Component of the Medicaid program established 95385
under sections 5111.71 to 5111.715 of the Revised Code. On June 1 95386
of each fiscal year, or as soon as possible thereafter, the 95387
Director of Budget and Management shall transfer cash from Fund 95388
3AF0 back to the General Revenue Fund in an amount equal to the 95389
total amount transferred to Fund 3AF0 in that fiscal year. 95390

The money deposited into Fund 3AF0 under division (B) of 95391
section 5111.714 of the Revised Code is hereby appropriated for 95392
fiscal years 2010 and 2011 and shall be used in accordance with 95393
division (D) of section 5111.714 of the Revised Code. 95394

Section 265.40.20. READING FIRST 95395

The foregoing appropriation item 200632, Reading First, shall 95396
be used by school districts to administer federal diagnostic tests 95397
as well as other functions permitted by federal statute. 95398
Notwithstanding section 3301.079 of the Revised Code, federal 95399
diagnostic tests may be recognized as meeting the state diagnostic 95400
testing requirements outlined in section 3301.079 of the Revised 95401
Code. 95402

HALF-MILL MAINTENANCE EQUALIZATION 95403

The foregoing appropriation item 200626, Half-Mill 95404
Maintenance Equalization, shall be used to make payments pursuant 95405
to section 3318.18 of the Revised Code. 95406

Section 265.40.30. START-UP FUNDS 95407

Funds appropriated for the purpose of providing start-up 95408
grants to Title IV-A Head Start and Title IV-A Head Start Plus 95409
agencies in fiscal year 2004 and fiscal year 2005 for the 95410
provision of services to children eligible for Title IV-A services 95411
under the Title IV-A Head Start or Title IV-A Head Start Plus 95412
programs shall be reimbursed to the General Revenue Fund as 95413
follows: 95414

(A) If, for fiscal years 2010 or 2011, an entity that was a 95415
Title IV-A Head Start or Title IV-A Head Start Plus agency will 95416
not be an early learning agency or early learning provider, the 95417
entity shall repay the entire amount of the start-up grant it 95418
received in fiscal year 2004 and fiscal year 2005 not later than 95419
June 30, 2019, in accordance with a payment schedule agreed to by 95420
the Department of Education. 95421

(B) If an entity that was a Title IV-A Head Start or Title 95422
IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 95423
2005 will be an early learning agency or early learning provider 95424
in fiscal year 2010 and fiscal year 2011, the entity shall be 95425
allowed to retain any amount of the start-up grant it received, 95426
unless division (D) of this section applies to the entity. In that 95427
case, the entity shall repay the entire amount of the obligation 95428
described in that division not later than June 30, 2019. 95429

(C) Within ninety days after the closure of an early learning 95430
agency or early learning provider that was a Title IV-A Head Start 95431
Plus agency in fiscal year 2004 or fiscal year 2005, the former 95432
Title IV-A Head Start agencies, Title IV-A Head Start Plus 95433
agencies, and the Department of Education shall determine the 95434
repayment schedule for amounts owed under division (A) of this 95435
section. These amounts shall be paid to the state not later than 95436
June 30, 2019. 95437

(D) If an entity that was a Title IV-A Head Start or Title IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 2005 owed the state any portion of the start-up grant amount during fiscal year 2006 or fiscal year 2007 but failed to repay the entire amount of the obligation by June 30, 2007, the entity shall be given an extension for repayment through June 30, 2019, before any amounts remaining due and payable to the state are referred to the Attorney General for collection under section 131.02 of the Revised Code.

(E) Any Title IV-A Head Start or Title IV-A Head Start Plus start-up grants that are retained by early learning agencies or early learning providers pursuant to this section shall be reimbursed to the General Revenue Fund when the early learning program ceases or if an early learning agency's or early learning provider's participation in the early learning program ceases or is terminated.

Section 265.40.40. AUXILIARY SERVICES REIMBURSEMENT 95454

Notwithstanding section 3317.064 of the Revised Code, if the unexpended, unencumbered cash balance is sufficient, the Treasurer of State shall transfer \$1,500,000 in fiscal year 2010 within thirty days after the effective date of this section, and \$1,500,000 in fiscal year 2011 by August 1, 2010, from the Auxiliary Services Personnel Unemployment Compensation Fund to the Auxiliary Services Reimbursement Fund (Fund 5980) used by the Department of Education.

Section 265.40.50. LOTTERY PROFITS EDUCATION FUND 95463

Appropriation item 200612, Foundation Funding (Fund 7017), shall be used in conjunction with appropriation item 200550, Foundation Funding (GRF), to provide state foundation payments to school districts.

The Department of Education, with the approval of the 95468
Director of Budget and Management, shall determine the monthly 95469
distribution schedules of appropriation item 200550, Foundation 95470
Funding (GRF), and appropriation item 200612, Foundation Funding 95471
(Fund 7017). If adjustments to the monthly distribution schedule 95472
are necessary, the Department of Education shall make such 95473
adjustments with the approval of the Director of Budget and 95474
Management. 95475

Section 265.40.60. LOTTERY PROFITS EDUCATION RESERVE FUND 95476

(A) There is hereby created the Lottery Profits Education 95477
Reserve Fund (Fund 7018) in the State Treasury. Investment 95478
earnings of the Lottery Profits Education Reserve Fund shall be 95479
credited to the fund. The Superintendent of Public Instruction may 95480
certify cash balances exceeding \$75,000,000 in Fund 7018 to the 95481
Director of Budget and Management in June of any given fiscal 95482
year. Prior to making the certification, the Superintendent of 95483
Public Instruction shall determine whether the funds above the 95484
\$75,000,000 threshold are needed to help pay for foundation 95485
program obligations for that fiscal year. 95486

For fiscal years 2010 and 2011, notwithstanding any 95487
provisions of law to the contrary, amounts necessary to make loans 95488
authorized by sections 3317.0210, 3317.0211, and 3317.62 of the 95489
Revised Code are hereby appropriated to Fund 7018. Loan repayments 95490
from loans made in previous years shall be deposited to the fund. 95491
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(B) On July 15, 2009, or as soon as possible thereafter, the 95493
Director of the Ohio Lottery Commission shall certify to the 95494
Director of Budget and Management the amount by which lottery 95495
profit transfers received by the Lottery Profits Education Fund 95496
(Fund 7017) exceeded \$667,900,000 in fiscal year 2009. The 95497
Director of Budget and Management may transfer the amount so 95498

certified, plus the cash balance in Fund 7017, to Fund 7018. 95499

(C) On July 15, 2010, or as soon as possible thereafter, the 95500
Director of the Ohio Lottery Commission shall certify to the 95501
Director of Budget and Management the amount by which lottery 95502
profit transfers received by Fund 7017 exceeded \$705,000,000 in 95503
fiscal year 2010. The Director of Budget and Management may 95504
transfer the amount so certified, plus the cash balance in Fund 95505
7017, to Fund 7018. 95506

(D) Any amounts transferred under division (B) or (C) of this 95507
section may be made available by the Controlling Board in fiscal 95508
years 2010 or 2011, at the request of the Superintendent of Public 95509
Instruction, to provide assistance and grants to school districts 95510
to enable them to remain solvent and to pay unforeseeable expenses 95511
of a temporary or emergency nature that they are unable to pay 95512
from existing resources under section 3316.20 of the Revised Code, 95513
and to provide state foundation payments to school districts. 95514

Section 265.40.70. GENERAL REVENUE FUND TRANSFERS TO SCHOOL 95515
DISTRICT PROPERTY TAX REPLACEMENT - BUSINESS (FUND 7047) 95516

Notwithstanding any provision of law to the contrary, in 95517
fiscal year 2010 and fiscal year 2011 the Director of Budget and 95518
Management may make temporary transfers between the General 95519
Revenue Fund and the School District Property Tax Replacement - 95520
Business Fund (Fund 7047) in the Department of Education to ensure 95521
sufficient balances in Fund 7047 and to replenish the General 95522
Revenue Fund for such transfers. 95523

Section 265.40.80. SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - 95524
BUSINESS 95525

The foregoing appropriation item 200909, School District 95526
Property Tax Replacement - Business, shall be used by the 95527
Department of Education, in consultation with the Department of 95528

Taxation, to make payments to school districts and joint 95529
vocational school districts under section 5751.21 of the Revised 95530
Code. If it is determined by the Director of Budget and Management 95531
that additional appropriations are necessary for this purpose, 95532
such amounts are hereby appropriated. 95533

SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - UTILITY 95534

The foregoing appropriation item 200900, School District 95535
Property Tax Replacement-Utility, shall be used by the Department 95536
of Education, in consultation with the Department of Taxation, to 95537
make payments to school districts and joint vocational school 95538
districts under section 5727.85 of the Revised Code. If it is 95539
determined by the Director of Budget and Management that 95540
additional appropriations are necessary for this purpose, such 95541
amounts are hereby appropriated. 95542

DISTRIBUTION FORMULAS 95543

The Department of Education shall report the following to the 95544
Director of Budget and Management and the Legislative Service 95545
Commission: 95546

(A) Changes in formulas for distributing state 95547
appropriations, including administratively defined formula 95548
factors; 95549

(B) Discretionary changes in formulas for distributing 95550
federal appropriations; 95551

(C) Federally mandated changes in formulas for distributing 95552
federal appropriations. 95553

Any such changes shall be reported two weeks prior to the 95554
effective date of the change. 95555

Section 265.50.10. EDUCATIONAL SERVICE CENTERS FUNDING 95556

(A) As used in this section: 95557

(1) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code. 95558
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(2) "Service center ADM" has the same meaning as in section 3317.11 of the Revised Code. 95560
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(3) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code. 95562
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(B) Notwithstanding division (F) of section 3317.11 of the Revised Code, no funds shall be provided under that division to an educational service center in either fiscal year for any pupils of a city or exempted village school district unless an agreement to provide services under section 3313.843 of the Revised Code was entered into by January 1, 1997, except that funds shall be provided to an educational service center for any pupils of a city school district if the agreement to provide services was entered into within one year of the date upon which such district changed from a local school district to a city school district. 95565
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If an educational service center that entered into an agreement by January 1, 1997, with a city or exempted village school district to provide services under section 3313.843 of the Revised Code ceases to operate because all of the local school districts that constituted the territory of the service center have severed from the service center pursuant to section 3311.059 of the Revised Code, another educational service center, by resolution of its governing board, may assume the obligations of the original service center to provide services to the city or exempted village school district under that agreement. If that other service center assumes those obligations to provide services to the city or exempted village school district, that service center shall be considered to be the service center that entered into the agreement by January 1, 1997, and, accordingly, may receive funds under division (F) of section 3317.11 of the Revised 95575
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Code in accordance with this section in fiscal years 2010 and 2011 95590
for pupils of that city or exempted village school district. 95591

(C) Notwithstanding any provision of the Revised Code to the 95592
contrary, an educational service center that sponsors a community 95593
school under Chapter 3314. of the Revised Code in either fiscal 95594
year may include the students of that community school in its 95595
service center ADM for purposes of state funding under division 95596
(F) of section 3317.11 of the Revised Code, unless the community 95597
school is an Internet- or computer-based community school. A 95598
service center shall include the community school students in its 95599
service center ADM only to the extent that the students are not 95600
already so included, and only in accordance with guidelines issued 95601
by the Department of Education. If the students of a community 95602
school sponsored by an educational service center are included in 95603
the service center ADM of another educational service center, 95604
those students shall be removed from the service center ADM of the 95605
other educational service center and added to the service center 95606
ADM of the community school's sponsoring service center. The 95607
General Assembly authorizes this procedure as an incentive for 95608
educational service centers to take over sponsorship of community 95609
schools from the State Board of Education as the State Board's 95610
sponsorship is phased out in accordance with Sub. H.B. 364 of the 95611
124th General Assembly. No student of an Internet- or 95612
computer-based community school shall be counted in the service 95613
center ADM of any educational service center. The Department shall 95614
pay educational service centers under division (F) of section 95615
3317.11 of the Revised Code for community school students included 95616
in their service center ADMs under this division only if 95617
sufficient funds earmarked within appropriation item 200550, 95618
Foundation Funding, for payments under that division remain after 95619
first paying for students attributable to their local and client 95620
school districts, in accordance with divisions (B) and (E) of this 95621
section. 95622

(D) Notwithstanding division (C) of section 3326.45 of the Revised Code, the Department shall pay educational service centers under division (H) of section 3317.11 of the Revised Code for services provided to STEM schools only if sufficient funds earmarked within appropriation item 200550, Foundation Funding, for payments under that division remain after first paying for students attributable to the local and client school districts of the service centers and for community school students in their service center ADMs, in accordance with divisions (B), (C), and (E) of this section.

(E) If insufficient funds are earmarked within appropriation item 200550, Foundation Funding, for the full amount of payments to educational service centers, as calculated under this section and section 3317.11 of the Revised Code, the Department shall allocate funding to the service centers in accordance with the same methodology the Department used for that purpose for fiscal year 2009.

Section 265.50.20. WAIVER OF PUPIL TO TEACHER RATIO

For the school year commencing July 1, 2009, or the school year commencing July 1, 2010, or both, the Superintendent of Public Instruction may waive for the board of education of any school district the ratio of teachers to pupils in kindergarten through fourth grade required under paragraph (A)(3) of rule 3301-35-05 of the Administrative Code if the following conditions apply:

(A) The board of education requests the waiver.

(B) After the Department of Education conducts an on-site evaluation of the district related to meeting the required ratio, the board of education demonstrates to the satisfaction of the Superintendent of Public Instruction that providing the facilities necessary to meet the required ratio during the district's regular

school hours with pupils in attendance would impose an extreme 95654
hardship on the district. 95655

(C) The board of education provides assurances that are 95656
satisfactory to the Superintendent of Public Instruction that the 95657
board will act in good faith to meet the required ratio as soon as 95658
possible. 95659

Section 265.50.30. PRIVATE TREATMENT FACILITY PROJECT 95660

(A) As used in this section: 95661

(1) The following are "participating residential treatment 95662
centers": 95663

(a) Private residential treatment facilities that have 95664
entered into a contract with the Department of Youth Services to 95665
provide services to children placed at the facility by the 95666
Department and which, in fiscal year 2010 or fiscal year 2011 or 95667
both, the Department pays through appropriation item 470401, 95668
RECLAIM Ohio; 95669

(b) Abraxas, in Shelby; 95670

(c) Paint Creek, in Bainbridge; 95671

(d) Act One, in Akron; 95672

(e) F.I.R.S.T., in Mansfield. 95673

(2) "Education program" means an elementary or secondary 95674
education program or a special education program and related 95675
services. 95676

(3) "Served child" means any child receiving an education 95677
program pursuant to division (B) of this section. 95678

(4) "School district responsible for tuition" means a city, 95679
exempted village, or local school district that, if tuition 95680
payment for a child by a school district is required under law 95681
that existed in fiscal year 1998, is the school district required 95682

to pay that tuition. 95683

(5) "Residential child" means a child who resides in a 95684
participating residential treatment center and who is receiving an 95685
educational program under division (B) of this section. 95686

(B) A youth who is a resident of the state and has been 95687
assigned by a juvenile court or other authorized agency to a 95688
residential treatment facility specified in division (A) of this 95689
section shall be enrolled in an approved educational program 95690
located in or near the facility. Approval of the educational 95691
program shall be contingent upon compliance with the criteria 95692
established for such programs by the Department of Education. The 95693
educational program shall be provided by a school district or 95694
educational service center, or by the residential facility itself. 95695
Maximum flexibility shall be given to the residential treatment 95696
facility to determine the provider. In the event that a voluntary 95697
agreement cannot be reached and the residential facility does not 95698
choose to provide the educational program, the educational service 95699
center in the county in which the facility is located shall 95700
provide the educational program at the treatment center to 95701
children under twenty-two years of age residing in the treatment 95702
center. 95703

(C) Any school district responsible for tuition for a 95704
residential child shall, notwithstanding any conflicting provision 95705
of the Revised Code regarding tuition payment, pay tuition for the 95706
child for fiscal year 2010 and fiscal year 2011 to the education 95707
program provider and in the amount specified in this division. If 95708
there is no school district responsible for tuition for a 95709
residential child and if the participating residential treatment 95710
center to which the child is assigned is located in the city, 95711
exempted village, or local school district that, if the child were 95712
not a resident of that treatment center, would be the school 95713
district where the child is entitled to attend school under 95714

sections 3313.64 and 3313.65 of the Revised Code, that school 95715
district, notwithstanding any conflicting provision of the Revised 95716
Code, shall pay tuition for the child for fiscal year 2010 and 95717
fiscal year 2011 under this division unless that school district 95718
is providing the educational program to the child under division 95719
(B) of this section. 95720

A tuition payment under this division shall be made to the 95721
school district, educational service center, or residential 95722
treatment facility providing the educational program to the child. 95723

The amount of tuition paid shall be: 95724

(1) The amount of tuition determined for the district under 95725
division (A) of section 3317.08 of the Revised Code; 95726

(2) In addition, for any student receiving special education 95727
pursuant to an individualized education program as defined in 95728
section 3323.01 of the Revised Code, a payment for excess costs. 95729
This payment shall equal the actual cost to the school district, 95730
educational service center, or residential treatment facility of 95731
providing special education and related services to the student 95732
pursuant to the student's individualized education program, minus 95733
the tuition paid for the child under division (C)(1) of this 95734
section. 95735

A school district paying tuition under this division shall 95736
not include the child for whom tuition is paid in the district's 95737
average daily membership certified under division (A) of section 95738
3317.03 of the Revised Code. 95739

(D) In each of fiscal years 2010 and 2011, the Department of 95740
Education shall reimburse, from appropriations made for the 95741
purpose, a school district, educational service center, or 95742
residential treatment facility, whichever is providing the 95743
service, that has demonstrated that it is in compliance with the 95744
funding criteria for each served child for whom a school district 95745

must pay tuition under division (C) of this section. The amount of 95746
the reimbursement shall be the amount appropriated for this 95747
purpose divided by the full-time equivalent number of children for 95748
whom reimbursement is to be made. 95749

(E) Funds provided to a school district, educational service 95750
center, or residential treatment facility under this section shall 95751
be used to supplement, not supplant, funds from other public 95752
sources for which the school district, service center, or 95753
residential treatment facility is entitled or eligible. 95754

(F) The Department of Education shall track the utilization 95755
of funds provided to school districts, educational service 95756
centers, and residential treatment facilities under this section 95757
and monitor the effect of the funding on the educational programs 95758
they provide in participating residential treatment facilities. 95759
The Department shall monitor the programs for educational 95760
accountability. 95761

Section 265.50.40. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 95762
ASSESSMENT OF EDUCATION PROGRESS 95763

The General Assembly intends for the Superintendent of Public 95764
Instruction to provide for school district participation in the 95765
administration of the National Assessment of Education Progress in 95766
accordance with section 3301.27 of the Revised Code. Each school 95767
and school district selected for participation by the 95768
Superintendent of Public Instruction shall participate. 95769

Section 265.50.50. DEPARTMENT OF EDUCATION APPROPRIATION 95770
TRANSFERS FOR STUDENT ASSESSMENT 95771

In fiscal year 2010 and fiscal year 2011, if the 95772
Superintendent of Public Instruction determines that additional 95773
funds are needed to fully fund the requirements of Am. Sub. H.B. 3 95774
of the 125th General Assembly and this act for assessments of 95775

student performance, the Superintendent of Public Instruction may 95776
recommend the reallocation of unexpended and unencumbered General 95777
Revenue Fund appropriations within the Department of Education to 95778
appropriation item 200437, Student Assessment, to the Director of 95779
Budget and Management. If the Director of Budget and Management 95780
determines that such a reallocation is required, the Director of 95781
Budget and Management may transfer unexpended and unencumbered 95782
appropriations within the Department of Education as necessary to 95783
appropriation item 200437, Student Assessment. If these 95784
transferred appropriations are not sufficient to fully fund the 95785
assessment requirements in fiscal year 2010 or fiscal year 2011, 95786
the Superintendent of Public Instruction may request that the 95787
Controlling Board transfer up to \$9,000,000 cash from the Lottery 95788
Profits Education Reserve Fund (Fund 7018) to the General Revenue 95789
Fund. Upon approval of the Controlling Board, these transferred 95790
funds are hereby appropriated for the same purpose as 95791
appropriation item 200437, Student Assessment. 95792

Section 265.50.55. TRANSFER AND ADJUSTMENT OF ARRA STATE 95793
FISCAL STABILIZATION FUND APPROPRIATIONS 95794

The Director of Budget and Management may transfer 95795
appropriation between appropriation items 200550, Foundation 95796
Funding, and 200551, Foundation Funding - Federal Stimulus, in 95797
each fiscal year, upon the written request of the Superintendent 95798
of Public Instruction, including transferring appropriation 95799
between fiscal year 2010 and fiscal year 2011. The Director shall 95800
report each transfer made under this section to the Controlling 95801
Board at its next regularly scheduled meeting after the transfer 95802
is made. 95803

Section 265.50.60. COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH 95804
STUDENTS 95805

(A) As used in this section: 95806

(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code. 95807
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(2) "SBH student" means a student receiving special education and related services for severe behavior disabilities pursuant to an IEP. 95809
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(B) This section applies only to a community school established under Chapter 3314. of the Revised Code that in each of fiscal years 2010 and 2011 enrolls a number of SBH students equal to at least fifty per cent of the total number of students enrolled in the school in the applicable fiscal year. 95812
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(C) In addition to any state foundation payments made, in each of fiscal years 2010 and 2011, the Department of Education shall pay to a community school to which this section applies a subsidy equal to the difference between the aggregate amount calculated and paid in that fiscal year to the community school for special education and related services additional weighted costs for the SBH students enrolled in the school and the aggregate amount that would have been calculated for the school for special education and related services additional weighted costs for those same students in fiscal year 2001. If the difference is a negative number, the amount of the subsidy shall be zero. 95817
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(D) The amount of any subsidy paid to a community school under this section shall not be deducted from the school district in which any of the students enrolled in the community school are entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. The amount of any subsidy paid to a community school under this section shall be paid from funds appropriated to the Department of Education in appropriation item 200550, Foundation Funding. 95829
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Section 265.50.70. EARMARK ACCOUNTABILITY 95837

At the request of the Superintendent of Public Instruction, 95838
any entity that receives a budget earmark under the Department of 95839
Education shall submit annually to the chairpersons of the 95840
committees of the House of Representatives and the Senate 95841
primarily concerned with education and to the Department of 95842
Education a report that includes a description of the services 95843
supported by the funds, a description of the results achieved by 95844
those services, an analysis of the effectiveness of the program, 95845
and an opinion as to the program's applicability to other school 95846
districts. For an earmarked entity that received state funds from 95847
an earmark in the prior fiscal year, no funds shall be provided by 95848
the Department of Education to an earmarked entity for a fiscal 95849
year until its report for the prior fiscal year has been 95850
submitted. 95851

Section 265.50.80. PROHIBITION FROM OPERATING FROM HOME 95852

No community school established under Chapter 3314. of the 95853
Revised Code that was not open for operation as of May 1, 2005, 95854
shall operate from a home, as defined in section 3313.64 of the 95855
Revised Code. 95856

Section 265.50.90. EARLY COLLEGE START UP COMMUNITY SCHOOL 95857

(A) As used in this section: 95858

(1) "Big eight school district" has the same meaning as in 95859
section 3314.02 of the Revised Code. 95860

(2) "Early college high school" means a high school that 95861
provides students with a personalized learning plan based on an 95862
accelerated curriculum combining high school and college-level 95863
coursework. 95864

(B) Any early college high school that is operated by a big 95865

eight school district in partnership with a private university may 95866
operate as a new start-up community school under Chapter 3314. of 95867
the Revised Code beginning in the 2007-2008 school year, if all of 95868
the following conditions are met: 95869

(1) The governing authority and sponsor of the school enter 95870
into a contract in accordance with section 3314.03 of the Revised 95871
Code and, notwithstanding division (D) of section 3314.02 of the 95872
Revised Code, both parties adopt and sign the contract by July 9, 95873
2007. 95874

(2) Notwithstanding division (A) of section 3314.016 of the 95875
Revised Code, the school's governing authority enters into a 95876
contract with the private university under which the university 95877
will be the school's operator. 95878

(3) The school provides the same educational program the 95879
school provided while part of the big eight school district. 95880

Section 265.60.30. USE OF VOLUNTEERS 95881

The Department of Education may utilize the services of 95882
volunteers to accomplish any of the purposes of the Department. 95883
The Superintendent of Public Instruction shall approve for what 95884
purposes volunteers may be used and for these purposes may 95885
recruit, train, and oversee the services of volunteers. The 95886
Superintendent may reimburse volunteers for necessary and 95887
appropriate expenses in accordance with state guidelines and may 95888
designate volunteers as state employees for the purpose of motor 95889
vehicle accident liability insurance under section 9.83 of the 95890
Revised Code, for immunity under section 9.86 of the Revised Code, 95891
and for indemnification from liability incurred in the performance 95892
of their duties under section 9.87 of the Revised Code. 95893

Section 265.60.50. (A) Not later than July 1, 2010, the State 95894
Board of Education and Superintendent of Public Instruction 95895

jointly shall study the following proposals and make 95896
recommendations to the General Assembly: 95897

(1) Adopting new statewide academic standards and model 95898
curricula in English language arts, mathematics, science, and 95899
social studies to replace the existing standards and curricula in 95900
reading, writing, mathematics, science, and social studies adopted 95901
under section 3301.079 of the Revised Code; 95902

(2) Revising the academic standards and model curricula in 95903
fine arts and foreign language adopted under section 3301.0718 of 95904
the Revised Code; 95905

(3) Revising the academic standards and model curricula in 95906
computer literacy adopted under section 3301.0718 of the Revised 95907
Code and expanding them to cover grades kindergarten through 95908
twelve; 95909

(4) Adopting academic standards and model curricula for 95910
grades kindergarten through twelve in the area of financial 95911
literacy and entrepreneurship; 95912

(5) Developing new achievement tests aligned with the revised 95913
academic standards described in division (A)(1) of this section; 95914

(6) Combining the grade-level reading and writing achievement 95915
tests and diagnostic assessments into a single achievement test or 95916
diagnostic assessment in the subject of English language arts; 95917

(7) Reducing the scoring ranges on the achievement tests from 95918
the five levels described in division (A)(2) of section 3301.0710 95919
of the Revised Code to three levels by eliminating the accelerated 95920
and basic levels; 95921

(8) Eliminating the restrictions on the dates and times for 95922
administering the achievement tests established in divisions (C), 95923
(D), and (H) of section 3301.0710 of the Revised Code and instead 95924
requiring the Superintendent of Public Instruction to designate 95925

those dates and times;	95926
(9) Developing a new high school assessment system consisting	95927
of the following components to replace the Ohio Graduation Tests	95928
as a requirement for a high school diploma:	95929
(a) A nationally standardized assessment in science,	95930
mathematics, and English language arts;	95931
(b) A series of end-of-course examinations in science,	95932
mathematics, English language arts, and social studies;	95933
(c) A community service learning project;	95934
(d) A senior project.	95935
(10) Establishing new performance indicators for the school	95936
district and building report cards issued under section 3302.03 of	95937
the Revised Code;	95938
(11) Extending the length of the minimum school year;	95939
(12) Allocating school hours more effectively in terms of	95940
classroom instruction, competency-based evaluation, planning time,	95941
and professional development;	95942
(13) Designating school districts as innovation zones for the	95943
purpose of implementing innovative educational practices and	95944
learning opportunities for students and exempting districts from	95945
education mandates.	95946
(B) The recommendations under division (A) of this section	95947
shall address the necessity of implementing each proposal, a	95948
timeline that would be required for implementation, the estimated	95949
cost of implementation, and legislative changes needed for	95950
implementation.	95951
(C) Copies of the recommendations shall be provided to the	95952
General Assembly, in accordance with section 101.68 of the Revised	95953
Code, and to the Governor.	95954

Section 265.60.60. EDUCATOR STANDARDS BOARD 95955

(A) The State Board of Education shall appoint two teachers 95956
under division (A)(1)(a) of section 3319.60 of the Revised Code, 95957
as amended by this act, not later than sixty days after the 95958
effective date of this section. The term of office of the new 95959
secondary school teacher member shall expire July 1, 2011, and the 95960
term of office of the new elementary school teacher member shall 95961
expire July 1, 2012. Thereafter, the term of the additional 95962
secondary and elementary school teachers appointed to the Educator 95963
Standards Board shall be for two years. 95964

(B) The State Board of Education shall appoint a school 95965
district treasurer or business manager to the Educator Standards 95966
Board under division (A)(1)(c) of section 3319.60 of the Revised 95967
Code, as amended by this act, not later than sixty days after the 95968
effective date of this section. The term of office of that member 95969
shall expire July 1, 2012. Thereafter, the term of the school 95970
district treasurer or business manager appointed to the Educator 95971
Standards Board shall be for two years. 95972

(C) The State Board of Education shall appoint a parent to 95973
the Educator Standards Board under division (A)(1)(e) of section 95974
3319.60 of the Revised Code, as amended by this act, not later 95975
than sixty days after the effective date of this section. The term 95976
of office of that member shall expire July 1, 2011. Thereafter, 95977
the term of the parent representative appointed to the Educator 95978
Standards Board shall be for two years. 95979

(D) The higher education representatives appointed by the 95980
State Board of Education to the Educator Standards Board prior to 95981
the effective date of this section under former division (A)(5) of 95982
section 3319.60 of the Revised Code shall serve for the remainder 95983
of their terms. The Chancellor of the Ohio Board of Regents shall 95984
appoint higher education representatives to the Educator Standards 95985

Board under division (A)(2) of section 3319.60 of the Revised Code, as amended by this act, as the terms of the higher education representatives appointed under former division (A)(5) of that section expire, each for a term of two years. The Chancellor also shall fill any vacancies that occur during the term of a higher education representative appointed under former division (A)(5) of that section.

Section 265.60.70. RESTRICTION OF LIABILITY FOR CERTAIN REIMBURSEMENTS

(A) Except as expressly required under a court judgment not subject to further appeals, or a settlement agreement with a school district executed on or before June 1, 2009, in the case of a school district for which the formula ADM for fiscal year 2005, as reported for that fiscal year under division (A) of section 3317.03 of the Revised Code, was reduced based on enrollment reports for community schools, made under section 3314.08 of the Revised Code, regarding students entitled to attend school in the district, which reduction of formula ADM resulted in a reduction of foundation funding or transitional aid funding for fiscal year 2005, 2006, or 2007, no school district, except a district named in the court's judgment or the settlement agreement, shall have a legal claim for reimbursement of the amount of such reduction in foundation funding or transitional aid funding, and the state shall not have liability for reimbursement of the amount of such reduction in foundation funding or transitional aid funding.

(B) As used in this section:

(1) "Community school" means a community school established under Chapter 3314. of the Revised Code.

(2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of

the Revised Code. 96017

(3) "Foundation funding" means payments calculated for the 96018
respective fiscal year under Chapter 3317. of the Revised Code. 96019

(4) "Transitional aid funding" means payments calculated for 96020
the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 96021
of the 125th General Assembly, as subsequently amended; Section 96022
206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as 96023
subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 96024
of the 127th General Assembly. 96025

Section 265.60.90. All duties, powers, obligations, and 96026
functions performed by, all rights exercised by, and the remaining 96027
unexpended, unencumbered balance of any money appropriated or 96028
reappropriated to the Department of Administrative Services with 96029
regard to the School Employees Health Care Board under section 96030
9.901 of the Revised Code, whether obligated or unobligated, are 96031
transferred to the Department of Education on July 1, 2009. The 96032
Department of Education thereupon succeeds to, and shall assume, 96033
all duties, powers, obligations, and functions performed by, all 96034
rights exercised by, and the remaining unexpended, unencumbered 96035
balance of any money appropriated or reappropriated to the 96036
Department of Administrative Services with regard to the School 96037
Employees Health Care Board under section 9.901 of the Revised 96038
Code. 96039

Any aspect of the board's operations commenced but not 96040
completed by the Department of Administrative Services on July 1, 96041
2009, shall be completed by the Superintendent of Public 96042
Instruction or staff of the Department of Education in the same 96043
manner, and with the same effect, as if completed by the 96044
Department of Administrative Services or the staff of the 96045
Department of Administrative Services. Any validation, cure, 96046
right, privilege, remedy, obligation, or liability related to the 96047

board's operations is neither lost nor impaired by reason of the 96048
transfer and shall be administered by the Department of Education. 96049

All of the rules, orders, and determinations of the 96050
Department of Administrative Services in relation to the board's 96051
operations continue in effect as rules, orders, and determinations 96052
of the Superintendent of Public Instruction until modified or 96053
rescinded by the Superintendent. At the request of the 96054
Superintendent, and if necessary to ensure the integrity of the 96055
numbering of the Administrative Code, the Director of the 96056
Legislative Service Commission shall renumber the rules of the 96057
board to reflect the transfer to the Department of Education. 96058

The Department of Administrative Services and the 96059
Superintendent shall identify the employees of the board to be 96060
transferred to the Department of Education. The employees shall be 96061
transferred on July 1, 2009, or as soon as possible thereafter. 96062

Whenever the Department of Administrative Services is 96063
referred to in relation to the board in any law, contract, or 96064
other document, the reference shall be deemed to refer to the 96065
Department of Education in relation to the board. 96066

Any action or proceeding that is related to the board's 96067
operations and that is pending on the effective date of this 96068
section is not affected by the transfer and shall be prosecuted or 96069
defended in the name of the Superintendent or the Department of 96070
Education. In all such actions and proceedings, the Superintendent 96071
or the Department of Education, upon application to the court or 96072
agency, shall be substituted as a party. 96073

On or after July 1, 2009, notwithstanding any provision of 96074
law to the contrary, the Director of Budget and Management shall 96075
take any action with respect to budget changes made necessary by 96076
the transfer, including the creation of new funds and the 96077
consolidation of funds. The Director may transfer cash balances 96078

between funds. The Director may cancel encumbrances and 96079
re-establish encumbrances or parts of encumbrances as needed in 96080
the fiscal year in the appropriate fund and appropriation item for 96081
the same purpose and to the same vendor. As determined by the 96082
Director, encumbrances re-established in the fiscal year in a 96083
different fund or appropriation item used by an agency or between 96084
agencies are appropriated. The Director shall reduce each year's 96085
appropriation balances by the amount of the encumbrance canceled 96086
in their respective funds and appropriation item. Any unencumbered 96087
or unallocated appropriation balances from the previous fiscal 96088
year may be transferred to the appropriate appropriation item to 96089
be used for the same purposes, as determined by the Director. 96090

Section 265.70.10. CENTER FOR EARLY CHILDHOOD DEVELOPMENT 96091

(A) The Governor and the Superintendent of Public Instruction 96092
shall create the Center for Early Childhood Development in the 96093
Department of Education comprised of staff from the Department of 96094
Education, the Department of Job and Family Services, the 96095
Department of Health, and any other state agency as determined 96096
necessary by the Governor and the Superintendent. The Governor and 96097
the Superintendent also shall hire a Director of the Center who 96098
shall report to the Superintendent and the Governor. The Center, 96099
under the supervision of the Director, shall research and make 96100
recommendations about the coordination of early childhood programs 96101
and services for children, beginning with prenatal care and 96102
continuing until entry into kindergarten, and the eventual 96103
transfer of the authority to implement those programs and services 96104
from other state agencies to the Department of Education. 96105

(B) The Center for Early Childhood Development shall promote 96106
family-centered programs and services that acknowledge and support 96107
the social, emotional, cognitive, intellectual, and physical 96108
development of children and the vital role of families in ensuring 96109

the well-being and success of children. 96110

(C) The Director of the Center for Early Childhood 96111
Development, in partnership with staff from the Department of 96112
Education, the Department of Job and Family Services, the 96113
Department of Health, and any other state agency as determined 96114
necessary by the Governor and the Superintendent, and advised by 96115
the Early Childhood Advisory Council, shall submit an 96116
implementation plan to the Superintendent and the Governor not 96117
later than December 31, 2009. The implementation plan shall 96118
include research and recommendations regarding all of the 96119
following: 96120

(1) The identification of programs, services, and funding 96121
sources to be transferred from other state agencies to the 96122
Department of Education; 96123

(2) A new administrative structure within the Department of 96124
Education for the purpose of implementing early childhood programs 96125
and services; 96126

(3) Statutory changes necessary to implement the new 96127
administrative structure within the Department of Education; 96128

(4) A timeline for the transition from the current 96129
administrative structure within other state agencies to the new 96130
administrative structure within the Department of Education. 96131

(D) The Director of Budget and Management may seek 96132
Controlling Board approval to do any of the following to support 96133
the preparation of an implementation plan to create a new 96134
administrative structure for early childhood programs and services 96135
within the Department of Education: 96136

(1) Create new funds and non-GRF appropriation items; 96137

(2) Transfer cash between funds; 96138

(3) Transfer appropriations within the same fund used by the 96139

same state agency. 96140

Any transfers of cash approved by the Controlling Board under 96141

this section are hereby appropriated. 96142

Section 265.70.20. EARLY CHILDHOOD FINANCING WORKGROUP 96143

The Early Childhood Advisory Council shall establish an Early 96144

Childhood Financing Workgroup. The chairperson of the Early 96145

Childhood Advisory Council shall serve as chairperson of the Early 96146

Childhood Financing Workgroup. The Early Childhood Financing 96147

Workgroup shall develop recommendations that explore the 96148

implementation of a single financing system for early care and 96149

education programs that includes aligned payment mechanisms and 96150

consistent eligibility and co-payment policies. Not later than 96151

December 31, 2009, the Early Childhood Financing Workgroup shall 96152

submit its recommendations to the Governor. Upon the order of the 96153

Early Childhood Advisory Council, the Early Childhood Financing 96154

Workgroup shall cease to exist. 96155

Section 265.70.40. MORATORIUM ON LOCAL SCHOOL DISTRICT 96156

RELOCATIONS TO DIFFERENT EDUCATIONAL SERVICE CENTERS 96157

Notwithstanding section 3311.059 of the Revised Code, as 96158

amended by this act, and notwithstanding Section 265.70.41 of this 96159

act, no severance of the territory of a local school district from 96160

the educational service center to which it currently belongs and 96161

annexation of that district's territory to an adjacent educational 96162

service center, as otherwise authorized under that section, shall 96163

be effective for the period beginning on the effective date of 96164

this section and ending July 1, 2011. All resolutions proposing 96165

such severance and annexation approved by the State Board of 96166

Education but not effective prior to July 1, 2009, are hereby 96167

void. All resolutions proposing such severance and annexation 96168

pending on the effective date of this section are hereby void and 96169

shall not be considered by the State Board. If the board of 96170
education of a local school district with such a severance and 96171
annexation action pending or approved on the effective date of 96172
this section that is void under this section desires to have the 96173
action considered after July 1, 2011, the board shall adopt after 96174
that date a new resolution in the manner prescribed by section 96175
3311.059 of the Revised Code. No local school district shall adopt 96176
a severance and annexation resolution under that section during 96177
the period beginning on the effective date of this section and 96178
ending July 1, 2011. 96179

Section 265.70.41. The amendments to section 3311.059 of the 96180
Revised Code enacted by this act shall apply to any resolution 96181
proposing the severance of a local school district from its 96182
current educational service center and annexation of the district 96183
to the territory of another service center pending before the 96184
State Board of Education on and after the effective date of this 96185
section. 96186

Section 265.80.10. (A) Notwithstanding the amendments to and 96187
repeal of statutes by this act, the Board of Speech-Language 96188
Pathology and Audiology shall accept applications for new, and 96189
renewal of, speech-language pathology student permits through the 96190
effective date of the rules adopted by the State Board of 96191
Education under section 3319.227 of the Revised Code, as enacted 96192
by this act, and shall issue the permits on the basis of the 96193
applications received by that date in accordance with former 96194
section 4753.073 of the Revised Code as it existed prior to the 96195
effective date of this section. Starting on the effective date of 96196
the rules adopted under section 3319.227 of the Revised Code, the 96197
State Board of Education shall begin issuing speech-language 96198
pathology intern licenses in accordance with that section. 96199

(B) Any speech-language pathology student permit issued under 96200

former section 4753.073 of the Revised Code, as it existed prior 96201
to the effective date of this section, or under division (A) of 96202
this section shall remain valid until its expiration. 96203

(C) Notwithstanding the repeal of section 4753.101 of the 96204
Revised Code by this act, and until the effective date of the 96205
rules adopted by the State Board of Education under section 96206
3319.227 of the Revised Code, the Board of Speech-Language 96207
Pathology and Audiology may take disciplinary action, in 96208
accordance with any rules established under former section 96209
4753.101 of the Revised Code, against any person who holds a 96210
speech-language pathology student permit. 96211

Section 265.80.20. UNAUDITABLE COMMUNITY SCHOOL 96212

(A) If the Auditor of State or a public accountant, pursuant 96213
to section 117.41 of the Revised Code, declares a community school 96214
established under Chapter 3314. of the Revised Code to be 96215
unauditable, the Auditor of State shall provide written 96216
notification of that declaration to the school, the school's 96217
sponsor, and the Department of Education. The Auditor of State 96218
also shall post the notification on the Auditor of State's web 96219
site. 96220

(B) Notwithstanding any provision to the contrary in Chapter 96221
3314. of the Revised Code or any other provision of law, a sponsor 96222
of a community school that is notified by the Auditor of State 96223
under division (A) of this section that a community school it 96224
sponsors is unauditabile shall not enter into contracts with any 96225
additional community schools under section 3314.03 of the Revised 96226
Code until the Auditor of State or a public accountant has 96227
completed a financial audit of that school. 96228

(C) Not later than forty-five days after receiving 96229
notification by the Auditor of State under division (A) of this 96230
section that a community school is unauditabile, the sponsor of the 96231

school shall provide a written response to the Auditor of State. 96232
The response shall include the following: 96233

(1) An overview of the process the sponsor will use to review 96234
and understand the circumstances that led to the community school 96235
becoming unauditabile; 96236

(2) A plan for providing the Auditor of State with the 96237
documentation necessary to complete an audit of the community 96238
school and for ensuring that all financial documents are available 96239
in the future; 96240

(3) The actions the sponsor will take to ensure that the plan 96241
described in division (C)(2) of this section is implemented. 96242

(D) If a community school fails to make reasonable efforts 96243
and continuing progress to bring its accounts, records, files, or 96244
reports into an auditable condition within ninety days after being 96245
declared unauditabile, the Auditor of State, in addition to 96246
requesting legal action under sections 117.41 and 117.42 of the 96247
Revised Code, shall notify the Department of the school's failure. 96248
If the Auditor of State or a public accountant subsequently is 96249
able to complete a financial audit of the school, the Auditor of 96250
State shall notify the Department that the audit has been 96251
completed. 96252

(E) Notwithstanding any provision to the contrary in Chapter 96253
3314. of the Revised Code or any other provision of law, upon 96254
notification by the Auditor of State under division (D) of this 96255
section that a community school has failed to make reasonable 96256
efforts and continuing progress to bring its accounts, records, 96257
files, or reports into an auditable condition following a 96258
declaration that the school is unauditabile, the Department shall 96259
immediately cease all payments to the school under Chapter 3314. 96260
of the Revised Code and any other provision of law. Upon 96261
subsequent notification from the Auditor of State under that 96262

division that the Auditor of State or a public accountant was able 96263
to complete a financial audit of the community school, the 96264
Department shall release all funds withheld from the school under 96265
this section. 96266

Section 265.80.30. (A) This section applies only to the 96267
contract for vocational education services, under section 3313.90 96268
of the Revised Code, between: 96269

(1) A local school district receiving the services under the 96270
contract, which was created under section 3311.26 of the Revised 96271
Code and began operating in fiscal year 2005; 96272

(2) Another local school district providing the services 96273
under the contract, the territory of which district had included 96274
the territory of the district described in division (A)(1) of this 96275
section prior to the creation of that district. 96276

(B) Notwithstanding anything to the contrary in rule 96277
3301-61-06 of the Administrative Code, a vocational education 96278
contract to which this section applies that expires on or before 96279
June 30, 2010, may be renewed one time for a term of less than 96280
five years. 96281

Section 265.80.40. Not later than January 29, 2010, the State 96282
Board of Education shall develop a list of best practices for 96283
improving parental involvement in schools that public and 96284
nonpublic schools may use to increase parental participation. The 96285
Department of Education shall make the list available to schools 96286
on its web site. 96287

Section 265.80.50. The State Board of Education shall 96288
initiate rulemaking procedures for the rules for the Special 96289
Education Scholarship Pilot Program, required under section 96290
3310.64 of the Revised Code, as enacted by this act, so that those 96291

rules are in effect by January 31, 2011. 96292

Section 265.80.51. The Department of Education shall conduct 96293
a formative evaluation of the Special Education Scholarship Pilot 96294
Program established under sections 3310.51 to 3310.64 of the 96295
Revised Code, using both quantitative and qualitative analyses, 96296
and shall report its findings to the General Assembly not later 96297
than December 31, 2013. In conducting the evaluation, the 96298
Department shall to the extent possible gather comments from 96299
parents who have been awarded scholarships under the program, 96300
school district officials, representatives of registered private 96301
providers, educators, and representatives of educational 96302
organizations for inclusion in the report required under this 96303
section. 96304

Section 267.10. ELC OHIO ELECTIONS COMMISSION 96305

General Revenue Fund 96306

GRF 051321	Operating Expenses	\$	381,578	\$	381,578	96307
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TOTAL GRF	General Revenue Fund	\$	381,578	\$	381,578	96308
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General Services Fund Group 96309

4P20 051601	Ohio Elections	\$	250,000	\$	255,000	96310
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Commission Fund

TOTAL GSF	General Services Fund	\$	250,000	\$	255,000	96311
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	631,578	\$	636,578	96312
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Section 269.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL 96314

DIRECTORS 96315

General Services Fund Group 96316

4K90 881609	Operating Expenses	\$	572,159	\$	572,159	96317
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TOTAL GSF	General Services					96318
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Fund Group		\$	572,159	\$	572,159	96319
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shall be used to make payments from the State Employee Disability Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

PAYROLL WITHHOLDING FUND

The foregoing appropriation item 995673, Payroll Deductions, shall be used to make payments from the Payroll Withholding Fund (Fund 1240). If it is determined by the Director of Budget and Management that additional appropriation amounts are necessary, the amounts are hereby appropriated.

STATE EMPLOYEE HEALTH BENEFIT FUND

The foregoing appropriation item 995668, State Employee Health Benefit Fund, shall be used to make payments from the State Employee Health Benefit Fund (Fund 8080) pursuant to section 124.87 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

DEPENDENT CARE SPENDING FUND

The foregoing appropriation item 995669, Dependent Care Spending Account, shall be used to make payments from the Dependent Care Spending Fund (Fund 8090) to employees eligible for dependent care expenses. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

LIFE INSURANCE INVESTMENT FUND

The foregoing appropriation item 995670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 8100) for the costs and expenses of the state's life insurance benefit program pursuant to section

125.212 of the Revised Code. If it is determined by the Director 96376
of Budget and Management that additional amounts are necessary, 96377
the amounts are hereby appropriated. 96378

PARENTAL LEAVE BENEFIT FUND 96379

The foregoing appropriation item 995671, Parental Leave 96380
Benefit Fund, shall be used to make payments from the Parental 96381
Leave Benefit Fund (Fund 8110) to employees eligible for parental 96382
leave benefits pursuant to section 124.137 of the Revised Code. If 96383
it is determined by the Director of Budget and Management that 96384
additional amounts are necessary, the amounts are hereby 96385
appropriated. 96386

HEALTH CARE SPENDING ACCOUNT FUND 96387

The foregoing appropriation item 995672, Health Care Spending 96388
Account, shall be used to make payments from the Health Care 96389
Spending Account Fund (Fund 8130) for payments pursuant to state 96390
employees' participation in a flexible spending account for 96391
non-reimbursed health care expenses and section 124.821 of the 96392
Revised Code. If it is determined by the Director of 96393
Administrative Services that additional appropriation amounts are 96394
necessary, the Director of Administrative Services may request 96395
that the Director of Budget and Management increase such amounts. 96396
Such amounts are hereby appropriated. 96397

At the request of the Director of Administrative Services, 96398
the Director of Budget and Management may transfer up to \$145,000 96399
from the General Revenue Fund to the Health Care Spending Account 96400
Fund during fiscal years 2010 and 2011. This cash shall be 96401
transferred as needed to provide adequate cash flow for the Health 96402
Care Spending Account Fund during fiscal year 2010 and fiscal year 96403
2011. If funds are available at the end of fiscal years 2010 and 96404
2011, the Director of Budget and Management shall transfer cash up 96405
to the amount previously transferred in the respective year, plus 96406

interest income, from the Health Care Spending Account (Fund 8130) 96407
to the General Revenue Fund. 96408

Section 273.10. ERB STATE EMPLOYMENT RELATIONS BOARD 96409

General Revenue Fund 96410

GRF 125321 Operating Expenses \$ 4,090,876 \$ 4,090,876 96411

TOTAL GRF General Revenue Fund \$ 4,090,876 \$ 4,090,876 96412

General Services Fund Group 96413

5720 125603 Training and \$ 87,075 \$ 87,075 96414
Publications

TOTAL GSF General Services 96415

Fund Group \$ 87,075 \$ 87,075 96416

TOTAL ALL BUDGET FUND GROUPS \$ 4,177,951 \$ 4,177,951 96417

Section 273.20. CONSOLIDATION OF SERVICES WITH STATE 96419

EMPLOYMENT RELATIONS BOARD 96420

(A) Beginning on July 1, 2009, the Chairperson of the State 96421
Employment Relations Board is the appointing authority for all 96422
employees of the State Personnel Board of Review and the State 96423
Employment Relations Board. After conferring with the Chairperson 96424
of the State Personnel Board of Review, the Chairperson of the 96425
State Employment Relations Board shall identify the employees, 96426
equipment, assets, and records of the State Personnel Board of 96427
Review to be transferred to the State Employment Relations Board. 96428
The State Employment Relations Board and the State Personnel Board 96429
of Review shall enter into an interagency agreement to transfer to 96430
the State Employment Relations Board employees, equipment, assets, 96431
and records of the State Personnel Board of Review by July 1, 96432
2009, or as soon as possible thereafter. The agreement may include 96433
provisions to transfer property and any other provisions necessary 96434
for the continued administration of program activities. The 96435
employees of the State Personnel Board of Review that the 96436

Chairperson of the State Employment Relations Board identifies for 96437
transfer, and any equipment assigned to those employees, are 96438
hereby transferred to the State Employment Relations Board. Any 96439
employees of the State Personnel Board of Review so transferred 96440
shall retain the rights specified in sections 124.321 to 124.328 96441
of the Revised Code, and any employee transferred to the State 96442
Employment Relations Board retains the employee's respective 96443
classification, but the Chairperson of the State Employment 96444
Relations Board may reassign and reclassify the employee's 96445
position and compensation as the Chairperson determines to be in 96446
the interest of efficient office administration. Pursuant to 96447
division (B)(2)(b) of section 4117.02 of the Revised Code, as 96448
amended by this act, to the extent determined necessary by the 96449
Chairperson of the State Employment Relations Board, the State 96450
Personnel Board of Review shall utilize employees of the State 96451
Employment Relations Board in the exercise of the powers and the 96452
performance of the duties of the State Personnel Board of Review. 96453

(B) Effective July 1, 2009, and pursuant to section 124.03 of 96454
the Revised Code, the State Personnel Board of Review shall 96455
exercise its duties and exist as a separate entity within the 96456
State Employment Relations Board. The costs of the State Personnel 96457
Board of Review shall be supported by the foregoing appropriation 96458
item 125321, Operating Expenses. 96459

On July 1, 2009, or as soon as possible thereafter, the 96460
Director of Budget and Management shall transfer the cash balance 96461
of the Transcript and Other Documents Fund (Fund 6360) used by the 96462
State Personnel Board of Review to the Training, Publications, and 96463
Grants Fund (Fund 5720) used by the State Employment Relations 96464
Board. Upon completion of the transfer, Fund 6360 is abolished. 96465
The Director shall cancel any existing encumbrances against 96466
appropriation item 124601, Records and Reporting Support, and 96467
re-establish them against appropriation item 125603, Training and 96468

Publications. The re-established encumbrance amounts are hereby 96469
 appropriated. 96470

Any business commenced but not completed under Fund 6360 by 96471
 July 1, 2009, shall be completed under Fund 5720 in the same 96472
 manner, and with the same effect, as if completed with regard to 96473
 Fund 6360. No validation, cure, right, privilege, remedy, 96474
 obligation, or liability is lost or impaired by reason of the 96475
 transfer and shall be administered with regard to Fund 5720. 96476

On and after July 1, 2009, where the Transcript and Other 96477
 Documents Fund is referred to in any statute, rule, contract, 96478
 grant, or other document, the reference is hereby deemed to refer 96479
 to the Training, Publications, and Grants Fund. 96480

Section 275.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS 96481

General Services Fund Group				96482
4K90 892609 Operating Expenses	\$	902,772	\$ 902,772	96483
TOTAL GSF General Services				96484
Fund Group	\$	902,772	\$ 902,772	96485
TOTAL ALL BUDGET FUND GROUPS	\$	902,772	\$ 902,772	96486

Section 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY 96488

General Services Fund Group				96489
1990 715602 Laboratory Services	\$	935,907	\$ 983,929	96490
2190 715604 Central Support	\$	15,718,301	\$ 15,718,301	96491
Indirect				
4A10 715640 Operating Expenses	\$	3,336,872	\$ 3,336,872	96492
TOTAL GSF General Services				96493
Fund Group	\$	19,991,081	\$ 20,039,103	96494
Federal Special Revenue Fund Group				96495
3530 715612 Public Water Supply	\$	2,933,812	\$ 2,941,282	96496
3540 715614 Hazardous Waste	\$	4,193,000	\$ 4,193,000	96497

		Management - Federal				
3570	715619	Air Pollution Control	\$	6,282,777	\$	6,310,203 96498
		- Federal				
3620	715605	Underground Injection	\$	111,874	\$	111,874 96499
		Control - Federal				
3BU0	715684	Water Quality	\$	7,435,000	\$	6,489,000 96500
		Protection				
3C50	715688	Federal NRD	\$	100,000	\$	100,000 96501
		Settlements				
3F20	715630	Revolving Loan Fund -	\$	1,129,696	\$	907,543 96502
		Operating				
3F30	715632	Federally Supported	\$	2,159,486	\$	2,159,551 96503
		Cleanup and Response				
3F50	715641	Nonpoint Source	\$	6,880,000	\$	6,095,000 96504
		Pollution Management				
3K40	715634	DOD Monitoring and	\$	729,130	\$	732,280 96505
		Oversight				
3N40	715657	DOE Monitoring and	\$	878,578	\$	884,050 96506
		Oversight				
3T30	715669	Drinking Water State	\$	2,238,848	\$	2,273,323 96507
		Revolving Fund				
3V70	715606	Agencywide Grants	\$	500,000	\$	500,000 96508
		TOTAL FED Federal Special Revenue				96509
		Fund Group	\$	35,572,201	\$	33,697,106 96510
		State Special Revenue Fund Group				96511
4J00	715638	Underground Injection	\$	383,676	\$	383,676 96512
		Control				
4K20	715648	Clean Air - Non Title	\$	3,456,261	\$	3,587,176 96513
		V				
4K30	715649	Solid Waste	\$	14,282,845	\$	14,282,845 96514
4K40	715650	Surface Water	\$	7,965,000	\$	8,915,000 96515
		Protection				
4K40	715686	Environmental Lab	\$	2,132,000	\$	2,132,000 96516

		Service				
4K50	715651	Drinking Water	\$	7,487,198	\$	7,699,007 96517
		Protection				
4P50	715654	Cozart Landfill	\$	100,000	\$	100,000 96518
4R50	715656	Scrap Tire Management	\$	5,125,000	\$	5,125,000 96519
4R90	715658	Voluntary Action	\$	852,141	\$	852,141 96520
		Program				
4T30	715659	Clean Air - Title V	\$	16,699,500	\$	16,699,500 96521
		Permit Program				
4U70	715660	Construction and	\$	888,970	\$	885,554 96522
		Demolition Debris				
5000	715608	Immediate Removal	\$	437,798	\$	437,798 96523
		Special Account				
5030	715621	Hazardous Waste	\$	8,887,756	\$	8,887,756 96524
		Facility Management				
5050	715623	Hazardous Waste	\$	11,955,989	\$	11,955,989 96525
		Cleanup				
5050	715674	Clean Ohio	\$	109,725	\$	109,725 96526
		Environmental Review				
5410	715670	Site Specific Cleanup	\$	25,359	\$	25,359 96527
5420	715671	Risk Management	\$	135,964	\$	135,964 96528
		Reporting				
5920	715627	Anti Tampering	\$	5,654	\$	5,654 96529
		Settlement				
5BC0	715617	Clean Ohio	\$	690,322	\$	690,322 96530
5BC0	715622	Local Air Pollution	\$	1,026,369	\$	1,026,369 96531
		Control				
5BC0	715624	Surface Water	\$	8,997,413	\$	8,997,413 96532
5BC0	715667	Groundwater	\$	1,093,741	\$	1,093,741 96533
5BC0	715672	Air Pollution Control	\$	5,199,290	\$	5,199,290 96534
5BC0	715673	Drinking Water	\$	2,550,250	\$	2,550,250 96535
5BC0	715675	Hazardous Waste	\$	100,847	\$	100,847 96536
5BC0	715676	Assistance and	\$	700,302	\$	700,302 96537

		Prevention					
5BC0	715677	Laboratory	\$	1,216,333	\$	1,216,333	96538
5BC0	715678	Corrective Actions	\$	1,179,775	\$	1,179,775	96539
5BC0	715687	Areawide Planning	\$	450,000	\$	450,000	96540
		Agencies					
5BC0	715690	Environmental Review	\$	487,000	\$	487,000	96541
		Appeals					
5BT0	715679	C&DD Groundwater	\$	200,000	\$	203,800	96542
		Monitoring					
5BY0	715681	Auto Emissions Test	\$	14,385,892	\$	14,803,470	96543
5CD0	715682	Clean Diesel School	\$	600,000	\$	600,000	96544
		Buses					
5H40	715664	Groundwater Support	\$	1,872,193	\$	1,884,247	96545
5N20	715613	Dredge and Fill	\$	30,000	\$	30,000	96546
5Y30	715685	Surface Water	\$	2,000,000	\$	500,000	96547
		Improvement					
6440	715631	ER Radiological Safety	\$	286,114	\$	286,114	96548
6600	715629	Infectious Waste	\$	100,000	\$	100,000	96549
		Management					
6760	715642	Water Pollution	\$	4,610,529	\$	4,832,682	96550
		Control Loan					
		Administration					
6780	715635	Air Toxic Release	\$	174,600	\$	179,746	96551
6790	715636	Emergency Planning	\$	2,623,395	\$	2,628,647	96552
6960	715643	Air Pollution Control	\$	750,000	\$	750,000	96553
		Administration					
6990	715644	Water Pollution	\$	750,000	\$	750,000	96554
		Control Administration					
6A10	715645	Environmental	\$	1,500,000	\$	1,500,000	96555
		Education					
TOTAL	SSR	State Special Revenue	\$	134,505,201	\$	134,960,492	96556
		Fund Group					
		Clean Ohio Conservation Fund Group					96557

5S10 715607	Clean Ohio - Operating	\$	291,174	\$	291,174	96558
TOTAL CLF	Clean Ohio Conservation Fund Group	\$	291,174	\$	291,174	96559
TOTAL ALL BUDGET FUND GROUPS		\$	190,359,657	\$	188,987,875	96560
AUTOMOBILE EMISSIONS TESTING PROGRAM OPERATION AND OVERSIGHT						96561
On July 1 of each fiscal year, or as soon as possible						96562
thereafter, the Director of Budget and Management shall transfer						96563
\$14,385,892 in fiscal year 2010, and \$14,803,470 in fiscal year						96564
2011 in cash from the General Revenue Fund to the Auto Emissions						96565
Test Fund (Fund 5BY0) for the operation and oversight of the auto						96566
emissions testing program.						96567
Effective September 30, 2009, or as soon as possible						96568
thereafter, the Director of Budget and Management shall transfer						96569
the cash balance in the Motor Vehicle Inspection and Maintenance						96570
Fund (Fund 6020) to Fund 5BY0. Fund 6020 is abolished in division						96571
(D) of section 3704.14 of the Revised Code as amended by this act.						96572
AREAWIDE PLANNING AGENCIES						96573
The Director of Environmental Protection Agency shall award						96574
grants from appropriation item 715687, Areawide Planning Agencies,						96575
to areawide planning agencies engaged in areawide water quality						96576
management and planning activities in accordance with Section 208						96577
of the "Federal Clean Water Act," 33 U.S.C. 1288.						96578
ENVIRONMENTAL REVIEW AND APPEALS						96579
The foregoing appropriation item 715690, Environmental Review						96580
Appeals, shall be used to support the Environmental Review Appeals						96581
Commission.						96582
CORRECTIVE CASH TRANSFER FOR COPPERWELD BANKRUPTCY SETTLEMENT						96583
On July 1, 2009, or as soon as possible thereafter, the						96584
Director of Budget and Management shall transfer \$1,323,933.19 in						96585

cash, which the Agency received from the Copperweld bankruptcy 96586
 settlement, that was mistakenly deposited in the Hazardous Waste 96587
 Cleanup Fund (Fund 5050) to the Environmental Protection 96588
 Remediation Fund (Fund 5410). 96589

Section 281.10. ETC ETECH OHIO 96590

General Revenue Fund 96591

GRF 935401 Statehouse News \$ 219,960 \$ 219,960 96592
 Bureau

GRF 935402 Ohio Government \$ 716,417 \$ 716,417 96593
 Telecommunications
 Services

GRF 935408 General Operations \$ 2,150,917 \$ 2,164,444 96594

GRF 935409 Technology Operations \$ 3,594,504 \$ 3,602,446 96595

GRF 935410 Content Development, \$ 4,137,306 \$ 4,138,244 96596
 Acquisition, and
 Distribution

GRF 935411 Technology \$ 6,963,226 \$ 6,977,487 96597
 Integration and
 Professional
 Development

GRF 935412 Information \$ 1,387,062 \$ 1,350,394 96598
 Technology

TOTAL GRF General Revenue Fund \$ 19,169,392 \$ 19,169,392 96599

General Services Fund Group 96600

4F30 935603 Affiliate Services \$ 450,000 \$ 50,000 96601

4T20 935605 Government \$ 25,000 \$ 25,000 96602
 Television/Telecommunications
 Operating

TOTAL GSF General Services Fund \$ 475,000 \$ 75,000 96603

Group

Federal Special Revenue Fund Group 96604

3S30	935606	Enhancing Education	\$	163,000	\$	163,000	96605
		Technology					
3X80	935604	IDEA	\$	18,892	\$	0	96606
TOTAL FED		Federal Special Revenue	\$	181,892	\$	163,000	96607
Fund Group							
State Special Revenue Fund Group							96608
4W90	935630	Telecommunity	\$	25,000	\$	25,000	96609
4X10	935634	Distance Learning	\$	23,734	\$	24,150	96610
5D40	935640	Conference/Special	\$	1,471,396	\$	1,473,527	96611
		Purposes					
5FK0	935608	Media Services	\$	300,000	\$	300,000	96612
5T30	935607	Gates Foundation	\$	200,000	\$	200,000	96613
		Grants					
TOTAL SSR		State Special Revenue	\$	2,020,130	\$	2,022,677	96614
Fund Group							
TOTAL ALL BUDGET		FUND GROUPS	\$	21,846,414	\$	21,430,069	96615

Section 281.20. STATEHOUSE NEWS BUREAU 96617

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 96618
96619
96620

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 96621

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions. 96622
96623
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TECHNOLOGY OPERATIONS 96629

The foregoing appropriation item 935409, Technology 96630

Operations, shall be used by eTech Ohio to pay expenses of eTech 96631
Ohio's network infrastructure, which includes the television and 96632
radio transmission infrastructure and infrastructure that shall 96633
link all public K-12 classrooms to each other and to the Internet, 96634
and provide access to voice, video, other communication services, 96635
and data educational resources for students and teachers. 96636

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 96637

The foregoing appropriation 935410, Content Development, 96638
Acquisition, and Distribution, shall be used for the development, 96639
acquisition, and distribution of information resources by public 96640
media and radio reading services and for educational use in the 96641
classroom and online. 96642

Of the foregoing appropriation item 935410, Content 96643
Development, Acquisition, and Distribution, up to \$1,104,605 in 96644
fiscal year 2010 and up to \$1,104,905 in fiscal year 2011 shall be 96645
allocated equally among the 12 Ohio educational television 96646
stations and used with the advice and approval of eTech Ohio. 96647
Funds shall be used for the production of interactive 96648
instructional programming series with priority given to resources 96649
aligned with state academic content standards in consultation with 96650
the Ohio Department of Education and for teleconferences to 96651
support eTech Ohio. The programming shall be targeted to the needs 96652
of the poorest two hundred school districts as determined by the 96653
district's adjusted valuation per pupil as defined in former 96654
section 3317.0213 of the Revised Code as that section existed 96655
prior to June 30, 2005. 96656

Of the foregoing appropriation item 935410, Content 96657
Development, Acquisition, and Distribution, up to \$2,695,736 in 96658
fiscal year 2010 and up to \$2,696,336 in fiscal year 2011 shall be 96659
distributed by eTech Ohio to Ohio's qualified public educational 96660
television stations and educational radio stations to support 96661
their operations. The funds shall be distributed pursuant to an 96662

allocation formula used by the Ohio Educational Telecommunications 96663
Network Commission unless a substitute formula is developed by 96664
eTech Ohio in consultation with Ohio's qualified public 96665
educational television stations and educational radio stations. 96666
96667

Of the foregoing appropriation 935410, Content Development, 96668
Acquisition, and Distribution, up to \$336,965 in fiscal year 2010 96669
and up to \$337,003 in fiscal year 2011 shall be distributed by 96670
eTech Ohio to Ohio's qualified radio reading services to support 96671
their operations. The funds shall be distributed pursuant to an 96672
allocation formula used by the Ohio Educational Telecommunications 96673
Network Commission unless a substitute formula is developed by 96674
eTech Ohio in consultation with Ohio's qualified radio reading 96675
services. 96676

**Section 281.30. TECHNOLOGY INTEGRATION AND PROFESSIONAL 96677
DEVELOPMENT 96678**

The foregoing appropriation item 935411, Technology 96679
Integration and Professional Development, shall be used by eTech 96680
Ohio for the provision of staff development, hardware, software, 96681
telecommunications services, and information resources to support 96682
educational uses of technology in the classroom and at a distance 96683
and for professional development for teachers, administrators, and 96684
technology staff on the use of educational technology in 96685
qualifying public schools, including the State School for the 96686
Blind, the State School for the Deaf, and the Department of Youth 96687
Services. 96688

Of the foregoing appropriation item 935411, Technology 96689
Integration and Professional Development, up to \$2,675,641 in 96690
fiscal year 2010 and up to \$2,675,966 in fiscal year 2011, shall 96691
be used by eTech Ohio to contract with educational television to 96692
provide Ohio public schools with instructional resources and 96693

services with priority given to resources and services aligned 96694
with state academic content standards and such resources and 96695
services shall be based upon the advice and approval of eTech 96696
Ohio, based on a formula used by the Ohio SchoolNet Commission 96697
unless and until a substitute formula is developed by eTech Ohio 96698
in consultation with Ohio's educational technology agencies and 96699
noncommercial educational television stations. 96700

Section 281.40. TELECOMMUNITY 96701

The foregoing appropriation item 935630, Telecommunity, shall 96702
be distributed by eTech Ohio on a grant basis to eligible school 96703
districts to establish "distance learning" through interactive 96704
video technologies in the school district. Per agreements with 96705
eight Ohio local telephone companies, ALLTEL Ohio, CENTURY 96706
Telephone of Ohio, Chillicothe Telephone Company, Cincinnati Bell 96707
Telephone Company, Orwell Telephone Company, Sprint North Central 96708
Telephone, VERIZON, and Western Reserve Telephone Company, school 96709
districts are eligible for funds if they are within one of the 96710
listed telephone company service areas. Funds to administer the 96711
program shall be expended by eTech Ohio up to the amount specified 96712
in the agreements with the listed telephone companies. 96713

96714

Within thirty days after the effective date of this section, 96715
the Director of Budget and Management shall transfer to Fund 4W90 96716
in the State Special Revenue Fund Group any investment earnings 96717
from moneys paid by any telephone company as part of any 96718
settlement agreement between the listed companies and the Public 96719
Utilities Commission in fiscal years 1996 and beyond. 96720

DISTANCE LEARNING 96721

The foregoing appropriation item 935634, Distance Learning, 96722
shall be distributed by eTech Ohio on a grant basis to eligible 96723
school districts to establish "distance learning" in the school 96724

district. Per an agreement with Ameritech, school districts are 96725
 eligible for funds if they are within an Ameritech service area. 96726
 Funds to administer the program shall be expended by eTech Ohio up 96727
 to the amount specified in the agreement with Ameritech. 96728

Within thirty days after the effective date of this section, 96729
 the Director of Budget and Management shall transfer to Fund 4X10 96730
 in the State Special Revenue Fund Group any investment earnings 96731
 from moneys paid by any telephone company as part of a settlement 96732
 agreement between the company and the Public Utilities Commission 96733
 in fiscal year 1995. 96734

GATES FOUNDATION GRANTS 96735

The foregoing appropriation item 935607, Gates Foundation 96736
 Grants, shall be used by eTech Ohio to provide professional 96737
 development to school district principals, superintendents, and 96738
 other administrative staff on the use of education technology. 96739

Section 283.10. ETH OHIO ETHICS COMMISSION 96740

General Revenue Fund					96741	
GRF 146321	Operating Expenses	\$	1,659,310	\$	1,659,310	96742
TOTAL GRF	General Revenue Fund	\$	1,659,310	\$	1,659,310	96743
General Services Fund Group					96744	
4M60 146601	Operating Expenses	\$	440,086	\$	440,086	96745
TOTAL GSF	General Services					96746
Fund Group		\$	440,086	\$	440,086	96747
TOTAL ALL BUDGET FUND GROUPS		\$	2,099,396	\$	2,099,396	96748

Section 285.10. EXP OHIO EXPOSITIONS COMMISSION 96750

General Revenue Fund					96751	
GRF 723403	Junior Fair Subsidy	\$	360,000	\$	360,000	96752
TOTAL GRF	General Revenue Fund	\$	360,000	\$	360,000	96753
State Special Revenue Fund Group					96754	

4N20 723602	Ohio State Fair	\$	520,000	\$	520,000	96755
	Harness Racing					
5060 723601	Operating Expenses	\$	11,753,315	\$	11,753,315	96756
TOTAL SSR State Special Revenue						96757
Fund Group		\$	12,273,315	\$	12,273,315	96758
TOTAL ALL BUDGET FUND GROUPS						96759

STATE FAIR RESERVE 96760

The General Manager of the Expositions Commission may submit 96761
a request to the Controlling Board to use available amounts in the 96762
State Fair Reserve Fund (Fund 6400) if the following conditions 96763
apply: 96764

(A) Admissions receipts for the 2009 or 2010 Ohio State Fair 96765
are less than \$1,982,000 because of inclement weather or 96766
extraordinary circumstances; 96767

(B) The Ohio Expositions Commission declares a state of 96768
fiscal exigency; and 96769

(C) The request contains a plan describing how the 96770
Expositions Commission will eliminate the cash shortage causing 96771
the request. 96772

The amount approved by the Controlling Board is hereby 96773
appropriated. 96774

Section 287.10. GOV OFFICE OF THE GOVERNOR 96775

General Revenue Fund 96776

GRF 040321	Operating Expenses	\$	2,971,945	\$	2,971,945	96777
GRF 040403	Federal Relations	\$	201,201	\$	201,201	96778
TOTAL GRF General Revenue Fund						96779

General Services Fund Group 96780

5AK0 040607	Federal Relations	\$	365,149	\$	365,149	96781
TOTAL GSF General Services Fund						96782
Group						

TOTAL ALL BUDGET FUND GROUPS		\$	3,538,295	\$	3,538,295	96783
FEDERAL RELATIONS						96784
A portion of the foregoing appropriation items 040403,						96785
Federal Relations, and 040607, Federal Relations, may be used to						96786
support Ohio's membership in national or regional associations.						96787
The Office of the Governor may charge any state agency of the						96788
executive branch using an intrastate transfer voucher such amounts						96789
necessary to defray the costs incurred for the conduct of federal						96790
relations associated with issues that can be attributed to the						96791
agency. Amounts collected shall be deposited in the Federal						96792
Relations Fund (Fund 5AK0).						96793
Section 289.10. DOH DEPARTMENT OF HEALTH						96794
General Revenue Fund						96795
GRF 440407 Animal Borne Disease		\$	600,000	\$	642,291	96796
and Prevention						
GRF 440412 Cancer Incidence		\$	874,234	\$	874,234	96797
Surveillance System						
GRF 440413 Local Health		\$	3,301,921	\$	3,301,921	96798
Department Support						
GRF 440416 Mothers and Children		\$	7,538,449	\$	7,538,449	96799
Safety Net Services						
GRF 440418 Immunizations		\$	7,739,432	\$	7,839,432	96800
GRF 440431 Free Clinics Safety		\$	624,751	\$	624,751	96801
Net Services						
GRF 440438 Breast and Cervical		\$	2,500,000	\$	2,500,000	96802
Cancer Screening						
GRF 440444 AIDS Prevention and		\$	6,442,314	\$	6,442,314	96803
Treatment						
GRF 440446 Infectious Disease		\$	500,000	\$	500,000	96804
Protection and						
Surveillance						

GRF 440451	Public Health Laboratory	\$	3,099,138	\$	3,099,138	96805
GRF 440452	Child and Family Health Services Match	\$	921,615	\$	921,615	96806
GRF 440453	Health Care Quality Assurance	\$	9,917,765	\$	9,917,765	96807
GRF 440454	Local Environmental Health	\$	791,677	\$	791,677	96808
GRF 440459	Help Me Grow	\$	14,965,000	\$	14,965,000	96809
GRF 440465	Federally Qualified Health Centers	\$	2,686,688	\$	2,686,688	96810
GRF 440467	Access to Dental Care	\$	772,120	\$	772,120	96811
GRF 440469	Health - Federal Stimulus	\$	2,680,035	\$	2,463,903	96812
GRF 440505	Medically Handicapped Children	\$	8,762,451	\$	8,762,451	96813
GRF 440507	Targeted Health Care Services Over 21	\$	1,493,449	\$	1,493,449	96814
GRF 440511	Uncompensated Care/Emergency Medical Assistance	\$	589,738	\$	663,579	96815
TOTAL GRF General Revenue Fund		\$	76,800,777	\$	76,800,777	96816
State Highway Safety Fund Group						96817
4T40 440603	Child Highway Safety	\$	233,894	\$	233,894	96818
TOTAL HSF State Highway Safety Fund Group		\$		\$		96819
General Services Fund Group		\$	233,894	\$	233,894	96820
1420 440646	Agency Health Services	\$	7,961,915	\$	7,961,915	96822
2110 440613	Central Support Indirect Costs	\$	28,884,706	\$	28,884,706	96823
4730 440622	Lab Operating	\$	4,954,045	\$	4,954,045	96824

		Expenses						
6830	440633	Employee Assistance	\$	1,204,905	\$	1,204,905	96825	
		Program						
6980	440634	Nurse Aide Training	\$	100,000	\$	100,000	96826	
TOTAL GSF General Services								96827
Fund Group		\$	43,105,571	\$	43,105,571		96828	
Federal Special Revenue Fund Group								96829
3200	440601	Maternal Child Health	\$	29,056,772	\$	29,068,886	96830	
		Block Grant						
3870	440602	Preventive Health	\$	7,826,659	\$	7,826,659	96831	
		Block Grant						
3890	440604	Women, Infants, and	\$	298,672,689	\$	308,672,689	96832	
		Children						
3910	440606	Medicaid/Medicare	\$	25,891,157	\$	26,826,242	96833	
3920	440618	Federal Public Health	\$	136,778,215	\$	136,778,215	96834	
		Programs						
TOTAL FED Federal Special Revenue								96835
Fund Group		\$	498,225,492	\$	509,172,691		96836	
State Special Revenue Fund Group								96837
4700	440647	Fee Supported	\$	23,923,382	\$	23,923,382	96838	
		Programs						
4710	440619	Certificate of Need	\$	898,000	\$	898,000	96839	
4770	440627	Medically Handicapped	\$	3,693,016	\$	3,693,016	96840	
		Children Audit						
4D60	440608	Genetics Services	\$	3,317,000	\$	3,317,000	96841	
4F90	440610	Sickle Cell Disease	\$	1,035,344	\$	1,035,344	96842	
		Control						
4G00	440636	Heirloom Birth	\$	5,000	\$	5,000	96843	
		Certificate						
4G00	440637	Birth Certificate	\$	5,000	\$	5,000	96844	
		Surcharge						
4L30	440609	Miscellaneous	\$	333,164	\$	333,164	96845	

		Expenses				
4P40	440628	Ohio Physician Loan	\$	476,870	\$	476,870 96846
		Repayment				
4V60	440641	Save Our Sight	\$	2,260,880	\$	2,260,880 96847
5B50	440616	Quality, Monitoring, and Inspection	\$	838,479	\$	838,479 96848
5C00	440615	Alcohol Testing and Permit	\$	1,126,239	\$	1,126,239 96849
5CJ0	440654	Sewage Treatment System Innovation	\$	250,000	\$	250,000 96850
5CN0	440645	Choose Life	\$	75,000	\$	75,000 96851
5D60	440620	Second Chance Trust	\$	1,054,951	\$	1,054,951 96852
5ED0	440651	Smoke Free Indoor Air	\$	189,500	\$	190,452 96853
5G40	440639	Adoption Services	\$	20,000	\$	20,000 96854
5L10	440623	Nursing Facility Technical Assistance Program	\$	548,062	\$	548,062 96855
5Z70	440624	Ohio Dentist Loan Repayment	\$	140,000	\$	140,000 96856
6100	440626	Radiation Emergency Response	\$	850,000	\$	850,000 96857
6660	440607	Medically Handicapped Children - County Assessments	\$	17,320,687	\$	17,320,687 96858
TOTAL	SSR	State Special Revenue				96859
Fund Group			\$	58,360,574	\$	58,361,526 96860
Holding Account	Redistribution Fund Group					96861
R014	440631	Vital Statistics	\$	44,986	\$	44,986 96862
R048	440625	Refunds, Grants Reconciliation, and Audit Settlements	\$	20,000	\$	20,000 96863
TOTAL	090	Holding Account				96864
Redistribution Fund Group			\$	64,986	\$	64,986 96865

a county Family and Children First Council selects home-visiting 96897
programs, the home-visiting program shall only be eligible for 96898
funding if it serves pregnant women, or parents or other primary 96899
caregivers and the parent or other primary caregiver's child or 96900
children under three years of age, through quality programs of 96901
early childhood home visitation and if the home visitations are 96902
performed by nurses, social workers, child development specialists 96903
or other well-trained and competent staff, as demonstrated by 96904
education or training and the provision of ongoing specific 96905
training and supervision in the model of service being delivered. 96906
The home-visiting program also shall be required to have outcome 96907
and research standards that demonstrate ongoing positive outcomes 96908
for children, parents, and other primary caregivers that enhance 96909
child health and development, and conform to a clear consistent 96910
home visitation model that has been in existence for at least 96911
three years. The home visitation model shall be research-based; 96912
grounded in relevant, empirically based knowledge; linked to 96913
program-determined outcomes; associated with a national 96914
organization or institution of higher education that has 96915
comprehensive home visitation program standards that ensure high 96916
quality service delivery and continuous program improvement; and 96917
have demonstrated significant positive outcomes when evaluated 96918
using well-designed and rigorous randomized, controlled, or 96919
quasi-experimental research designs, and the evaluation results 96920
have been published in a peer-reviewed journal. 96921

The foregoing appropriation item 440459, Help Me Grow, may 96922
also be used for the Autism Diagnosis Education Pilot Program. 96923

DEPARTMENT OF HEALTH - FEDERAL STIMULUS 96924

Upon the request of the Director of Health, the Director of 96925
Budget and Management may transfer appropriation from 96926
appropriation item 440469, Health - Federal Stimulus, to the 96927
following appropriation items: \$300,000 in fiscal year 2010 and 96928

\$257,709 in fiscal year 2011 to appropriation item 440407, Animal Borne Disease and Prevention; \$50,000 in each fiscal year to appropriation item 440412, Cancer Incidence Surveillance System; \$106,194 in each fiscal year to appropriation item 440413, Local Health Department Support; \$800,000 in fiscal year 2010 and \$700,000 in fiscal year 2011 to appropriation item 440418, Immunizations; \$200,000 in each fiscal year to appropriation item 440431, Free Clinics Safety Net Services; \$200,000 in each fiscal year to appropriation item 440446, Infectious Disease Protection and Surveillance; \$100,000 in each fiscal year to appropriation item 440454, Local Environmental Health; \$50,000 in each fiscal year to appropriation item 440465, Federally Qualified Health Centers; \$100,000 in each fiscal year to appropriation item 440468, Chronic Disease and Injury Prevention; and \$773,841 in fiscal year 2010 and \$700,000 in fiscal year 2011 to appropriation item 440511, Uncompensated Care/Emergency Medical Assistance.

TARGETED HEALTH CARE SERVICES OVER 21

The foregoing appropriation item 440507, Targeted Health Care Services Over 21, shall be used to administer the Cystic Fibrosis Program and to implement the Hemophilia Insurance Premium Payment Program.

The foregoing appropriation item 440507, Targeted Health Care Services Over 21, shall also be used to provide essential medications and to pay the copayments for drugs approved by the Department of Health and covered by Medicare Part D that are dispensed to Bureau for Children with Medical Handicaps (BCMh) participants for the Cystic Fibrosis Program.

These funds also may be used, to the extent that funding is available, to provide up to 18 in-patient hospital days for participants in the Cystic Fibrosis Program.

The Department shall expend all of these funds.

GENETICS SERVICES 96960

The foregoing appropriation item 440608, Genetics Services 96961
(Fund 4D60), shall be used by the Department of Health to 96962
administer programs authorized by sections 3701.501 and 3701.502 96963
of the Revised Code. None of these funds shall be used to counsel 96964
or refer for abortion, except in the case of a medical emergency. 96965

MEDICALLY HANDICAPPED CHILDREN AUDIT 96966

The Medically Handicapped Children Audit Fund (Fund 4770) 96967
shall receive revenue from audits of hospitals and recoveries from 96968
third-party payers. Moneys may be expended for payment of audit 96969
settlements and for costs directly related to obtaining recoveries 96970
from third-party payers and for encouraging Medically Handicapped 96971
Children's Program recipients to apply for third-party benefits. 96972
Moneys also may be expended for payments for diagnostic and 96973
treatment services on behalf of medically handicapped children, as 96974
defined in division (A) of section 3701.022 of the Revised Code, 96975
and Ohio residents who are twenty-one or more years of age and who 96976
are suffering from cystic fibrosis or hemophilia. Moneys may also 96977
be expended for administrative expenses incurred in operating the 96978
Medically Handicapped Children's Program. 96979

CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND 96980
PERMIT FUND 96981

The Director of Budget and Management, pursuant to a plan 96982
submitted by the Department of Health, or as otherwise determined 96983
by the Director of Budget and Management, shall set a schedule to 96984
transfer cash from the Liquor Control Fund (Fund 7043) to the 96985
Alcohol Testing and Permit Fund (Fund 5C00) to meet the operating 96986
needs of the Alcohol Testing and Permit Program. 96987

The Director of Budget and Management may transfer to the 96988
Alcohol Testing and Permit Fund (Fund 5C00) from the Liquor 96989
Control Fund (Fund 7043) created in section 4301.12 of the Revised 96990

Code such amounts at such times as determined by the transfer 96991
schedule. 96992

DENTIST LOAN REPAYMENT ADVISORY BOARD 96993

As specified in the amendments made by this act to section 96994
3702.92 of the Revised Code, the Governor, Speaker of the House of 96995
Representatives, and President of the Senate shall each appoint 96996
one additional member to the Dentist Loan Repayment Advisory 96997
Board. The appointments shall be made not later than sixty days 96998
after the effective date of section 3702.92 of the Revised Code. 96999
The terms of office of the additional members shall end on January 97000
27, 2011, except that a legislative member ceases to be a member 97001
of the Board on ceasing to be a member of the General Assembly. 97002
Vacancies occurring prior to January 27, 2011, shall be filled in 97003
the manner prescribed for original appointments under this 97004
section. 97005

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 97006

The foregoing appropriation item 440607, Medically 97007
Handicapped Children - County Assessments (Fund 6660), shall be 97008
used to make payments under division (E) of section 3701.023 of 97009
the Revised Code. 97010

CASH TRANSFER FROM THE SEWAGE INNOVATION FUND TO FEE 97011
SUPPORTED PROGRAMS FUND 97012

On July 1, 2009, or as soon as possible thereafter, the 97013
Director of Health shall certify to the Director of Budget and 97014
Management the amount of cash to be transferred from the Sewage 97015
Innovation Fund (Fund 5CJ0) to the Fee Supported Program Fund 97016
(Fund 4700) to meet the needs of the Sewage Program. The Director 97017
of Budget and Management may transfer the amount certified. The 97018
amount certified is hereby appropriated. 97019

NURSING FACILITY TECHNICAL ASSISTANCE PROGRAM 97020

On July 1, 2009, or as soon as possible thereafter, the 97021
Director of Budget and Management may transfer, cash from the 97022
Resident Protection Fund (Fund 4E30), which is used by the Ohio 97023
Department of Job and Family Services, to the Nursing Facility 97024
Technical Assistance Program Fund (Fund 5L10), which is used by 97025
the Ohio Department of Health, to be used under section 3721.026 97026
of the Revised Code. The transfers shall be up to \$698,595 in each 97027
fiscal year. 97028

Section 289.30. DISEASE AND CANCER COMMISSION 97029

(A) There is hereby established in the Department of Health 97030
the Disease and Cancer Commission. The Commission shall be 97031
composed of individuals selected by the Director of Health who are 97032
both of the following: 97033

(1) Representatives of boards of health of city health 97034
districts or general health districts, or the authorities having 97035
the duties of a board of health under section 3709.05 of the 97036
Revised Code; 97037

(2) Located in an area in which the Director of Health 97038
determines there is a high prevalence of one of the following: 97039

(a) Colorectal cancer; 97040

(b) Prostate cancer; 97041

(c) Sickle cell anemia; 97042

(d) Triple negative breast cancer. 97043

(B) The Governor shall designate from among the Commission 97044
members an individual to serve as the chairperson of the 97045
Commission who shall establish the meeting time and locations for 97046
the Commission. 97047

(C) The Commission shall study colorectal cancer, prostate 97048
cancer, sickle cell anemia, and triple negative breast cancer in 97049

areas of the state in which the Director determines such 97050
conditions are prevalent. Not later than June 30, 2011, the 97051
Commission shall submit a report to the Governor, Speaker and 97052
Minority Leader of the House of Representatives, and President and 97053
Minority Leader of the Senate describing its findings on the 97054
prevalence of colorectal cancer, prostate cancer, sickle cell 97055
anemia, and triple negative breast cancer in the areas included in 97056
the study. The report shall include policy recommendations to 97057
combat the prevalence of these conditions in such areas. 97058

(D) The Commission shall cease to exist on submission of the 97059
report under division (C) of this section. 97060

Section 289.40. FUNDING FOR IMMUNIZATIONS 97061

To the extent permitted under state and federal law, the 97062
Department of Health shall use state general revenue funds and 97063
federal funds appropriated for the purchase of vaccinations to 97064
provide immunizations to children and adults in Ohio. 97065

Section 289.50. GRANTS FOR WOMEN'S HEALTH SERVICES 97066

If the Department of Health uses any state funds under 97067
section 289.10 of this act for grants for services that are 97068
included in the description of "women's health services" in 97069
section 3701.046 of the Revised Code, the Department shall comply 97070
with the requirements of that section with respect to those funds. 97071

Section 289.60. FEDERAL ABSTINENCE EDUCATION PROGRAM 97072

The Director of Health shall apply to the United States 97073
Secretary of Health and Human Services for abstinence education 97074
funding under Title V of the "Social Security Act," 42 U.S.C. 710. 97075

Section 291.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 97076

Agency Fund Group 97077

4610 372601	Operating Expenses	\$	16,819	\$	16,819	97078
TOTAL AGY	Agency Fund Group	\$	16,819	\$	16,819	97079
TOTAL ALL BUDGET FUND GROUPS		\$	16,819	\$	16,819	97080

Section 293.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 97082

General Revenue Fund						97083
GRF 148100	Personal Services	\$	157,216	\$	157,216	97084
GRF 148200	Maintenance	\$	38,100	\$	38,100	97085
GRF 148402	Community Projects	\$	129,264	\$	129,264	97086
TOTAL GRF	General Revenue Fund	\$	324,580	\$	324,580	97087
General Services Fund Group						97088
6010 148602	Gifts and Miscellaneous	\$	4,558	\$	4,558	97089
TOTAL GSF	General Services Fund Group	\$	4,558	\$	4,558	97091
TOTAL ALL BUDGET FUND GROUPS		\$	329,138	\$	329,138	97092

Section 295.10. OHS OHIO HISTORICAL SOCIETY 97094

General Revenue Fund						97095
GRF 360501	Education and Collections	\$	3,291,754	\$	3,291,754	97096
GRF 360502	Site and Museum Operations	\$	5,415,927	\$	5,415,927	97097
GRF 360504	Ohio Preservation Office	\$	326,066	\$	326,066	97098
GRF 360505	National Afro-American Museum	\$	592,568	\$	592,568	97099
GRF 360506	Hayes Presidential Center	\$	401,490	\$	401,490	97100
TOTAL GRF	General Revenue Fund	\$	10,027,805	\$	10,027,805	97101
TOTAL ALL BUDGET FUND GROUPS		\$	10,027,805	\$	10,027,805	97102

SUBSIDY APPROPRIATION 97103

Upon approval by the Director of Budget and Management, the 97104
foregoing appropriation items shall be released to the Ohio 97105
Historical Society in quarterly amounts that in total do not 97106
exceed the annual appropriations. The funds and fiscal records of 97107
the society for fiscal year 2010 and fiscal year 2011 shall be 97108
examined by independent certified public accountants approved by 97109
the Auditor of State, and a copy of the audited financial 97110
statements shall be filed with the Office of Budget and 97111
Management. The society shall prepare and submit to the Office of 97112
Budget and Management the following: 97113

(A) An estimated operating budget for each fiscal year of the 97114
biennium. The operating budget shall be submitted at or near the 97115
beginning of each calendar year. 97116

(B) Financial reports, indicating actual receipts and 97117
expenditures for the fiscal year to date. These reports shall be 97118
filed at least semiannually during the fiscal biennium. 97119

The foregoing appropriations shall be considered to be the 97120
contractual consideration provided by the state to support the 97121
state's offer to contract with the Ohio Historical Society under 97122
section 149.30 of the Revised Code. 97123

STATE ARCHIVES 97124

Of the foregoing appropriation item 360501, Education and 97125
Collections, \$910,459 in each fiscal year shall be used for the 97126
State Archives, Library, and Artifact Collections Program. 97127

HAYES PRESIDENTIAL CENTER 97128

If a United States government agency, including, but not 97129
limited to, the National Park Service, chooses to take over the 97130
operations or maintenance of the Hayes Presidential Center, in 97131
whole or in part, the Ohio Historical Society shall make 97132
arrangements with the National Park Service or other United States 97133
government agency for the efficient transfer of operations or 97134

maintenance. 97135

Section 301.10. REP OHIO HOUSE OF REPRESENTATIVES 97136

General Revenue Fund 97137

GRF 025321 Operating Expenses \$ 18,517,093 \$ 18,517,093 97138

TOTAL GRF General Revenue Fund \$ 18,517,093 \$ 18,517,093 97139

General Services Fund Group 97140

1030 025601 House Reimbursement \$ 1,433,664 \$ 1,433,664 97141

4A40 025602 Miscellaneous Sales \$ 37,849 \$ 37,849 97142

TOTAL GSF General Services 97143

Fund Group \$ 1,471,513 \$ 1,471,513 97144

TOTAL ALL BUDGET FUND GROUPS \$ 19,988,606 \$ 19,988,606 97145

OPERATING EXPENSES 97146

On July 1, 2009, or as soon as possible thereafter, the Clerk 97147
of the House of Representatives may certify to the Director of 97148
Budget and Management the amount of the unexpended, unencumbered 97149
balance of the foregoing appropriation item 025321, Operating 97150
Expenses, at the end of fiscal year 2009 to be reappropriated to 97151
fiscal year 2010. The amount certified is hereby reappropriated to 97152
the same appropriation item for fiscal year 2010. 97153

On July 1, 2010, or as soon as possible thereafter, the Clerk 97154
of the House of Representatives may certify to the Director of 97155
Budget and Management the amount of the unexpended, unencumbered 97156
balance of the foregoing appropriation item 025321, Operating 97157
Expenses, at the end of fiscal year 2010 to be reappropriated to 97158
fiscal year 2011. The amount certified is hereby reappropriated to 97159
the same appropriation item for fiscal year 2011. 97160

Section 303.10. HFA OHIO HOUSING FINANCE AGENCY 97161

Agency Fund Group 97162

5AZ0997601 Housing Finance Agency \$ 8,614,627 \$ 8,614,627 97163

Personal Services

TOTAL AGY Agency Fund Group	\$	8,614,627	\$	8,614,627	97164
TOTAL ALL BUDGET FUND GROUPS	\$	8,614,627	\$	8,614,627	97165

Section 305.10. IGO OFFICE OF THE INSPECTOR GENERAL 97167

General Revenue Fund 97168

GRF 965321 Operating Expenses	\$	1,164,218	\$	1,164,218	97169
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TOTAL GRF General Revenue Fund	\$	1,164,218	\$	1,164,218	97170
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General Services Fund Group 97171

5FA0 965603 Deputy Inspector	\$	400,000	\$	400,000	97172
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General for ODOT

5FT0 965604 Deputy Inspector	\$	425,000	\$	425,000	97173
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General for BWC/OIC

TOTAL GSF General Services Fund	\$	825,000	\$	825,000	97174
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	1,989,218	\$	1,989,218	97175
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Section 307.10. INS DEPARTMENT OF INSURANCE 97177

General Revenue Fund 97178

GRF 820607 State Coverage	\$	2,000,000	\$	2,000,000	97179
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Initiative

TOTAL GRF General Revenue Fund	\$	2,000,000	\$	2,000,000	97180
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Federal Special Revenue Fund Group 97181

3CX0 820608 State Coverage	\$	50,000,000	\$	100,000,000	97182
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Initiative - Federal

3U50 820602 OSHIIP Operating	\$	1,770,000	\$	1,790,000	97183
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Grant

TOTAL FED Federal Special					97184
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Revenue Fund Group	\$	51,770,000	\$	101,790,000	97185
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State Special Revenue Fund Group 97186

5540 820601 Operating Expenses -	\$	200,000	\$	200,000	97187
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OSHIIP

5540	820606	Operating Expenses	\$	22,884,736	\$	22,884,736	97188
5540	820609	State Coverage	\$	479,575	\$	479,575	97189
		Initiative					
		Administration					
5550	820605	Examination	\$	9,275,768	\$	9,294,668	97190
TOTAL SSR State Special Revenue							97191
Fund Group			\$	32,840,079	\$	32,858,979	97192
TOTAL ALL BUDGET FUND GROUPS			\$	86,610,079	\$	136,648,979	97193

STATE COVERAGE INITIATIVE 97194

Of the foregoing appropriation item 820607, State Coverage 97195
Initiative, up to \$2,000,000 in each fiscal year shall be used to 97196
support health information technology strategies. No funds shall 97197
be released or used as state matching money for private funds 97198
unless the Department of Insurance secures private funds that are 97199
equal to or greater than a one-to-one matching ratio. In the 97200
selection procedures for the qualified private funds, the 97201
Department shall give preference to Ohio companies. 97202

MARKET CONDUCT EXAMINATION 97203

When conducting a market conduct examination of any insurer 97204
doing business in this state, the Superintendent of Insurance may 97205
assess the costs of the examination against the insurer. The 97206
superintendent may enter into consent agreements to impose 97207
administrative assessments or fines for conduct discovered that 97208
may be violations of statutes or rules administered by the 97209
superintendent. All costs, assessments, or fines collected shall 97210
be deposited to the credit of the Department of Insurance 97211
Operating Fund (Fund 5540). 97212

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 97213

The Director of Budget and Management, at the request of the 97214
Superintendent of Insurance, may transfer funds from the 97215
Department of Insurance Operating Fund (Fund 5540), established by 97216

section 3901.021 of the Revised Code, to the Superintendent's 97217
Examination Fund (Fund 5550), established by section 3901.071 of 97218
the Revised Code, only for expenses incurred in examining domestic 97219
fraternal benefit societies as required by section 3921.28 of the 97220
Revised Code. 97221

TRANSFER FROM FUND 5540 TO GENERAL REVENUE FUND 97222

Not later than the thirty-first day of July each fiscal year, 97223
the Director of Budget and Management shall transfer \$5,000,000 97224
from the Department of Insurance Operating Fund (Fund 5540) to the 97225
General Revenue Fund. 97226

Section 307.20. HEALTH CARE COVERAGE AND QUALITY COUNCIL 97227

(A) The Health Care Coverage and Quality Council created 97228
under section 3923.90 of the Revised Code, as enacted by this act, 97229
shall hold its first meeting not later than September 1, 2009. 97230

(B) In addition to the Council's duties specified in section 97231
3923.91 of the Revised Code, the Council shall evaluate and 97232
recommend strategies pursuant to the recommendations of the former 97233
Ohio Medicaid Administrative Study Council to establish an 97234
initiative conducted by clinicians in the Office of Ohio Health 97235
Plans within the Department of Job and Family Services to do all 97236
of the following: 97237

(1) Adopt evidence-based protocols for the prevention and 97238
management of disease; 97239

(2) Develop a centralized system for payment of Medicaid 97240
claims; 97241

(3) Provide physicians, nurses, and allied health 97242
professionals with training on Medicaid claims procedures and 97243
Medicaid payment reforms; 97244

(4) Monitor results for preventive and primary care services. 97245

(C) Not later than June 30, 2010, the Council shall submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 309.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES				97250
General Revenue Fund				97251
GRF 600321	Support Services			97252
	State	\$ 39,633,697	\$ 39,633,697	97253
	Federal	\$ 6,994,182	\$ 6,994,182	97254
	Support Services Total	\$ 46,627,879	\$ 46,627,879	97255
GRF 600410	TANF State	\$ 190,932,468	\$ 203,183,335	97256
GRF 600413	Child Care	\$ 88,415,688	\$ 93,105,300	97257
	Match/Maintenance of Effort			
GRF 600416	Computer Projects			97258
	State	\$ 78,711,648	\$ 78,911,648	97259
	Federal	\$ 8,745,738	\$ 8,767,960	97260
	Computer Projects Total	\$ 87,457,386	\$ 87,679,608	97261
GRF 600417	Medicaid Provider Audits			97262
	State	\$ 1,400,000	\$ 1,400,000	97263
	Federal	\$ 1,400,000	\$ 1,400,000	97264
	Medicaid Provider Audits Total	\$ 2,800,000	\$ 2,800,000	97265
GRF 600420	Child Support Administration	\$ 7,369,234	\$ 7,431,310	97266
GRF 600421	Office of Family Stability	\$ 2,720,599	\$ 2,720,599	97267
GRF 600423	Office of Children and Families	\$ 4,842,705	\$ 4,842,705	97268
GRF 600425	Office of Ohio Health			97269

	Plans				
	State	\$	14,688,390	\$	11,452,327 97270
	Federal	\$	15,287,916	\$	11,919,769 97271
	Office of Ohio Health	\$	29,976,306	\$	23,372,096 97272
	Plans Total				
GRF 600502	Administration - Local	\$	23,582,308	\$	23,150,288 97273
GRF 600511	Disability Financial	\$	25,335,908	\$	25,335,908 97274
	Assistance				
GRF 600521	Entitlement	\$	107,026,181	\$	100,893,286 97275
	Administration - Local				
GRF 600523	Children and Families	\$	74,209,378	\$	74,209,378 97276
	Services				
GRF 600525	Health Care/Medicaid				97277
	State	\$	2,493,379,157	\$	3,539,256,149 97278
	Federal	\$	6,372,697,855	\$	7,407,374,830 97279
	Health Care Total	\$	8,866,077,012	\$	10,946,630,979 97280
GRF 600526	Medicare Part D	\$	271,746,617	\$	287,194,790 97281
GRF 600528	Adoption Services				97282
	State	\$	38,722,700	\$	41,060,302 97283
	Federal	\$	49,792,948	\$	47,455,346 97284
	Adoption Services Total	\$	88,515,648	\$	88,515,648 97285
GRF 600533	Child, Family, and	\$	50,000,000	\$	50,000,000 97286
	Adult Community &				
	Protective Services				
GRF 600534	Adult Protective	\$	522,040	\$	511,453 97287
	Services				
GRF 600535	Early Care and	\$	150,000,000	\$	150,000,000 97288
	Education				
GRF 600537	Children's Hospital	\$	6,000,000	\$	6,000,000 97289
GRF 600540	Second Harvest Food	\$	3,500,000	\$	3,500,000 97290
	Banks				
GRF 600661	Child Care - Federal	\$	8,915,224	\$	13,459,664 97291
	Stimulus				

TOTAL GRF	General Revenue Fund				97292
	State	\$ 3,681,653,942	\$ 4,757,252,139		97293
	Federal	\$ 6,454,918,639	\$ 7,483,912,087		97294
	GRF Total	\$10,136,572,581	\$12,241,164,226		97295
General Services Fund Group					97296
4A80	600658	Child Support Collections	\$ 26,000,000	\$ 26,000,000	97297
4R40	600665	BCII Services/Fees	\$ 36,974	\$ 36,974	97298
5BG0	600653	Managed Care Assessment	\$ 168,914,857	\$ 0	97299
5C90	600671	Medicaid Program Support	\$ 69,876,838	\$ 68,313,238	97300
5DL0	600639	Medicaid Revenue and Collections	\$ 63,600,000	\$ 63,600,000	97301
5DM0	600633	Administration & Operating	\$ 19,853,583	\$ 19,928,733	97302
5FX0	600638	Medicaid Payment Withholding	\$ 26,000,000	\$ 26,000,000	97303
5N10	600677	County Technologies	\$ 500,000	\$ 500,000	97304
5P50	600692	Health Care Services	\$ 84,052,802	\$ 226,469,478	97305
TOTAL GSF	General Services				97306
Fund Group		\$ 458,835,054	\$ 430,848,423		97307
Federal Special Revenue Fund Group					97308
3270	600606	Child Welfare	\$ 33,972,321	\$ 33,984,200	97309
3310	600686	Federal Operating	\$ 60,672,731	\$ 56,569,912	97310
3840	600610	Food Assistance and State Administration	\$ 159,109,776	\$ 159,109,427	97311
3850	600614	Refugee Services	\$ 10,497,024	\$ 11,265,511	97312
3950	600616	Special Activities/Child and Family Services	\$ 3,113,200	\$ 2,813,200	97313
3960	600620	Social Services Block	\$ 120,000,000	\$ 120,000,000	97314

		Grant			
3970	600626	Child Support	\$ 305,830,981	\$ 305,832,341	97315
3980	600627	Adoption Maintenance/ Administration	\$ 355,345,646	\$ 352,184,668	97316
3A20	600641	Emergency Food Distribution	\$ 9,953,222	\$ 4,970,000	97317
3AW0	600675	Faith Based Initiatives	\$ 544,140	\$ 544,140	97318
3D30	600648	Children's Trust Fund Federal	\$ 2,040,524	\$ 2,040,524	97319
3F00	600623	Health Care Federal	\$3,257,696,629	\$ 2,481,516,614	97320
3F00	600650	Hospital Care Assurance Match	\$ 362,092,785	\$ 367,826,196	97321
3G50	600655	Interagency Reimbursement	\$1,703,777,044	\$ 1,666,905,912	97322
3H70	600617	Child Care Federal	\$ 241,862,780	\$ 241,862,779	97323
3N00	600628	IV-E Foster Care Maintenance	\$ 169,324,768	\$ 161,644,455	97324
3S50	600622	Child Support Projects	\$ 534,050	\$ 534,050	97325
3V00	600688	Workforce Investment Act	\$ 326,923,124	\$ 327,145,616	97326
3V40	600678	Federal Unemployment Programs	\$ 167,478,790	\$ 136,982,528	97327
3V40	600679	Unemployment Compensation Review Commission - Federal	\$ 3,487,473	\$ 3,487,473	97328
3V60	600689	TANF Block Grant	\$ 755,528,435	\$ 760,614,433	97329
TOTAL FED Federal Special Revenue					97330
Fund Group			\$8,049,785,443	\$ 7,197,833,979	97331
State Special Revenue Fund Group					97332
1980	600647	Children's Trust Fund	\$ 5,881,011	\$ 5,881,011	97333
4A90	600607	Unemployment	\$ 27,134,851	\$ 37,772,416	97334

		Compensation				
		Administration Fund				
4A90	600694	Unemployment	\$	2,357,197	\$	2,431,133 97335
		Compensation Review				
		Commission				
4E30	600605	Nursing Home	\$	4,759,914	\$	4,759,914 97336
		Assessments				
4E70	600604	Child and Family	\$	121,318	\$	121,318 97337
		Services Collections				
4F10	600609	Foundation	\$	250,000	\$	250,000 97338
		Grants/Child & Family				
		Services				
4J50	600613	Nursing Facility Bed	\$	36,713,984	\$	36,713,984 97339
		Assessments				
4J50	600618	Residential State	\$	15,700,000	\$	15,700,000 97340
		Supplement Payments				
4K10	600621	ICF/MR Bed Assessments	\$	28,261,826	\$	29,482,434 97341
4R30	600687	Banking Fees	\$	700,000	\$	700,000 97342
4Z10	600625	HealthCare Compliance	\$	1,000,000	\$	1,000,000 97343
5AJ0	600631	Money Follows the	\$	6,286,485	\$	6,195,163 97344
		Person				
5DB0	600637	Military Injury Grants	\$	2,000,000	\$	2,000,000 97345
5DP0	600634	Adoption Assistance	\$	500,000		500,000 97346
		Loan				
5ES0	600630	Food Assistance	\$	500,000	\$	500,000 97347
5GC0	600640	GOFBCI/Family	\$	70,000	\$	70,000 97348
		Stability				
5GF0	600656	Medicaid - Hospital	\$	357,000,000	\$	354,000,000 97349
5Q90	600619	Supplemental Inpatient	\$	56,125,998	\$	56,125,998 97350
		Hospital Payments				
5R20	600608	Medicaid-Nursing	\$	347,955,251	\$	365,135,000 97351
		Facilities				
5S30	600629	MR/DD Medicaid	\$	2,070,707	\$	2,070,707 97352

		Administration and Oversight					
5U30	600654	Health Care Services	\$	12,017,389	\$	12,017,389	97353
		Administration					
5U60	600663	Children and Family Support	\$	3,000,000	\$	3,000,000	97354
6510	600649	Hospital Care	\$	220,612,051	\$	218,164,239	97355
		Assurance Program Fund					
TOTAL SSR		State Special Revenue					97356
Fund Group			\$	1,131,017,982	\$	1,154,590,706	97357
Agency Fund Group							97358
1920	600646	Support Intercept - Federal	\$	130,000,000	\$	130,000,000	97359
5830	600642	Support Intercept - State	\$	16,000,000	\$	16,000,000	97360
5B60	600601	Food Assistance Intercept	\$	2,000,000	\$	2,000,000	97361
TOTAL AGY		Agency Fund Group	\$	148,000,000	\$	148,000,000	97362
Holding Account Redistribution Fund Group							97363
R012	600643	Refunds and Audit Settlements	\$	2,200,000	\$	2,200,000	97364
R013	600644	Forgery Collections	\$	10,000	\$	10,000	97365
TOTAL 090		Holding Account Redistribution Fund Group	\$	2,210,000	\$	2,210,000	97366
TOTAL ALL BUDGET FUND GROUPS			\$	19,926,421,060	\$	21,174,647,334	97367
		Section 309.20. SUPPORT SERVICES					97369
		Section 309.20.10. AGENCY FUND GROUP					97370
		The Agency Fund Group and Holding Account Redistribution Fund					97371
		Group shall be used to hold revenues until the appropriate fund is					97372
		determined or until the revenues are directed to the appropriate					97373

governmental agency other than the Department of Job and Family Services. If receipts credited to the Support Intercept - Federal Fund (Fund 1920), the Support Intercept - State Fund (Fund 5830), the Food Stamp Offset Fund (Fund 5B60), the Refunds and Audit Settlements Fund (Fund R012), or the Forgery Collections Fund (Fund R013) exceed the amounts appropriated from the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 309.30. MEDICAID

Section 309.30.03. MEDICAID PROVIDER AUDITS

Of the foregoing appropriation item 600417, Medicaid Provider Audits, \$1,400,000 in each fiscal year shall be used by the Auditor of State, in consultation with the Department of Job and Family Services, to perform audits of providers of Medicaid services as defined in section 117.10 of the Revised Code.

Section 309.30.10. HEALTH CARE/MEDICAID

The foregoing appropriation item 600525, Health Care/Medicaid, shall not be limited by section 131.33 of the Revised Code.

Section 309.30.11. MEDICAID COST MANAGEMENT

The Department of Job and Family Services shall achieve the following savings to the Medicaid Program as specified in the Department's Quarterly Cost Management Report on Ohio's Medicaid Program from November 9, 2007: (1) \$12,500,000 in fiscal year 2010 and \$37,500,000 in fiscal year 2011 by increasing medical support

collections related to child support cases; (2) \$8,543,343 in 97402
fiscal year 2010 and \$37,463,393 in fiscal year 2011 by increasing 97403
Medicare enrollment for Medicaid recipients who qualify for 97404
Medicare; and (3) \$20,000,000 in fiscal year 2011 by implementing 97405
a medical claims editing system to ungroup claims and identify 97406
questionable claims prior to payment. 97407

Section 309.30.12. MEDICAID COVERAGE OF OXYGEN SERVICES TO 97408
ICF/MR RESIDENTS 97409

Of the foregoing appropriation item 600525, Health 97410
Care/Medicaid, \$30,000 in each fiscal year shall be used to 97411
reimburse medical suppliers of oxygen services in accordance with 97412
section 5111.236 of the Revised Code. 97413

Section 309.30.15. CHILDREN'S HOSPITALS 97414

(A) As used in this section: 97415

(1) "Children's hospital" means a hospital that primarily 97416
serves patients eighteen years of age and younger and is excluded 97417
from Medicare prospective payment in accordance with 42 C.F.R. 97418
412.23(d). 97419

(2) "Medicaid inpatient cost-to-charge ratio" means the 97420
historic Medicaid inpatient cost-to-charge ratio applicable to a 97421
hospital as described in rules adopted by the Director of Job and 97422
Family Services in paragraph (B)(2) of rule 5101:3-2-22 of the 97423
Administrative Code. 97424

(B) Notwithstanding paragraph (C)(5) of rule 5101:3-2-07.9 of 97425
the Administrative Code and except as provided in division (C) of 97426
this section, the Director of Job and Family Services shall pay a 97427
children's hospital that meets the criteria in paragraphs (E)(1) 97428
and (2) of rule 5101:3-2-07.9 of the Administrative Code, for each 97429
cost outlier claim made in fiscal years 2010 and 2011, an amount 97430
that is the product of the hospital's allowable charges and the 97431

hospital's Medicaid inpatient cost-to-charge ratio. 97432

(C) The Director of Job and Family Services shall cease 97433
paying a children's hospital for a cost outlier claim under the 97434
methodology in division (B) of this section and revert to paying 97435
the hospital for such a claim according to the methodology in 97436
paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of the 97437
Administrative Code, as applicable, when the difference between 97438
the total amount the Director has paid according to the 97439
methodology in division (B) of this section for such claims and 97440
the total amount the Director would have paid according to the 97441
methodology in paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of 97442
the Administrative Code for such claims, as the applicable 97443
paragraph existed on June 30, 2009, exceeds the amounts available 97444
under division (F) of this section. 97445

(D) The Director of Job and Family Services shall make 97446
supplemental Medicaid payments to children's hospitals for 97447
inpatient services under a program modeled after the program the 97448
Department of Job and Family Services was required to create for 97449
fiscal years 2006 and 2007 in Section 206.66.79 of Am. Sub. H.B. 97450
66 of the 126th General Assembly if the difference between the 97451
total amount the Director has paid according to the methodology in 97452
division (B) of this section for cost outlier claims and the total 97453
amount the Director would have paid according to the methodology 97454
in paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of the 97455
Administrative Code for such claims, as the applicable paragraph 97456
existed on June 30, 2009, does not require the expenditure of all 97457
state and federal funds earmarked in division (F) of this section 97458
for the applicable fiscal year. The program may be the same as the 97459
program the Director used for making the payments to children's 97460
hospitals for fiscal years 2008 and 2009 under Section 309.30.13 97461
of Am. Sub. H.B. 119 of the 127th General Assembly. 97462

97463

(E) The Director of Job and Family Services shall not adopt, amend, or rescind any rules that would result in decreasing the amount paid to children's hospitals under division (B) of this section for cost outlier claims.

(F) Of the foregoing appropriation item, 600537, Children's Hospital, up to \$6 million (state share) in each fiscal year plus the corresponding federal match, if available, shall be used by the Department to pay the amounts described in division (B) of this section. The Department shall also use the amounts available pursuant to divisions (F)(2) and (3) of Section 309.30.74 of this act, plus the corresponding federal match, to pay the amounts described in division (B) of this section.

Section 309.30.20. FISCAL YEARS 2010 AND 2011 MEDICAID REIMBURSEMENT SYSTEM FOR NURSING FACILITIES

(A) As used in this section:

(1) "Applicable fiscal year" means the following:

(a) In the case of rates to be paid under this section for nursing facility services provided during fiscal year 2010, fiscal year 2010;

(b) In the case of rates to be paid under this section for nursing facility services provided during fiscal year 2011, fiscal year 2011.

(2) "Franchise permit fee," "Medicaid days," "nursing facility," and "provider" have the same meanings as in section 5111.20 of the Revised Code.

(3) "Nursing facility services" means nursing facility services covered by the Medicaid program that a nursing facility provides to a resident of the nursing facility who is a Medicaid recipient eligible for Medicaid-covered nursing facility services.

(B) Except as otherwise provided by this section, the provider of a nursing facility that has a valid Medicaid provider agreement on the day immediately preceding the first day of the applicable fiscal year and a valid Medicaid provider agreement during the applicable fiscal year shall be paid, for nursing facility services the nursing facility provides during the applicable fiscal year, the rate calculated for the nursing facility under sections 5111.20 to 5111.33 of the Revised Code with the following adjustments:

(1) The nursing facility's rate for capital costs shall be the greater of the following:

(a) The sum calculated under division (B)(2) of section 5111.25 of the Revised Code for the nursing facility;

(b) The median rate for capital costs for the nursing facilities in the nursing facility's peer group as determined under division (D) of section 5111.25 of the Revised Code, adjusted as follows:

(i) Increase the rate so determined by two per cent;

(ii) Increase the rate determined under division (B)(1)(b)(i) of this section by two per cent;

(iii) Increase the rate determined under division (B)(1)(b)(ii) of this section by one per cent.

(2) The cost per case mix-unit calculated under section 5111.231 of the Revised Code, the rate for ancillary and support costs calculated under section 5111.24 of the Revised Code, and the rate for tax costs calculated under section 5111.242 of the Revised Code shall each be adjusted as follows:

(a) Increase the cost and rates so calculated by two per cent;

(b) Increase the cost and rates determined under division

(B)(2)(a) of this section by two per cent; 97524

(c) Increase the cost and rates determined under division 97525
(B)(2)(b) of this section by one per cent. 97526

(3) The mean payment used in the calculation of the quality 97527
incentive payment made under section 5111.244 of the Revised Code 97528
shall be, weighted by Medicaid days, three dollars and three cents 97529
per Medicaid day. 97530

(C)(1) If the rate determined for a nursing facility under 97531
division (B) of this section for nursing facility services 97532
provided during fiscal year 2010 is more than the sum calculated 97533
under division (C)(3) of this section for the nursing facility, 97534
the Department of Job and Family Services shall reduce the nursing 97535
facility's rate determined under division (B) of this section for 97536
fiscal year 2010 by one-half of the difference between the rate 97537
determined for the nursing facility under division (B) of this 97538
section for fiscal year 2010 and the sum calculated under division 97539
(C)(3) of this section for the nursing facility. 97540

(2) If the rate determined for a nursing facility under 97541
division (B) of this section for nursing facility services 97542
provided during the applicable fiscal year is less than the sum 97543
calculated under division (C)(3) of this section for the nursing 97544
facility, the Department shall increase the nursing facility's 97545
rate determined under division (B) of this section for the 97546
applicable fiscal year by the difference between the rate 97547
determined for the nursing facility under division (B) of this 97548
section for the applicable fiscal year and the sum calculated 97549
under division (C)(3) of this section for the nursing facility. 97550

(3) The sum of the following shall be calculated for the 97551
purpose of divisions (C)(1) and (2) of this section: 97552

(a) The rate the provider is paid for nursing facility 97553
services the nursing facility provides on June 30, 2009; 97554

(b) In the case of a nursing facility that pays the franchise permit fee, one hundred seventy-three per cent of the mean of the amounts calculated under divisions (D)(1)(c)(ii), (iii), and (iv) of section 5111.231 of the Revised Code;

(c) In the case of a nursing facility that does not pay the franchise permit fee, zero.

(D) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department of Job and Family Services shall reduce the amount it pays providers of nursing facility services under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.

(E) The Department of Job and Family Services shall follow this section in determining the rate to be paid to the provider of a nursing facility that has a valid Medicaid provider agreement on the day immediately preceding the first day of the applicable fiscal year and a valid Medicaid provider agreement during the applicable fiscal year notwithstanding anything to the contrary in sections 5111.20 to 5111.33 of the Revised Code.

Section 309.30.30. NURSING FACILITY CAPITAL COSTS STUDY

Not later than December 31, 2010, the Department of Job and Family Services shall submit a report to the Governor and, in accordance with section 101.68 of the Revised Code, the General Assembly with recommendations for developing a new system for reimbursing nursing facilities' capital costs under the Medicaid program. The report may include recommendations for changes to other parts of the Medicaid reimbursement system for nursing facilities. The Department shall prepare the report in consultation with the Ohio Academy of Nursing Homes; the Association of Ohio Philanthropic Homes, Housing, and Services for

the Aging; and the Ohio Health Care Association. The 97586
recommendations regarding the new system for reimbursing nursing 97587
facilities for capital costs shall focus on both of the following: 97588

(A) Resulting in a statewide average per diem rate, weighted 97589
by Medicaid days, for capital costs for the first fiscal year the 97590
system is implemented that is budget neutral compared to the 97591
statewide average per diem rate, weighted by Medicaid days, for 97592
capital costs under section 5111.25 of the Revised Code, as 97593
amended by this act; 97594

(B) Appropriately recognizing increased costs incurred by 97595
nursing facilities for capital improvements to, and replacement 97596
of, existing nursing facilities. 97597

Section 309.30.60. FISCAL YEAR 2010 MEDICAID REIMBURSEMENT 97598
SYSTEM FOR ICFs/MR 97599

(A) As used in this section: 97600

"Change of operator," "entering operator," and "exiting 97601
operator" have the same meanings as in section 5111.65 of the 97602
Revised Code. 97603

"Franchise permit fee" and "provider" have the same meanings 97604
as in section 5111.20 of the Revised Code. 97605

"ICF/MR" means an intermediate care facility for the mentally 97606
retarded as defined in section 5111.20 of the Revised Code. 97607

"ICF/MR services" means services covered by the Medicaid 97608
program that an ICF/MR provides to a Medicaid recipient eligible 97609
for the services. 97610

"Medicaid days" means all days during which a resident who is 97611
a Medicaid recipient occupies a bed in an ICF/MR that is included 97612
in the ICF/MR's Medicaid-certified capacity. Therapeutic or 97613
hospital leave days for which payment is made under section 97614
5111.33 of the Revised Code are considered Medicaid days 97615

proportionate to the percentage of the ICF/MR's per resident per 97616
day rate paid for those days. 97617

"Per diem rate" means the per diem rate calculated pursuant 97618
to sections 5111.20 to 5111.33 of the Revised Code. 97619

(B) This section applies to providers of ICFs/MR to which 97620
either of the following applies: 97621

(1) The provider has a valid Medicaid provider agreement for 97622
the ICF/MR on June 30, 2009, and a valid Medicaid provider 97623
agreement for the ICF/MR during fiscal year 2010. 97624

(2) The ICF/MR undergoes a change of operator effective July 97625
1, 2009, the exiting operator has a valid Medicaid provider 97626
agreement for the ICF/MR on June 30, 2009, and the entering 97627
operator has a valid Medicaid provider agreement for the ICF/MR 97628
during fiscal year 2010. 97629

(C) Except as otherwise provided by this section, the 97630
provider of an ICF/MR to which this section applies shall be paid, 97631
for ICF/MR services the ICF/MR provides during fiscal year 2010, 97632
the rate calculated for the ICF/MR under sections 5111.20 to 97633
5111.33 of the Revised Code. 97634

(D) If the mean total per diem rate for all ICFs/MR in this 97635
state for fiscal year 2010, weighted by May 2009 Medicaid days and 97636
calculated as of July 1, 2009, exceeds \$279.88, the Department 97637
shall reduce the total per diem rate for each ICF/MR to which this 97638
section applies by a percentage that is equal to the percentage by 97639
which the mean total per diem rate exceeds \$279.88. 97640

(E) The rate of an ICF/MR set pursuant to this section shall 97641
not be subject to any adjustments authorized by sections 5111.20 97642
to 5111.33 of the Revised Code, or any rule authorized by those 97643
sections, during the remainder of fiscal year 2010. 97644

(F) If the United States Centers for Medicare and Medicaid 97645

Services requires that the franchise permit fee be reduced or 97646
eliminated, the Department of Job and Family Services shall reduce 97647
the amount it pays providers of ICF/MR services under this section 97648
as necessary to reflect the loss to the state of the revenue and 97649
federal financial participation generated from the franchise 97650
permit fee. 97651

(G) The Department of Job and Family Services shall follow 97652
this section in determining the rate to be paid providers of 97653
ICF/MR services subject to this section notwithstanding anything 97654
to the contrary in sections 5111.20 to 5111.33 of the Revised 97655
Code. 97656

(H) Not later than September 30, 2009, the Director of Job 97657
and Family Services shall submit an amendment to the state 97658
Medicaid plan to the United States Secretary of Health and Human 97659
Services as necessary to implement this section. On receipt of the 97660
United States Secretary's approval of the amendment to the state 97661
Medicaid plan, the Director shall implement this section 97662
retroactive to the later of the effective date of the state 97663
Medicaid plan amendment or July 1, 2009. 97664

Section 309.30.70. FISCAL YEAR 2011 MEDICAID REIMBURSEMENT 97665
SYSTEM FOR ICFs/MR 97666

(A) As used in this section: 97667

"Change of operator," "entering operator," and "exiting 97668
operator" have the same meanings as in section 5111.65 of the 97669
Revised Code. 97670

"Franchise permit fee" and "provider" have the same meanings 97671
as in section 5111.20 of the Revised Code. 97672

"ICF/MR" means an intermediate care facility for the mentally 97673
retarded as defined in section 5111.20 of the Revised Code. 97674

"ICF/MR services" means services covered by the Medicaid 97675

program that an ICF/MR provides to a Medicaid recipient eligible for the services. 97676
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"Medicaid days" means all days during which a resident who is a Medicaid recipient occupies a bed in an ICF/MR that is included in the ICF/MR's Medicaid-certified capacity. Therapeutic or hospital leave days for which payment is made under section 5111.33 of the Revised Code are considered Medicaid days proportionate to the percentage of the ICF/MR's per resident per day rate paid for those days. 97678
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"Per diem rate" means the per diem rate calculated pursuant to sections 5111.20 to 5111.33 of the Revised Code. 97685
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(B) This section applies to providers of ICFs/MR to which either of the following applies: 97687
97688

(1) The provider has a valid Medicaid provider agreement for the ICF/MR on June 30, 2010, and a valid Medicaid provider agreement for the ICF/MR during fiscal year 2011. 97689
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(2) The ICF/MR undergoes a change of operator effective July 1, 2010, the exiting operator has a valid Medicaid provider agreement for the ICF/MR on June 30, 2010, and the entering operator has a valid Medicaid provider agreement for the ICF/MR during fiscal year 2011. 97692
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(C) Except as otherwise provided by this section, the provider of an ICF/MR to which this section applies shall be paid, for ICF/MR services the ICF/MR provides during fiscal year 2011, the rate calculated for the ICF/MR under sections 5111.20 to 5111.33 of the Revised Code. 97697
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(D) If the mean total per diem rate for all ICFs/MR in this state for fiscal year 2011, weighted by May 2010 Medicaid days and calculated as of July 1, 2010, exceeds \$282.54, the Department shall reduce the total per diem rate for each ICF/MR to which this section applies by a percentage that is equal to the percentage by 97702
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which the mean total per diem rate exceeds \$282.54. 97707

(E) The rate of an ICF/MR set pursuant to this section shall 97708
not be subject to any adjustments authorized by sections 5111.20 97709
to 5111.33 of the Revised Code, or any rule authorized by those 97710
sections, during the remainder of fiscal year 2011. 97711

(F) If the United States Centers for Medicare and Medicaid 97712
Services requires that the franchise permit fee be reduced or 97713
eliminated, the Department of Job and Family Services shall reduce 97714
the amount it pays providers of ICF/MR services under this section 97715
as necessary to reflect the loss to the state of the revenue and 97716
federal financial participation generated from the franchise 97717
permit fee. 97718

(G) The Department of Job and Family Services shall follow 97719
this section in determining the rate to be paid providers of 97720
ICF/MR services subject to this section notwithstanding anything 97721
to the contrary in sections 5111.20 to 5111.33 of the Revised 97722
Code. 97723

(H) Not later than September 30, 2010, the Director of Job 97724
and Family Services shall submit an amendment to the state 97725
Medicaid plan to the United States Secretary of Health and Human 97726
Services as necessary to implement this section. On receipt of the 97727
United States Secretary's approval of the amendment to the state 97728
Medicaid plan, the Director shall implement this section 97729
retroactive to the later of the effective date of the state 97730
Medicaid plan amendment or July 1, 2010. 97731

Section 309.30.71. ICF/MR REIMBURSEMENT STUDY COUNCIL 97732

(A) There is hereby created the ICF/MR Reimbursement Study 97733
Council consisting of all of the following members: 97734

(1) The Director of Job and Family Services; 97735

(2) The Deputy Director of the Office of Ohio Health Plans of 97736

the Department of Job and Family Services; 97737

(3) The Director of Mental Retardation and Developmental 97738
Disabilities; 97739

(4) One representative of Medicaid recipients residing in 97740
intermediate care facilities for the mentally retarded, appointed 97741
by the Governor; 97742

(5) Two representatives of each of the following 97743
organizations, appointed by their respective governing bodies: 97744

(a) The Ohio Provider Resource Association; 97745

(b) The Ohio Health Care Association; 97746

(c) The Ohio Association of County Boards of Mental 97747
Retardation and Developmental Disabilities. 97748

Initial appointments of members described in divisions (A)(4) 97749
and (5) of this section shall be made not later than thirty days 97750
after the effective date of this section. Vacancies shall be 97751
filled in the same manner as the original appointments. Members 97752
described in those divisions shall serve at the pleasure of the 97753
official or governing body making the appointment of the member. 97754

The Director of Job and Family Services shall serve as 97755
chairperson of the council. Members of the council shall serve 97756
without compensation, except to the extent that serving on the 97757
council is part of their regular duties of employment. 97758

(B) The council shall review the system established by 97759
sections 5111.20 to 5111.33 of the Revised Code for reimbursing 97760
intermediate care facilities for the mentally retarded under the 97761
Medicaid program. Not later than July 1, 2010, the council shall 97762
issue a report of its activities, findings, and recommendations to 97763
the Governor, the Speaker of the House of Representatives, and the 97764
President of the Senate. 97765

(C) In its consideration of the system for reimbursing 97766

intermediate care facilities for the mentally retarded under 97767
division (B) of this section, the council shall use the following 97768
principles: 97769

(1) The system should appropriately account for differences 97770
in acuity and service needs among individuals in intermediate care 97771
facilities for the mentally retarded. 97772

(2) The system should support and encourage quality services, 97773
including both of the following elements: 97774

(a) A high level of coverage of direct care costs; 97775

(b) Pay for performance mechanisms. 97776

(3) The system should reflect appropriate recognition that 97777
virtually all individuals served in intermediate care facilities 97778
for the mentally retarded are Medicaid recipients. 97779

(4) The system should encourage cost-effective service 97780
delivery. 97781

(5) The system should encourage innovation in service 97782
delivery. 97783

(6) The system should encourage appropriate maintenance, 97784
improvement, and replacement of facilities. 97785

(D) The council shall cease to exist on the submission of a 97786
report under division (B) of this section. 97787

Section 309.30.72. (A) As used in this section: 97788

(1) "Durable medical mobility equipment" means manual and 97789
power wheelchairs. 97790

(2) "Asset management service" means a system under which 97791
discarded, no longer required, or otherwise unused but functional 97792
durable medical mobility equipment is reallocated to eligible 97793
Medicaid recipients for reuse. 97794

(B) The Department of Job and Family Services shall study the potential of using an asset management service within the Medicaid program. Under the asset management service, the state is to retain ownership of all durable medical mobility equipment provided to Medicaid recipients. In conducting the study, the department shall evaluate all of the following:

(1) The use of an online database that facilitates the reallocation of durable medical mobility equipment;

(2) The use of an annual inspection and maintenance system to service and maintain durable medical mobility equipment;

(3) A process whereby durable medical mobility equipment that has been provided in the past to Medicaid recipients may be included in an asset management service;

(4) The potential costs and cost savings under an asset management service;

(5) Implementation of an asset management service on a trial basis before statewide implementation;

(6) Whether any adjustments to the state's Medicaid plan are necessary to implement an asset management service.

(C) Not later than January 1, 2010, the Department shall prepare a report of its findings and recommendations resulting from the study, including a specific recommendation as to whether an asset management service should be implemented under the Medicaid program. The Department shall submit the report to the Governor, Speaker and Minority Leader of the House of Representatives, and President and Minority Leader of the Senate.

Section 309.30.73. INCREASE IN MEDICAID RATES FOR HOSPITAL INPATIENT AND OUTPATIENT SERVICES

The Director of Job and Family Services shall amend rules adopted under section 5111.02 of the Revised Code as necessary to

increase, for the period beginning July 1, 2009, and ending June 30, 2011, the Medicaid reimbursement rates for Medicaid-covered hospital inpatient services and hospital outpatient services to rates that result in an amount that is five per cent higher than the amount resulting from the rates in effect on June 30, 2009.

Section 309.30.74. HOSPITAL ASSESSMENTS

(A) As used in this section:

(1) "Applicable fiscal year" means the following:

(a) For purposes of the assessment imposed under this section for fiscal year 2010, fiscal year 2010;

(b) For purposes of the assessment imposed under this section for fiscal year 2011, fiscal year 2011.

(2) "Cost reporting period" means a twelve-month period used by a hospital in reporting costs for purposes of the Medicare program.

(3)(a) Except as provided in division (A)(3)(b) of this section, "hospital" means a hospital to which any of the following applies:

(i) The hospital is registered under section 3701.07 of the Revised Code as a general medical and surgical hospital or a pediatric general hospital and provides inpatient hospital services, as defined in 42 C.F.R. 440.10.

(ii) The hospital is recognized under the Medicare program as a cancer hospital and is exempt from the Medicare prospective payment system.

(iii) The hospital is a psychiatric hospital licensed under section 5119.20 of the Revised Code.

(b) "Hospital" does not include either of the following:

(i) A federal hospital;

(ii) A hospital that does not charge its patients for its services. 97854
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(4) "Hospital care assurance program" means the program established under sections 5112.01 to 5112.21 of the Revised Code. 97856
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(5) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code. 97858
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(6) "Medicare" means the program established under Title XVIII of the Social Security Act. 97860
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(7)(a) Except as provided in divisions (A)(7)(b) and (c) of this section, "total facility costs" means the total costs to a hospital for all care provided to all patients, including the direct, indirect, and overhead costs to the hospital of all services, supplies, equipment, and capital related to the care of patients, regardless of whether patients are enrolled in a health insuring corporation. 97862
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(b) "Total facility costs" excludes all of the following of a hospital's costs as shown on the cost-reporting data used for purposes of determining the hospital's assessment under division (B) of this section: 97869
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(i) Skilled nursing services provided in distinct-part nursing facility units; 97873
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(ii) Home health services; 97875

(iii) Hospice services; 97876

(iv) Ambulance services; 97877

(v) Renting durable medical equipment; 97878

(vi) Buying durable medical equipment. 97879

(c) "Total facility costs" excludes any costs excluded from a hospital's total facility costs pursuant to rules, if any, adopted under division (H) of this section. 97880
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(B) For the purposes specified in division (F) of this section and subject to division (I) of this section, there is hereby imposed an assessment on all hospitals for fiscal years 2010 and 2011.

The amount of a hospital's assessment for fiscal year 2010 shall equal one and sixty-one hundredths per cent of the hospital's total facility costs for the hospital's cost reporting period that falls during the period beginning January 1, 2007, and ending June 30, 2008. The amount of a hospital's assessment for fiscal year 2011 shall equal one and fifty-two hundredths per cent of the hospital's total facility costs for the hospital's cost reporting period that falls during the period beginning January 1, 2008, and ending June 30, 2009. The amount of a hospital's total facility costs shall be derived from cost-reporting data for the hospital submitted to the Department of Job and Family Services for purposes of the Hospital Care Assurance Program. The cost-reporting data used to determine a hospital's assessment is subject to the same type of adjustments made to the data under the Hospital Care Assurance Program.

The assessment imposed by this section on a hospital is in addition to the assessment imposed by section 5112.06 of the Revised Code.

(C)(1)(a) The Department of Job and Family Services shall mail to each hospital by certified mail, return receipt requested, the preliminary determination of the amount that the hospital is assessed under this section for fiscal year 2010 not later than the following:

(i) December 15, 2009;

(ii) Fifteen days after the date the United States Secretary of Health and Human Services approves the Medicaid state plan amendment sought under Section 309.30.75 of this act regarding the

Hospital Inpatient and Outpatient Supplemental Upper Payment Limit Program. 97914
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(b) The Department shall mail to each hospital by certified mail, return receipt requested, the preliminary determination of the amount that the hospital is assessed under this section for fiscal year 2011 not later than one year after the date the Department mails the preliminary determination for fiscal year 2010 under division (C)(1)(a) of this section. 97916
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(c) Except as provided in division (C)(2) of this section, the preliminary determination under division (C)(1)(a) or (b) of this section becomes the final determination for the applicable fiscal year fifteen days after the preliminary determination is mailed to the hospital. 97922
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(2) A hospital may request that the Department reconsider the preliminary determination mailed to the hospital under division (C)(1)(a) or (b) of this section by submitting to the Department a written request for a reconsideration not later than fourteen days after the hospital's preliminary determination is mailed to the hospital. The request must be accompanied by written materials setting forth the basis for the reconsideration. On receipt of a timely request, the Department shall reconsider the preliminary determination and may adjust the preliminary determination on the basis of the written materials accompanying the request. The result of the reconsideration is the final determination of the hospital's assessment under this section for the applicable fiscal year. 97927
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(3) The Department shall mail to each hospital a written notice of the final determination of its assessment for the applicable fiscal year. A hospital may appeal the final determination to the court of common pleas of Franklin County. While a judicial appeal is pending, the hospital shall pay, in accordance with division (D) of this section, any amount of its 97940
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assessment that is not in dispute. 97946

(D)(1)(a) Each hospital shall pay the amount it is assessed 97947
under this section for fiscal year 2010 in three equal 97948
installments. Except as provided in division (D)(1)(b) of this 97949
section, the installments are due as follows: 97950

(i) The first installment is due not later than fifteen days 97951
after the date the Department mails the hospital written notice of 97952
the final determination of the hospital's assessment for fiscal 97953
year 2010 under division (C)(3) of this section. 97954

(ii) The second installment is due not later than three 97955
months after the date the first installment is due. 97956

(iii) The third installment is due not later than three 97957
months after the date the second installment is due. 97958

(b) The Department may establish an alternative schedule for 97959
hospitals to make their installment payments if the United States 97960
Secretary of Health and Human Services approves the Medicaid state 97961
plan amendment sought under Section 309.30.75 of this act 97962
regarding the Hospital Inpatient and Outpatient Supplemental Upper 97963
Payment Limit Program not later than January 15, 2010. No 97964
installment payment shall be due earlier than sixty days after the 97965
date the previous installment payment was due under the 97966
alternative schedule even if that results with an installment 97967
payment being due after the end of fiscal year 2010. 97968

(2) Each hospital shall pay the amount it is assessed under 97969
this section for fiscal year 2011 in three equal installments. 97970
Each installment is due not later than one year after the date the 97971
corresponding installment payment for the assessment for fiscal 97972
year 2010 was due. 97973

(E) The Department may audit a hospital to ensure that the 97974
hospital properly pays the amount it is assessed under this 97975
section. The Department may take action to recover from a hospital 97976

any amount the audit reveals that the hospital should have paid 97977
but did not pay. 97978

(F) There is hereby created in the state treasury the 97979
Hospital Assessment Fund. All installment payments made by 97980
hospitals under this section and all recoveries the Department 97981
makes under this section shall be deposited into the fund. All 97982
investment earnings of the fund shall be credited to the fund. 97983

The Department shall use money in the fund as follows: 97984

(1) To fund the Medicaid reimbursement rate increase for 97985
Medicaid-covered hospital inpatient services and hospital 97986
outpatient services required by Section 309.30.73 of this act; 97987

(2) Of the amounts deposited into the fund for fiscal year 97988
2010 that remain in the fund after the Department uses the money 97989
in the fund for the purpose specified in division (F)(1) of this 97990
section, \$4,400,000 shall be used in accordance with division (F) 97991
of Section 309.30.15 of this act; 97992

(3) Of the amounts deposited into the fund for fiscal year 97993
2011 that remain in the fund after the Department uses the money 97994
in the fund for the purpose specified in division (F)(1) of this 97995
section, \$4,000,000 shall be used in accordance with division (F) 97996
of Section 309.30.15 of this act; 97997

(4) Of the amounts deposited into the fund for fiscal years 97998
2010 and 2011 that remain in the fund after the Department uses 97999
the money in the fund for the purposes specified in divisions 98000
(F)(1), (2) (in the case of fiscal year 2010), and (3) (in the 98001
case of fiscal year 2011) of this section, as much as is available 98002
shall be used for the purpose specified in Section 309.30.75 of 98003
this act; 98004

(5) Of the amounts deposited into the fund for fiscal years 98005
2010 and 2011 that remain in the fund after the Department uses 98006
the money in the fund for the purposes specified in divisions 98007

(F)(1), (2) (in the case of fiscal year 2010), (3) (in the case of 98008
fiscal year 2011), and (4) of this section, as much as is 98009
available shall be used for the purpose specified in Section 98010
309.30.76 of this act; 98011

(6) Of the amounts deposited into the fund for fiscal years 98012
2010 and 2011 that remain in the fund after the Department uses 98013
the money in the fund for the purposes specified in divisions 98014
(F)(1), (2) (in the case of fiscal year 2010), (3) (in the case of 98015
fiscal year 2011), (4), and (5) of this section, as much as is 98016
available shall be used for the purpose specified in Section 98017
309.30.77 of this act; 98018

(7) Of the amounts deposited into the fund for fiscal years 98019
2010 and 2011 that remain in the fund after the Department uses 98020
the money in the fund for the purposes specified in divisions 98021
(F)(1), (2) (in the case of fiscal year 2010), (3) (in the case of 98022
fiscal year 2011), (4), (5), and (6) of this section, as much as 98023
is available shall be used for the purpose specified in Section 98024
309.30.78 of this act. 98025

(G) At the request of a hospital, the Department shall 98026
provide the hospital a written letter stating that it is the 98027
Department's official position that the assessments the hospital 98028
pays under this section are a community benefit for purposes of 98029
federal taxation. 98030

(H) The Director of Job and Family Services may adopt, amend, 98031
and rescind rules in accordance with Chapter 119. of the Revised 98032
Code as necessary to implement this section. The rules may provide 98033
that a hospital's total facility costs for the purpose of the 98034
assessment under this section exclude any of the following: 98035

(1) A hospital's costs associated with providing care to 98036
recipients of any of the following: 98037

(a) The Medicaid program; 98038

(b) The Medicare program;	98039
(c) The Disability Financial Assistance program established under Chapter 5115. of the Revised Code;	98040 98041
(d) The Disability Medical Assistance program established under Chapter 5115. of the Revised Code;	98042 98043
(e) The Program for Medically Handicapped Children established under section 3701.023 of the Revised Code;	98044 98045
(f) Services provided under the Maternal and Child Health Services Block Grant established under Title V of the Social Security Act.	98046 98047 98048
(2) Any other category of hospital costs the Director deems appropriate under federal statutes and regulations governing the Medicaid program.	98049 98050 98051
(I) The Director shall implement the assessment imposed by this section in a manner that makes the assessment a permissible health care-related tax under 42 U.S.C. 1396b(w). However, if the United States Secretary of Health and Human Services determines that the assessment is an impermissible health care-related tax under 42 U.S.C. 1396b(w), the Director shall take all necessary actions to cease implementation of this section and shall promptly refund to each hospital the amount of money in the Hospital Assessment Fund at the time the refund is to be made that the hospital paid under this section, plus any corresponding investment earnings on that amount.	98052 98053 98054 98055 98056 98057 98058 98059 98060 98061 98062
Section 309.30.75. HOSPITAL INPATIENT AND OUTPATIENT SUPPLEMENTAL UPPER PAYMENT LIMIT PROGRAM	98063 98064
(A) As used in this section, "hospital" has the same meaning as in section 309.30.74 of this act, except that "hospital" excludes a children's hospital as defined in section 309.30.15 of this act.	98065 98066 98067 98068

(B) The Director of Job and Family Services shall submit a Medicaid state plan amendment to the United States Secretary of Health and Human Services to create the Hospital Inpatient and Outpatient Supplemental Upper Payment Limit Program. If the United States Secretary approves the Medicaid state plan amendment, the Director, subject to division (C) of this section, shall do all of the following:

(1) To the maximum extent permitted by 42 C.F.R. 447.272 and 42 C.F.R. 447.321, make supplemental Medicaid payments under the program to hospitals for inpatient services and outpatient services covered by Medicaid using funds made available for the program under division (F)(4) of Section 309.30.74 of this act and federal matching funds available for the program;

(2) Make the supplemental Medicaid payments to a hospital in three equal installments for fiscal year 2010 and three equal installments for fiscal year 2011 that are due not later than fifteen days after the date the hospital makes the corresponding installment payment for its assessment under Section 309.30.74 of this act;

(3) Develop and utilize a system for making the supplemental Medicaid payments that complies with both of the following:

(a) It is fair and equitable to all hospitals.

(b) To the extent permitted by federal law, it recognizes the amount of the assessments hospitals pay under Section 309.30.74 of this act.

(B) The Director may adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section.

(C) The Director shall take all necessary actions to cease implementation of this section if the United States Secretary of Health and Human Services determines that the assessment imposed

under Section 309.30.74 of this act is an impermissible health 98100
care-related tax under 42 U.S.C. 1396b(w). 98101

Section 309.30.76. INCREASE IN MEDICAID RATES FOR HOSPITAL 98102
HOME HEALTH SERVICES 98103

(A) As used in this section, "hospital" has the same meaning 98104
as in Section 309.30.74 of this act, except that "hospital" 98105
excludes a children's hospital as defined in Section 309.30.15 of 98106
this act. 98107

(B) Subject to division (C) of this section, the Director of 98108
Job and Family Services shall amend rules adopted under section 98109
5111.02 of the Revised Code as necessary to increase, for the 98110
period beginning July 1, 2009, and ending June 30, 2011, and to 98111
the maximum extent permitted by federal law, the Medicaid 98112
reimbursement rates for Medicaid-covered home health services 98113
provided by a home health service provider owned by a hospital. 98114

(C) The Department of Job and Family Services shall pay the 98115
rate increase specified in division (B) of this section only to 98116
the extent funds are available for the rate increase pursuant to 98117
division (F)(5) of Section 309.30.74 of this act. 98118

Section 309.30.77. INCREASE IN MEDICAID RATES FOR HOSPITAL 98119
AMBULANCE SERVICES 98120

(A) As used in this section, "hospital" has the same meaning 98121
as in Section 309.30.74 of this act, except that "hospital" 98122
excludes a children's hospital as defined in Section 309.30.15 of 98123
this act. 98124

(B) Subject to division (C) of this section, the Director of 98125
Job and Family Services shall amend rules adopted under section 98126
5111.02 of the Revised Code as necessary to increase, for the 98127
period beginning July 1, 2009, and ending June 30, 2011, and to 98128
the maximum extent permitted by federal law, the Medicaid 98129

reimbursement rates for Medicaid-covered ambulance services 98130
provided by an ambulance service provider owned by a hospital. 98131

(C) The Department of Job and Family Services shall pay the 98132
rate increase specified in division (B) of this section only to 98133
the extent funds are available for the rate increase pursuant to 98134
division (F)(6) of Section 309.30.74 of this act. 98135

Section 309.30.78. INCREASE IN MEDICAID RATES FOR HOSPITAL 98136
HOSPICE SERVICES 98137

(A) As used in this section, "hospital" has the same meaning 98138
as in Section 309.30.74 of this act, except that "hospital" 98139
excludes a children's hospital as defined in Section 309.30.15 of 98140
this act. 98141

(B) Subject to division (C) of this section, the Director of 98142
Job and Family Services shall amend rules adopted under section 98143
5111.02 of the Revised Code as necessary to increase, for the 98144
period beginning July 1, 2009, and ending June 30, 2011, and to 98145
the maximum extent permitted by federal law, the Medicaid 98146
reimbursement rates for Medicaid-covered hospice services provided 98147
by a hospice service provider owned by a hospital. 98148

(C) The Department of Job and Family Services shall pay the 98149
rate increase specified in division (B) of this section only to 98150
the extent funds are available for the rate increase pursuant to 98151
division (F)(7) of Section 309.30.74 of this act. 98152

Section 309.30.80. RESIDENTIAL STATE SUPPLEMENT TRANSFER 98153

The Department of Aging may transfer cash from the foregoing 98154
appropriation item 490412, Residential State Supplement, and the 98155
PASSPORT/Residential State Supplement Fund (Fund 4J40), to the 98156
Home and Community-Based Services for the Aged Fund (Fund 4J50), 98157
used by the Department of Job and Family Services to make benefit 98158
payments to Residential State Supplement recipients. The transfer 98159

shall be made using an intrastate transfer voucher. 98160

Section 309.30.90. MONEY FOLLOWS THE PERSON 98161

The Director of Budget and Management may seek Controlling Board approval to do any of the following in support of any home and community-based services Medicaid waiver component: 98162
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98164

(A) Create new funds and appropriation items associated with a unified long-term care budget; 98165
98166

(B) Transfer cash between funds used by affected agencies; 98167

(C) Transfer appropriation between appropriation items within a fund and used by the same state agency. 98168
98169

Any transfers of cash approved by the Controlling Board under this section are hereby appropriated. 98170
98171

Section 309.31.10. MONEY FOLLOWS THE PERSON ENHANCED REIMBURSEMENT FUND 98172
98173

The Money Follows the Person Enhanced Reimbursement Fund is hereby created in the state treasury. This is a continuation of the fund created by Section 751.20 of Am. Sub. H.B. 562 of the 127th General Assembly. The federal payments made to the state under subsection (e) of section 6071 of the "Deficit Reduction Act of 2005," Pub. L. No. 109-171, shall be deposited into the fund. The Department of Job and Family Services shall use money deposited into the fund for system reform activities related to the Money Follows the Person demonstration project. 98174
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Section 309.31.20. MEDICARE PART D 98183

The foregoing appropriation item 600526, Medicare Part D, may be used by the Department of Job and Family Services for the implementation and operation of the Medicare Part D requirements contained in the "Medicare Prescription Drug, Improvement, and 98184
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Modernization Act of 2003," Pub. L. No. 108-173, as amended. Upon 98188
the request of the Department of Job and Family Services, the 98189
Director of Budget and Management may transfer the state share of 98190
appropriations between appropriation item 600525, Health 98191
Care/Medicaid, or appropriation item 600526, Medicare Part D. If 98192
the state share of appropriation item 600525, Health 98193
Care/Medicaid, is adjusted, the Director of Budget and Management 98194
shall adjust the federal share accordingly. The Department of Job 98195
and Family Services shall provide notification to the Controlling 98196
Board of any transfers at the next scheduled Controlling Board 98197
meeting. 98198

Section 309.31.30. OHIO ACCESS SUCCESS PROJECT AND 98199
IDENTIFICATION OF OVERPAYMENTS 98200

Notwithstanding any limitations in sections 3721.51 and 98201
3721.56 of the Revised Code, in each fiscal year, cash from the 98202
Home and Community-Based Services for the Aged Fund (Fund 4J50), 98203
in excess of the amounts needed for the transfers to the 98204
PASSPORT/Residential State Supplement Fund (Fund 4J40) used by the 98205
Department of Aging, may be used by the Department of Job and 98206
Family Services for the following purposes: (A) up to \$3,000,000 98207
in each fiscal year to fund the state share of audits or limited 98208
reviews of Medicaid providers; and (B) up to \$450,000 in each 98209
fiscal year to provide one-time transitional benefits under the 98210
Ohio Access Success Project that the Director of Job and Family 98211
Services may establish under section 5111.97 of the Revised Code. 98212
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Section 309.31.40. TRANSFER OF FUNDS TO THE DEPARTMENT OF 98214
AGING 98215

The Department of Job and Family Services shall transfer 98216
\$33,263,984 cash in each fiscal year from the Home and 98217

Community-Based Services for the Aged Fund (Fund 4J50) to the 98218
PASSPORT/Residential State Supplement Fund (Fund 4J40), used by 98219
the Department of Aging. The transfer may occur on a quarterly 98220
basis or on a schedule developed and agreed to by both 98221
departments. The transfer shall be made using an intrastate 98222
transfer voucher. 98223

Section 309.31.50. PROVIDER FRANCHISE FEE OFFSETS 98224

(A) At least quarterly, the Director of Job and Family 98225
Services shall certify to the Director of Budget and Management 98226
both of the following: 98227

(1) The amount of offsets withheld under section 3721.541 of 98228
the Revised Code from payments made from the General Revenue Fund. 98229

(2) The amount of offsets withheld under section 5112.341 of 98230
the Revised Code from payments made from the General Revenue Fund. 98231

(B) The Director of Budget and Management may transfer cash 98232
from the General Revenue Fund to all of the following: 98233

(1) The Home and Community Based Services for the Aged Fund 98234
(Fund 4J50), or the Nursing Facility Stabilization Fund (Fund 98235
5R20), in accordance with sections 3721.56 and 3721.561 of the 98236
Revised Code; 98237

(2) The ICF/MR Bed Assessments Fund (Fund 4K10). 98238

(C) Amounts transferred pursuant to this section are hereby 98239
appropriated. 98240

Section 309.31.55. STUDY OF PROVIDER FRANCHISE PERMIT FEES 98241

There is hereby created a committee to study the issue of 98242
funding the Medicaid program through franchise permit fees on 98243
providers of health-care services. The President of the Senate 98244
shall appoint two members of the Senate, each from a different 98245
political party, to the committee. The Speaker of the House of 98246

Representatives shall appoint two members of the House of 98247
Representatives, each from a different political party, to the 98248
committee. The Governor may appoint as many individuals to the 98249
committee as the Governor determines appropriate. Members of the 98250
committee shall serve without compensation, except to the extent 98251
that serving on the committee is considered part of their regular 98252
employment duties. The President of the Senate shall designate one 98253
of the members of the Senate appointed to the committee to serve 98254
as a co-chairperson of the committee. The Speaker of the House of 98255
Representatives shall designate one of the members of the House of 98256
Representatives appointed to serve on the committee to serve as 98257
the other co-chairperson of the committee. The Department of Job 98258
and Family Services shall provide any support staff the committee 98259
needs. Not later than June 30, 2010, the committee shall submit a 98260
report of the committee's study, with any recommendations, to the 98261
Governor and, in accordance with section 101.68 of the Revised 98262
Code, the General Assembly. The committee shall cease to exist on 98263
submission of its report. 98264

Section 309.31.60. TRANSFER OF FUNDS TO THE DEPARTMENT OF 98265
MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES 98266

The Department of Job and Family Services shall transfer 98267
\$12,000,000 cash in each fiscal year from the ICF/MR Bed 98268
Assessments Fund (Fund 4K10) to the Home and Community-Based 98269
Services Fund (Fund 4K80), used by the Department of Mental 98270
Retardation and Developmental Disabilities. The transfer may occur 98271
on a quarterly basis or on a schedule developed and agreed to by 98272
both departments. The transfer shall be made using an intrastate 98273
transfer voucher. 98274

Section 309.31.70. FUNDING FOR TRANSITION WAIVER SERVICES 98275

Notwithstanding any limitations contained in sections 5112.31 98276

and 5112.37 of the Revised Code, in each fiscal year, cash from 98277
the ICF/MR Bed Assessments Fund (Fund 4K10) in excess of the 98278
amounts needed for transfers to the Home and Community-Based 98279
Services Fund (Fund 4K80), used by the Department of Mental 98280
Retardation and Developmental Disabilities, may be used by the 98281
Department of Job and Family Services to cover costs of care 98282
provided to participants in a waiver with an ICF/MR level of care 98283
requirement administered by the Department of Job and Family 98284
Services. 98285

Section 309.31.80. HOSPITAL CARE ASSURANCE MATCH 98286

The foregoing appropriation item 600650, Hospital Care 98287
Assurance Match, shall be used by the Department of Job and Family 98288
Services solely for distributing funds to hospitals under section 98289
5112.08 of the Revised Code. 98290

Section 309.31.90. HEALTH CARE SERVICES ADMINISTRATION FUND 98291

Of the amount received by the Department of Job and Family 98292
Services during fiscal year 2010 and fiscal year 2011 from the 98293
first installment of assessments paid under section 5112.06 of the 98294
Revised Code and intergovernmental transfers made under section 98295
5112.07 of the Revised Code, the Director of Job and Family 98296
Services shall deposit \$350,000 in each fiscal year into the state 98297
treasury to the credit of the Health Care Services Administration 98298
Fund (Fund 5U30). 98299

Section 309.32.10. MEDICAID PROGRAM SUPPORT FUND - STATE 98300

The foregoing appropriation item 600671, Medicaid Program 98301
Support, shall be used by the Department of Job and Family 98302
Services to pay for Medicaid services and contracts. The 98303
Department may also deposit to Fund 5C90 revenues received from 98304
other state agencies for Medicaid services under the terms of 98305

interagency agreements between the Department and other state agencies, and all funds the Department recovers because the benefits a person received under the Disability Medical Assistance Program established in section 5115.10 of the Revised Code were determined to be covered by the Medicaid Program established under Chapter 5111. of the Revised Code.

Section 309.32.20. TRANSFERS OF IMD/DSH CASH TO THE DEPARTMENT OF MENTAL HEALTH

The Department of Job and Family Services shall transfer cash from the Medicaid Program Support Fund (Fund 5C90), to the Behavioral Health Medicaid Services Fund (Fund 4X50), used by the Department of Mental Health, in accordance with an interagency agreement that delegates authority from the Department of Job and Family Services to the Department of Mental Health to administer specified Medicaid services. The transfer shall be made using an intrastate transfer voucher.

Section 309.32.30. PRESCRIPTION DRUG REBATE FUND

The foregoing appropriation item 600692, Health Care Services, shall be used by the Department of Job and Family Services to pay for Medicaid services and contracts.

Section 309.32.40. FEDERAL MATCH FOR ADAMHS BOARDS ' ADMINISTRATIVE COSTS

As used in this section, "community behavioral health boards" means boards of alcohol, drug addiction, and mental health services, community mental health boards, and alcohol and drug addiction services boards.

Not later than October 1, 2009, the Director of Job and Family Services shall seek federal approval to establish a system under which community behavioral health boards obtain federal

financial participation for the allowable administrative 98335
activities the boards perform in the administration of the 98336
Medicaid program. The Director shall implement the system on 98337
receipt of federal approval. The Director shall work with the 98338
Directors of Alcohol and Drug Addiction Services and Mental Health 98339
and representatives of community behavioral health boards when 98340
implementing this section. 98341

Section 309.32.50. PRIOR AUTHORIZATION STUDY 98342

The Department of Job and Family Services shall study the 98343
issue of requiring prior authorization for all services and goods 98344
available under the fee-for-service component of the Medicaid 98345
program. Not later than August 1, 2009, the Department shall issue 98346
a request for information to obtain information needed to conduct 98347
the study. Not later than October 1, 2009, the Department shall 98348
submit a report regarding the study to the General Assembly in 98349
accordance with section 101.68 of the Revised Code. The report 98350
shall include a discussion of expected cost savings such a prior 98351
authorization system would have for the Medicaid program. 98352

Section 309.32.60. THIRD PARTY LIABILITY - PILOT PROGRAM 98353

(A) As used in this section: 98354

(1) "Medicaid program" means the medical assistance program 98355
established under Chapter 5111. of the Revised Code. 98356

(2) "Third party" has the same meaning as in section 5101.571 98357
of the Revised Code. 98358

(B)(1) Except as provided in division (C) of this section and 98359
using technology designed to identify all persons liable to pay a 98360
claim for a medical item or service, the Director of Job and 98361
Family Services shall establish and administer a pilot program for 98362
the purpose of identifying third parties that are liable for 98363
paying all or a portion of a claim for a medical item or service 98364

provided to a Medicaid recipient before the claim is submitted to, 98365
or paid by, the Medicaid program. The Director shall determine the 98366
duration of the pilot program, except that the Director shall not 98367
terminate the program less than eighteen months after it is 98368
established. 98369

(2) In administering the pilot program, the Director shall, 98370
subject to division (B)(3) of this section, ensure that all 98371
aspects of the program comply with Ohio and federal law, including 98372
the "Health Insurance Portability and Accountability Act of 1996," 98373
Pub. L. No. 104-191, as amended, and regulations promulgated by 98374
the United States Department of Health and Human Services to 98375
implement the Act. 98376

(3) The Director's duty to ensure compliance with the laws 98377
described in division (B)(2) of this section does not prohibit 98378
either of the following: 98379

(a) A third party from providing information to the 98380
Department of Job and Family Services or disclosing or making use 98381
of information as permitted under section 5101.572 of the Revised 98382
Code or when required by any other provision of Ohio or federal 98383
law; 98384

(b) The Department from using information provided by a third 98385
party as permitted in section 5101.572 of the Revised Code or when 98386
required by any other provision of Ohio or federal law. 98387

(C)(1) The Director may enter into a contract with any person 98388
under which the person serves as the administrator of the pilot 98389
program. Before entering into a contract for a pilot program 98390
administrator, the Department shall issue a request for proposals 98391
from persons seeking to be considered. The Department shall 98392
develop a process to be used in issuing the request for proposals, 98393
receiving responses to the request, and evaluating the responses 98394
on a competitive basis. In accordance with that process, the 98395

Department shall select the person to be awarded the contract. 98396

(2) The Director may delegate to the person awarded the 98397
contract any of the Director's powers or duties specified in this 98398
section. The terms of the contract shall specify the extent to 98399
which the powers or duties are delegated to the pilot program 98400
administrator. 98401

(3) In exercising powers or performing duties delegated under 98402
the contract, the pilot program administrator is subject to the 98403
same provisions of this section that grant the powers or duties to 98404
the Director, as well as any limitations or restrictions that are 98405
applicable to or associated with those powers or duties. 98406

(4) The terms of a contract for a pilot program administrator 98407
shall include a provision that specifies that the Director or any 98408
agent of the Director is not liable for the failure of the 98409
administrator to comply with a term of the contract, including any 98410
term that specifies the administrator's duty to ensure compliance 98411
with the laws described in division (B)(1) of this section. 98412

(D) Twelve months after the pilot program is established, the 98413
Director shall evaluate the program's effectiveness. As part of 98414
this evaluation, the Director shall determine both of the 98415
following: 98416

(1) For the twelve months immediately preceding the 98417
establishment of the pilot program, all of the following: 98418

(a) The amount of money paid for each Medicaid claim in which 98419
no third party liability was indicated by the Medicaid recipient 98420
but for which at least one third party was liable to pay all or a 98421
portion of the claim, and the amount attributable to each liable 98422
party; 98423

(b) The portion of the amounts attributable to each liable 98424
third party, described in division (D)(1)(a) of this section, that 98425
were recovered by the Director or a person with which the Director 98426

has contracted to manage the recovery of money due from liable 98427
third parties. 98428

(c) The portion of the amounts attributable to each liable 98429
third party, described in division (D)(1)(a) of this section, that 98430
would have been identified by the technology used by the pilot 98431
program had the technology been used in those twelve months. 98432

(2) For the first twelve months of the pilot program, both of 98433
the following: 98434

(a) The items described in divisions (D)(1)(a) and (b) of 98435
this section. 98436

(b) The portion of the amounts attributable to each liable 98437
third party, described in division (D)(1)(a) of this section, that 98438
were identified by the technology used by pilot program. 98439

(E) Not later than three months after the evaluation required 98440
by division (D) of this section is initiated, the Director shall 98441
prepare and submit to the Governor, the Speaker and Minority 98442
Leader of the House of Representatives, and the President and 98443
Minority Leader of the Senate a report that summarizes the results 98444
of the Director's evaluation of the pilot program. At a minimum, 98445
the report shall summarize and compare the determinations made 98446
under division (D) of this section, conclude whether the program 98447
achieved savings for the Medicaid program, and make a 98448
recommendation as to whether the pilot program should be extended 98449
or be made permanent. 98450

(F) The Director may adopt rules in accordance with Chapter 98451
119. of the Revised Code as necessary to implement this section. 98452

Section 309.32.70. DURABLE MEDICAL EQUIPMENT STUDY 98453

The Department of Job and Family Services shall prepare and 98454
submit to the Speaker and Minority Leader of the House of 98455
Representatives and the President and Minority Leader of the 98456

Senate a report on expenditures for durable medical equipment by 98457
the Medicaid program. In preparing the report, the Department 98458
shall do all of the following: 98459

(A) Identify the types of durable medical equipment that 98460
represent, in total, greater than fifty per cent of the state's 98461
total Medicaid expenditures for durable medical equipment; 98462

(B) Consult with durable medical equipment suppliers to 98463
identify cost-saving strategies; 98464

(C) Evaluate opportunities for competitive purchasing 98465
procedures for durable medical equipment. 98466

The report prepared under this section shall include 98467
recommendations on strategies to reduce the Medicaid program's 98468
costs for durable medical equipment. The report shall be submitted 98469
not later than July 1, 2010. 98470

Section 309.40. FAMILY STABILITY 98471

Section 309.40.10. FOOD STAMPS TRANSFER 98472

On July 1, 2009, or as soon as possible thereafter, the 98473
Director of Budget and Management may transfer up to \$1,000,000 98474
cash from the Food Stamp Program Fund (Fund 3840), to the Food 98475
Assistance Fund (Fund 5ES0). 98476

Section 309.40.20. NAME OF FOOD STAMP PROGRAM 98477

The Director of Job and Family Services is not required to 98478
amend rules regarding the Food Stamp Program to change the name of 98479
the program to the Supplemental Nutrition Assistance Program. The 98480
Director may refer to the program as the Food Stamp Program or the 98481
Food Assistance Program in rules and documents of the Department 98482
of Job and Family Services. 98483

Section 309.40.30. OHIO ASSOCIATION OF SECOND HARVEST FOOD 98484
BANKS 98485

The foregoing appropriation item 600540, Second Harvest Food 98486
Banks, shall be used to provide funds to the Ohio Association of 98487
Second Harvest Food Banks to purchase and distribute food 98488
products. 98489

Notwithstanding section 5101.46 of the Revised Code and any 98490
other provision in this bill, in addition to funds designated for 98491
the Ohio Association of Second Harvest Food Banks in this section, 98492
in fiscal years 2010 and 2011, the Director of Job and Family 98493
Services shall provide assistance from eligible funds to the Ohio 98494
Association of Second Harvest Food Banks in an amount equal to the 98495
assistance provided in state fiscal year 2009. 98496

Section 309.40.50. CHILD SUPPORT COLLECTIONS/TANF MOE 98497

The foregoing appropriation item 600658, Child Support 98498
Collections, shall be used by the Department of Job and Family 98499
Services to meet the TANF maintenance of effort requirements of 42 98500
U.S.C. 609(a)(7). When the state is assured that it will meet the 98501
maintenance of effort requirement, the Department of Job and 98502
Family Services may use funds from appropriation item 600658, 98503
Child Support Collections, to support public assistance 98504
activities. 98505

Section 309.40.55. KINSHIP PERMANENCY INCENTIVE PROGRAM 98506

Of the foregoing appropriation item 600689, TANF Block Grant 98507
(Fund 3V60), up to \$10,000,000 in each fiscal year may be used to 98508
support, in accordance with sections 5101.80 and 5101.801 of the 98509
Revised Code, the activities of the Kinship Permanency Incentive 98510
Program created under section 5101.802 of the Revised Code. 98511

The Department of Job and Family Services shall prepare 98512

reports concerning:	98513
(A) Stability and permanency outcomes for children for whom incentive payments are made under the program;	98514 98515
(B) The total amount of payments made under the program, patterns of expenditures made per child, and cost savings realized from placing children with kinship caregivers rather than other out-of-home placements.	98516 98517 98518 98519
The department shall submit reports to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate not later than December 31, 2009, and December 31, 2010.	98520 98521 98522 98523
Section 309.40.57. HELP ME GROW	98524
Of the foregoing appropriation item 600689, TANF Block Grant, up to \$21,535,000 in each fiscal year may be used for the Help Me Grow Program.	98525 98526 98527
Section 309.40.60. EARLY LEARNING INITIATIVE	98528
(A) As used in this section:	98529
(1) "Title IV-A services" means benefits and services that are allowable under Title IV-A of the "Social Security Act," as specified in 42 U.S.C. 604(a), except that they shall not be benefits and services included in the term "assistance" as defined in 45 C.F.R. 260.31(a) and shall be benefits and services that are excluded from the definition of the term "assistance" under 45 C.F.R. 260.31(b).	98530 98531 98532 98533 98534 98535 98536
(2) "Eligible child" means a child who is at least three years of age but not of compulsory school age or enrolled in kindergarten, is eligible for Title IV-A services, and whose family income at the time of application does not exceed two hundred per cent of the federal poverty guidelines.	98537 98538 98539 98540 98541

(3) "Early learning program" means a program for eligible children that provides Title IV-A services, according to the purposes listed in 45 C.F.R. 260.20(c), that are early learning services, as defined by pursuant to division (D)(1) of this section.

(4) "Early learning provider" means an entity that operates an early learning program.

(5) "Early learning agency" means an early learning provider or an entity that has entered into an agreement with an early learning provider requiring the early learning provider to operate an early learning program on behalf of the entity.

(6) "Federal poverty line" has the same meaning as in section 5104.01 of the Revised Code.

(7) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.

(B) The Early Learning Initiative is hereby established. The Department of Education and the Department of Job and Family Services shall administer the Initiative in accordance with sections 5101.80 and 5101.801 of the Revised Code. The Initiative shall provide early learning services to eligible children. Early learning services may be provided on a full-day basis, a part-day basis, or both a full-day and part-day basis.

(C) The Department of Job and Family Services shall do both of the following:

(1) Reimburse early learning agencies for services provided to eligible children according to the terms of the contract and the rules adopted under division (C)(2) of this section;

(2) In consultation with the Department of Education, adopt rules in accordance with Chapter 119. of the Revised Code to implement the Early Learning Initiative. The rules shall include

all of the following:	98572
(a) Provisions regarding the establishment of co-payments for families of eligible children whose family income is more than one hundred per cent of the federal poverty guidelines but equal to or less than the maximum amount of family income authorized for an eligible child as defined in division (A)(2) of this section;	98573 98574 98575 98576 98577
(b) An exemption from co-payment requirements for families whose family income is equal to or less than one hundred per cent of the federal poverty guideline;	98578 98579 98580
(c) A definition of "enrollment" for the purpose of compensating early learning agencies;	98581 98582
(d) Provisions that establish compensation rates for early learning agencies based on the enrollment of eligible children;	98583 98584
(e) Provisions for the completion of criminal record checks for employees of early learning agencies and early learning providers whereby sections 109.572(A)(8), (A)(9), and (B)(2) of the Revised Code are considered applicable to these employees;	98585 98586 98587 98588
(f) Provisions for the timeline of eligibility determination;	98589
(g) A requirement that early learning programs licensed by the Department of Education under sections 3301.52 to 3301.59 of the Revised Code participate in the quality-rating program established under section 5104.30 of the Revised Code.	98590 98591 98592 98593
(D) The Department of Education shall do all of the following:	98594 98595
(1) Define the early learning services that will be provided to eligible children through the Early Learning Initiative;	98596 98597
(2) In consultation with the Department of Job and Family Services, develop an application form and criteria for the selection of early learning agencies. The criteria shall require an early learning agency, or each early learning provider with	98598 98599 98600 98601

which the agency has entered into an agreement for the operation 98602
of an early learning program on the agency's behalf, to be 98603
licensed by the Department of Education under sections 3301.52 to 98604
3301.59 of the Revised Code or by the Department of Job and Family 98605
Services under Chapter 5104. of the Revised Code; 98606

(3) Establish early learning program guidelines for school 98607
readiness to assess the operation of early learning programs. 98608

(E) Any entity that seeks to be an early learning agency 98609
shall apply to the Department of Education by a deadline 98610
established by the Department. The Department of Education shall 98611
select entities that meet the criteria established under division 98612
(D)(2) of this section to be early learning agencies. Upon 98613
selection of an entity to be an early learning agency, the 98614
Department of Education shall designate the number of eligible 98615
children the agency may enroll. The Department of Education shall 98616
notify the Department of Job and Family Services of the number so 98617
designated. 98618

(F) The Department of Education and the Department of Job and 98619
Family Services shall enter into a contract with each early 98620
learning agency selected under division (E) of this section. The 98621
requirements of section 127.16 of the Revised Code do not apply to 98622
contracts entered into under this section. The contract shall 98623
outline the terms and conditions applicable to the provision of 98624
Title IV-A services for eligible children and shall include at 98625
least the following: 98626

(1) The respective duties of the early learning agency, the 98627
Department of Education, and the Department of Job and Family 98628
Services; 98629

(2) Requirements applicable to the allowable use of and 98630
accountability for compensation paid under the contract; 98631

(3) Reporting requirements, including a requirement that the 98632

early learning provider inform the Department of Education when 98633
the provider learns that a kindergarten eligible child will not be 98634
enrolled in kindergarten; 98635

(4) The compensation schedule payable under the contract; 98636

(5) Audit requirements; 98637

(6) Provisions for suspending, modifying, or terminating the 98638
contract. 98639

(G) If an early learning agency, or an early learning 98640
provider operating an early learning program on the agency's 98641
behalf, substantially fails to meet the early learning program 98642
guidelines for school readiness or exhibits substandard 98643
performance, as determined by the Department of Education, the 98644
agency shall develop and implement a corrective action plan. The 98645
Department of Education shall approve the corrective action plan 98646
prior to implementation. 98647

(H) If an early learning agency fails to implement a 98648
corrective action plan under division (G) of this section, the 98649
Department of Education may direct the Department of Job and 98650
Family Services to either withhold funding or request that the 98651
Department of Job and Family Services suspend or terminate the 98652
contract with the agency. 98653

(I) Each early learning program shall do all of the 98654
following: 98655

(1) Meet teacher qualification requirements prescribed by 98656
section 3301.311 of the Revised Code; 98657

(2) Align curriculum to the early learning content standards; 98658

(3) Meet any assessment requirements prescribed by section 98659
3301.0715 of the Revised Code that apply to the program; 98660

(4) Require teachers, except teachers enrolled and working to 98661
obtain a degree pursuant to section 3301.311 of the Revised Code, 98662

to attend a minimum of twenty hours per biennium of professional 98663
development as prescribed by the Department of Education regarding 98664
the implementation of early learning program guidelines for school 98665
readiness; 98666

(5) Document and report child progress; 98667

(6) Meet and report compliance with the early learning 98668
program guidelines for school success; 98669

(7) Participate in early language and literacy classroom 98670
observation evaluation studies. 98671

(J) Each county Department of Job and Family Services shall 98672
determine eligibility for Title IV-A services for children seeking 98673
to enroll in an early learning program within fifteen days after 98674
receipt of a completed application in accordance with rules 98675
adopted under this section. 98676

(K) The provision of early learning services in an early 98677
learning program shall not prohibit or otherwise prevent an 98678
individual from obtaining certificates for payment under division 98679
(C) of section 5104.32 of the Revised Code. 98680

(L) Notwithstanding section 126.07 of the Revised Code: 98681

(1) Any fiscal year 2010 contract executed prior to July 1, 98682
2009, between the Departments of Job and Family Services and 98683
Education and an early learning agency that was not an early 98684
learning agency as of June 30, 2009, shall be deemed to be 98685
effective as of July 1, 2009, upon issuance of a state purchase 98686
order, even if the purchase order is approved at some later date. 98687

(2) Any fiscal year 2010 contract executed between the 98688
Departments of Job and Family Services and Education and an early 98689
learning agency that had a valid contract for early learning 98690
services on June 30, 2009, shall be deemed to be effective as of 98691
July 1, 2009, upon the issuance of a state purchase order, even if 98692

the purchase order is approved at some later date. 98693

(3) Any fiscal year 2011 contract executed prior to July 1, 98694
2010, between the Departments of Job and Family Services and 98695
Education and an early learning agency that was not an early 98696
learning agency as of June 30, 2010, shall be deemed to be 98697
effective as of July 1, 2010, upon issuance of a state purchase 98698
order, even if the purchase order is approved at some later date. 98699

(4) Any fiscal year 2011 contract executed between the 98700
Departments of Job and Family Services and Education and an early 98701
learning agency that had a valid contract for early learning 98702
services on June 30, 2010, shall be deemed to be effective as of 98703
July 1, 2010, upon the issuance of a state purchase order, even if 98704
the purchase order is approved at some later date. 98705

(M) The Departments of Job and Family Services and Education 98706
shall contract for up to 12,000 enrollment slots for eligible 98707
children in each fiscal year through the Early Learning 98708
Initiative. 98709

(N) Eligible expenditures for the Early Learning Initiative 98710
shall be claimed each fiscal year to help meet the state's TANF 98711
maintenance of effort requirement. The Superintendent of Public 98712
Instruction and the Director of Job and Family Services shall 98713
enter into an interagency agreement to carry out the requirements 98714
under this division, which shall include developing reporting 98715
guidelines for these expenditures. 98716

**Section 309.40.70. COMMITTEE TO STUDY PUBLICLY FUNDED CHILD 98717
CARE SERVICES 98718**

(A) A committee is hereby created to study publicly funded 98719
child care services, including the Early Learning Initiative 98720
enacted pursuant to this act and pursuant to changes in the 98721
administrative rules governing reimbursement and eligibility for 98722

publicly funded child day-care. The study shall include the 98723
following subjects: 98724

(1) The effects of changing the definitions of full-time and 98725
part-time care on the following: 98726

(a) Children, families, and providers of care, including the 98727
effects on the quality of care; 98728

(b) Number of children served and the availability and 98729
accessibility of subsidized care to caregivers with full-time and 98730
part-time jobs; 98731

(c) Availability of full-time and part-time care in areas 98732
with a high incidence of poverty; 98733

(d) Private pay rates; 98734

(e) Closure of centers and center programs; 98735

(f) Loss of jobs in the child care industry. 98736

(2) The effects of changes to the Early Learning Initiative 98737
on families and children including the following: 98738

(a) Distribution and use of program slots across the state; 98739

(b) Effect of mandatory participation in the voluntary child 98740
day-care center quality-rating program as described in section 98741
5104.30 of the Revised Code on program quality; 98742

(c) Outcomes in terms of school readiness and other related 98743
factors for children who participate in the program. 98744

(B) The committee shall consist of the following members: 98745

(1) Three members of the House of Representatives, two 98746
appointed by the Speaker of the House of Representatives and one 98747
appointed by the Minority Leader of the House of Representatives; 98748

(2) Three members of the Senate, two appointed by the 98749
President of the Senate and one appointed by the Minority Leader 98750
of the Senate; 98751

(3) One parent of a child receiving publicly funded child care services, appointed by the President of the Senate;	98752 98753
(4) Two representatives of licensed child care centers serving low-income areas, one appointed by the Speaker of the House of Representatives and one appointed by the President of the Senate;	98754 98755 98756 98757
(5) One representative from the Ohio Association of Child Care Providers, appointed by the President of the Senate;	98758 98759
(6) One representative from the Ohio State Alliance of Young Men's Christian Associations, appointed by the Speaker of the House of Representatives;	98760 98761 98762
(7) One representative from the Department of Job and Family Services, appointed by the Speaker of the House of Representatives;	98763 98764 98765
(8) One representative from the Department of Education, appointed by the President of the Senate.	98766 98767
(C) The Department of Education shall provide the committee meeting space and clerical assistance. The committee shall prepare a report of its findings by June 30, 2010, and shall provide a copy of the report to the Governor, the Speaker of the House of Representatives, and the President of the Senate, at which time the committee shall cease to exist.	98768 98769 98770 98771 98772 98773
Section 309.45. CHILD WELFARE	98774
Section 309.45.10. ALTERNATIVE RESPONSE	98775
The Department of Job and Family Services shall develop, implement, oversee, and evaluate a pilot program based on an "Alternative Response" approach to reports of child abuse, neglect, and dependency. The pilot program shall be implemented in not more than ten counties that are selected by the Department and	98776 98777 98778 98779 98780

that agree to participate in the pilot program. The pilot program 98781
shall last eighteen months, not including time expended in 98782
preparation for the implementation of the pilot program and any 98783
post-pilot program evaluation activity. After the eighteen-month 98784
period, the ten sites may continue to administer the Alternative 98785
Response approach uninterrupted, unless the Department determines 98786
otherwise. 98787

The Department shall assure that the Alternative Response 98788
pilot program is independently evaluated with respect to outcomes 98789
for children and families, costs, worker satisfaction, and any 98790
other criteria the Department determines will be useful in the 98791
consideration of statewide implementation of an Alternative 98792
Response approach to child protection. The measure associated with 98793
the eighteen-month pilot program shall, for the purposes of the 98794
evaluation, be compared with those same measures in the pilot 98795
counties during the eighteen-month period immediately preceding 98796
the beginning of the pilot program period. If the independent 98797
evaluation of the pilot program recommends statewide 98798
implementation of an Alternative Response approach to child 98799
protection, the Department may expand the Alternative Response 98800
approach statewide through a schedule determined by the 98801
Department. Prior to statewide implementation, the Department 98802
shall adopt rules in accordance with Chapter 119. of the Revised 98803
Code as necessary to carry out the purposes of this section. Until 98804
that time, the Department may adopt rules in accordance with 98805
section 111.15 of the Revised Code, as if they were internal 98806
management rules, as necessary to carry out the purposes of this 98807
section. 98808

Section 309.45.15. INDEPENDENT LIVING SERVICES 98809

Of the foregoing appropriation item 600523, Children and 98810
Families Services, up to \$1,500,000 in each fiscal year shall be 98811

used to provide independent living services to foster youth and 98812
former foster youth between 16 and 21 years of age. 98813

Section 309.45.21. CHILD, FAMILY, AND ADULT COMMUNITY AND 98814
PROTECTIVE SERVICES 98815

(A) The foregoing appropriation item 600533, Child, Family, 98816
and Adult Community & Protective Services, shall be distributed to 98817
each county department of job and family services using the 98818
formula the Department of Job and Family Services uses when 98819
distributing Title XX funds to county departments of job and 98820
family services under section 5101.46 of the Revised Code. County 98821
departments shall use the funds distributed to them under this 98822
section as follows, in accordance with the written plan of 98823
cooperation entered into under section 307.983 of the Revised 98824
Code: 98825

(1) To assist individuals achieve or maintain 98826
self-sufficiency, including by reducing or preventing dependency 98827
among individuals with family income not exceeding two hundred per 98828
cent of the federal poverty guidelines; 98829

(2) Subject to division (B) of this section, to respond to 98830
reports of abuse, neglect, or exploitation of children and adults, 98831
including through the alternative approach pilot program developed 98832
under Section 309.40.40 of this act; 98833

(3) To provide outreach and referral services regarding home 98834
and community-based services to individuals at risk of placement 98835
in a group home or institution, regardless of the individuals' 98836
family income and without need for a written application; 98837

(4) To provide outreach, referral, application assistance, 98838
and other services to assist individuals receive assistance, 98839
benefits, or services under Medicaid; Title IV-A programs, as 98840
defined in section 5101.80 of the Revised Code; the Supplemental 98841

Nutrition Assistance Program; and other public assistance programs. 98842
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(B) Protective services may be provided to a child or adult as part of a response, under division (A)(2) of this section, to a report of abuse, neglect, or exploitation without regard to a child or adult's family income and without need for a written application. The protective services may be provided if the case record documents circumstances of actual or potential abuse, neglect, or exploitation. 98844
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Section 309.45.25. ADOPTION ASSISTANCE LOAN 98851

Of the forgoing appropriation item 600634, Adoption Assistance Loan, the Department of Job and Family Services may use up to ten per cent for administration of adoption assistance loans pursuant to section 3107.018 of the Revised Code. 98852
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Section 309.45.90. REALLOCATION OF UNUSED COUNTY ALLOCATIONS 98856

(A) As used in this section: 98857

(1) "Income maintenance funds" means funds the Department of Job and Family Services allocates to a county to meet matching fund requirements or reimburse a county for administrative expenditures incurred in the administration of the Disability Financial Assistance Program, Disability Medical Assistance Program, Medicaid Program, or Supplemental Nutrition Assistance Program. 98858
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(2) "TANF funds" means funds the Department of Job and Family Services allocates to a county for Title IV-A programs, as defined in section 5101.80 of the Revised Code. 98865
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(3) "TANF Title XX transfer funds" means funds the Department of Job and Family Services allocates to a county for purposes of section 5101.461 of the Revised Code. 98868
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(4) "Title XX social services funds" means funds the 98871
Department of Job and Family Services allocates to a county 98872
department of job and family services for purposes of section 98873
5101.46 of the Revised Code. 98874

(B) If a county informs the Department of Job and Family 98875
Services that the county will not use the entire amount of the 98876
income maintenance funds, TANF funds, TANF Title XX transfer 98877
funds, or Title XX social services funds allocated to the county 98878
for fiscal year 2010 or fiscal year 2011 or the Department 98879
determines through an annual close out or reconciliation of funds 98880
that a county did not use the entire amount of any of those funds 98881
allocated to the county for fiscal year 2010 or 2011, the 98882
Department shall reallocate the portion of the funds the county 98883
will or did not use to other counties for the remainder of the 98884
fiscal year in which the funds are reallocated or the next fiscal 98885
year. In reallocating the funds, the Department shall do both of 98886
the following: 98887

(1) For each of the funds separately, rank each county by the 98888
percentage reduction in allocations of the funds from the fiscal 98889
year preceding the fiscal year in which the reallocation is made 98890
to the fiscal year in which the reallocation is made, with the 98891
county that has the greatest reduction percentage placed at the 98892
top of the ranking; 98893

(2) Reallocate each of the funds separately to counties in 98894
the order in which counties are ranked under division (B)(1) of 98895
this section in a manner that provides, to the extent funds are 98896
available for reallocation, for each county to be, as a result of 98897
the reallocation, allocated the same amount of the funds that the 98898
county was allocated the previous fiscal year, other than the 98899
counties that will or did not use the full amount of their 98900
allocation of the funds. 98901

Section 309.50. UNEMPLOYMENT COMPENSATION 98902

Section 309.50.10. EMPLOYER SURCHARGE 98903

The surcharge and the interest on the surcharge amounts due 98904
for calendar years 1988, 1989, and 1990 as required by Am. Sub. 98905
H.B. 171 of the 117th General Assembly, Am. Sub. H.B. 111 of the 98906
118th General Assembly, and section 4141.251 of the Revised Code 98907
as it existed prior to its repeal by Sub. H.B. 478 of the 122nd 98908
General Assembly, again shall be assessed and collected by, 98909
accounted for, and made available to the Department of Job and 98910
Family Services in the same manner as set forth in section 98911
4141.251 of the Revised Code as it existed prior to its repeal by 98912
Sub. H.B. 478 of the 122nd General Assembly, notwithstanding the 98913
repeal of the surcharge for calendar years after 1990, pursuant to 98914
Sub. H.B. 478 of the 122nd General Assembly, except that amounts 98915
received by the Director on or after July 1, 2001, shall be 98916
deposited into the Unemployment Compensation Special 98917
Administrative Fund (Fund 4A90) established pursuant to section 98918
4141.11 of the Revised Code. 98919

Section 309.50.20. FEDERAL UNEMPLOYMENT PROGRAMS 98920

All unexpended funds remaining at the end of fiscal year 2009 98921
that were appropriated and made available to the state under 98922
section 903(d) of the Social Security Act, as amended, in the 98923
foregoing appropriation item 600678, Federal Unemployment Programs 98924
(Fund 3V40), are hereby appropriated to the Department of Job and 98925
Family Services. Upon the request of the Director of Job and 98926
Family Services, the Director of Budget and Management may 98927
increase the appropriation for fiscal year 2010 by the amount 98928
remaining unspent from the fiscal year 2009 appropriation and may 98929
increase the appropriation for fiscal year 2011 by the amount 98930
remaining unspent from the fiscal year 2010 appropriation. The 98931

appropriation shall be used under the direction of the Department 98932
of Job and Family Services to pay for administrative activities 98933
for the Unemployment Insurance Program, employment services, and 98934
other allowable expenditures under section 903(d) of the Social 98935
Security Act, as amended. 98936

The amounts obligated pursuant to this section shall not 98937
exceed at any time the amount by which the aggregate of the 98938
amounts transferred to the account of the state under section 98939
903(d) of the Social Security Act, as amended, exceeds the 98940
aggregate of the amounts obligated for administration and paid out 98941
for benefits and required by law to be charged against the amounts 98942
transferred to the account of the state. 98943

Section 309.50.30. REMOVAL OF UNEMPLOYMENT COMPENSATION 98944
ADVISORY COUNCIL MEMBERS 98945

The intent of the General Assembly in the amendments made in 98946
this act to section 145.012 is to provide that service as a member 98947
of the Unemployment Compensation Advisory Council on or after the 98948
effective date of this section shall not be service as a public 98949
employee for purposes of Chapter 145. of the Revised Code. The 98950
amendments are not intended to prohibit the use of such service 98951
for calculation of benefits under Chapter 145. of the Revised Code 98952
for service prior to the effective date of this section. 98953
98954

Section 310.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 98955

General Revenue Fund 98956

GRF 029321	Operating Expenses	\$	435,168	\$	435,168	98957
TOTAL GRF	General Revenue Fund	\$	435,168	\$	435,168	98958
TOTAL ALL BUDGET FUND GROUPS		\$	435,168	\$	435,168	98959

OPERATING 98960

The Chief Administrative Officer of the House of 98961

Representatives and the Clerk of the Senate shall determine, by 98962
 mutual agreement, which of them shall act as fiscal agent for the 98963
 Joint Committee on Agency Rule Review. Members of the Committee 98964
 shall be paid in accordance with section 101.35 of the Revised 98965
 Code. 98966

OPERATING EXPENSES 98967

On July 1, 2009, or as soon as possible thereafter, the 98968
 Executive Director of the Joint Committee on Agency Rule Review 98969
 may certify to the Director of Budget and Management the amount of 98970
 the unexpended, unencumbered balance of the foregoing 98971
 appropriation item 029321, Operating Expenses, at the end of 98972
 fiscal year 2009 to be reappropriated to fiscal year 2010. The 98973
 amount certified is hereby reappropriated to the same 98974
 appropriation item for fiscal year 2010. 98975

On July 1, 2010, or as soon as possible thereafter, the 98976
 Executive Director of the Joint Committee on Agency Rule Review 98977
 may certify to the Director of Budget and Management the amount of 98978
 the unexpended, unencumbered balance of the foregoing 98979
 appropriation item 029321, Operating Expenses, at the end of 98980
 fiscal year 2010 to be reappropriated to fiscal year 2011. The 98981
 amount certified is hereby reappropriated to the same 98982
 appropriation item for fiscal year 2011. 98983

Section 311.10. JCO JUDICIAL CONFERENCE OF OHIO 98984

General Revenue Fund 98985

GRF 018321	Operating Expenses	\$	800,000	\$	800,000	98986
TOTAL GRF	General Revenue Fund	\$	800,000	\$	800,000	98987

General Services Fund Group 98988

4030 018601	Ohio Jury	\$	350,000	\$	350,000	98989
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Instructions

TOTAL GSF	General Services Fund	\$	350,000	\$	350,000	98990
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		Court				
GRF	005401	State Criminal	\$	206,770	\$	206,770 99019
		Sentencing Council				
GRF	005409	Ohio Courts	\$	4,250,000	\$	4,250,000 99020
		Technology Initiative				
TOTAL GRF		General Revenue Fund	\$	135,512,140	\$	135,512,140 99021
		General Services Fund Group				99022
6720	005601	Continuing Judicial	\$	300,000	\$	300,000 99023
		Education				
TOTAL GSF		General Services Fund	\$	300,000	\$	300,000 99024
		Group				
		Federal Special Revenue Fund Group				99025
3J00	005603	Federal Grants	\$	2,137,866	\$	1,917,081 99026
TOTAL FED		Federal Special Revenue	\$	2,137,866	\$	1,917,081 99027
		Fund Group				
		State Special Revenue Fund Group				99028
4C80	005605	Attorney Services	\$	3,704,659	\$	3,704,659 99029
5T80	005609	Grants and Awards	\$	50,000	\$	50,000 99030
6A80	005606	Supreme Court	\$	1,284,142	\$	1,284,142 99031
		Admissions				
TOTAL SSR		State Special Revenue	\$	5,038,801	\$	5,038,801 99032
		Fund Group				
TOTAL ALL BUDGET FUND GROUPS			\$	142,988,807	\$	142,768,022 99033
		OHIO COURTS TECHNOLOGY INITIATIVE				99034
		The foregoing appropriation item 005409, Ohio Courts				99035
		Technology Initiative, shall be used to fund an initiative by the				99036
		Supreme Court to facilitate the exchange of information and				99037
		warehousing of data by and between Ohio courts and other justice				99038
		system partners through the creation of an Ohio Courts Network,				99039
		the delivery of technology services to courts throughout the				99040
		state, including the provision of hardware, software, and the				99041
		development and implementation of educational and training				99042

programs for judges and court personnel, and operation of the 99043
Commission on Technology and the Courts by the Supreme Court for 99044
the promulgation of statewide rules, policies, and uniform 99045
standards, and to aid in the orderly adoption and comprehensive 99046
use of technology in Ohio courts. 99047

CONTINUING JUDICIAL EDUCATION 99048

The Continuing Judicial Education Fund (Fund 6720) shall 99049
consist of fees paid by judges and court personnel for attending 99050
continuing education courses and other gifts and grants received 99051
for the purpose of continuing judicial education. The foregoing 99052
appropriation item 005601, Continuing Judicial Education, shall be 99053
used to pay expenses for continuing education courses for judges 99054
and court personnel. If it is determined by the Administrative 99055
Director of the Supreme Court that additional appropriations are 99056
necessary, the amounts are hereby appropriated. 99057

No money in Fund 6720 shall be transferred to any other fund 99058
by the Director of Budget and Management or the Controlling Board. 99059
Interest earned on moneys in Fund 6720 shall be credited to the 99060
fund. 99061

FEDERAL GRANTS 99062

The Federal Grants Fund (Fund 3J00) shall consist of grants 99063
and other moneys awarded to the Supreme Court (The Judiciary) by 99064
the United States Government or other entities that receive the 99065
moneys directly from the United States Government and distribute 99066
those moneys to the Supreme Court (The Judiciary). The foregoing 99067
appropriation item 005603, Federal Grants, shall be used in a 99068
manner consistent with the purpose of the grant or award. If it is 99069
determined by the Administrative Director of the Supreme Court 99070
that additional appropriations are necessary, the amounts are 99071
hereby appropriated. 99072

No money in Fund 3J00 shall be transferred to any other fund 99073

by the Director of Budget and Management or the Controlling Board. 99074
However, interest earned on moneys in Fund 3J00 shall be credited 99075
or transferred to the General Revenue Fund. 99076

ATTORNEY SERVICES 99077

The Attorney Services Fund (Fund 4C80), formerly known as the 99078
Attorney Registration Fund, shall consist of moneys received by 99079
the Supreme Court (The Judiciary) pursuant to the Rules for the 99080
Government of the Bar of Ohio. In addition to funding other 99081
activities considered appropriate by the Supreme Court, the 99082
foregoing appropriation item 005605, Attorney Services, may be 99083
used to compensate employees and to fund appropriate activities of 99084
the following offices established by the Supreme Court: the Office 99085
of Disciplinary Counsel, the Board of Commissioners on Grievances 99086
and Discipline, the Clients' Security Fund, and the Attorney 99087
Services Division. If it is determined by the Administrative 99088
Director of the Supreme Court that additional appropriations are 99089
necessary, the amounts are hereby appropriated. 99090

No moneys in Fund 4C80 shall be transferred to any other fund 99091
by the Director of Budget and Management or the Controlling Board. 99092
Interest earned on moneys in Fund 4C80 shall be credited to the 99093
fund. 99094

GRANTS AND AWARDS 99095

The Grants and Awards Fund (Fund 5T80) shall consist of 99096
grants and other moneys awarded to the Supreme Court (The 99097
Judiciary) by the State Justice Institute, the Division of 99098
Criminal Justice Services, or other entities. The foregoing 99099
appropriation item 005609, Grants and Awards, shall be used in a 99100
manner consistent with the purpose of the grant or award. If it is 99101
determined by the Administrative Director of the Supreme Court 99102
that additional appropriations are necessary, the amounts are 99103
hereby appropriated. 99104

No moneys in Fund 5T80 shall be transferred to any other fund 99105
by the Director of Budget and Management or the Controlling Board. 99106
However, interest earned on moneys in Fund 5T80 shall be credited 99107
or transferred to the General Revenue Fund. 99108

SUPREME COURT ADMISSIONS 99109

The foregoing appropriation item 005606, Supreme Court 99110
Admissions, shall be used to compensate Supreme Court employees 99111
who are primarily responsible for administering the attorney 99112
admissions program under the Rules for the Government of the Bar 99113
of Ohio, and to fund any other activities considered appropriate 99114
by the court. Moneys shall be deposited into the Supreme Court 99115
Admissions Fund (Fund 6A80) under the Supreme Court Rules for the 99116
Government of the Bar of Ohio. If it is determined by the 99117
Administrative Director of the Supreme Court that additional 99118
appropriations are necessary, the amounts are hereby appropriated. 99119

No moneys in Fund 6A80 shall be transferred to any other fund 99120
by the Director of Budget and Management or the Controlling Board. 99121
Interest earned on moneys in Fund 6A80 shall be credited to the 99122
fund. 99123

Section 313.20. SUPREME COURT FILING FEE 99124

The General Assembly hereby respectfully requests the Supreme 99125
Court to modify Rule XV of the Rules of Practice of the Supreme 99126
Court of Ohio pursuant to its authority under the Ohio 99127
Constitution to make that Rule consistent with the amendments made 99128
by this act to section 2503.17 of the Revised Code. 99129

Section 315.10. LEC LAKE ERIE COMMISSION 99130

State Special Revenue Fund Group 99131

4C00 780601 Lake Erie Protection \$ 450,000 \$ 450,000 99132

Fund

5D80	780602	Lake Erie Resources	\$	301,087	\$	301,087	99133
		Fund					
TOTAL SSR State Special Revenue							99134
Fund Group			\$	751,087	\$	751,087	99135
TOTAL ALL BUDGET FUND GROUPS							99136
Section 317.10. LRS LEGAL RIGHTS SERVICE							99138
General Revenue Fund							99139
GRF	054321	Support Services	\$	142,614	\$	142,614	99140
GRF	054401	Ombudsman	\$	209,698	\$	209,698	99141
TOTAL GRF General Revenue Fund							99142
General Services Fund Group							99143
5M00	054610	Settlements	\$	81,352	\$	81,352	99144
TOTAL GSF General Services							99145
Fund Group			\$	81,352	\$	81,352	99146
Federal Special Revenue Fund Group							99147
3050	054602	Protection and	\$	1,500,000	\$	1,500,000	99148
		Advocacy -					
		Developmentally					
		Disabled					
3AG0	054613	Protection and	\$	135,000	\$	135,000	99149
		Advocacy - Voter					
		Accessibility					
3B80	054603	Protection and	\$	1,100,000	\$	1,100,000	99150
		Advocacy - Mentally					
		Ill					
3CA0	054615	Work Incentives	\$	355,000	\$	355,000	99151
		Planning and					
		Assistance					
3N30	054606	Protection and	\$	570,000	\$	570,000	99152
		Advocacy - Individual					
		Rights					

3N90	054607	Assistive Technology	\$	160,000	\$	160,000	99153
3R90	054604	Family Support	\$	12,500	\$	0	99154
		Collaborative					
3R90	054616	Developmental	\$	130,000	\$	130,000	99155
		Disability					
		Publications					
3T20	054609	Client Assistance	\$	435,000	\$	435,000	99156
		Program					
3X10	054611	Protection and	\$	235,000	\$	235,000	99157
		Advocacy -					
		Beneficiaries of					
		Social Security					
3Z60	054612	Protection and	\$	70,000	\$	70,000	99158
		Advocacy - Traumatic					
		Brain Injury					
TOTAL FED		Federal Special Revenue					99159
Fund Group			\$	4,702,500	\$	4,690,000	99160
State Special Revenue		Fund Group					99161
5AE0	054614	Grants and Contracts	\$	24,600	\$	24,600	99162
TOTAL SSR		State Special Revenue	\$	24,600	\$	24,600	99163
Fund Group							
TOTAL ALL BUDGET FUND GROUPS			\$	5,160,764	\$	5,148,264	99164

Section 317.20. LEGAL RIGHTS SERVICE NONPROFIT TRANSITION 99166

STUDY 99167

(A) The Legal Rights Service Commission shall conduct a study 99168
concerning a potential transition from a public entity to a 99169
nonprofit organization effective July 1, 2011. The study shall 99170
include an analysis of all of the following: 99171

(1) The feasibility of a transition to a nonprofit 99172
organization; 99173

(2) The potential effects on service delivery, including 99174

client service and access to required resources, and any other 99175
 service delivery advantages or disadvantages that might result 99176
 from the transition to a nonprofit organization; 99177

(3) Potential organizational effects, including cost savings 99178
 and non-state funding sources, and any other organizational 99179
 advantages or disadvantages that might result from the transition 99180
 to a nonprofit organization; 99181

(4) The approximate amount of time necessary to achieve a 99182
 transition to nonprofit status. 99183

(B) The Legal Rights Service Commission shall develop a 99184
 process plan by which a transition to a nonprofit organization 99185
 could be implemented not later than July 1, 2011. 99186

(C) Not later than six months after the effective date of 99187
 this section, a written report of the results of the study and a 99188
 copy of the process plan shall be submitted to the Governor, the 99189
 Speaker and the Minority Leader of the House of Representatives, 99190
 and the President and the Minority Leader of the Senate. 99191

Section 319.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE 99192

General Revenue Fund 99193

GRF 028321	Legislative Ethics	\$	550,000	\$	550,000	99194
	Committee					

TOTAL GRF	General Revenue Fund	\$	550,000	\$	550,000	99195
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General Services Fund Group 99196

4G70 028601	Joint Legislative	\$	100,000	\$	100,000	99197
	Ethics Committee					

TOTAL GSF	General Services Fund	\$	100,000	\$	100,000	99198
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	650,000	\$	650,000	99199
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Section 321.10. LSC LEGISLATIVE SERVICE COMMISSION 99200

General Revenue Fund					99201
GRF 035321	Operating Expenses	\$ 15,117,700	\$ 15,117,700		99202
GRF 035402	Legislative Interns	\$ 1,000,000	\$ 1,000,000		99203
GRF 035407	Legislative Task Force on Redistricting	\$ 750,000	\$ 750,000		99204
GRF 035409	National Associations	\$ 520,468	\$ 542,976		99205
GRF 035410	Legislative Information Systems	\$ 3,500,000	\$ 3,500,000		99206
TOTAL GRF General Revenue Fund		\$ 20,888,168	\$ 20,910,676		99207
General Services Fund Group					99208
4100 035601	Sale of Publications	\$ 10,000	\$ 10,000		99209
4F60 035603	Legislative Budget Services	\$ 200,000	\$ 200,000		99210
5EF0 035607	Legislative Agency Telephone Usage	\$ 30,000	\$ 30,000		99211
TOTAL GSF General Services Fund Group		\$ 240,000	\$ 240,000		99212
TOTAL ALL BUDGET FUND GROUPS		\$ 21,128,168	\$ 21,150,676		99213

The Legislative Agency Telephone Usage Fund (Fund 5EF0),
created by section 103.24 of the Revised Code, is the same fund,
with a new name, as the House and Senate Telephone Usage Fund
created by the Controlling Board in 2007.

Section 323.10. LIB STATE LIBRARY BOARD

General Revenue Fund					99219
GRF 350321	Operating Expenses	\$ 5,200,000	\$ 5,200,000		99220
GRF 350401	Ohioana Rental Payments	\$ 128,560	\$ 128,560		99221
GRF 350502	Regional Library Systems	\$ 600,000	\$ 600,000		99222
TOTAL GRF General Revenue Fund		\$ 5,928,560	\$ 5,928,560		99223

General Services Fund Group					99225	
1390 350602	Intra-Agency Service	\$	9,000	\$	9,000	99226
	Charges					
4590 350603	Library Service	\$	2,708,092	\$	2,708,092	99227
	Charges					
4S40 350604	Ohio Public Library	\$	5,702,150	\$	5,702,150	99228
	Information Network					
5GB0 350605	Library for the Blind	\$	1,274,194	\$	1,274,194	99229
5GG0 350606	Gates Foundation	\$	500,000	\$	0	99230
	Grants					
TOTAL GSF General Services						99231
Fund Group		\$	10,193,436	\$	9,693,436	99232
Federal Special Revenue Fund Group						99233
3130 350601	LSTA Federal	\$	5,543,747	\$	5,543,747	99234
TOTAL FED Federal Special Revenue						99235
Fund Group		\$	5,543,747	\$	5,543,747	99236
TOTAL ALL BUDGET FUND GROUPS		\$	21,665,743	\$	21,165,743	99237
OHIOANA RENTAL PAYMENTS						99238
The foregoing appropriation item 350401, Ohioana Rental						99239
Payments, shall be used to pay the rental expenses of the Martha						99240
Kinney Cooper Ohioana Library Association under section 3375.61 of						99241
the Revised Code.						99242
REGIONAL LIBRARY SYSTEMS						99243
The foregoing appropriation item 350502, Regional Library						99244
Systems, shall be used to support regional library systems						99245
eligible for funding under sections 3375.83 and 3375.90 of the						99246
Revised Code.						99247
OHIO PUBLIC LIBRARY INFORMATION NETWORK						99248
(A) The foregoing appropriation item 350604, Ohio Public						99249
Library Information Network, shall be used for an information						99250
telecommunications network linking public libraries in the state						99251

and such others as may participate in the Ohio Public Library
Information Network (OPLIN). 99252
99253

The Ohio Public Library Information Network Board of Trustees 99254
created under section 3375.65 of the Revised Code may make 99255
decisions regarding use of the foregoing appropriation item 99256
350604, Ohio Public Library Information Network. 99257

(B) Of the foregoing appropriation item 350604, Ohio Public 99258
Library Information Network, up to \$81,000 in each fiscal year 99259
shall be used to help local libraries use filters to screen out 99260
obscene and illegal internet materials. 99261

The OPLIN Board shall research and assist or advise local 99262
libraries with regard to emerging technologies and methods that 99263
may be effective means to control access to obscene and illegal 99264
materials. The OPLIN Executive Director shall provide biannual 99265
written reports to the Governor, the Speaker and Minority Leader 99266
of the House of Representatives, and the President and Minority 99267
Leader of the Senate on any steps being taken by OPLIN and public 99268
libraries in the state to limit and control such improper usage as 99269
well as information on technological, legal, and law enforcement 99270
trends nationally and internationally affecting this area of 99271
public access and service. 99272

(C) The Ohio Public Library Information Network, INFOhio, and 99273
OhioLINK shall, to the extent feasible, coordinate and cooperate 99274
in their purchase or other acquisition of the use of electronic 99275
databases for their respective users and shall contribute funds in 99276
an equitable manner to such effort. 99277

LIBRARY FOR THE BLIND 99278

The foregoing appropriation item 350605, Library for the 99279
Blind, shall be used for the statewide Talking Book Program to 99280
assist the blind and disabled. 99281

TRANSFER TO OPLIN TECHNOLOGY FUND 99282

Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer \$3,702,150 cash in each fiscal year from the Public Library Fund (Fund 7065) to the OPLIN Technology Fund (Fund 4S40).

TRANSFER TO LIBRARY FOR THE BLIND FUND

Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer \$1,274,194 cash in each fiscal year from the Public Library Fund (Fund 7065) to the Library for the Blind Fund (Fund 5GB0).

Section 325.10. LCO LIQUOR CONTROL COMMISSION

Liquor Control Fund Group					99297
7043 970321 Operating Expenses	\$	728,162	\$	772,524	99298
TOTAL LCF Liquor Control Fund Group	\$	728,162	\$	772,524	99299
TOTAL ALL BUDGET FUND GROUPS	\$	728,162	\$	772,524	99300

Section 327.10. LOT STATE LOTTERY COMMISSION

State Lottery Fund Group					99303
2310 950604 Charitable Gaming Oversight	\$	2,378,000	\$	2,378,000	99304
7044 950100 Personal Services	\$	24,378,979	\$	24,378,979	99305
7044 950200 Maintenance	\$	14,578,155	\$	14,652,155	99306
7044 950300 Equipment	\$	4,058,420	\$	3,603,920	99307
7044 950402 Advertising Contracts	\$	21,756,000	\$	21,756,000	99308
7044 950403 Gaming Contracts	\$	47,978,749	\$	48,756,010	99309
7044 950500 Problem Gambling Subsidy	\$	350,000	\$	350,000	99310
7044 950601 Direct Prize Payments	\$	124,426,168	\$	124,884,039	99311

8710 950602	Annuity Prizes	\$	89,935,565	\$	89,415,976	99312
TOTAL SLF State Lottery Fund						99313
Group		\$	329,840,036	\$	330,175,079	99314
TOTAL ALL BUDGET FUND GROUPS		\$	329,840,036	\$	330,175,079	99315

OPERATING EXPENSES 99316

Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize expenditures from the State Lottery Fund in excess of the amounts appropriated, up to a maximum of 15 per cent of anticipated total revenue accruing from the sale of lottery tickets. Upon the approval of the Controlling Board, the additional amounts are hereby appropriated. 99317
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99323

DIRECT PRIZE PAYMENTS 99324

Any amounts, in addition to the amounts appropriated in appropriation item 950601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes, bonuses, and commissions are hereby appropriated. 99325
99326
99327
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99329

ANNUITY PRIZES 99330

Upon request of the State Lottery Commission, the Director of Budget and Management may transfer cash from the State Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 8710) the pro rata share of interest earned by the Treasurer of State on invested balances. 99331
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Any amounts, in addition to the amounts appropriated in appropriation item 950602, Annuity Prizes, that the Director of the State Lottery Commission determines to be necessary to fund deferred prizes and interest earnings are hereby appropriated. 99338
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99340
99341

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 99342

The Director of Budget and Management shall transfer an amount greater than or equal to \$705,000,000 in fiscal year 2010 and \$711,000,000 in fiscal year 2011 from the State Lottery Fund to the Lottery Profits Education Fund (Fund 7017). Transfers from the State Lottery Fund to the Lottery Profits Education Fund shall represent the estimated net income from operations for the Commission in fiscal year 2010 and fiscal year 2011. Transfers by the Director of Budget and Management to the Lottery Profits Education Fund shall be administered as the statutes direct.

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Section 329.10. MHC MANUFACTURED HOMES COMMISSION

99352

General Services Fund Group

99353

4K90 996609 Operating Expenses \$ 400,000 \$ 400,000

99354

TOTAL GSF General Services

99355

Fund Group \$ 400,000 \$ 400,000

99356

TOTAL ALL BUDGET FUND GROUPS \$ 400,000 \$ 400,000

99357

Section 331.10. MED STATE MEDICAL BOARD

99359

General Services Fund Group

99360

5C60 883609 Operating Expenses \$ 8,100,000 \$ 8,100,000

99361

TOTAL GSF General Services

99362

Fund Group \$ 8,100,000 \$ 8,100,000

99363

TOTAL ALL BUDGET FUND GROUPS \$ 8,100,000 \$ 8,100,000

99364

Section 333.10. AMB MEDICAL TRANSPORTATION BOARD

99366

General Services Fund Group

99367

4K90 915604 Operating Expenses \$ 450,734 \$ 450,734

99368

TOTAL GSF General Services

99369

Fund Group \$ 450,734 \$ 450,734

99370

TOTAL ALL BUDGET FUND GROUPS \$ 450,734 \$ 450,734

99371

Section 335.10. DMH DEPARTMENT OF MENTAL HEALTH

99373

		General Revenue Fund					99374
GRF	332401	Forensic Services	\$	3,904,972	\$	3,904,972	99375
GRF	333321	Central	\$	17,204,000	\$	17,204,000	99376
		Administration					
GRF	333402	Resident Trainees	\$	637,460	\$	637,460	99377
GRF	333403	Pre-Admission	\$	650,135	\$	650,135	99378
		Screening Expenses					
GRF	333415	Lease-Rental Payments	\$	21,626,800	\$	22,360,300	99379
GRF	334408	Community and	\$	383,724,688	\$	383,724,688	99380
		Hospital Mental					
		Health Services					
GRF	334506	Court Costs	\$	781,322	\$	781,322	99381
GRF	335404	Behavioral Health	\$	7,460,800	\$	7,460,000	99382
		Services-Children					
GRF	335405	Family & Children	\$	2,322,000	\$	2,322,000	99383
		First					
GRF	335419	Community Medication	\$	9,959,798	\$	9,959,798	99384
		Subsidy					
GRF	335505	Local Mental Health	\$	85,510,483	\$	65,567,856	99385
		Systems of Care					
GRF	335636	Local Mental Health	\$	0	\$	27,697,699	99386
		Subsidy - Federal					
		Stimulus					
TOTAL GRF		General Revenue Fund	\$	533,782,458	\$	542,271,030	99387
		General Services Fund Group					99388
1490	333609	Central Office	\$	1,200,000	\$	1,200,000	99389
		Operating					
1490	334609	Hospital - Operating	\$	28,700,000	\$	28,700,000	99390
		Expenses					
1500	334620	Special Education	\$	150,000	\$	150,000	99391
4P90	335604	Community Mental	\$	250,000	\$	250,000	99392
		Health Projects					

1510	336601	Office of Support Services	\$	148,998,000	\$	159,279,140	99393
TOTAL	GSF	General Services Fund Group	\$	179,298,000	\$	189,579,140	99394
		Federal Special Revenue Fund Group					99395
3240	333605	Medicaid/Medicare	\$	154,500	\$	154,500	99396
3A60	333608	Community and Hospital Services	\$	140,000	\$	140,000	99397
3A70	333612	Social Services Block Grant	\$	25,000	\$	25,000	99398
3A80	333613	Federal Grant - Administration	\$	4,888,105	\$	4,888,105	99399
3A90	333614	Mental Health Block Grant - Administration	\$	748,470	\$	748,470	99400
3B10	333635	Community Medicaid Expansion	\$	13,691,682	\$	13,691,682	99401
3240	334605	Medicaid/Medicare	\$	25,200,000	\$	30,200,000	99402
3A60	334608	Federal Miscellaneous	\$	586,224	\$	586,224	99403
3A80	334613	Federal Letter of Credit	\$	200,000	\$	200,000	99404
3B00	334617	Elementary/Secondary Education Act	\$	182,334	\$	182,334	99405
3A60	335608	Federal Miscellaneous	\$	2,178,699	\$	2,178,699	99406
3A70	335612	Social Services Block Grant	\$	8,632,288	\$	8,632,288	99407
3A80	335613	Federal Grant - Community Mental Health Board Subsidy	\$	2,595,040	\$	2,595,040	99408
3A90	335614	Mental Health Block Grant	\$	14,220,930	\$	14,220,930	99409
3B10	335635	Community Medicaid Expansion	\$	362,770,242	\$	345,067,320	99410

TOTAL FED Federal Special Revenue	\$	436,213,514	\$	423,510,592	99411
Fund Group					
State Special Revenue Fund Group					99412
2320 333621 Family and Children	\$	725,000	\$	725,000	99413
First Administration					
4850 333632 Mental Health	\$	134,233	\$	134,233	99414
Operating					
4X50 333607 Behavioral Health	\$	3,000,624	\$	3,000,624	99415
Medicaid Services					
5V20 333611 Non-Federal	\$	560,000	\$	560,000	99416
Miscellaneous					
4850 334632 Mental Health	\$	2,400,000	\$	2,400,000	99417
Operating					
6920 334636 Community Mental	\$	80,000	\$	80,000	99418
Health Board Risk					
Fund					
5AU0 335615 Behavioral Healthcare	\$	6,690,000	\$	6,690,000	99419
5CH0 335622 Residential Support	\$	1,500,000	\$	1,500,000	99420
Service					
6320 335616 Community Capital	\$	350,000	\$	350,000	99421
Replacement					
TOTAL SSR State Special Revenue	\$	15,439,857	\$	15,439,857	99422
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,164,733,829	\$	1,170,800,619	99423

Section 335.10.10. FORENSIC SERVICES 99425

The foregoing appropriation item 332401, Forensic Services, 99426
shall be used to provide psychiatric services to courts of common 99427
pleas. The appropriation shall be allocated through community 99428
mental health boards to certified community agencies and shall be 99429
distributed according to the criteria delineated in rule 99430
5122:32-01 of the Administrative Code. These community forensic 99431
funds may also be used to provide forensic training to community 99432

mental health boards and to forensic psychiatry residency programs 99433
in hospitals operated by the Department of Mental Health and to 99434
provide evaluations of patients of forensic status in facilities 99435
operated by the Department of Mental Health prior to conditional 99436
release to the community. 99437

In addition, appropriation item 332401, Forensic Services, 99438
may be used to support projects involving mental health or 99439
substance abuse, to assist courts and law enforcement to identify 99440
and develop appropriate alternative services to incarceration for 99441
nonviolent mentally ill offenders, and to provide specialized 99442
re-entry services to offenders leaving prisons and jails. Funds 99443
may also be used to provide forensic monitoring and tracking in 99444
addition to community programs serving persons of forensic status 99445
on conditional release or probation. 99446

Section 335.20.10. RESIDENCY TRAINEESHIP PROGRAMS 99447

The foregoing appropriation item 333402, Resident Trainees, 99448
shall be used to fund training agreements entered into by the 99449
Director of Mental Health for the development of curricula and the 99450
provision of training programs to support public mental health 99451
services. 99452

Section 335.20.20. PRE-ADMISSION SCREENING EXPENSES 99453

The foregoing appropriation item 333403, Pre-Admission 99454
Screening Expenses, shall be used to ensure that uniform statewide 99455
methods for pre-admission screening are in place for persons who 99456
have severe mental illness and are referred for long-term Medicaid 99457
certified nursing facility placement. Pre-admission screening 99458
includes the following activities: pre-admission assessment, 99459
consideration of continued stay requests, discharge planning and 99460
referral, and adjudication of appeals and grievance procedures. 99461
99462

Section 335.20.30. LEASE-RENTAL PAYMENTS 99463

The foregoing appropriation item 333415, Lease-Rental 99464
Payments, shall be used to meet all payments during the period 99465
from July 1, 2009, to June 30, 2011, by the Department of Mental 99466
Health under leases and agreements made under section 154.20 of 99467
the Revised Code. These appropriations are the source of funds 99468
pledged for bond service charges on obligations issued pursuant to 99469
Chapter 154. of the Revised Code. 99470

Section 335.20.40. BEHAVIORAL HEALTH MEDICAID SERVICES 99471

The Department of Mental Health shall administer specified 99472
Medicaid services as delegated by the Department of Job and Family 99473
Services in an interagency agreement. The foregoing appropriation 99474
item 333607, Behavioral Health Medicaid Services, may be used to 99475
make payments for free-standing psychiatric hospital inpatient 99476
services as defined in an interagency agreement with the 99477
Department of Job and Family Services. 99478

Section 335.30.10. COMMUNITY MENTAL HEALTH BOARD RISK FUND 99479

The foregoing appropriation item 334636, Community Mental 99480
Health Board Risk Fund, shall be used to make payments under 99481
section 5119.62 of the Revised Code. 99482

Section 335.40.10. BEHAVIORAL HEALTH SERVICES - CHILDREN 99483

The foregoing appropriation item 335404, Behavioral Health 99484
Services-Children, shall be used to provide behavioral health 99485
services for children and their families. At least \$1,000,000 in 99486
each fiscal year shall be used to provide behavioral health 99487
treatment services for children under the age of seven and their 99488
families. Behavioral health services include mental health and 99489
alcohol and other drug treatment services and other necessary 99490

supports. 99491

The foregoing appropriation item 335404, Behavioral Health 99492
Services-Children, shall be distributed to boards of alcohol, drug 99493
addiction, and mental health services, including community mental 99494
health boards and alcohol and drug addiction boards, based upon a 99495
distribution formula approved by the Director of Mental Health, 99496
except that the amount earmarked for children under the age of 99497
seven shall be distributed to the local boards based on 99498
community-need as determined by the Director of Mental Health. 99499
These moneys shall be used in accordance with the board's 99500
applicable plan or plans developed under sections 340.03 and 99501
340.033 of the Revised Code and in collaboration with the local 99502
family and children first council. Collaboration with the local 99503
council shall be conducted through a process defined by a system 99504
of care guidance as approved by the Ohio Family and Children First 99505
Cabinet Council. 99506

Section 335.40.20. COMMUNITY MEDICATION SUBSIDY 99507

The foregoing appropriation item 335419, Community Medication 99508
Subsidy, shall be used to provide subsidized support for 99509
psychotropic medication needs of indigent citizens in the 99510
community to reduce unnecessary hospitalization because of lack of 99511
medication and to provide subsidized support for methadone costs. 99512

Section 335.40.30. LOCAL MENTAL HEALTH SYSTEMS OF CARE 99513

The foregoing appropriation item 335505, Local Mental Health 99514
Systems of Care, shall be used for mental health services provided 99515
by community mental health boards in accordance with a community 99516
mental health plan submitted under section 340.03 of the Revised 99517
Code and as approved by the Department of Mental Health. 99518
99519

		Section 337.10. DMR DEPARTMENT OF MENTAL RETARDATION AND				99520	
		DEVELOPMENTAL DISABILITIES				99521	
		General Revenue Fund				99522	
GRF	320321	Central Administration	\$	4,936,950	\$	4,936,950	99523
GRF	320412	Protective Services	\$	2,558,619	\$	2,558,619	99524
GRF	320415	Lease-Rental Payments	\$	21,626,800	\$	22,360,300	99525
GRF	322413	Residential and Support Services	\$	5,854,555	\$	5,854,555	99526
GRF	322416	Medicaid Waiver - State Match	\$	76,940,156	\$	96,995,649	99527
GRF	322451	Family Support Services	\$	6,616,953	\$	6,616,953	99528
GRF	322501	County Boards Subsidies	\$	82,093,807	\$	49,338,483	99529
GRF	322503	Tax Equity	\$	14,000,000	\$	14,000,000	99530
GRF	322504	Martin Settlement	\$	36,841,819	\$	36,841,819	99531
GRF	322646	MR/DD Subsidy - Federal Stimulus	\$	0	\$	23,185,824	99532
GRF	322647	ICF/MR Franchise Fee - Developmental Centers	\$	5,600,000	\$	7,500,000	99533
GRF	323321	Developmental Center and Residential Facilities Operation Expenses	\$	72,874,333	\$	80,147,778	99534
TOTAL GRF		General Revenue Fund	\$	329,943,992	\$	350,336,930	99535
		General Services Fund Group					99536
4880	322603	Provider Audit Refunds	\$	10,000	\$	10,000	99537
1520	323609	Developmental Center	\$	912,176	\$	912,176	99538

		and Residential				
		Operating Services				
TOTAL GSF	General Services Fund		\$	922,176	\$	922,176 99539
Group						
Federal Special Revenue Fund Group						99540
3A50 320613	DD Council		\$	2,891,473	\$	2,963,760 99541
3250 322612	Community Social		\$	10,494,451	\$	10,494,451 99542
	Service Programs					
3G60 322639	Medicaid Waiver -		\$	759,888,829	\$	745,540,748 99543
	Federal					
3M70 322650	CAFS Medicaid		\$	28,465,980	\$	29,349,502 99544
3A40 323605	Developmental Center		\$	167,503,941	\$	162,857,712 99545
	and Residential					
	Facility Services and					
	Support					
TOTAL FED	Federal Special Revenue		\$	969,244,674	\$	951,206,173 99546
Fund Group						
State Special Revenue Fund Group						99547
5GE0 320606	Operating and		\$	3,760,504	\$	7,521,008 99548
	Services					
2210 322620	Supplement Service		\$	150,000	\$	150,000 99549
	Trust					
4K80 322604	Medicaid Waiver -		\$	12,000,000	\$	12,000,000 99550
	State Match					
5CT0 322632	Intensive Behavioral		\$	1,000,000	\$	1,000,000 99551
	Needs					
5DJ0 322625	Targeted Case		\$	13,716,454	\$	13,716,454 99552
	Management Match					
5DJ0 322626	Targeted Case		\$	29,926,640	\$	29,926,640 99553
	Management Services					
5DK0 322629	Capital Replacement		\$	750,000	\$	750,000 99554
	Facilities					

5E00	322627	Program Fees	\$	500,000	\$	500,000	99555
5H00	322619	Medicaid Repayment	\$	15,000	\$	15,000	99556
5Z10	322624	County Board Waiver	\$	158,648,995	\$	169,754,424	99557
		Match					
4890	323632	Developmental Center	\$	15,395,774	\$	15,395,684	99558
		Direct Care Support					
5S20	590622	Medicaid	\$	15,000,000	\$	15,000,000	99559
		Administration &					
		Oversight					
TOTAL SSR State Special Revenue			\$	250,863,367	\$	265,729,210	99560
Fund Group							
TOTAL ALL BUDGET FUND GROUPS			\$	1,550,974,209	\$	1,568,194,489	99561

Section 337.20.10. LEASE-RENTAL PAYMENTS 99563

The foregoing appropriation item 320415, Lease-Rental 99564
 Payments, shall be used to meet all payments at the time they are 99565
 required to be made during the period from July 1, 2009, to June 99566
 30, 2011, by the Department of Mental Retardation and 99567
 Developmental Disabilities under leases and agreements made under 99568
 section 154.20 of the Revised Code. These appropriations are the 99569
 source of funds pledged for bond service charges or obligations 99570
 issued pursuant to Chapter 154. of the Revised Code. 99571

Section 337.30.10. RESIDENTIAL AND SUPPORT SERVICES 99572

The Department of Mental Retardation and Developmental 99573
 Disabilities may designate a portion of appropriation item 322413, 99574
 Residential and Support Services, for Sermak Class Services used 99575
 to implement the requirements of the agreement settling the 99576
 consent decree in *Sermak v. Manuel*, Case No. c-2-80-220, United 99577
 States District Court for the Southern District of Ohio, Eastern 99578
 Division. 99579

Section 337.30.20. OTHER RESIDENTIAL AND SUPPORT SERVICE 99580

PROGRAMS	99581
The foregoing appropriation item 322413, Residential Support Services, may be used for residential and support service programs, developed by the Department of Mental Retardation and Developmental Disabilities, that enable persons with mental retardation and developmental disabilities to live in the community.	99582 99583 99584 99585 99586 99587
Section 337.30.30. MEDICAID WAIVER - STATE MATCH (GRF)	99588
Except as otherwise provided in section 5123.0416 of the Revised Code, the purposes for which the foregoing appropriation item 322416, Medicaid Waiver - State Match, shall be used include the following:	99589 99590 99591 99592
(A) Home and community-based waiver services under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.	99593 99594 99595
(B) To pay the nonfederal share of the cost of one or more new intermediate care facilities for the mentally retarded certified beds, if the Director of Mental Retardation and Developmental Disabilities is required by this act to transfer to the Director of Job and Family Services funds to pay such nonfederal share.	99596 99597 99598 99599 99600 99601
Section 337.30.40. FISCAL PLAN FOR HOME AND COMMUNITY-BASED WAIVER SERVICES	99602 99603
Not later than December 31, 2009, the Director of Mental Retardation and Developmental Disabilities shall submit a plan to the Director of Job and Family Services with recommendations for actions to be taken addressing the fiscal sustainability of home and community-based services as defined in section 5123.01 of the Revised Code. The plan may include recommendations for all of the following:	99604 99605 99606 99607 99608 99609 99610

(A) Changing the ranges in the amount the Medicaid program will pay per individual for the home and community-based services; 99611
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(B) Establishing one or more maximum amounts that the Medicaid program will pay per individual for the home and community-based services; 99613
99614
99615

(C) Modifying the methodology used in establishing payment rates for providers, including the methodology's component that reflects wages and benefits for persons providing direct care and the component that reflects training and direct supervision of those persons. 99616
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Section 337.30.50. STATE SUBSIDY TO COUNTY MR/DD BOARDS 99621

Except as otherwise provided in the section of this act titled "Nonfederal Share of New ICF/MR Beds," the Director of Mental Retardation and Developmental Disabilities, in consultation with the county boards of mental retardation and developmental disabilities, shall develop a formula for allocating the foregoing appropriation item 322501, County Boards Subsidies, to each board. The Department shall distribute this subsidy to county boards in quarterly installments. 99622
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Except as otherwise provided in section 5126.0511 of the Revised Code, county boards shall use the subsidy for early childhood services and adult services provided under section 5126.05 of the Revised Code, service and support administration provided under section 5126.15 of the Revised Code, and supported living as defined in section 5126.01 of the Revised Code. 99630
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Section 337.30.60. COUNTY BOARD SHARE OF WAIVER SERVICES 99636

As used in this section, "home and community-based services" has the same meaning as in section 5123.01 of the Revised Code. 99637
99638

The Director of Mental Retardation and Developmental 99639

Disabilities shall establish a methodology to be used in state 99640
fiscal years 2010 and 2011 to estimate the quarterly amount each 99641
county board of mental retardation and developmental disabilities 99642
is to pay of the nonfederal share of home and community-based 99643
services that section 5126.0510 of the Revised Code requires 99644
county boards to pay. Each quarter, the Director shall submit to a 99645
county board written notice of the amount the county board is to 99646
pay for that quarter. The notice shall specify when the payment is 99647
due. 99648

If a county board fails to make the full payment by the time 99649
it is due, the Director of Mental Retardation and Developmental 99650
Disabilities may withhold the amount the county board fails to pay 99651
from one or more of the state subsidies that the Department of 99652
Mental Retardation and Developmental Disabilities would otherwise 99653
provide to the county board. Each quarter, the Director may use 99654
one or more of the following appropriation items to transfer cash 99655
from the General Revenue Fund to the County Board Waiver Match 99656
Fund (Fund 5Z10) equal to the amount the county board failed to 99657
pay: 99658

(A) Appropriation item 322413, Residential and Support 99659
Services; 99660

(B) Appropriation item 322451, Family Support Services; 99661

(C) Appropriation item 322501, County Boards Subsidies; 99662

(D) Appropriation item 322503, Tax Equity. 99663

Transfers shall be made using an intrastate transfer voucher. 99664

Section 337.30.70. TAX EQUITY 99665

Notwithstanding section 5126.18 of the Revised Code, if the 99666
Director of Mental Retardation and Developmental Disabilities 99667
determines that there is sufficient appropriation available, the 99668
foregoing appropriation item 322503, Tax Equity, shall be used to 99669

pay each county board of mental retardation and developmental 99670
disabilities an amount that is equal to the amount the board 99671
received for fiscal year 2009. If the Director determines that 99672
there is not sufficient appropriation available for this purpose, 99673
the Department shall pay to each county board an amount that is 99674
proportionate to the amount the board received for fiscal year 99675
2009. Proportionality shall be determined by dividing the total 99676
tax equity payments distributed to county boards for fiscal year 99677
2009 by the tax equity payment a county board received for fiscal 99678
year 2009. 99679

Section 337.30.80. MEDICAID WAIVER - STATE MATCH (FUND 4K80) 99680

The foregoing appropriation item 322604, Medicaid Waiver - 99681
State Match (Fund 4K80), shall be used as state matching funds for 99682
home and community-based waivers. 99683

Section 337.30.85. ICF/MR CONVERSION 99684

(A) As used in this section, "home and community-based 99685
services" has the same meaning as in section 5123.01 of the 99686
Revised Code. 99687

(B) For each quarter of the biennium, the Director of Mental 99688
Retardation and Developmental Disabilities shall certify to the 99689
Director of Budget and Management the estimated amount needed to 99690
fund the provision of home and community-based services made 99691
available by the slots sought under section 5111.877 of the 99692
Revised Code. On receipt of certification, the Director of Budget 99693
and Management shall transfer the estimated amount in cash from 99694
the General Revenue Fund to the Home and Community-Based 99695
Services/Mental Retardation Fund (Fund 4K80), used by the 99696
Department of Mental Retardation and Developmental Disabilities. 99697
Upon completion of the transfer, appropriation item 600525, Health 99698
Care/Medicaid, is hereby reduced by the amount transferred under 99699

this section plus the corresponding federal share. The amount 99700
transferred to Fund 4K80 is hereby appropriated to appropriation 99701
item 322604, Medicaid Waiver - State Match. 99702

(C) If receipts credited to the Medicaid Waiver Fund (Fund 99703
3G60) exceed the amounts appropriated from the fund, the Director 99704
of Mental Retardation and Developmental Disabilities may request 99705
the Director of Budget and Management to authorize expenditures 99706
from the fund in excess of the amounts appropriated. Upon the 99707
approval of the Director of Budget and Management, the additional 99708
amounts are hereby appropriated. 99709

(D) If receipts credited to the Interagency Reimbursement 99710
Fund (Fund 3G50) exceed the amounts appropriated from the fund, 99711
the Director of Job and Family Services may request the Director 99712
of Budget and Management to authorize expenditures from the fund 99713
in excess of the amounts appropriated. Upon approval of the 99714
Director of Budget and Management, the additional amounts are 99715
hereby appropriated. 99716

Section 337.30.90. TARGETED CASE MANAGEMENT SERVICES 99717

County boards of mental retardation and developmental 99718
disabilities shall pay the nonfederal portion of targeted case 99719
management costs to the Department of Mental Retardation and 99720
Developmental Disabilities. The Director of Mental Retardation and 99721
Developmental Disabilities shall withhold any amount owed to the 99722
Department from subsequent payments from any appropriation item or 99723
money otherwise due to a nonpaying county. 99724

The Directors of Mental Retardation and Developmental 99725
Disabilities and Job and Family Services may enter into an 99726
interagency agreement under which the Department of Mental 99727
Retardation and Developmental Disabilities shall transfer cash to 99728
the Department of Job and Family Services equal to the nonfederal 99729
portion of the cost of targeted case management services paid by 99730

county boards and the Department of Job and Family Services shall 99731
pay the total cost of targeted case management claims. The 99732
transfer shall be made using an intrastate transfer voucher. 99733

Section 337.31.10. TRANSFER TO PROGRAM FEE FUND 99734

On July 1, 2009, or as soon as possible thereafter, the 99735
Director of Mental Retardation and Developmental Disabilities 99736
shall request that the Director of Budget and Management transfer 99737
the cash balance in the Conference/Training Fund (Fund 4B50) to 99738
the Program Fee Fund (Fund 5EV0). Upon completion of the transfer, 99739
Fund 4B50 is abolished. The Director of Mental Retardation and 99740
Developmental Disabilities shall cancel any existing encumbrances 99741
against appropriation item 320640, Training and Service 99742
Development, and re-establish them against appropriation item 99743
322627, Program Fees. The re-established encumbrances are hereby 99744
appropriated. 99745

Section 337.31.20. DEVELOPMENTAL CENTER BILLING FOR SERVICES 99746

Developmental centers of the Department of Mental Retardation 99747
and Developmental Disabilities may provide services to persons 99748
with mental retardation or developmental disabilities living in 99749
the community or to providers of services to these persons. The 99750
Department may develop a method for recovery of all costs 99751
associated with the provisions of these services. 99752

Section 337.40.10. TRANSFER OF FUNDS FOR DEVELOPMENTAL CENTER 99753
PHARMACY PROGRAMS 99754

The Director of Mental Retardation and Developmental 99755
Disabilities shall transfer cash to the Department of Job and 99756
Family Services quarterly, in an amount equal to the nonfederal 99757
share of Medicaid prescription drug claim costs for all 99758
developmental centers paid by the Department of Job and Family 99759

Services. The quarterly transfer shall be made using an intrastate 99760
transfer voucher. 99761

Section 337.40.20. NONFEDERAL MATCH FOR ACTIVE TREATMENT 99762
SERVICES 99763

Any county funds received by the Department of Mental 99764
Retardation and Developmental Disabilities from county boards for 99765
active treatment shall be deposited in the Mental Retardation 99766
Operating Fund (Fund 4890). 99767

Section 337.40.30. NONFEDERAL SHARE OF NEW ICF/MR BEDS 99768

(A) As used in this section, "intermediate care facility for 99769
the mentally retarded" has the same meaning as in section 5111.20 99770
of the Revised Code. 99771

(B) Except as provided in division (D) of this section, if 99772
one or more new beds obtain certification as an intermediate care 99773
facility for the mentally retarded bed on or after July 1, 2009, 99774
the Director of Mental Retardation and Developmental Disabilities 99775
shall transfer cash to the Department of Job and Family Services 99776
to pay the nonfederal share of the cost under the Medicaid Program 99777
for those beds. The transfer shall be made using an intrastate 99778
transfer voucher. Except as otherwise provided in section 99779
5123.0416 of the Revised Code, the Director shall use only the 99780
following appropriation items for the transfer: 99781

(1) Appropriation item 322416, Medicaid Waiver - State Match; 99782
99783

(2) Appropriation item 322501, County Boards Subsidies. 99784

(C) If the beds are located in a county served by a county 99785
board of mental retardation and developmental disabilities that 99786
initiates or supports the beds' certification, the cash that the 99787
Director transfers under division (B) of this section shall be 99788

moneys that the Director has allocated to the county board serving 99789
the county in which the beds are located unless the amount of the 99790
allocation is insufficient to pay the entire nonfederal share of 99791
the cost under the Medicaid Program for those beds. If the 99792
allocation is insufficient, the Director shall use as much of such 99793
moneys allocated to other counties as is needed to make up the 99794
difference. 99795

(D) Division (B) of this section shall not apply in the case 99796
of beds in an intermediate care facility for the mentally retarded 99797
if, under section 5123.193 of the Revised Code, a residential 99798
facility license was obtained for the facility without obtaining 99799
approval of a plan for the proposed residential facility pursuant 99800
to section 5123.042 of the Revised Code. 99801

Section 339.10. MIH COMMISSION ON MINORITY HEALTH 99802

General Revenue Fund 99803

GRF 149321	Operating Expenses	\$	461,698	\$	461,698	99804
GRF 149501	Minority Health	\$	1,000,000	\$	1,000,000	99805

Grants

GRF 149502	Lupus Program	\$	136,126	\$	136,126	99806
TOTAL GRF	General Revenue Fund	\$	1,597,824	\$	1,597,824	99807

Federal Special Revenue Fund Group 99808

3J90 149602	Federal Grants	\$	179,250	\$	179,250	99809
TOTAL FED	Federal Special Revenue					99810
Fund Group		\$	179,250	\$	179,250	99811

State Special Revenue Fund Group 99812

4C20 149601	Minority Health	\$	30,000	\$	30,000	99813
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Conference

TOTAL SSR State Special Revenue 99814

Fund Group		\$	30,000	\$	30,000	99815
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TOTAL ALL BUDGET FUND GROUPS		\$	1,807,074	\$	1,807,074	99816
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Section 341.10. CRB MOTOR VEHICLE COLLISION REPAIR				99818
REGISTRATION BOARD				99819
General Services Fund Group				99820
4K90 865601	Operating Expenses	\$ 288,745	\$ 288,745	99821
TOTAL GSF General Services				99822
Fund Group				99823
TOTAL ALL BUDGET FUND GROUPS				99824
 Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES				99826
General Revenue Fund				99827
GRF 725401	Wildlife-GRF Central	\$ 2,300,000	\$ 2,300,000	99828
Support				
GRF 725413	Lease Rental Payments	\$ 21,417,400	\$ 21,556,500	99829
GRF 725423	Stream and Ground	\$ 175,000	\$ 175,000	99830
Water Gauging				
GRF 725456	Canal Lands	\$ 300,000	\$ 300,000	99831
GRF 725502	Soil and Water	\$ 4,500,000	\$ 900,000	99832
Districts				
GRF 725652	Natural Resources	\$ 4,886,947	\$ 4,492,839	99833
Operations				
GRF 725903	Natural Resources	\$ 26,334,400	\$ 26,549,400	99834
General Obligation				
Debt Service				
GRF 727321	Division of Forestry	\$ 6,906,376	\$ 6,906,376	99835
GRF 728321	Division of Geological	\$ 1,550,000	\$ 1,550,000	99836
Survey				
GRF 729321	Office of Information	\$ 350,000	\$ 350,000	99837
Technology				
GRF 730321	Division of Parks and	\$ 36,119,971	\$ 36,119,971	99838
Recreation				
GRF 736321	Division of	\$ 3,000,000	\$ 3,000,000	99839

		Engineering					
GRF	737321	Division of Soil and Water Resources	\$	6,628,562	\$	6,628,562	99840
GRF	738321	Division of Real Estate and Land Management	\$	2,000,000	\$	2,000,000	99841
GRF	741321	Division of Natural Areas and Preserves	\$	2,339,873	\$	2,333,981	99842
GRF	744321	Division of Mineral Resources Management	\$	5,029,708	\$	4,152,364	99843
TOTAL GRF		General Revenue Fund	\$	123,838,237	\$	119,314,993	99844
		General Services Fund Group					99845
1550	725601	Departmental Projects	\$	2,100,000	\$	2,100,000	99846
1570	725651	Central Support	\$	6,000,000	\$	6,000,000	99847
		Indirect					
2040	725687	Information Services	\$	4,200,000	\$	4,400,448	99848
2070	725690	Real Estate Services	\$	130,000	\$	132,000	99849
2230	725665	Law Enforcement Administration	\$	2,062,410	\$	2,062,410	99850
2270	725406	Parks Projects Personnel	\$	150,000	\$	150,000	99851
4300	725671	Canal Lands	\$	916,541	\$	922,424	99852
4D50	725618	Recycled Materials	\$	50,000	\$	50,000	99853
4S90	725622	NatureWorks Personnel	\$	412,740	\$	412,740	99854
4X80	725662	Water Resources Council	\$	138,900	\$	138,900	99855
5080	725684	Natural Resources Publications	\$	150,000	\$	150,000	99856
5100	725631	Maintenance - State-owned Residences	\$	258,919	\$	258,919	99857
5160	725620	Water Management	\$	2,500,000	\$	2,500,000	99858
6350	725664	Fountain Square	\$	3,500,000	\$	3,500,000	99859

		Facilities Management				
6970	725670	Submerged Lands	\$	772,011	\$	772,011 99860
TOTAL GSF General Services						99861
Fund Group			\$	23,341,521	\$	23,549,852 99862
Federal Special Revenue Fund Group						99863
3320	725669	Federal Mine Safety	\$	258,102	\$	258,102 99864
		Grant				
3B30	725640	Federal Forest	\$	600,000	\$	600,000 99865
		Pass-Thru				
3B40	725641	Federal Flood	\$	700,000	\$	700,000 99866
		Pass-Thru				
3B50	725645	Federal Abandoned	\$	14,307,667	\$	14,307,667 99867
		Mine Lands				
3B60	725653	Federal Land and	\$	2,000,000	\$	2,000,000 99868
		Water Conservation				
		Grants				
3B70	725654	Reclamation -	\$	2,394,565	\$	2,388,775 99869
		Regulatory				
3P00	725630	Natural Areas and	\$	215,000	\$	215,000 99870
		Preserves - Federal				
3P10	725632	Geological Survey -	\$	689,506	\$	692,401 99871
		Federal				
3P20	725642	Oil and Gas-Federal	\$	231,456	\$	234,509 99872
3P30	725650	Coastal Management -	\$	1,711,237	\$	1,711,237 99873
		Federal				
3P40	725660	Federal - Soil and	\$	316,734	\$	316,734 99874
		Water Resources				
3R50	725673	Acid Mine Drainage	\$	2,025,001	\$	2,025,001 99875
		Abatement/Treatment				
3Z50	725657	Federal Recreation	\$	1,850,000	\$	1,850,000 99876
		and Trails				
TOTAL FED Federal Special Revenue						99877
Fund Group			\$	27,299,268	\$	27,299,426 99878

		State Special Revenue Fund Group					99879
4J20	725628	Injection Well Review	\$	68,933	\$	68,933	99880
4M70	725686	Wildfire Suppression	\$	75,000	\$	75,000	99881
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	99882
5090	725602	State Forest	\$	6,000,000	\$	6,000,000	99883
5110	725646	Ohio Geological Mapping	\$	724,310	\$	723,515	99884
5120	725605	State Parks Operations	\$	29,885,528	\$	29,885,528	99885
5140	725606	Lake Erie Shoreline	\$	757,113	\$	757,113	99886
5180	725643	Oil and Gas Permit Fees	\$	2,574,378	\$	2,574,378	99887
5180	725677	Oil and Gas Well Plugging	\$	800,000	\$	800,000	99888
5210	725627	Off-Road Vehicle Trails	\$	143,490	\$	143,490	99889
5220	725656	Natural Areas and Preserves	\$	1,400,000	\$	1,400,000	99890
5260	725610	Strip Mining Administration Fee	\$	1,932,491	\$	1,932,491	99891
5270	725637	Surface Mining Administration	\$	1,946,591	\$	1,946,591	99892
5290	725639	Unreclaimed Land Fund	\$	2,021,713	\$	2,023,831	99893
5310	725648	Reclamation Forfeiture	\$	1,500,000	\$	1,500,000	99894
5320	725644	Litter Control and Recycling	\$	6,280,681	\$	6,280,681	99895
5860	725633	Scrap Tire Program	\$	1,000,000	\$	1,000,000	99896
5B30	725674	Mining Regulation		28,850		28,850	99897
5BV0	725658	Heidelberg Water Quality Lab	\$	250,000	\$	250,000	99898
5BV0	725683	Soil and Water Districts	\$	10,875,577	\$	15,104,906	99899
5CU0	725647	Mine Safety	\$	3,053,843	\$	3,199,923	99900

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5EJ0	725608	Forestry Law Enforcement	\$	1,000	\$	1,000	99901
5EK0	725611	Natural Areas & Preserves Law Enforcement	\$	1,000	\$	1,000	99902
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	99903
5EM0	725613	Park Law Enforcement	\$	34,000	\$	34,000	99904
5EN0	725614	Watercraft Law Enforcement	\$	2,500	\$	2,500	99905
6150	725661	Dam Safety	\$	807,403	\$	807,403	99906
TOTAL SSR State Special Revenue							99907
Fund Group			\$	72,276,401	\$	76,653,133	99908
Clean Ohio Conservation Fund Group							99909
7061	725405	Clean Ohio Operating	\$	310,000	\$	310,000	99910
TOTAL CLF Clean Ohio Conservation Fund Group			\$	310,000	\$	310,000	99911
Wildlife Fund Group							99912
5P20	725634	Wildlife Boater Angler Administration	\$	2,000,000	\$	2,000,000	99913
7015	740401	Division of Wildlife Conservation	\$	58,614,436	\$	54,906,000	99914
8150	725636	Cooperative Management Projects	\$	120,449	\$	120,449	99915
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	99916
8170	725655	Wildlife Conservation Checkoff Fund	\$	2,800,000	\$	2,800,000	99917
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	99918
8190	725685	Ohio River Management	\$	128,584	\$	128,584	99919
TOTAL WLF Wildlife Fund Group			\$	66,130,354	\$	62,421,918	99920
Waterways Safety Fund Group							99921

7086	725414	Waterways Improvement	\$	4,265,575	\$	4,265,575	99922
7086	725418	Buoy Placement	\$	52,182	\$	52,182	99923
7086	725501	Waterway Safety	\$	137,867	\$	137,867	99924
		Grants					
7086	725506	Watercraft Marine	\$	576,153	\$	576,153	99925
		Patrol					
7086	725513	Watercraft	\$	366,643	\$	366,643	99926
		Educational Grants					
7086	739401	Division of	\$	19,784,181	\$	19,784,181	99927
		Watercraft					
TOTAL WSF Waterways Safety Fund							99928
Group							\$ 25,182,601 \$ 25,182,601 99929
Accrued Leave Liability Fund Group							99930
4M80	725675	FOP Contract	\$	20,844	\$	20,844	99931
TOTAL ALF Accrued Leave							99932
Liability Fund Group							\$ 20,844 \$ 20,844 99933
Holding Account Redistribution Fund Group							99934
R017	725659	Performance Cash Bond	\$	296,263	\$	296,263	99935
		Refunds					
R043	725624	Forestry	\$	2,000,000	\$	2,000,000	99936
TOTAL 090 Holding Account							99937
Redistribution Fund Group							\$ 2,296,263 \$ 2,296,263 99938
TOTAL ALL BUDGET FUND GROUPS							\$ 340,695,489 \$ 337,049,030 99939

Section 343.20. CENTRAL SUPPORT INDIRECT 99941

With the exception of the Division of Wildlife, whose direct 99942
and indirect central support charges shall be paid out of the 99943
General Revenue Fund from the foregoing appropriation item 725401, 99944
Wildlife-GRF Central Support, the Department of Natural Resources, 99945
with approval of the Director of Budget and Management, shall 99946
utilize a methodology for determining each division's payments 99947
into the Central Support Indirect Fund (Fund 1570). The 99948

methodology used shall contain the characteristics of 99949
administrative ease and uniform application in compliance with 99950
federal grant requirements. It may include direct cost charges for 99951
specific services provided. Payments to Fund 1570 shall be made 99952
using an intrastate transfer voucher. 99953

Section 343.20.10. FEDERAL ECONOMIC STIMULUS/RECOVERY FUNDS 99954

The foregoing appropriation item 725652, Natural Resources 99955
Operations, shall be used to support services of the Department of 99956
Natural Resources consistent with funds received from the federal 99957
government for fiscal stabilization and recovery purposes. Such 99958
services shall include the improvement of facilities at state 99959
parks. 99960

Section 343.20.20. WELL LOG FILING FEES 99961

The Chief of the Division of Water shall deposit fees 99962
forwarded to the Division pursuant to section 1521.05 of the 99963
Revised Code into the Departmental Services - Intrastate Fund 99964
(Fund 1550) for the purposes described in that section. 99965

Section 343.30. LEASE RENTAL PAYMENTS 99966

The foregoing appropriation item 725413, Lease Rental 99967
Payments, shall be used to meet all payments at the times they are 99968
required to be made during the period from July 1, 2009, to June 99969
30, 2011, by the Department of Natural Resources pursuant to 99970
leases and agreements made under section 154.22 of the Revised 99971
Code. These appropriations are the source of funds pledged for 99972
bond service charges or obligations issued pursuant to Chapter 99973
154. of the Revised Code. 99974

CANAL LANDS 99975

The foregoing appropriation item 725456, Canal Lands, shall 99976
be used to transfer funds to the Canal Lands Fund (Fund 4300) to 99977

provide operating expenses for the State Canal Lands Program. The 99978
transfer shall be made using an intrastate transfer voucher and 99979
shall be subject to the approval of the Director of Budget and 99980
Management. 99981

NATURAL RESOURCES GENERAL OBLIGATION DEBT SERVICE 99982

The foregoing appropriation item 725903, Natural Resources 99983
General Obligation Debt Service, shall be used to pay all debt 99984
service and related financing costs during the period July 1, 99985
2009, to June 30, 2011, on obligations issued under sections 99986
151.01 and 151.05 of the Revised Code. 99987

Section 343.30.10. FOUNTAIN SQUARE 99988

The foregoing appropriation item 725664, Fountain Square 99989
Facilities Management, shall be used for payment of repairs, 99990
renovation, utilities, property management, and building 99991
maintenance expenses for the Fountain Square complex. Cash 99992
transferred by intrastate transfer vouchers from various 99993
department funds and rental income received by the Department of 99994
Natural Resources shall be deposited into the Fountain Square 99995
Facilities Management Fund (Fund 6350). 99996

Section 343.40. SOIL AND WATER DISTRICTS 99997

In addition to state payments to soil and water conservation 99998
districts authorized by section 1515.10 of the Revised Code, the 99999
Department of Natural Resources may use appropriation item 725502, 100000
Soil and Water Districts, to pay any soil and water conservation 100001
district an annual amount not to exceed \$30,000, upon receipt of a 100002
request and justification from the district and approval by the 100003
Ohio Soil and Water Conservation Commission. The county auditor 100004
shall credit the payments to the special fund established under 100005
section 1515.10 of the Revised Code for the local soil and water 100006
conservation district. Moneys received by each district shall be 100007

expended for the purposes of the district. 100008

The foregoing appropriation item 725683, Soil and Water 100009
Districts, shall be expended for the purposes described above, 100010
except that the funding source for this appropriation shall be 100011
fees applied on the disposal of construction and demolition debris 100012
and municipal solid waste as provided in section 1515.14 of the 100013
Revised Code. 100014

OIL AND GAS WELL PLUGGING 100015

The foregoing appropriation item 725677, Oil and Gas Well 100016
Plugging, shall be used exclusively for the purposes of plugging 100017
wells and to properly restore the land surface of idle and orphan 100018
oil and gas wells pursuant to section 1509.071 of the Revised 100019
Code. No funds from the appropriation item shall be used for 100020
salaries, maintenance, equipment, or other administrative 100021
purposes, except for those costs directly attributed to the 100022
plugging of an idle or orphan well. This appropriation item shall 100023
not be used to transfer cash to any other fund or appropriation 100024
item. 100025

LITTER CONTROL AND RECYCLING 100026

Of the foregoing appropriation item 725644, Litter Control 100027
and Recycling, up to \$1,500,000 may be used in each fiscal year 100028
for the administration of the Recycling and Litter Prevention 100029
Program. 100030

Section 343.40.10. CLEAN OHIO OPERATING EXPENSES 100031

The foregoing appropriation item 725405, Clean Ohio 100032
Operating, shall be used by the Department of Natural Resources in 100033
administering section 1519.05 of the Revised Code. 100034

Section 343.50. WATERCRAFT MARINE PATROL 100035

Of the foregoing appropriation item 739401, Division of 100036

Watercraft, up to \$200,000 in each fiscal year shall be expended 100037
for the purchase of equipment for marine patrols qualifying for 100038
funding from the Department of Natural Resources pursuant to 100039
section 1547.67 of the Revised Code. Proposals for equipment shall 100040
accompany the submission of documentation for receipt of a marine 100041
patrol subsidy pursuant to section 1547.67 of the Revised Code and 100042
shall be loaned to eligible marine patrols pursuant to a 100043
cooperative agreement between the Department of Natural Resources 100044
and the eligible marine patrol. 100045

Section 343.60. PARKS CAPITAL EXPENSES FUND 100046

The Director of Natural Resources shall submit to the 100047
Director of Budget and Management the estimated design, 100048
engineering, and planning costs of capital-related work to be done 100049
by Department of Natural Resources staff for parks projects. If 100050
the Director of Budget and Management approves the estimated 100051
costs, the Director may release appropriations from appropriation 100052
item C725E6, Project Planning, in the Parks and Recreation 100053
Improvement Fund (Fund 7035), for those purposes. Upon release of 100054
the appropriations, the Department of Natural Resources shall pay 100055
for these expenses from the Parks Capital Expenses Fund (Fund 100056
2270). Expenses paid from Fund 2270 shall be reimbursed by Fund 100057
7035 using an intrastate transfer voucher. 100058

NATUREWORKS CAPITAL EXPENSES FUND 100059

The Department of Natural Resources shall periodically 100060
prepare and submit to the Director of Budget and Management the 100061
estimated design, planning, and engineering costs of 100062
capital-related work to be done by Department of Natural Resources 100063
staff for each capital improvement project within the Ohio Parks 100064
and Natural Resources Fund (Fund 7031). If the Director of Budget 100065
and Management approves the estimated costs, the Director may 100066
release appropriations from appropriation item C725E5, Project 100067

Planning, in fund 7031, for those purposes. Upon release of the 100068
 appropriations, the Department of Natural Resources shall pay for 100069
 these expenses from the Capital Expenses Fund (Fund 4S90). 100070
 Expenses paid from Fund 4S90 shall be reimbursed by Fund 7031 by 100071
 using an intrastate transfer voucher. 100072

Section 345.10. NUR STATE BOARD OF NURSING 100073

General Services Fund Group 100074

4K90 884609 Operating Expenses \$ 5,661,280 \$ 5,661,280 100075

5AC0 884602 Nurse Education Grant \$ 1,000,000 \$ 1,000,000 100076
 Program

5P80 884601 Nursing Special \$ 5,000 \$ 5,000 100077

Issues

TOTAL GSF General Services 100078

Fund Group \$ 6,666,280 \$ 6,666,280 100079

TOTAL ALL BUDGET FUND GROUPS \$ 6,666,280 \$ 6,666,280 100080

NURSING SPECIAL ISSUES 100081

The foregoing appropriation item 884601, Nursing Special 100082
 Issues (Fund 5P80), shall be used to pay the costs the Board of 100083
 Nursing incurs in implementing section 4723.062 of the Revised 100084
 Code. 100085

Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, 100086
AND ATHLETIC TRAINERS BOARD 100087

General Services Fund Group 100088

4K90 890609 Operating Expenses \$ 900,000 \$ 900,000 100089

TOTAL GSF General Services Fund \$ 900,000 \$ 900,000 100090

Group

TOTAL ALL BUDGET FUND GROUPS \$ 900,000 \$ 900,000 100091

Section 348.10. OLA OHIOANA LIBRARY ASSOCIATION 100093

General Revenue Fund 100094

GRF 355501	Library Subsidy	\$	125,000	\$	125,000	100095
TOTAL GRF	General Revenue Fund	\$	125,000	\$	125,000	100096
TOTAL ALL BUDGET FUND GROUPS		\$	125,000	\$	125,000	100097

Section 349.10. ODB OHIO OPTICAL DISPENSERS BOARD 100099

General Services Fund Group						100100
4K90 894609	Operating Expenses	\$	316,664	\$	316,664	100101
TOTAL GSF	General Services					100102
Fund Group		\$	316,664	\$	316,664	100103
TOTAL ALL BUDGET FUND GROUPS		\$	316,664	\$	316,664	100104

Section 351.10. OPT STATE BOARD OF OPTOMETRY 100106

General Services Fund Group						100107
4K90 885609	Operating Expenses	\$	325,185	\$	325,185	100108
TOTAL GSF	General Services					100109
Fund Group		\$	325,185	\$	325,185	100110
TOTAL ALL BUDGET FUND GROUPS		\$	325,185	\$	325,185	100111

Section 353.10. OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, 100113

AND PEDORTHICS						100114
General Services Fund Group						100115
4K90 973609	Operating Expenses	\$	105,000	\$	105,000	100116
TOTAL GSF	General Services					100117
Fund Group		\$	105,000	\$	105,000	100118
TOTAL ALL BUDGET FUND GROUPS		\$	105,000	\$	105,000	100119

Section 355.10. UST PETROLEUM UNDERGROUND STORAGE TANK 100120

Agency Fund Group						100121
6910 810632	PUSTRCB Staff	\$	1,050,000	\$	1,050,000	100122
TOTAL AGY	Agency Fund Group	\$	1,050,000	\$	1,050,000	100123
TOTAL ALL BUDGET FUND GROUPS		\$	1,050,000	\$	1,050,000	100124

Section 357.10. PRX STATE BOARD OF PHARMACY				100126
General Services Fund Group				100127
4A50	887605	Drug Law Enforcement	\$ 75,500 \$	75,500 100128
4K90	887609	Operating Expenses	\$ 5,000,000 \$	5,000,000 100129
TOTAL GSF General Services Fund Group				\$ 5,075,500 \$ 5,075,500 100130
Federal Special Revenue Fund Group				100131
3BC0	887604	Dangerous Drugs Database	\$ 493,164 \$	500,891 100132
TOTAL FED Federal Special Revenue Fund Group				\$ 493,164 \$ 500,891 100133
TOTAL ALL BUDGET FUND GROUPS				\$ 5,568,664 \$ 5,576,391 100134
 Section 359.10. PSY STATE BOARD OF PSYCHOLOGY				100136
General Services Fund Group				100137
4K90	882609	Operating Expenses	\$ 525,000 \$	525,000 100138
TOTAL GSF General Services Fund Group				\$ 525,000 \$ 525,000 100140
TOTAL ALL BUDGET FUND GROUPS				\$ 525,000 \$ 525,000 100141
 Section 361.10. PUB OHIO PUBLIC DEFENDER COMMISSION				100143
General Revenue Fund				100144
GRF	019321	Public Defender Administration	\$ 772,500 \$	612,600 100145
GRF	019401	State Legal Defense Services	\$ 4,377,500 \$	3,471,400 100146
GRF	019403	Multi-County: State Share	\$ 1,308,201 \$	1,456,835 100147
GRF	019404	Trumbull County - State Share	\$ 430,217 \$	467,727 100148
GRF	019405	Training Account	\$ 50,000 \$	50,000 100149

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GRF 019501	County Reimbursement	\$	22,767,720	\$	17,898,638	100150
TOTAL GRF	General Revenue Fund	\$	29,706,138	\$	23,957,200	100151
General Services Fund Group						100152
4070 019604	County Representation	\$	196,650	\$	207,143	100153
4080 019605	Client Payments	\$	600,000	\$	600,000	100154
5CX0 019617	Civil Case Filing Fee	\$	743,076	\$	772,121	100155
TOTAL GSF	General Services					100156
Fund Group		\$	1,539,726	\$	1,579,264	100157
Federal Special Revenue Fund Group						100158
3S80 019608	Federal	\$	202,347	\$	212,303	100159
	Representation					
TOTAL FED	Federal Special Revenue					100160
Fund Group		\$	202,347	\$	212,303	100161
State Special Revenue Fund Group						100162
4C70 019601	Multi-County: County	\$	2,227,056	\$	2,384,210	100163
	Share					
4X70 019610	Trumbull County -	\$	732,393	\$	765,467	100164
	County Share					
5740 019606	Civil Legal Aid	\$	35,000,000	\$	35,000,000	100165
5DY0 019618	Indigent Defense	\$	27,783,000	\$	37,044,000	100166
	Support - County					
	Share					
5DY0 019619	Indigent Defense	\$	3,087,000	\$	4,116,000	100167
	Support Fund - State					
	Office					
TOTAL SSR	State Special Revenue					100168
Fund Group		\$	68,829,449	\$	79,309,677	100169
TOTAL ALL BUDGET FUND GROUPS		\$	100,277,660	\$	105,058,444	100170
INDIGENT DEFENSE OFFICE						100171
The foregoing appropriation items 019404, Trumbull County -						100172
State Share, and 019610, Trumbull County - County Share, shall be						100173
used to support an indigent defense office for Trumbull County.						100174

MULTI-COUNTY OFFICE					100175
The foregoing appropriation items 019403, Multi-County: State					100176
Share, and 019601, Multi-County: County Share, shall be used to					100177
support the Office of the Ohio Public Defender's Multi-County					100178
Branch Office Program.					100179
TRAINING ACCOUNT					100180
The foregoing appropriation item 019405, Training Account,					100181
shall be used by the Ohio Public Defender to provide legal					100182
training programs at no cost for private appointed counsel who					100183
represent at least one indigent defendant at no cost and for state					100184
and county public defenders and attorneys who contract with the					100185
Ohio Public Defender to provide indigent defense services.					100186
FEDERAL REPRESENTATION					100187
The foregoing appropriation item 019608, Federal					100188
Representation, shall be used to receive reimbursements from the					100189
federal courts when the Ohio Public Defender provides					100190
representation in federal court cases and to support					100191
representation in such cases.					100192
Section 363.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO					100193
General Services Fund Group					100194
5F60 870622 Utility and Railroad	\$	32,000,000	\$	32,000,000	100195
Regulation					
5F60 870624 NARUC/NRRI Subsidy	\$	125,000	\$	125,000	100196
5F60 870625 Motor Transportation	\$	6,071,829	\$	6,071,829	100197
Regulation					
5Q50 870626 Telecommunications	\$	5,000,000	\$	5,000,000	100198
Relay Service					
TOTAL GSF General Services					100199
Fund Group	\$	43,196,829	\$	43,196,829	100200
Federal Special Revenue Fund Group					100201

3330	870601	Gas Pipeline Safety	\$	597,959	\$	597,959	100202
3500	870608	Motor Carrier Safety	\$	7,351,660	\$	7,351,660	100203
3V30	870604	Commercial Vehicle	\$	100,000	\$	100,000	100204
		Information					
		Systems/Networks					
TOTAL FED		Federal Special Revenue					100205
Fund Group			\$	8,049,619	\$	8,049,619	100206
State Special Revenue		Fund Group					100207
4A30	870614	Grade Crossing	\$	1,349,757	\$	1,349,757	100208
		Protection					
		Devices-State					
4L80	870617	Pipeline Safety-State	\$	187,621	\$	187,621	100209
4S60	870618	Hazardous Material	\$	464,325	\$	464,325	100210
		Registration					
4S60	870621	Hazardous Materials	\$	373,346	\$	373,346	100211
		Base State					
		Registration					
4U80	870620	Civil Forfeitures	\$	235,744	\$	235,744	100212
5600	870607	Special Assessment	\$	25,000	\$	25,000	100213
5610	870606	Power Siting Board	\$	500,000	\$	500,000	100214
5BP0	870623	Wireless 9-1-1	\$	34,417,000	\$	36,443,000	100215
		Administration					
6380	870611	Biofuels/Municipal	\$	40,000	\$	40,000	100216
		Waste Technology					
6610	870612	Hazardous Materials	\$	900,000	\$	900,000	100217
		Transportation					
TOTAL SSR		State Special Revenue					100218
Fund Group			\$	38,492,793	\$	40,518,793	100219
TOTAL ALL BUDGET FUND GROUPS			\$	89,739,241	\$	91,765,241	100220
		Section 365.10. PWC PUBLIC WORKS COMMISSION					100222
		General Revenue Fund					100223

GRF 150904	Conservation General	\$ 20,711,100	\$ 25,684,900	100224
	Obligation Debt			
	Service			
GRF 150907	State Capital	\$ 148,331,900	\$ 163,443,500	100225
	Improvements			
	General Obligation			100226
	Debt Service			
TOTAL GRF	General Revenue Fund	\$ 169,043,000	\$ 189,128,400	100227
	Clean Ohio Conservation Fund Group			100228
7056 150403	Clean Ohio Operating	\$ 304,332	\$ 311,509	100229
	Expenses			
TOTAL 056	Clean Ohio Conservation	\$ 304,332	\$ 311,509	100230
	Fund Group			
	Local Infrastructure Improvements Fund Group			100231
7039 150909	Local Infrastructure	\$ 261,027	\$ 269,555	100232
	Development			
TOTAL LIF	Local Infrastructure	\$ 261,027	\$ 269,555	100233
	Improvements Fund Group			
TOTAL ALL BUDGET FUND GROUPS		\$ 169,608,359	\$ 189,709,464	100234
	CONSERVATION GENERAL OBLIGATION DEBT SERVICE			100235
	The foregoing appropriation item 150904, Conservation General			100236
	Obligation Debt Service, shall be used to pay all debt service and			100237
	related financing costs during the period from July 1, 2009,			100238
	through June 30, 2011, at the times they are required to be made			100239
	for obligations issued under sections 151.01 and 151.09 of the			100240
	Revised Code.			100241
	STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE			100242
	The foregoing appropriation item 150907, State Capital			100243
	Improvements General Obligation Debt Service, shall be used to pay			100244
	all debt service and related financing costs during the period			100245
	from July 1, 2009, to June 30, 2011, at the times they are			100246

required to be made for obligations issued under sections 151.01 100247
and 151.08 of the Revised Code. 100248

CLEAN OHIO OPERATING EXPENSES 100249

The foregoing appropriation item 150403, Clean Ohio Operating 100250
Expenses, shall be used by the Ohio Public Works Commission in 100251
administering sections 164.20 to 164.27 of the Revised Code. 100252
100253

REIMBURSEMENT TO THE GENERAL REVENUE FUND 100254

(A) On or before July 15, 2011, the Director of the Public 100255
Works Commission shall certify to the Director of Budget and 100256
Management the following: 100257

(1) The total amount disbursed from appropriation item 100258
700409, Farmland Preservation, during the FY 2010-FY 2011 100259
biennium; and 100260

(2) The amount of interest earnings that have been credited 100261
to the Clean Ohio Conservation Fund (Fund 7056) that are in excess 100262
of the amount needed for other purposes as calculated by the 100263
Director of the Public Works Commission. 100264

(B) If the Director of Budget and Management determines under 100265
division (A)(2) of this section that there are excess interest 100266
earnings, the Director of Budget and Management shall, on or 100267
before July 15, 2011, transfer the excess interest earnings to the 100268
General Revenue Fund in an amount equal to the total amount 100269
disbursed under division (A)(1) of this section from the Clean 100270
Ohio Conservation Fund. 100271

Section 367.10. RAC STATE RACING COMMISSION 100272

State Special Revenue Fund Group 100273

5620 875601 Thoroughbred Race \$ 2,300,000 \$ 2,300,000 100274
Fund

5630	875602	Standardbred Development Fund	\$	1,900,000	\$	1,900,000	100275
5640	875603	Quarterhorse Development Fund	\$	1,000	\$	1,000	100276
5650	875604	Racing Commission Operating	\$	3,742,342	\$	3,758,818	100277
5C40	875607	Simulcast Horse Racing Purse	\$	14,000,000	\$	14,000,000	100278
TOTAL SSR State Special Revenue							100279
Fund Group			\$	21,943,342	\$	21,959,818	100280
Holding Account Redistribution Fund Group							100281
R021	875605	Bond Reimbursements	\$	145,000	\$	145,000	100282
TOTAL 090 Holding Account							100283
Redistribution							
Fund Group			\$	145,000	\$	145,000	100284
TOTAL ALL BUDGET FUND GROUPS							100285
 Section 371.10. BOR BOARD OF REGENTS							100287
General Revenue Fund							100288
GRF	235321	Operating Expenses	\$	2,195,852	\$	2,195,852	100289
GRF	235401	Lease Rental Payments	\$	124,461,100	\$	107,897,100	100290
GRF	235402	Sea Grants	\$	375,000	\$	375,000	100291
GRF	235406	Articulation and Transfer	\$	2,000,000	\$	2,000,000	100292
GRF	235408	Midwest Higher Education Compact	\$	95,000	\$	95,000	100293
GRF	235409	Information System	\$	800,000	\$	800,000	100294
GRF	235414	State Grants and Scholarship Administration	\$	1,000,000	\$	1,000,000	100295
GRF	235417	Ohio Learning Network	\$	2,500,000	\$	2,500,000	100296
GRF	235428	Appalachian New	\$	981,887	\$	981,887	100297

	Economy Partnership				
GRF 235434	College Readiness and Access	\$ 2,500,000	\$ 2,500,000	100298	
GRF 235438	Choose Ohio First Scholarship	\$ 13,000,000	\$ 16,000,000	100299	
GRF 235443	Adult Basic and Literacy Education - State	\$ 7,528,264	\$ 7,528,264	100300	
GRF 235444	Post-Secondary Adult Career-Technical Education	\$ 14,791,288	\$ 14,791,288	100301	
GRF 235474	Area Health Education Centers Program Support	\$ 891,833	\$ 891,833	100302	
GRF 235501	State Share of Instruction	\$ 1,677,708,351	\$ 1,689,554,971	100303	
GRF 235502	Student Support Services	\$ 714,406	\$ 714,406	100304	
GRF 235504	War Orphans Scholarships	\$ 4,331,089	\$ 4,331,089	100305	
GRF 235507	OhioLINK	\$ 5,000,000	\$ 5,000,000	100306	
GRF 235508	Air Force Institute of Technology	\$ 1,000,000	\$ 1,000,000	100307	
GRF 235510	Ohio Supercomputer Center	\$ 3,000,000	\$ 3,000,000	100308	
GRF 235511	Cooperative Extension Service	\$ 23,518,608	\$ 22,467,678	100309	
GRF 235513	Ohio University Voinovich School	\$ 302,474	\$ 302,474	100310	
GRF 235514	Central State Supplement	\$ 10,898,195	\$ 10,898,195	100311	
GRF 235515	Case Western Reserve University School of	\$ 2,500,000	\$ 2,500,000	100312	

	Medicine				
GRF 235519	Family Practice	\$	3,840,127	\$	3,840,127 100313
GRF 235520	Shawnee State	\$	2,319,654	\$	2,319,654 100314
	Supplement				
GRF 235521	The Ohio State	\$	257,474	\$	257,474 100315
	University John Glenn				
	School of Public				
	Affairs				
GRF 235524	Police and Fire	\$	123,498	\$	123,498 100316
	Protection				
GRF 235525	Geriatric Medicine	\$	633,294	\$	633,294 100317
GRF 235526	Primary Care	\$	1,895,962	\$	1,895,962 100318
	Residencies				
GRF 235535	Ohio Agricultural	\$	34,000,000	\$	34,000,000 100319
	Research and				
	Development Center				
GRF 235536	The Ohio State	\$	11,727,036	\$	11,727,036 100320
	University Clinical				
	Teaching				
GRF 235537	University of	\$	9,645,328	\$	9,645,328 100321
	Cincinnati Clinical				
	Teaching				
GRF 235538	University of Toledo	\$	7,518,011	\$	7,518,011 100322
	Clinical Teaching				
GRF 235539	Wright State	\$	3,652,395	\$	3,652,395 100323
	University Clinical				
	Teaching				
GRF 235540	Ohio University	\$	3,530,882	\$	3,530,882 100324
	Clinical Teaching				
GRF 235541	Northeastern Ohio	\$	3,631,508	\$	3,631,508 100325
	Universities College				
	of Medicine Clinical				
	Teaching				

Sub. H. B. No. 1
As Reported by the Senate Finance and Financial Institutions Committee

GRF 235552	Capital Component	\$	20,382,568	\$	20,382,568	100326
GRF 235553	Dayton Area Graduate Studies Institute	\$	300,000	\$	300,000	100327
GRF 235555	Library Depositories	\$	1,000,000	\$	1,000,000	100328
GRF 235556	Ohio Academic Resources Network	\$	2,354,501	\$	2,354,501	100329
GRF 235558	Long-term Care Research	\$	223,711	\$	223,711	100330
GRF 235563	Ohio College Opportunity Grant	\$	190,000,000	\$	205,000,000	100331
GRF 235567	Central State University Speed to Scale	\$	1,775,254	\$	0	100332
GRF 235572	The Ohio State University Clinic Support	\$	929,591	\$	929,591	100333
GRF 235579	Bliss Institute	\$	257,474	\$	257,474	100334
GRF 235596	Hazardous Materials Program	\$	373,858	\$	373,858	100335
GRF 235599	National Guard Scholarship Program	\$	14,912,271	\$	14,912,271	100336
GRF 235644	State Share of Instruction - Federal Stimulus - Education	\$	309,874,026	\$	308,802,662	100337
GRF 235646	State Share of Instruction - Federal Stimulus - Government Services	\$	87,955,700	\$	103,302,363	100338
GRF 235909	Higher Education General Obligation Debt Service	\$	85,317,700	\$	89,480,300	100339
TOTAL GRF	General Revenue Fund	\$	2,700,525,170	\$	2,729,419,505	100340
	General Services Fund Group					100341

Sub. H. B. No. 1
As Reported by the Senate Finance and Financial Institutions Committee

2200	235614	Program Approval and Reauthorization	\$	1,000,000	\$	1,000,000	100342
4560	235603	Sales and Services	\$	200,000	\$	200,000	100343
TOTAL GSF General Services							100344
Fund Group			\$	1,200,000	\$	1,200,000	100345
Federal Special Revenue Fund Group							100346
3120	235609	Tech Prep	\$	183,849	\$	183,849	100347
3120	235611	Gear-up Grant	\$	3,900,000	\$	3,900,000	100348
3120	235612	Carl D. Perkins Grant/Plan Administration	\$	912,961	\$	912,961	100349
3120	235617	Improving Teacher Quality Grant	\$	3,200,000	\$	3,200,000	100350
3120	235641	Adult Basic Literacy Education - Federal	\$	17,869,546	\$	17,869,546	100351
3BE0	235636	Adult Education and Family Literacy Act Incentive Grant	\$	1,783,583	\$	1,783,583	100352
3BG0	235626	Star Schools	\$	250,000	\$	0	100353
3H20	235608	Human Services Project	\$	3,500,000	\$	3,500,000	100354
3N60	235605	State Student Incentive Grants	\$	2,533,339	\$	2,533,339	100355
3N60	235638	College Access Challenge Grant	\$	2,268,044	\$	2,268,044	100356
TOTAL FED Federal Special Revenue							100357
Fund Group			\$	36,401,322	\$	36,151,322	100358
State Special Revenue Fund Group							100359
4E80	235602	Higher Educational Facility Commission Administration	\$	30,000	\$	30,000	100360
6490	235607	The Ohio State	\$	500,000	\$	500,000	100361

	University				
	Highway/Transportation				
	Research				
6820 235606	Nursing Loan Program	\$ 893,000	\$ 893,000	100362	
	TOTAL SSR State Special Revenue			100363	
	Fund Group	\$ 1,423,000	\$ 1,423,000	100364	
	Third Frontier Research & Development Fund Group			100365	
7011 235634	Research Incentive	\$ 8,000,000	\$ 8,000,000	100366	
	Third Frontier Fund				
	TOTAL 011 Third Frontier Research & Development Fund Group	\$ 8,000,000	\$ 8,000,000	100367	
	TOTAL ALL BUDGET FUND GROUPS	\$ 2,747,549,492	\$ 2,776,193,827	100368	

Section 371.10.10. LEASE RENTAL PAYMENTS 100370

The foregoing appropriation item 235401, Lease Rental Payments, shall be used to meet all payments at the times they are required to be made during the period from July 1, 2009, to June 30, 2011, by the Chancellor of the Board of Regents under leases and agreements made under section 154.21 of the Revised Code. These appropriations are the source of funds pledged for bond service charges or obligations issued pursuant to Chapter 154. of the Revised Code.

Section 371.10.15. SEA GRANTS 100379

The foregoing appropriation item 235402, Sea Grants, shall be disbursed to The Ohio State University and shall be used to conduct research on fish in Lake Erie.

Section 371.10.20. ARTICULATION AND TRANSFER 100383

The foregoing appropriation item 235406, Articulation and Transfer, shall be used by the Chancellor of the Board of Regents to maintain and expand the work of the Articulation and Transfer

Council to develop a system of transfer policies to ensure that 100387
students at state institutions of higher education can transfer 100388
and have coursework apply to their majors and degrees at any other 100389
state institution of higher education without unnecessary 100390
duplication or institutional barriers under sections 3333.16, 100391
3333.161, and 3333.162 of the Revised Code. 100392

Section 371.10.30. MIDWEST HIGHER EDUCATION COMPACT 100393

The foregoing appropriation item 235408, Midwest Higher 100394
Education Compact, shall be distributed by the Chancellor of the 100395
Board of Regents under section 3333.40 of the Revised Code. 100396

Section 371.10.40. INFORMATION SYSTEM 100397

The foregoing appropriation item 235409, Information System, 100398
shall be used by the Chancellor of the Board of Regents to support 100399
the development and implementation of information technology 100400
solutions designed to improve the performance and services of the 100401
Chancellor of the Board of Regents and the University System of 100402
Ohio. Information technology solutions shall be provided by the 100403
Ohio Academic Research Network (OARnet). 100404

Section 371.10.50. STATE GRANTS AND SCHOLARSHIP 100405
ADMINISTRATION 100406

The foregoing appropriation item 235414, State Grants and 100407
Scholarship Administration, shall be used by the Chancellor of the 100408
Board of Regents to administer the following student financial aid 100409
programs: Ohio College Opportunity Grant, Ohio War Orphans' 100410
Scholarship, Nurse Education Assistance Loan Program, Ohio Safety 100411
Officers College Memorial Fund, and any other student financial 100412
aid programs created by the General Assembly. The appropriation 100413
item also shall be used to administer the federal Leveraging 100414
Educational Assistance Partnership (LEAP) program, Special 100415

Leveraging Educational Assistance Partnership (SLEAP) program, the 100416
federal College Access Challenge Grant (CACG), and other student 100417
financial aid programs created by Congress and to provide fiscal 100418
services for the Ohio National Guard Scholarship Program. 100419
100420

Section 371.10.70. OHIO LEARNING NETWORK 100421

The foregoing appropriation item 235417, Ohio Learning 100422
Network, shall be used by the Chancellor of the Board of Regents 100423
to support the continued implementation of the Ohio Learning 100424
Network, a consortium organized under division (U) of section 100425
3333.04 of the Revised Code to expand access to adult and higher 100426
education opportunities through technology. The funds shall be 100427
used by the Ohio Learning Network to develop and promote learning 100428
and assessment through the use of technology, to test and provide 100429
advice on emerging learning-directed technologies, and to 100430
facilitate cost-effectiveness through shared educational 100431
technology investments. 100432

Section 371.10.80. APPALACHIAN NEW ECONOMY PARTNERSHIP 100433

The foregoing appropriation item 235428, Appalachian New 100434
Economy Partnership, shall be distributed to Ohio University to 100435
continue a multi-campus and multi-agency coordinated effort to 100436
link Appalachia to the new economy. Ohio University shall use 100437
these funds to provide leadership in the development and 100438
implementation of initiatives in the areas of entrepreneurship, 100439
management, education, and technology. 100440

Section 371.20.06. COLLEGE READINESS AND ACCESS 100441

The foregoing appropriation item 235434, College Readiness 100442
and Access, shall be used to support existing early college high 100443
schools, which are small, autonomous schools that blend high 100444

school and college into a coherent educational program for those 100445
not traditionally college-bound. The funds shall be distributed 100446
according to guidelines established by the Department of Education 100447
and the Chancellor of the Board of Regents. 100448

Section 371.20.10. CHOOSE OHIO FIRST SCHOLARSHIP 100449

The foregoing appropriation item 235438, Choose Ohio First 100450
Scholarship, shall be used to operate the program prescribed in 100451
sections 3333.60 to 3333.70 of the Revised Code. Amounts disbursed 100452
to institutions shall be paid on a reimbursement basis. 100453

An amount equal to the unexpended, unencumbered portion of 100454
the foregoing appropriation item 235438, Choose Ohio First 100455
Scholarship, at the end of fiscal year 2010 is hereby 100456
reappropriated to the Board of Regents for the same purpose for 100457
fiscal year 2011. 100458

Section 371.20.30. ADULT BASIC AND LITERACY EDUCATION 100459

Except as provided in the Sections of this act entitled 100460
"Statewide Workforce Development Initiatives" and "Fiscal Year 100461
2011 Plan for Adult Workforce Training Programs", the foregoing 100462
appropriation item 235443, Adult Basic and Literacy Education - 100463
State, shall be used to support adult basic and literacy education 100464
instructional programs and for the operation of an adult basic and 100465
literacy education instructional grant program. The supported 100466
programs shall satisfy the state match and maintenance of effort 100467
requirements for the state-administered grant program. 100468

Of the foregoing appropriation item 235443, Adult Basic and 100469
Literacy Education - State, up to \$507,558 in fiscal year 2010 100470
shall be used for the support and operation of the State Literacy 100471
Resource Center Program. 100472

On or before August 31, 2009, the Chancellor of the Board of 100473
Regents shall submit a funding formula to the Controlling Board 100474

for the allocation of the foregoing appropriation item 235443, 100475
Adult Basic and Literacy Education - State, in fiscal year 2010. 100476

Section 371.20.40. POST-SECONDARY ADULT CAREER-TECHNICAL 100477
EDUCATION 100478

Except as provided in the Sections of this act entitled 100479
"Statewide Workforce Development Initiatives" and "Fiscal Year 100480
2011 Plan for Adult Workforce Training Programs", the foregoing 100481
appropriation item 235444, Post-Secondary Adult Career-Technical 100482
Education, shall be used by the Chancellor of the Board of Regents 100483
in each fiscal year to provide post-secondary adult 100484
career-technical education under sections 3313.52 and 3313.53 of 100485
the Revised Code. 100486

On or before August 31, 2009, the Chancellor of the Board of 100487
Regents shall submit a funding formula to the Controlling Board 100488
for the allocation of funds in fiscal year 2010. 100489

Section 371.20.50. STATEWIDE WORKFORCE DEVELOPMENT 100490
INITIATIVES 100491

The Chancellor may identify amounts of the foregoing 100492
appropriation items 235443, Adult Basic and Literacy Education - 100493
State, and 235444, Post-Secondary Adult Career-Technical 100494
Education, to be used to support the Ohio Skills Bank Program and 100495
the Stackable Certificates Program. The Ohio Skills Bank Program 100496
seeks to align the education of Ohio's workforce with industry 100497
needs. The Stackable Certificates Program consists of 100498
competency-based, low-cost, noncredit and credit-bearing modules 100499
and courses in communications, mathematics, information 100500
technology, and other fields selected by the Chancellor. The 100501
program culminates in a certificate and provides recipients with a 100502
foundation for additional post-secondary education. 100503

Section 371.20.60. FISCAL YEAR 2011 PLAN FOR ADULT WORKFORCE 100504
TRAINING PROGRAMS 100505

Notwithstanding the Sections of this act entitled "Adult 100506
Basic and Literacy Education," and "Post-Secondary Adult 100507
Career-Technical Education," not later than June 1, 2010, the 100508
Chancellor of the Board of Regents, in consultation with the Adult 100509
Workforce Training Workgroup shall submit for approval of the 100510
Controlling Board a plan for the integration of funding support 100511
for the state's adult workforce training and development programs, 100512
beginning in fiscal year 2011. Funding support in the plan shall 100513
include appropriation items 235443, Adult Basic and Literacy 100514
Education - State, and 235444, Post-Secondary Adult 100515
Career-Technical Education. 100516

The plan shall clearly define the formulas, or competitive 100517
process, to be used for funding the activities of adult basic and 100518
literacy education program providers, state literacy resource 100519
centers, post-secondary adult career-technical education 100520
providers, and community colleges. The plan may propose the 100521
creation of new appropriation items as necessary to support its 100522
implementation. 100523

There is hereby created the Adult Workforce Training 100524
Workgroup. The Workgroup shall consist of three representatives of 100525
adult workforce education programs, appointed by the President of 100526
the Senate, and three representatives of Ohio's state-assisted 100527
community colleges, state community colleges, and technical 100528
colleges, appointed by the Speaker of the House of 100529
Representatives. The members of the Workgroup shall serve without 100530
compensation. Initial appointments to the Workgroup shall be 100531
completed within 60 days of the effective date of this section. 100532
Upon the Chancellor's submission of the plan to the Controlling 100533
Board, the Workgroup shall cease to exist. 100534

Section 371.20.70. AREA HEALTH EDUCATION CENTERS 100535

The foregoing appropriation item 235474, Area Health 100536
Education Centers Program Support, shall be used by the Chancellor 100537
of the Board of Regents to support the medical school regional 100538
area health education centers' educational programs for the 100539
continued support of medical and other health professions 100540
education and for support of the Area Health Education Center 100541
Program. 100542

Section 371.20.80. STATE SHARE OF INSTRUCTION FORMULAS 100543

The Chancellor of the Board of Regents shall establish 100544
procedures to allocate the foregoing appropriation items 235501, 100545
State Share of Instruction, 235644, State Share of Instruction - 100546
Federal Stimulus - Education, and 235646, State Share of 100547
Instruction - Federal Stimulus - Government Services, based on the 100548
formulas, enrollment, course completion, degree attainment, and 100549
student access factors in the instructional models set out in this 100550
section. 100551

The foregoing appropriation items 235501, State Share of 100552
Instruction, 235644, State Share of Instruction - Federal Stimulus 100553
- Education, and 235646, State Share of Instruction - Federal 100554
Stimulus - Government Services, shall be combined for the purposes 100555
of allocating the state share of instruction subsidy. 100556

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COMPLETIONS 100557

(1) As soon as possible during each fiscal year of the 100558
biennium ending June 30, 2011, in accordance with instructions of 100559
the Board of Regents, each state-assisted institution of higher 100560
education shall report its actual enrollment, consistent with the 100561
definitions in the Higher Education Information (HEI) system's 100562
enrollment files, to the Chancellor of the Board of Regents. 100563

(2) In defining the number of full-time equivalent students 100564

for state subsidy purposes, the Chancellor of the Board of Regents 100565
shall exclude all undergraduate students who are not residents of 100566
Ohio, except those charged in-state fees in accordance with 100567
reciprocity agreements made under section 3333.17 of the Revised 100568
Code or employer contracts entered into under section 3333.32 of 100569
the Revised Code. 100570

(3) In calculating the core subsidy entitlements for 100571
university branch and main campuses, the Chancellor of the Board 100572
of Regents shall use the following count of FTE students: 100573

(a) The subsidy eligible enrollments by model shall equal 100574
only those FTE students who successfully complete the course as 100575
defined and reported through the Higher Education Information 100576
(HEI) system course enrollment file; 100577

(b) For those FTE students with successful course 100578
completions, identified in division (3)(a) of this section, 100579
completions that were achieved by a student that was eligible to 100580
receive Ohio need-based financial aid shall have their enrollments 100581
weighted by the following: 100582

(i) Campus-specific course completion rates by discipline 100583
area and level; and 100584

(ii) A statewide average OIG/OCOG course completion weight 100585
determined for each discipline area and level. The statewide 100586
average OIG/OCOG course completion weight shall be determined by 100587
calculating the difference between the percentage of traditional 100588
students who complete a course and the percentage of Ohio 100589
Instructional Grant and Ohio College Opportunity Grant recipients 100590
who complete the same course. 100591

(4) In calculating the core subsidy entitlements for Medical 100592
II models only, the Board of Regents shall use the following count 100593
of FTE students: 100594

(a) For those medical schools whose current year enrollment, 100595

including students repeating terms, is below the base enrollment, 100596
the Medical II FTE enrollment shall equal: 65 per cent of the base 100597
enrollment plus 35 per cent of the current year enrollment 100598
including students repeating terms, where the base enrollment is: 100599

The Ohio State University	1010	100600
University of Cincinnati	833	100601
University of Toledo	650	100602
Wright State University	433	100603
Ohio University	433	100604
Northeastern Ohio Universities College of Medicine	433	100605

(b) For those medical schools whose current year enrollment, 100606
excluding students repeating terms, is equal to or greater than 100607
the base enrollment, the Medical II FTE enrollment shall equal the 100608
base enrollment plus the FTE for repeating students. 100609

(c) Students repeating terms may be no more than five per 100610
cent of current year enrollment. 100611

(5) The state share of instruction to state-supported 100612
universities for students enrolled in law schools in fiscal year 100613
2010 and fiscal year 2011 shall be calculated by using the number 100614
of subsidy-eligible FTE law school students funded by state 100615
subsidy in fiscal year 1995 or the actual number of 100616
subsidy-eligible FTE law school students at the institution in the 100617
fiscal year, whichever is less. 100618

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 100619

For purposes of calculating state share of instruction 100620
allocations, the total instructional costs per full-time 100621
equivalent student shall be: 100622

Model	Fiscal	Fiscal	100623
	Year 2010	Year 2011	
ARTS AND HUMANITIES 1	\$7,658	\$7,891	100624

Sub. H. B. No. 1
As Reported by the Senate Finance and Financial Institutions Committee

ARTS AND HUMANITIES 2	\$10,117	\$10,425	100625
ARTS AND HUMANITIES 3	\$13,067	\$13,464	100626
ARTS AND HUMANITIES 4	\$19,194	\$19,778	100627
ARTS AND HUMANITIES 5	\$29,994	\$30,906	100628
ARTS AND HUMANITIES 6	\$35,991	\$37,085	100629
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$6,732	\$6,937	100630
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$7,803	\$8,041	100631
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$9,619	\$9,911	100632
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$11,607	\$11,959	100633
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$18,044	\$18,592	100634
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$22,615	\$23,303	100635
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$27,528	\$28,365	100636
MEDICAL 1	\$47,494	\$48,938	100637
MEDICAL 2	\$45,420	\$46,801	100638
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$6,943	\$7,154	100639
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$9,792	\$10,090	100640
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	\$11,963	\$12,327	100641
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	\$15,282	\$15,747	100642
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	\$19,471	\$20,063	100643
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	\$21,771	\$22,433	100644
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	\$27,906	\$28,755	100645
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	\$36,547	\$37,658	100646
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	\$51,283	\$52,842	100647
Doctoral I and Doctoral II models shall be allocated in			100648

accordance with division (D)(2) of this section. 100649

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, 100650
 AND GRADUATE WEIGHTS 100651

For the purpose of implementing the recommendations of the 100652
 State Share of Instruction Consultation and the Higher Education 100653
 Funding Study Council that priority be given to maintaining state 100654
 support for science, technology, engineering, mathematics, 100655
 medicine, and graduate programs, the costs in division (B) of this 100656
 section shall be weighted by the amounts provided below: 100657

Model	Fiscal Year 2010	Fiscal Year 2011	
ARTS AND HUMANITIES 1	1.0000	1.0000	100659
ARTS AND HUMANITIES 2	1.0000	1.0000	100660
ARTS AND HUMANITIES 3	1.0000	1.0000	100661
ARTS AND HUMANITIES 4	1.0000	1.0000	100662
ARTS AND HUMANITIES 5	1.0425	1.0425	100663
ARTS AND HUMANITIES 6	1.0425	1.0425	100664
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	100665
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	100666
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	100667
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000	100668
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425	100669
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425	100670
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425	100671
MEDICAL 1	1.6456	1.6456	100672
MEDICAL 2	1.7462	1.7462	100673
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000	100674
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017	100675
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150	100676

SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.6920	1.6920	100677
MEDICINE 4			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.4222	1.4222	100678
MEDICINE 5			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.8798	1.8798	100679
MEDICINE 6			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.4380	1.4380	100680
MEDICINE 7			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.5675	1.5675	100681
MEDICINE 8			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.1361	1.1361	100682
MEDICINE 9			
(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA			100683
ENTITLEMENTS AND ADJUSTMENTS			100684
(1) Of the foregoing appropriation items 235501, State Share			100685
of Instruction, 235644, State Share of Instruction - Federal			100686
Stimulus - Education, and 235646, State Share of Instruction -			100687
Federal Stimulus - Government Services, 5 per cent of the			100688
appropriation for state-supported community colleges, state			100689
community colleges, and technical colleges in fiscal year 2011			100690
shall be allocated to colleges in proportion to their share of			100691
college student success factors. In fiscal year 2011, student			100692
success factors shall include all measureable student outcomes			100693
that contribute to student achievement as determined by the			100694
Chancellor of the Board of Regents based on the recommendation of			100695
the consultation created in the Section of this act entitled			100696
"Studies to Determine Weights for Fiscal Year 2011 State Share of			100697
Instruction Formula."			100698
(2) Of the foregoing appropriation items 235501, State Share			100699
of Instruction, 235644, State Share of Instruction - Federal			100700
Stimulus - Education, and 235646, State Share of Instruction -			100701
Federal Stimulus - Government Services, up to 12.89 per cent of			100702

the appropriation for university main campuses in each fiscal year 100703
shall be reserved for support of doctoral programs to implement 100704
the funding recommendations made by representatives of the 100705
universities. The amount so reserved shall be referred to as the 100706
doctoral set-aside. 100707

The doctoral set-aside shall be allocated to universities as 100708
follows: 100709

(a) 90 per cent of the doctoral set-aside in fiscal year 2010 100710
and 80 per cent of the doctoral set-aside in fiscal year 2011 100711
shall be allocated to universities in proportion to their share of 100712
the total number of Doctoral I equivalent FTEs as calculated on an 100713
institutional basis using the greater of the two-year or five-year 100714
FTEs for the period fiscal year 1994 through fiscal year 1998 with 100715
annualized FTEs for fiscal years 1994 through 1997 and all-term 100716
FTEs for fiscal year 1998 as adjusted to reflect the effects of 100717
doctoral review and subsequent changes in Doctoral I equivalent 100718
enrollments. For the purposes of this calculation, Doctoral I 100719
equivalent FTEs shall equal the sum of Doctoral I FTEs plus 1.5 100720
times the sum of Doctoral II FTEs. 100721

(b) 5 per cent of the doctoral set-aside in fiscal year 2010 100722
and 10 per cent of the doctoral set-aside in fiscal year 2011 100723
shall be allocated to universities in proportion to each campus's 100724
share of the total statewide doctoral degrees, weighted by the 100725
cost of the doctoral discipline. In calculating each campus's 100726
doctoral degrees the Chancellor of the Board of Regents shall use 100727
the three-year average doctoral degrees awarded for the three-year 100728
period ending in the prior year. 100729

(c) 2.5 per cent of the doctoral set-aside in fiscal year 100730
2010 and 5 per cent of the doctoral set-aside in fiscal year 2011 100731
shall be allocated to universities in proportion to their share of 100732
research grant activity, using data collected and published by the 100733
National Science Foundation. Grant awards from the National Health 100734

Institute shall be weighted at 50 per cent. 100735

(d) 2.5 per cent of the doctoral set-aside in fiscal year 100736
2010 and 5 per cent of the doctoral set-aside in fiscal year 2011 100737
shall be allocated to universities based on other quality measures 100738
that contribute to the advancement of the Chancellor's strategic 100739
plan. These other quality measures shall be identified by the 100740
Chancellor in consultation with universities. If for any reason 100741
metrics for distributing the quality component of the doctoral 100742
set-aside are not identified prior to the fiscal year allocation 100743
process, this portion of the doctoral set-aside funds shall be 100744
allocated to universities based on division (D)(2)(a) of this 100745
section. 100746

(3) Of the foregoing appropriation items 235501, State Share 100747
of Instruction, 235644, State Share of Instruction - Federal 100748
Stimulus - Education, and 235646, State Share of Instruction - 100749
Federal Stimulus - Government Services, 6.96 per cent of the 100750
appropriation for university main campuses in each fiscal year 100751
shall be reserved for support of Medical II FTEs. The amount so 100752
reserved shall be referred to as the medical II set-aside. 100753

The medical II set-aside shall be allocated to universities 100754
in proportion to their share of the total number of Medical II 100755
FTEs as calculated in division (A) of this section, weighted by 100756
model cost. 100757

(4) Of the foregoing appropriation items 235501, State Share 100758
of Instruction, 235644, State Share of Instruction - Federal 100759
Stimulus - Education, and 235646, State Share of Instruction - 100760
Federal Stimulus - Government Services, 1.61 per cent of the 100761
appropriation for university main campuses in each fiscal year 100762
shall be reserved for support of Medical I FTEs. The amount so 100763
reserved shall be referred to as the medical I set-aside. 100764

The medical I set-aside shall be allocated to universities in 100765

proportion to their share of the total number of Medical I FTEs as 100766
calculated in division (A) of this section. 100767

(5) Of the foregoing appropriation items 235501, State Share 100768
of Instruction, 235644, State Share of Instruction - Federal 100769
Stimulus - Education, and 235646, State Share of Instruction - 100770
Federal Stimulus - Government Services, 5 per cent of the fiscal 100771
year 2010 appropriation for university main campuses and 10 per 100772
cent of the fiscal year 2011 appropriation for university main 100773
campuses shall be reserved for support of associate, 100774
baccalaureate, master's, and professional level degree attainment. 100775
100776

The degree attainment funding shall be allocated to 100777
universities in proportion to each campus's share of the total 100778
statewide degrees granted, weighted by the cost of the degree 100779
programs. 100780

In calculating the subsidy entitlements for degree attainment 100781
at university main campuses, the Chancellor of the Board of 100782
Regents shall use the following count of degrees and degree costs: 100783

(a) For those associate degrees awarded by a state-supported 100784
university, the subsidy eligible degrees granted are defined as 100785
only those earned by students attending a university that received 100786
funding under GRF appropriation item 235418, Access Challenge, in 100787
fiscal year 2009. 100788

In calculating each campus's count of degrees, the Chancellor 100789
of the Board of Regents shall use the three-year average 100790
associate, baccalaureate, master's, and professional degrees 100791
awarded for the three-year period ending in the prior year. 100792

Eligible associate degrees defined in division (D)(5)(a) of 100793
this section and all bachelor's degrees earned by a student that 100794
was eligible to receive Ohio need-based financial aid shall have 100795
their associates degree cost weighted by a statewide OIG/OCOG 100796

degree completion weight. 100797

The statewide average OIG/OCOG degree completion weight shall 100798
be determined by calculating the difference between the percentage 100799
of traditional students who earned a degree and the percentage of 100800
Ohio Instructional Grant and Ohio College Opportunity Grant 100801
recipients who earned a degree during the same time period. 100802

(6) Each campus's state share of instruction base formula 100803
earnings shall be determined as follows: 100804

(a) For each campus in each fiscal year, the instructional 100805
costs shall be determined by multiplying the amounts listed above 100806
in divisions (B) and (C) of this section by (i) average 100807
subsidy-eligible FTEs for the two-year period ending in the prior 100808
year for all models except Doctoral I and Doctoral II; and (ii) 100809
average subsidy-eligible FTEs for the five-year period ending in 100810
the prior year for all models except Doctoral I and Doctoral II. 100811

(b) The Chancellor of the Board of Regents shall compute the 100812
two calculations listed in division (D)(6)(a) of this section and 100813
use the greater amount as each campus's instructional costs. 100814

(c) The Chancellor of the Board of Regents shall compute a 100815
uniform state share of instructional costs for each sector. 100816

(i) For the state supported community colleges, state 100817
community colleges, and technical colleges, the Chancellor of the 100818
Board of Regents shall compute the uniform state share of 100819
institutional costs by dividing the earmark in division (C)(1) of 100820
Section 371.20.90 of this act, less the student college success 100821
allocation as described in division (D)(1) of this section, by the 100822
sum of all eligible campuses' instructional costs as calculated in 100823
division (D)(6)(b) of this section. 100824

(ii) For the state supported university branch campuses, the 100825
Chancellor of the Board of Regents shall compute the uniform state 100826
share of institutional costs by dividing the earmark in division 100827

(C)(2) of Section 371.20.90 of this act by the sum of all 100828
campuses' instructional costs as calculated in division (D)(6)(b) 100829
of this section. 100830

(iii) For the state supported university main campuses, the 100831
Chancellor of the Board of Regents shall compute the uniform state 100832
share of institutional costs by dividing the earmark in division 100833
(C)(3) of Section 371.20.90 of this act, less the doctoral 100834
set-aside, less the medical I set-aside, less the medical II 100835
set-aside, and less the degree attainment funding as calculated in 100836
divisions (D)(2) to (5) of this section, by the sum of all 100837
campuses' instructional costs as calculated in division (D)(6)(b) 100838
of this section. 100839

(d) The formula entitlement for each sector's campuses shall 100840
be determined by multiplying the uniform state share of costs 100841
calculated in division (D)(6)(c) of this section by the campus's 100842
instructional cost determined in division (D)(6)(b) of this 100843
section. 100844

(7) In addition to the student success allocation, doctoral 100845
set-aside, medical I set-aside, medical II set-aside, and the 100846
degree attainment allocation determined in division (D)(1) to 100847
(D)(5) of this section and the formula entitlement determined in 100848
division (D)(6) of this section, an allocation based on 100849
facility-based plant operations and maintenance (POM) subsidy 100850
shall be made. For each eligible campus, the amount of the POM 100851
allocation in each fiscal year shall be distributed based on what 100852
each campus received in the fiscal year 2009 POM allocation. 100853

Any POM allocations required by this division shall be funded 100854
by proportionately reducing formula entitlement earnings, 100855
including the POM allocations, for all campuses in that sector. 100856

(8) STABILITY IN STATE SHARE OF INSTRUCTION FUNDING 100857

In addition to and after the adjustments noted above, in 100858

fiscal year 2010, no campus shall receive a state share of 100859
instruction allocation that is less than 99 per cent of the prior 100860
year's combined state share of instruction, access challenge, and 100861
success challenge amounts. Funds shall be made available to 100862
support this allocation by proportionately reducing formula 100863
entitlement earnings from those campuses, within each sector, that 100864
are not receiving stability funding. 100865

In fiscal year 2011, in addition to and after the adjustments 100866
noted above, no campus shall receive a state share of instruction 100867
allocation that is less than 98 per cent of the prior year's 100868
combined state share of instruction, access challenge, and success 100869
challenge amounts. Funds shall be made available to support this 100870
allocation by proportionately reducing formula entitlement 100871
earnings from those campuses, within each sector, that do not 100872
receive stability funding. 100873

(9) CAPITAL COMPONENT DEDUCTION 100874

After all other adjustments have been made, state share of 100875
instruction earnings shall be reduced for each campus by the 100876
amount, if any, by which debt service charged in Am. H.B. 748 of 100877
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 100878
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 100879
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 100880
General Assembly, and Am. Sub. H.B. 699 of the 126th General 100881
Assembly, Am. Sub. H.B. 496 of the 127th General Assembly, and Am. 100882
Sub. H.B. 562 of the 127th General Assembly for that campus 100883
exceeds that campus's capital component earnings. The sum of the 100884
amounts deducted shall be transferred to appropriation item 100885
235552, Capital Component, in each fiscal year. 100886

(E) EXCEPTIONAL CIRCUMSTANCES 100887

Adjustments may be made to the state share of instruction 100888
payments and other subsidies distributed by the Chancellor of the 100889

Board of Regents to state-assisted colleges and universities for 100890
exceptional circumstances. No adjustments for exceptional 100891
circumstances may be made without the recommendation of the 100892
Chancellor and the approval of the Controlling Board. 100893

(F) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 100894
INSTRUCTION 100895

The standard provisions of the state share of instruction 100896
calculation as described in the preceding sections of temporary 100897
law shall apply to any reductions made to appropriation items 100898
235501, State Share of Instruction, 235644, State Share of 100899
Instruction - Federal Stimulus - Education, and 235646, State 100900
Share of Instruction - Federal Stimulus - Government Services, 100901
before the Board of Regents has formally approved the final 100902
allocation of the state share of instruction funds for any fiscal 100903
year. 100904

Any reductions made to appropriation items 235501, State 100905
Share of Instruction, 235644, State Share of Instruction - Federal 100906
Stimulus - Education, and 235646, State Share of Instruction - 100907
Federal Stimulus - Government Services, after the Board of Regents 100908
has formally approved the final allocation of the state share of 100909
instruction funds for any fiscal year, shall be uniformly applied 100910
to each campus in proportion to its share of the final allocation. 100911
100912

(G) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 100913

The state share of instruction payments to the institutions 100914
shall be in substantially equal monthly amounts during the fiscal 100915
year, unless otherwise determined by the Director of Budget and 100916
Management pursuant to section 126.09 of the Revised Code. 100917
Payments during the first six months of the fiscal year shall be 100918
based upon the state share of instruction appropriation estimates 100919
made for the various institutions of higher education according to 100920

the Chancellor of the Board of Regents enrollment estimates. 100921
Payments during the last six months of the fiscal year shall be 100922
distributed after approval of the Controlling Board upon the 100923
request of the Board of Regents. 100924

Section 371.20.90. STATE SHARE OF INSTRUCTION FOR FISCAL 100925
YEARS 2010 AND 2011 100926

The boards of trustees of state-assisted institutions of 100927
higher education shall restrain increases in in-state 100928
undergraduate instructional and general fees. For the 2009-2010 100929
academic year, each state-assisted institution shall not increase 100930
its in-state undergraduate instructional and general fees over 100931
what the institution charged for the 2008-2009 academic year. For 100932
the 2010-2011 academic year, each state-assisted community 100933
college, state community college, technical college, and regional 100934
campus of a state-assisted university shall not increase its 100935
in-state undergraduate instructional and general fees over what 100936
the institution charged for the 2009-2010 academic year. For the 100937
2010-2011 academic year, each main campus of a state-assisted 100938
university shall not increase its in-state undergraduate 100939
instructional and general fees more than 3.5 per cent over what 100940
the institution charged for the 2009-2010 academic year. 100941

These limitations shall not apply to increases required to 100942
comply with institutional covenants related to their obligations 100943
or to meet unfunded legal mandates or legally binding obligations 100944
incurred or commitments made prior to the effective date of this 100945
section with respect to which the institution had identified such 100946
fee increases as the source of funds. Any increase required by 100947
such covenants and any such mandates, obligations, or commitments 100948
shall be reported by the Chancellor of the Board of Regents to the 100949
Controlling Board. 100950

Of the combined appropriations of the foregoing appropriation 100951

items 235501, State Share of Instruction, 235644, State Share of Instruction - Federal Stimulus - Education, and 235646, State Share of Instruction - Federal Stimulus - Government Services, \$60,996,059 in each fiscal year shall be distributed to eligible colleges and universities based on each campus's share of the appropriation item 235418, Access Challenge, in fiscal year 2009.

Of the combined appropriations of the foregoing items 235501, State Share of Instruction, 235644, State Share of Instruction - Federal Stimulus - Education, and 235646, State Share of Instruction - Federal Stimulus - Government Services, \$10,323,056 in each fiscal year shall be distributed among state-supported community colleges, state community colleges, and technical colleges in an amount equal to the amount each institution received in fiscal year 2009 from the supplemental tuition subsidy earmarked under Section 375.30.25 of H.B. 119 of the 127th General Assembly.

(C) The remainder of the combined appropriations of appropriation items 235501, State Share of Instruction, 235644, State Share of Instruction - Federal Stimulus - Education, and 235646, State Share of Instruction - Federal Stimulus - Government Services, shall be distributed according to Section 371.20.80 of this act. Sector allocations shall be determined using the following earmarks in accordance with the tuition policy described in division (A) of this section.

(1) Of the combined appropriations of the foregoing appropriation items 235501, State Share of Instruction, 235644, State Share of Instruction - Federal Stimulus - Education, and 235646, State Share of Instruction - Federal Stimulus - Government Services, \$396,965,932 in fiscal year 2010 and \$419,030,691 in fiscal year 2011 shall be distributed to state-supported community colleges, state community colleges, and technical colleges.

100984

(2) Of the combined appropriations of the foregoing 100985
appropriation items 235501, State Share of Instruction, 235644, 100986
State Share of Instruction - Federal Stimulus - Education, and 100987
235646, State Share of Instruction - Federal Stimulus - Government 100988
Services, \$125,682,220 in fiscal year 2010 and \$129,739,380 in 100989
fiscal year 2011 shall be distributed to state-supported 100990
university branch campuses. 100991

(3) Of the combined appropriations of the foregoing 100992
appropriation items 235501, State Share of Instruction, 235644, 100993
State Share of Instruction - Federal Stimulus - Education, and 100994
235646, State Share of Instruction - Federal Stimulus - Government 100995
Services, \$1,481,570,810 in each fiscal year shall be distributed 100996
to state-supported university main campuses. 100997

(D) The state share of instruction payments to the 100998
institutions shall be in substantially equal monthly amounts 100999
during the fiscal year, unless otherwise determined by the 101000
Director of Budget and Management pursuant to section 126.09 of 101001
the Revised Code. Payments during the last six months of the 101002
fiscal year shall be distributed after approval of the Controlling 101003
Board upon the request of the Chancellor of the Board of Regents. 101004

Section 371.20.95. STUDIES TO DETERMINE WEIGHTS FOR FISCAL 101005
YEAR 2011 STATE SHARE OF INSTRUCTION FORMULA 101006

(A) STUDY ON IDENTIFYING "AT RISK" STUDENTS 101007

In fiscal year 2010, the Chancellor of the Board of Regents, 101008
in consultation with representatives of state colleges and 101009
universities, shall conduct a study to identify the 101010
socio-economic, demographic, academic, personal, and other factors 101011
that identify a student as being "at-risk" of academic failure, 101012
and recommend how these factors may be used to determine 101013

allocations of the State Share of Instruction after fiscal year 101014
2010. The study shall be completed by April 15, 2010. 101015
Notwithstanding any provision of law to the contrary, the 101016
Chancellor may use the results of the study to recommend 101017
additional weights to be used in the determination of the fiscal 101018
year 2011 State Share of Instruction allocations. The Chancellor 101019
shall report any such formula changes to the Controlling Board by 101020
August 30, 2010. 101021

(B) STUDY ON FUNDING DOCTORAL PROGRAMS THROUGH THE STATE 101022
SHARE OF INSTRUCTION FORMULA 101023

The Chancellor of the Board of Regents, in consultation with 101024
representatives of state universities, shall conduct a study on 101025
the effectiveness and appropriateness of funding for doctoral 101026
programs through the doctoral set-aside as allocated in 101027
appropriation items 235501, State Share of Instruction, 235644, 101028
State Share of Instruction - Federal Stimulus - Education, and 101029
235646, State Share of Instruction - Federal Stimulus - Government 101030
Services. The study may examine alternative funding methodologies 101031
to improve the alignment between university doctoral programs and 101032
the goals of the strategic plan for the University System of Ohio. 101033
The study shall be completed by April 15, 2010. Notwithstanding 101034
any provision of law to the contrary, the Chancellor may use the 101035
results of the study to recommend changes in the determination of 101036
the distribution of the doctoral set-aside beginning in fiscal 101037
year 2011. The Chancellor shall report any such formula changes to 101038
the Controlling Board by August 30, 2010. 101039

101040

(C) STUDY ON THE USE OF SUCCESS POINTS FOR COMMUNITY COLLEGES 101041

The Chancellor of the Board of Regents, in consultation with 101042
representatives of state community colleges, shall conduct a study 101043
on the use of "success points" in the allocation of appropriations 101044
to community colleges in appropriation items 235501, State Share 101045

of Instruction, 235644, State Share of Instruction - Federal 101046
Stimulus - Education, and 235646, State Share of Instruction - 101047
Federal Stimulus - Government Services, in fiscal year 2011. The 101048
study shall identify success points that occur during the academic 101049
career of community college students and recommend a method to 101050
fund achievement of the success points beginning in fiscal year 101051
2011. The study shall be completed by April 15, 2010. 101052
Notwithstanding any provision of law to the contrary, the 101053
Chancellor shall use the results of the study to recommend changes 101054
in the determination of the distribution of the community college 101055
allocations beginning in fiscal year 2011. The Chancellor shall 101056
report any such formula changes to the Controlling Board by August 101057
30, 2010. 101058

Section 371.30.10. HIGHER EDUCATION - BOARD OF TRUSTEES 101059

(A) Funds appropriated for instructional subsidies at 101060
colleges and universities may be used to provide such branch or 101061
other off-campus undergraduate courses of study and such master's 101062
degree courses of study as may be approved by the Chancellor of 101063
the Board of Regents. 101064

(B) In providing instructional and other services to 101065
students, boards of trustees of state-assisted institutions of 101066
higher education shall supplement state subsidies with income from 101067
charges to students. Except as otherwise provided in this Section, 101068
each board shall establish the fees to be charged to all students, 101069
including an instructional fee for educational and associated 101070
operational support of the institution and a general fee for 101071
noninstructional services, including locally financed student 101072
services facilities used for the benefit of enrolled students. The 101073
instructional fee and the general fee shall encompass all charges 101074
for services assessed uniformly to all enrolled students. Each 101075
board may also establish special purpose fees, service charges, 101076

and fines as required; such special purpose fees and service 101077
charges shall be for services or benefits furnished individual 101078
students or specific categories of students and shall not be 101079
applied uniformly to all enrolled students. A tuition surcharge 101080
shall be paid by all students who are not residents of Ohio. 101081

The board of trustees of a state-assisted institution of 101082
higher education shall not authorize a waiver or nonpayment of 101083
instructional fees or general fees for any particular student or 101084
any class of students other than waivers specifically authorized 101085
by law or approved by the Chancellor. This prohibition is not 101086
intended to limit the authority of boards of trustees to provide 101087
for payments to students for services rendered the institution, 101088
nor to prohibit the budgeting of income for staff benefits or for 101089
student assistance in the form of payment of such instructional 101090
and general fees. 101091

Each state-assisted institution of higher education in its 101092
statement of charges to students shall separately identify the 101093
instructional fee, the general fee, the tuition charge, and the 101094
tuition surcharge. Fee charges to students for instruction shall 101095
not be considered to be a price of service but shall be considered 101096
to be an integral part of the state government financing program 101097
in support of higher educational opportunity for students. 101098

(C) The boards of trustees of state-assisted institutions of 101099
higher education shall ensure that faculty members devote a proper 101100
and judicious part of their work week to the actual instruction of 101101
students. Total class credit hours of production per quarter per 101102
full-time faculty member is expected to meet the standards set 101103
forth in the budget data submitted by the Chancellor of the Board 101104
of Regents. 101105

(D) The authority of government vested by law in the boards 101106
of trustees of state-assisted institutions of higher education 101107
shall in fact be exercised by those boards. Boards of trustees may 101108

consult extensively with appropriate student and faculty groups. 101109
Administrative decisions about the utilization of available 101110
resources, about organizational structure, about disciplinary 101111
procedure, about the operation and staffing of all auxiliary 101112
facilities, and about administrative personnel shall be the 101113
exclusive prerogative of boards of trustees. Any delegation of 101114
authority by a board of trustees in other areas of responsibility 101115
shall be accompanied by appropriate standards of guidance 101116
concerning expected objectives in the exercise of such delegated 101117
authority and shall be accompanied by periodic review of the 101118
exercise of this delegated authority to the end that the public 101119
interest, in contrast to any institutional or special interest, 101120
shall be served. 101121

Section 371.30.20. STUDENT SUPPORT SERVICES 101122

The foregoing appropriation item 235502, Student Support 101123
Services, shall be distributed by the Chancellor of the Board of 101124
Regents to Ohio's state-assisted colleges and universities that 101125
incur disproportionate costs in the provision of support services 101126
to disabled students. 101127

Section 371.30.30. WAR ORPHANS SCHOLARSHIPS 101128

The foregoing appropriation item 235504, War Orphans 101129
Scholarships, shall be used to reimburse state-assisted 101130
institutions of higher education for waivers of instructional fees 101131
and general fees provided by them, to provide grants to 101132
institutions that have received a certificate of authorization 101133
from the Chancellor of the Board of Regents under Chapter 1713. of 101134
the Revised Code, in accordance with the provisions of section 101135
5910.04 of the Revised Code, and to fund additional scholarship 101136
benefits provided by section 5910.032 of the Revised Code. 101137

An amount equal to the unexpended, unencumbered portion of 101138

the foregoing appropriation item 235504, War Orphans Scholarships, 101139
at the end of fiscal year 2010 is hereby reappropriated to the 101140
Board of Regents for the same purpose for fiscal year 2011. 101141

Section 371.30.40. OHIOLINK 101142

The foregoing appropriation item 235507, OhioLINK, shall be 101143
used by the Chancellor of the Board of Regents to support 101144
OhioLINK, a consortium organized under division (U) of section 101145
3333.04 of the Revised Code to serve as the state's electronic 101146
library information and retrieval system, which provides access 101147
statewide to an extensive set of electronic databases and 101148
resources and the library holdings of Ohio's public and 101149
participating private nonprofit colleges and universities, and the 101150
State Library of Ohio. 101151

Section 371.30.50. AIR FORCE INSTITUTE OF TECHNOLOGY 101152

The foregoing appropriation item 235508, Air Force Institute 101153
of Technology, shall be used to strengthen the research and 101154
educational linkages between the Wright Patterson Air Force Base 101155
and institutions of higher education in Ohio. 101156

Section 371.30.60. OHIO SUPERCOMPUTER CENTER 101157

The foregoing appropriation item 235510, Ohio Supercomputer 101158
Center, shall be used by the Chancellor of the Board of Regents to 101159
support the operation of the Ohio Supercomputer Center, a 101160
consortium organized under division (U) of section 3333.04 of the 101161
Revised Code, located at The Ohio State University. The Ohio 101162
Supercomputer Center is a statewide resource available to Ohio 101163
research universities both public and private. It is also intended 101164
that the center be made accessible to private industry as 101165
appropriate. 101166

Funds shall be used, in part, to support the Ohio 101167

Supercomputer Center's Computational Science Initiative.	101168
Section 371.30.70. COOPERATIVE EXTENSION SERVICE	101169
The foregoing appropriation item 235511, Cooperative	101170
Extension Service, shall be disbursed through the Chancellor of	101171
the Board of Regents to The Ohio State University in monthly	101172
payments, unless otherwise determined by the Director of Budget	101173
and Management under section 126.09 of the Revised Code.	101174
Section 371.30.80. OHIO UNIVERSITY VOINOVICH SCHOOL	101175
The foregoing appropriation item 235513, Ohio University	101176
Voinovich School, shall be used by the Chancellor of the Board of	101177
Regents to support the operations of Ohio University's Voinovich	101178
School.	101179
Section 371.30.90. CENTRAL STATE SUPPLEMENT	101180
The foregoing appropriation item 235514, Central State	101181
Supplement, shall be used by Central State University to keep	101182
undergraduate fees below the statewide average, consistent with	101183
its mission of service to many first-generation college students	101184
from groups historically underrepresented in higher education and	101185
from families with limited incomes.	101186
Section 371.40.10. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF	101187
MEDICINE	101188
The foregoing appropriation item 235515, Case Western Reserve	101189
University School of Medicine, shall be disbursed to Case Western	101190
Reserve University through the Chancellor of the Board of Regents	101191
in accordance with agreements entered into under section 3333.10	101192
of the Revised Code, provided that the state support per full-time	101193
medical student shall not exceed that provided to full-time	101194
medical students at state universities.	101195

Section 371.40.20. FAMILY PRACTICE	101196
Notwithstanding section 3333.031 of the Revised Code, the	101197
Board of Regents, and not the Chancellor, shall develop plans	101198
consistent with existing criteria and guidelines as may be	101199
required for the distribution of appropriation item 235519, Family	101200
Practice.	101201
Section 371.40.30. SHAWNEE STATE SUPPLEMENT	101202
The foregoing appropriation item 235520, Shawnee State	101203
Supplement, shall be used by Shawnee State University as detailed	101204
by both of the following:	101205
(A) To allow Shawnee State University to keep its	101206
undergraduate fees below the statewide average, consistent with	101207
its mission of service to an economically depressed Appalachian	101208
region;	101209
(B) To allow Shawnee State University to employ new faculty	101210
to develop and teach in new degree programs that meet the needs of	101211
Appalachians.	101212
Section 371.40.40. OSU JOHN GLENN SCHOOL OF PUBLIC AFFAIRS	101213
The foregoing appropriation item 235521, The Ohio State	101214
University John Glenn School of Public Affairs, shall be used by	101215
the Chancellor of the Board of Regents to support the operations	101216
of The Ohio State University's John Glenn School of Public	101217
Affairs.	101218
Section 371.40.50. POLICE AND FIRE PROTECTION	101219
The foregoing appropriation item 235524, Police and Fire	101220
Protection, shall be used for police and fire services in the	101221
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green,	101222
Portsmouth, Xenia Township (Greene County), Rootstown Township,	101223

and the City of Nelsonville that may be used to assist these local 101224
governments in providing police and fire protection for the 101225
central campus of the state-affiliated university located therein. 101226

Section 371.40.60. GERIATRIC MEDICINE 101227

Notwithstanding section 3333.031 of the Revised Code, the 101228
Board of Regents, and not the Chancellor, shall develop plans 101229
consistent with existing criteria and guidelines as may be 101230
required for the distribution of appropriation item 235525, 101231
Geriatric Medicine. 101232

Section 371.40.70. PRIMARY CARE RESIDENCIES 101233

Notwithstanding section 3333.031 of the Revised Code, Board 101234
of Regents, and not the Chancellor, shall develop plans consistent 101235
with existing criteria and guidelines as may be required for the 101236
distribution of appropriation item 235526, Primary Care 101237
Residencies. 101238

The foregoing appropriation item 235526, Primary Care 101239
Residencies, shall be distributed in each fiscal year of the 101240
biennium, based on whether or not the institution has submitted 101241
and gained approval for a plan. If the institution does not have 101242
an approved plan, it shall receive five per cent less funding per 101243
student than it would have received from its annual allocation. 101244
The remaining funding shall be distributed among those 101245
institutions that meet or exceed their targets. 101246

Section 371.40.80. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 101247
CENTER 101248

The foregoing appropriation item 235535, Ohio Agricultural 101249
Research and Development Center, shall be disbursed through the 101250
Chancellor of the Board of Regents to The Ohio State University in 101251
monthly payments, unless otherwise determined by the Director of 101252

Budget and Management under section 126.09 of the Revised Code. 101253
The Ohio Agricultural Research and Development Center shall not be 101254
required to remit payment to The Ohio State University during the 101255
biennium ending June 30, 2011, for cost reallocation assessments. 101256
The cost reallocation assessments include, but are not limited to, 101257
any assessment on state appropriations to the Center. 101258
101259

The Ohio Agricultural Research and Development Center, an 101260
entity of the College of Food, Agricultural, and Environmental 101261
Sciences of The Ohio State University, shall further its mission 101262
of enhancing Ohio's economic development and job creation by 101263
continuing to internally allocate on a competitive basis 101264
appropriated funding of programs based on demonstrated 101265
performance. Academic units, faculty, and faculty-driven programs 101266
shall be evaluated and rewarded consistent with agreed-upon 101267
performance expectations as called for in the College's 101268
Expectations and Criteria for Performance Assessment. 101269

Section 371.40.90. STATE UNIVERSITY CLINICAL TEACHING 101270

The foregoing appropriation items 235536, The Ohio State 101271
University Clinical Teaching; 235537, University of Cincinnati 101272
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 101273
235539, Wright State University Clinical Teaching; 235540, Ohio 101274
University Clinical Teaching; and 235541, Northeastern Ohio 101275
Universities College of Medicine Clinical Teaching, shall be 101276
distributed through the Chancellor of the Board of Regents. 101277
101278

Section 371.50.10. CAPITAL COMPONENT 101279

The foregoing appropriation item 235552, Capital Component, 101280
shall be used by the Chancellor of the Board of Regents to 101281
implement the capital funding policy for state-assisted colleges 101282

and universities established in Am. H.B. 748 of the 121st General 101283
Assembly. Appropriations from this item shall be distributed to 101284
all campuses for which the estimated campus debt service 101285
attributable to new qualifying capital projects is less than the 101286
campus's formula-determined capital component allocation. Campus 101287
allocations shall be determined by subtracting the estimated 101288
campus debt service attributable to new qualifying capital 101289
projects from the campus's formula-determined capital component 101290
allocation. Moneys distributed from this appropriation item shall 101291
be restricted to capital-related purposes. 101292

Any campus for which the estimated campus debt service 101293
attributable to qualifying capital projects is greater than the 101294
campus's formula-determined capital component allocation shall 101295
have the difference subtracted from its State Share of Instruction 101296
allocation in each fiscal year. Appropriation equal to the sum of 101297
all such amounts except that of the Ohio Agricultural Research and 101298
Development Center shall be transferred from appropriation item 101299
235501, State Share of Instruction, to appropriation item 235552, 101300
Capital Component. Appropriation equal to any estimated Ohio 101301
Agricultural Research and Development Center debt service 101302
attributable to qualifying capital projects that is greater than 101303
the Center's formula-determined capital component allocation shall 101304
be transferred from appropriation item 235535, Ohio Agricultural 101305
Research and Development Center, to appropriation item 235552, 101306
Capital Component. 101307

Section 371.50.15. DAYTON AREA GRADUATE STUDIES INSTITUTE 101308

The foregoing appropriation item 235553, Dayton Area Graduate 101309
Studies Institute, shall be used by the Board of Regents to 101310
support the Dayton Area Graduate Studies Institute, an engineering 101311
graduate consortium of three universities in the Dayton area: 101312
Wright State University, the University of Dayton, and the Air 101313

Force Institute of Technology, with the participation of the 101314
University of Cincinnati and The Ohio State University. 101315

Section 371.50.20. LIBRARY DEPOSITORIES 101316

The foregoing appropriation item, 235555, Library 101317
Depositories, shall be distributed to the state's five regional 101318
depository libraries for the cost-effective storage of and access 101319
to lesser-used materials in university library collections. The 101320
depositories shall be administrated by the Chancellor of the Board 101321
of Regents. 101322

Section 371.50.30. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 101323

The foregoing appropriation item 235556, Ohio Academic 101324
Resources Network, shall be used by the Chancellor of the Board of 101325
Regents to support the operations of the Ohio Academic Resources 101326
Network, a consortium organized under division (U) of section 101327
3333.04 of the Revised Code, which shall include support for 101328
Ohio's colleges and universities in maintaining and enhancing 101329
network connections, using new network technologies to improve 101330
research, education, and economic development programs, and 101331
sharing information technology services. The network shall give 101332
priority to supporting the Third Frontier Network and allocating 101333
bandwidth to programs directly supporting Ohio's economic 101334
development. 101335

Section 371.50.40. LONG-TERM CARE RESEARCH 101336

The foregoing appropriation item 235558, Long-term Care 101337
Research, shall be disbursed to Miami University for long-term 101338
care research. 101339

Section 371.50.50. OHIO COLLEGE OPPORTUNITY GRANT 101340

Of the foregoing appropriation item 235563, Ohio College 101341

Opportunity Grant, \$41,000,000 in each fiscal year shall be used 101342
by the Chancellor of the Board of Regents to award need-based 101343
financial aid to students enrolled in eligible private nonprofit 101344
institutions of higher education. 101345

Of the foregoing appropriation item 235563, Ohio College 101346
Opportunity Grant, \$29,000,000 in each fiscal year shall be used 101347
by the Chancellor of the Board of Regents to award needs-based 101348
financial aid to students enrolled in eligible proprietary 101349
post-secondary institutions of higher education. 101350

The remainder of the foregoing appropriation item 235563, 101351
Ohio College Opportunity Grant, shall be used by the Chancellor of 101352
the Board of Regents to award needs-based financial aid to 101353
students enrolled in eligible public institutions of higher 101354
education, excluding early college high school and post-secondary 101355
enrollment option participants. 101356

An amount equal to the unexpended, unencumbered portion of 101357
the foregoing appropriation item 235563, Ohio College Opportunity 101358
Grant, at the end of fiscal year 2010 is hereby reappropriated to 101359
the Board of Regents for the same purpose for fiscal year 2011. 101360

On or before August 31, 2009, the Chancellor of the Board of 101361
Regents shall submit award tables to the Controlling Board for the 101362
2009-2010 academic year and allocations of Ohio College 101363
Opportunity Grant awards not already specified in section 3333.122 101364
of the Revised Code. 101365

Notwithstanding section 3333.122 of the Revised Code, no 101366
student shall be eligible to receive an Ohio College Opportunity 101367
Grant for more than ten semesters, fifteen quarters, or the 101368
equivalent of five academic years, less the number of semesters or 101369
quarters in which the student received an Ohio Instructional 101370
Grant. 101371

Section 371.50.60. CENTRAL STATE UNIVERSITY SPEED TO SCALE 101372

The foregoing appropriation 235567, Central State University 101373
Speed to Scale, shall be used to achieve the goals of the Speed to 101374
Scale Plan, which include increasing student enrollment through 101375
freshman recruitment and transferred students, increasing the 101376
proportion of in-state students to 80 per cent of the total 101377
student population, and increasing the student retention rates 101378
between the first and second year of college by two per cent each 101379
year. The goals shall be accomplished by the targeting of student 101380
retention, improved articulation agreements with two-year 101381
campuses, increased use of alternative course options, including 101382
online coursework and Ohio Learning Network resources, College 101383
Tech Prep, Post Secondary Enrollment Options, and other 101384
dual-credit programs, and strategic partnerships with research 101385
institutions to improve the quality of Central State University's 101386
offering of science, technology, engineering, mathematics, and 101387
medical instruction. In fiscal year 2010, the disbursement of 101388
these funds shall be contingent upon Central State University 101389
meeting the annual goals for the student enrollment and retention 101390
rate increases. 101391

The Speed to Scale Task Force shall meet not less than 101392
quarterly to discuss progress of the plan, including performance 101393
on accountability metrics and issues experienced in planned 101394
efforts, and to monitor and support the creation of partnerships 101395
with other state institutions of higher education. The Task Force 101396
shall consist of the president of Central State University or the 101397
president's designee, the president of Sinclair Community College 101398
or the president's designee, the president of Cincinnati State 101399
Technical and Community College or the president's designee, the 101400
president of Cuyahoga Community College or the president's 101401
designee, the president of The Ohio State University or the 101402
president's designee, the president of the University of 101403

Cincinnati or the president's designee, the president of Wright 101404
State University or the president's designee, one representative 101405
from the Board of Regents, one member of the House of 101406
Representatives appointed by the Speaker of the House of 101407
Representatives, one member of the Senate appointed by the 101408
President of the Senate, the Director of Budget and Management or 101409
the director's designee, and a representative of the Governor's 101410
Office appointed by the Governor. 101411

On the thirtieth day of June of each fiscal year, Central 101412
State University and the Speed to Scale Task Force shall jointly 101413
submit to the Governor, the Director of Budget and Management, the 101414
Speaker of the House of Representatives, the President of the 101415
Senate, and the Board of Regents a report describing the status of 101416
their progress on the accountability metrics included in the Speed 101417
to Scale Plan. 101418

Section 371.50.70. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 101419

The foregoing appropriation item 235572, The Ohio State 101420
University Clinic Support, shall be distributed through the 101421
Chancellor of the Board of Regents to The Ohio State University 101422
for support of dental and veterinary medicine clinics. 101423

Section 371.50.83. BLISS INSTITUTE 101424

The foregoing appropriation item 235579, Bliss Institute, 101425
shall be used to support the Bliss Institute of Applied Politics 101426
at the University of Akron. 101427

Section 371.50.90. HAZARDOUS MATERIALS PROGRAM 101428

The foregoing appropriation item 235596, Hazardous Materials 101429
Program, shall be used by the Chancellor of the Board of Regents 101430
to make awards for the establishment or continued development and 101431
support of hazardous materials education, studies, or programs at 101432

Ohio institutions of higher education. 101433

Section 371.60.10. NATIONAL GUARD SCHOLARSHIP PROGRAM 101434

The Chancellor of the Board of Regents shall disburse funds 101435
from appropriation item 235599, National Guard Scholarship 101436
Program, at the direction of the Adjutant General. During each 101437
fiscal year, the Chancellor of the Board of Regents, within ten 101438
days of cancellation, may certify to the Director of Budget and 101439
Management the amount of canceled prior-year encumbrances in 101440
appropriation item 235599, National Guard Scholarship Program. 101441
Upon receipt of the certification, the Director of Budget and 101442
Management may transfer cash in an amount up to the amount 101443
certified from the General Revenue Fund to the National Guard 101444
Scholarship Reserve Fund (Fund 5BM0). Upon the request of the 101445
Adjutant General, the Chancellor of the Board of Regents shall 101446
seek Controlling Board approval to authorize additional 101447
expenditures for appropriation item 235623, National Guard 101448
Scholarship Reserve Fund. Upon approval of the Controlling Board, 101449
the additional amounts are hereby appropriated. The Chancellor of 101450
the Board of Regents shall disburse funds from appropriation item 101451
235623, National Guard Scholarship Reserve Fund, at the direction 101452
of the Adjutant General. 101453

Section 371.60.20. PLEDGE OF FEES 101454

Any new pledge of fees, or new agreement for adjustment of 101455
fees, made in the biennium ending June 30, 2011, to secure bonds 101456
or notes of a state-assisted institution of higher education for a 101457
project for which bonds or notes were not outstanding on the 101458
effective date of this section shall be effective only after 101459
approval by the Chancellor of the Board of Regents, unless 101460
approved in a previous biennium. 101461

Section 371.60.30. HIGHER EDUCATION GENERAL OBLIGATION DEBT 101462

SERVICE	101463
The foregoing appropriation item 235909, Higher Education	101464
General Obligation Debt Service, shall be used to pay all debt	101465
service and related financing costs at the times they are required	101466
to be made for obligations issued during the period from July 1,	101467
2009, to June 30, 2011, under sections 151.01 and 151.04 of the	101468
Revised Code.	101469
Section 371.60.40. SALES AND SERVICES	101470
The Chancellor of the Board of Regents is authorized to	101471
charge and accept payment for the provision of goods and services.	101472
Such charges shall be reasonably related to the cost of producing	101473
the goods and services. No charges may be levied for goods or	101474
services that are produced as part of the routine responsibilities	101475
or duties of the Chancellor. All revenues received by the	101476
Chancellor of the Board of Regents shall be deposited into Fund	101477
4560, and may be used by the Chancellor of the Board of Regents to	101478
pay for the costs of producing the goods and services.	101479
	101480
Section 371.60.50. HIGHER EDUCATIONAL FACILITY COMMISSION	101481
ADMINISTRATION	101482
The foregoing appropriation item 235602, Higher Educational	101483
Facility Commission Administration, shall be used by the	101484
Chancellor of the Board of Regents for operating expenses related	101485
to the Chancellor of the Board of Regents' support of the	101486
activities of the Ohio Higher Educational Facility Commission.	101487
Upon the request of the Chancellor, the Director of Budget and	101488
Management shall transfer up to \$45,000 cash in fiscal year 2010	101489
and up to \$45,000 cash in fiscal year 2011 from the HEFC Operating	101490
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund	101491
4E80).	101492

Section 371.60.60. NURSING LOAN PROGRAM 101493

The foregoing appropriation item 235606, Nursing Loan 101494
Program, shall be used to administer the nurse education 101495
assistance program. Up to \$167,580 in each fiscal year may be used 101496
for operating expenses associated with the program. Any additional 101497
funds needed for the administration of the program are subject to 101498
Controlling Board approval. 101499

Section 371.60.70. VETERANS PREFERENCES 101500

The Chancellor of the Board of Regents shall work with the 101501
Department of Veterans Services to develop specific veterans 101502
preference guidelines for higher education institutions. These 101503
guidelines shall ensure that the institutions' hiring practices 101504
are in accordance with the intent of Ohio's veterans preference 101505
laws. 101506

Section 371.60.80. STATE NEED-BASED FINANCIAL AID 101507

RECONCILIATION 101508

By the first day of August in each fiscal year, or as soon as 101509
possible thereafter, the Chancellor of the Ohio Board of Regents 101510
shall certify to the Director of Budget and Management the amount 101511
necessary to pay any outstanding prior year obligations to higher 101512
education institutions for the state's need-based financial aid 101513
programs. The amounts certified are hereby appropriated to 101514
appropriation item 235618, State Need-based Financial Aid 101515
Reconciliation, from revenues received in the State Need-based 101516
Financial Aid Reconciliation Fund (Fund 5Y50). 101517

Section 371.60.90. TRANSFERS TO STATE NEED-BASED FINANCIAL 101518

AID PROGRAMS 101519

In each fiscal year of the biennium, if the Chancellor of the 101520

Board of Regents determines that additional funds are needed to 101521
support the distribution of state need-based financial aid in 101522
accordance with section 3333.122 of the Revised Code, the 101523
Chancellor shall recommend the reallocation of the unexpended, 101524
unencumbered portions of General Revenue Fund appropriation items 101525
in the Board of Regents to appropriation item 235563, Ohio College 101526
Opportunity Grant. If the Director of Budget and Management 101527
determines that such a reallocation is required, the Director may 101528
transfer appropriation in an amount not to exceed those 101529
unexpended, unencumbered General Revenue Fund appropriations in 101530
the Board of Regents as necessary to appropriation item 235563, 101531
Ohio College Opportunity Grant. 101532

If those transferred appropriations are not sufficient to 101533
support the distribution of state need-based financial aid in 101534
accordance with section 3333.122 of the Revised Code in each 101535
fiscal year, the Director of Budget and Management may authorize 101536
expenditures in excess of the amounts appropriated, but not to 101537
exceed \$5,000,000 in each fiscal year from appropriation item 101538
235563, Ohio College Opportunity Grant. Upon approval of the 101539
Director of Budget and Management, the additional amounts are 101540
hereby appropriated. 101541

Section 371.60.95. TRANSFER AND ADJUSTMENT OF ARRA STATE 101542
FISCAL STABILIZATION FUND APPROPRIATIONS 101543

The Director of Budget and Management may transfer 101544
appropriation between appropriation items 235501, State Share of 101545
Instruction, 235646, SSI - Federal Stimulus - Government Services, 101546
and 235644, State Share of Instruction - Federal Stimulus - 101547
Education, in each fiscal year, upon the written request of the 101548
Chancellor of the Board of Regents, including transferring 101549
appropriation between fiscal year 2010 and fiscal year 2011. The 101550
Director shall report each transfer made under this section to the 101551

Controlling Board at its next regularly scheduled meeting after 101552
the transfer is made. 101553

Section 371.70.10. EFFICIENCY SAVINGS 101554

Each state-assisted institution of higher education, as 101555
defined in section 3345.011 of the Revised Code, shall demonstrate 101556
at least a three per cent savings through internal efficiencies in 101557
each fiscal year. Institutions shall identify savings to the 101558
Chancellor of the Board of Regents, who shall certify the amount 101559
of savings of each institution. 101560

Section 375.10. DRC DEPARTMENT OF REHABILITATION AND 101561
CORRECTION 101562

General Revenue Fund 101563

GRF 501321	Institutional	\$	928,188,147	\$	903,630,244	101564
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Operations

GRF 501403	Prisoner Compensation	\$	8,599,255	\$	8,599,255	101565
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GRF 501405	Halfway House	\$	41,128,699	\$	42,360,343	101566
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GRF 501406	Lease Rental Payments	\$	101,578,100	\$	98,080,200	101567
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GRF 501407	Community	\$	17,000,000	\$	17,000,000	101568
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Nonresidential
Programs

GRF 501408	Community Misdemeanor	\$	9,500,000	\$	9,500,000	101569
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Programs

GRF 501501	Community Residential	\$	58,000,000	\$	58,000,000	101570
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Programs - CBCF

GRF 501620	Institutional	\$	0	\$	34,200,000	101571
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Operations - Federal
Stimulus

GRF 502321	Mental Health Services	\$	73,500,000	\$	73,500,000	101572
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GRF 503321	Parole and Community	\$	75,785,243	\$	77,326,155	101573
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Operations

GRF	504321	Administrative Operations	\$	26,388,606	\$	26,388,606	101574
GRF	505321	Institution Medical Services	\$	252,462,498	\$	251,763,268	101575
GRF	506321	Institution Education Services	\$	22,730,539	\$	22,730,539	101576
GRF	507321	Institution Recovery Services	\$	5,025,028	\$	5,025,028	101577
TOTAL GRF	General Revenue Fund		\$	1,619,886,115	\$	1,628,103,638	101578
General Services Fund Group							101579
1480	501602	Services and Agricultural	\$	105,000,000	\$	105,000,000	101580
2000	501607	Ohio Penal Industries	\$	35,000,000	\$	35,000,000	101581
4830	501605	Property Receipts	\$	255,015	\$	261,315	101582
4B00	501601	Sewer Treatment Services	\$	2,310,188	\$	2,310,188	101583
4D40	501603	Prisoner Programs	\$	14,600,000	\$	14,800,000	101584
4L40	501604	Transitional Control	\$	1,900,000	\$	1,900,000	101585
4S50	501608	Education Services	\$	2,500,000	\$	2,500,000	101586
5710	501606	Training Academy Receipts	\$	50,000	\$	50,000	101587
5930	501618	Laboratory Services	\$	6,100,000	\$	6,300,000	101588
5AF0	501609	State and Non-Federal Awards	\$	150,000	\$	150,000	101589
5H80	501617	Offender Financial Responsibility	\$	1,500,000	\$	1,500,000	101590
5L60	501611	Information Technology Services	\$	800,000	\$	800,000	101591
TOTAL GSF	General Services Fund Group		\$	170,165,203	\$	170,571,503	101592
Federal Special Revenue Fund Group							101593
3230	501619	Federal Grants	\$	12,198,353	\$	12,198,353	101594

3S10 501615	Truth-In-Sentencing	\$	8,251,241	\$	0	101595
	Grants					
TOTAL FED	Federal Special Revenue					101596
Fund Group		\$	20,449,594	\$	12,198,353	101597
TOTAL ALL BUDGET FUND GROUPS		\$	1,810,500,912	\$	1,810,873,494	101598
	TRANSFER OF OPERATING APPROPRIATIONS TO IMPLEMENT CRIMINAL					101599
	SENTENCING REFORMS					101600
	For the purposes of implementing criminal sentencing reforms,					101601
	and notwithstanding any other provision of law to the contrary,					101602
	the Director of Budget and Management, at the request of the					101603
	Director of Rehabilitation and Correction, shall transfer up to					101604
	\$14,000,000 in appropriations, in each of fiscal years 2010 and					101605
	2011, from appropriation item 501321, Institutional Operations, to					101606
	any combination of appropriation items 501405, Halfway House;					101607
	501407, Community Residential Programs; 501408, Community					101608
	Misdemeanor Programs; and 501501, Community Residential Programs -					101609
	CBCF.					101610
	OHIO BUILDING AUTHORITY LEASE PAYMENTS					101611
	The foregoing appropriation item 501406, Lease Rental					101612
	Payments, shall be used to meet all payments during the period					101613
	from July 1, 2009, to June 30, 2011, under the primary leases and					101614
	agreements for those buildings made under Chapter 152. of the					101615
	Revised Code. These appropriations are the source of funds pledged					101616
	for bond service charges or obligations issued pursuant to Chapter					101617
	152. of the Revised Code.					101618
	PRISONER COMPENSATION					101619
	Money from the foregoing appropriation item 501403, Prisoner					101620
	Compensation, shall be transferred on a quarterly basis by					101621
	intrastate transfer voucher to the Services and Agricultural Fund					101622
	(Fund 1480) for the purposes of paying prisoner compensation.					101623
	OSU MEDICAL CHARGES					101624

Notwithstanding section 341.192 of the Revised Code, at the request of the Department of Rehabilitation and Correction, The Ohio State University Medical Center, including the James Cancer Hospital and Solove Research Institute and the Richard M. Ross Heart Hospital, shall provide necessary care to persons who are confined in state adult correctional facilities. The provision of necessary care shall be billed to the Department at a rate not to exceed the authorized reimbursement rate for the same service established by the Department of Job and Family Services under the Medical Assistance Program.

Section 375.20. PILOT PROJECT FOR THE CONTRACTUAL PROVISION OF INMATE HEALTHCARE

The Department of Rehabilitation and Correction shall develop, oversee, and evaluate a pilot project for the provision of comprehensive correctional health care services through private correctional health care contractors to complement the current system for the provision of health care services to inmates of state correctional facilities. Proposals shall be solicited through a request for proposals. The department shall determine the method for requesting proposals, the form of the request-for-proposal, and criteria for the provision of comprehensive correctional health care services under the pilot project. Comprehensive correctional health care services are medical, dental, and mental health care services comparable to those provided by the Department of Rehabilitation and Correction to inmates at and outside of state correctional facilities. The department shall determine the award of contracts based upon written criteria prepared by the department.

A pilot project for the provision of comprehensive correctional health care services must include a minimum of 20 per cent of the current inmate population and be designed to include a

representative sample of the inmate population in order to promote 101656
 a realistic comparison of services and costs. The department shall 101657
 control inmate participation in the pilot project based on current 101658
 standard operating procedures and the need to maintain the 101659
 representative sample of the inmate population. The department 101660
 shall determine the locations for the pilot project and in making 101661
 that determination shall give consideration to the geographic 101662
 proximity of medical facilities to promote economies of scale. The 101663
 locations shall include a representative sample of current 101664
 facilities, the facilities' missions, and medical acuity. The mix 101665
 of facilities shall remain consistent throughout the pilot project 101666
 in order to promote a realistic comparison of costs and services. 101667

The pilot project shall be developed and implemented by 101668
 January 1, 2010, for a period of two years, conditioned upon a 101669
 private contractor offering a minimum of 10 per cent savings from 101670
 the department's projected costs for comprehensive correctional 101671
 health care services during the period of the project. The cost 101672
 comparison shall include all on-site and off-site healthcare 101673
 costs, including all personnel, benefit, administrative, overhead, 101674
 and transportation costs. 101675

Section 377.10. RSC REHABILITATION SERVICES COMMISSION 101676

General Revenue Fund				101677
GRF	415402	Independent Living Council	\$ 360,000 \$	360,000 101678
GRF	415406	Assistive Technology	\$ 38,025 \$	38,025 101679
GRF	415431	Office for People with Brain Injury	\$ 180,810 \$	180,810 101680
GRF	415506	Services for People with Disabilities	\$ 17,738,043 \$	17,738,043 101681
GRF	415508	Services for the Deaf	\$ 100,000 \$	100,000 101682
TOTAL GRF General Revenue Fund			\$ 18,416,878 \$	18,416,878 101683

General Services Fund Group					101684
4670 415609 Business Enterprise	\$	1,393,002	\$	1,389,851	101685
Operating Expenses					
TOTAL GSF General Services					101686
Fund Group	\$	1,393,002	\$	1,389,851	101687
Federal Special Revenue Fund Group					101688
3170 415620 Disability	\$	81,685,226	\$	83,498,461	101689
Determination					
3790 415616 Federal - Vocational	\$	130,057,624	\$	131,132,654	101690
Rehabilitation					
3L10 415601 Social Security	\$	3,000,000	\$	2,700,000	101691
Personal Care					
Assistance					
3L10 415605 Social Security	\$	750,000	\$	750,000	101692
Community Centers for					
the Deaf					
3L10 415608 Social Security	\$	1,752,714	\$	1,884,714	101693
Special					
Programs/Assistance					
3L40 415612 Federal Independent	\$	620,880	\$	620,880	101694
Living Centers or					
Services					
3L40 415615 Federal - Supported	\$	883,214	\$	839,054	101695
Employment					
3L40 415617 Independent	\$	1,951,862	\$	1,953,293	101696
Living/Vocational					
Rehabilitation					
Programs					
TOTAL FED Federal Special					101697
Revenue Fund Group	\$	220,701,520	\$	223,379,056	101698
State Special Revenue Fund Group					101699
4680 415618 Third Party Funding	\$	5,008,974	\$	5,008,974	101700

4L10	415619	Services for Rehabilitation	\$	4,067,773	\$	3,994,154	101701
4W50	415606	Program Management Expenses	\$	15,620,782	\$	15,767,803	101702
TOTAL SSR State Special							101703
Revenue Fund Group							\$ 24,697,529 \$ 24,770,931 101704
TOTAL ALL BUDGET FUND GROUPS							\$ 265,208,929 \$ 267,956,716 101705

INDEPENDENT LIVING COUNCIL 101706

The foregoing appropriation item 415402, Independent Living Council, shall be used to fund the operations of the State Independent Living Council and shall be used to support state independent living centers and independent living services under Title VII of the Independent Living Services and Centers for Independent Living of the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d. 101707
101708
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ASSISTIVE TECHNOLOGY 101714

The foregoing appropriation item 415406, Assistive Technology, shall be provided to Assistive Technology of Ohio and used to provide grants and assistive technology services under the program for people with disabilities in the State of Ohio. 101715
101716
101717
101718

OFFICE FOR PEOPLE WITH BRAIN INJURY 101719

The foregoing appropriation item 415431, Office for People with Brain Injury, shall be used to plan and coordinate head-injury-related services provided by state agencies and other government or private entities, to assess the needs for such services, and to set priorities in this area. 101720
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VOCATIONAL REHABILITATION SERVICES 101725

The foregoing appropriation item 415506, Services for People with Disabilities, shall be used as state matching funds to provide vocational rehabilitation services to eligible consumers. 101726
101727
101728

At the request of the Chancellor of the Board of Regents, the Director of Budget and Management may transfer any unexpended, unencumbered appropriation in fiscal year 2010 or fiscal year 2011 from appropriation item 235502, Student Support Services, to appropriation item 415506, Services for People with Disabilities. Any appropriation so transferred shall be used by the Ohio Rehabilitation Services Commission to obtain additional federal matching funds to serve disabled students.

SERVICES FOR THE DEAF

The foregoing appropriation item 415508, Services for the Deaf, shall be used to provide grants to community centers for the deaf. These funds shall not be provided in lieu of Social Security reimbursement funds.

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS

The foregoing appropriation item 415617, Independent Living/Vocational Rehabilitation Programs, shall be used to support vocational rehabilitation programs.

SOCIAL SECURITY REIMBURSEMENT FUNDS

Reimbursement funds received from the Social Security Administration, United States Department of Health and Human Services, for the costs of providing services and training to return disability recipients to gainful employment shall be expended from the Social Security Reimbursement Fund (Fund 3L10), to the extent funds are available, as follows:

(A) Appropriation item 415601, Social Security Personal Care Assistance, to provide personal care services in accordance with section 3304.41 of the Revised Code;

(B) Appropriation item 415605, Social Security Community Centers for the Deaf, to provide grants to community centers for the deaf in Ohio for services to individuals with hearing

impairments; and				101759
(C) Appropriation item 415608, Social Security Special				101760
Programs/Assistance, to provide vocational rehabilitation services				101761
to individuals with severe disabilities who are Social Security				101762
beneficiaries, to enable them to achieve competitive employment.				101763
This appropriation item shall also be used to pay a portion of				101764
indirect costs of the Personal Care Assistance Program and the				101765
Independent Living Programs as mandated by federal OMB Circular				101766
A-87.				101767
PROGRAM MANAGEMENT EXPENSES				101768
The foregoing appropriation item 415606, Program Management				101769
Expenses, shall be used to support the administrative functions of				101770
the commission related to the provision of vocational				101771
rehabilitation, disability determination services, and ancillary				101772
programs.				101773
Section 379.10. RCB RESPIRATORY CARE BOARD				101774
General Services Fund Group				101775
4K90 872609 Operating Expenses	\$	488,142	\$ 488,142	101776
TOTAL GSF General Services				101777
Fund Group	\$	488,142	\$ 488,142	101778
TOTAL ALL BUDGET FUND GROUPS	\$	488,142	\$ 488,142	101779
Section 381.10. RDF REVENUE DISTRIBUTION FUNDS				101781
Volunteer Firefighters' Dependents Fund				101782
7085 800985 Volunteer Firemen's	\$	300,000	\$ 300,000	101783
Dependents Fund				
TOTAL 085 Volunteer Firefighters'				101784
Dependents Fund	\$	300,000	\$ 300,000	101785
Agency Fund Group				101786
4P80 001698 Cash Management	\$	3,100,000	\$ 3,100,000	101787

		Improvement Fund				
6080	001699	Investment Earnings	\$	250,000,000	\$	250,000,000 101788
7062	110962	Resort Area Excise	\$	1,000,000	\$	1,000,000 101789
		Tax				
7063	110963	Permissive Tax	\$	1,849,000,000	\$	1,849,000,000 101790
		Distribution				
7067	110967	School District	\$	350,000,000	\$	350,000,000 101791
		Income Tax				
TOTAL	AGY	Agency Fund Group	\$	2,453,100,000	\$	2,453,100,000 101792
		Holding Account Redistribution				101793
R045	110617	International Fuel	\$	50,000,000	\$	50,000,000 101794
		Tax Distribution				
TOTAL	090	Holding Account	\$	50,000,000	\$	50,000,000 101795
		Redistribution Fund				
		Revenue Distribution Fund Group				101796
7049	038900	Indigent Drivers	\$	2,200,000	\$	2,200,000 101797
		Alcohol Treatment				
7050	762900	International	\$	30,000,000	\$	30,000,000 101798
		Registration Plan				
		Distribution				
7051	762901	Auto Registration	\$	539,000,000	\$	539,000,000 101799
		Distribution				
7054	110954	Local Government	\$	95,125,000	\$	95,125,000 101800
		Property Tax				
		Replacement - Utility				
7060	110960	Gasoline Excise Tax	\$	375,000,000	\$	375,000,000 101801
		Fund				
7065	110965	Public Library Fund	\$	406,100,000	\$	407,400,000 101802
7066	800966	Undivided Liquor	\$	13,500,000	\$	13,500,000 101803
		Permits				
7068	110968	State and Local	\$	242,500,000	\$	242,500,000 101804
		Government Highway				
		Distribution				

7069	110969	Local Government Fund	\$	673,700,000	\$	676,000,000	101805
7081	110981	Local Government	\$	366,800,000	\$	378,000,000	101806
		Property Tax					
		Replacement-Business					
7082	110982	Horse Racing Tax	\$	130,000	\$	130,000	101807
7083	700900	Ohio Fairs Fund	\$	2,325,000	\$	2,325,000	101808
TOTAL RDF Revenue Distribution							101809
Fund Group				\$ 2,746,380,000	\$ 2,761,180,000		101810
TOTAL ALL BUDGET FUND GROUPS				\$ 5,249,780,000	\$ 5,264,580,000		101811

ADDITIONAL APPROPRIATIONS 101812

Appropriation items in this section shall be used for the 101813
purpose of administering and distributing the designated revenue 101814
distribution funds according to the Revised Code. If it is 101815
determined that additional appropriations are necessary for this 101816
purpose, such amounts are hereby appropriated. 101817

GENERAL REVENUE FUND TRANSFERS 101818

Notwithstanding any provision of law to the contrary, in 101819
fiscal year 2010 and fiscal year 2011, the Director of Budget and 101820
Management may transfer from the General Revenue Fund to the Local 101821
Government Tangible Property Tax Replacement Fund (Fund 7081) in 101822
the Revenue Distribution Fund Group, those amounts necessary to 101823
reimburse local taxing units under section 5751.22 of the Revised 101824
Code. Also, in fiscal year 2010 and fiscal year 2011, the Director 101825
of Budget and Management may make temporary transfers from the 101826
General Revenue Fund to ensure sufficient balances in the Local 101827
Government Tangible Property Tax Replacement Fund (Fund 7081) and 101828
to replenish the General Revenue Fund for such transfers. 101829

101830

On July 1 of each fiscal year, or as soon as possible 101831
thereafter, the Director of Budget and Management shall transfer 101832
\$5,000,000 cash from the General Revenue Fund to the Public 101833
Library Fund (Fund 7065). 101834

On July 1, 2010, or as soon as possible thereafter, the 101835
 Director of Budget and Management shall transfer \$11,200,000 cash 101836
 from the General Revenue Fund to the Local Government Property Tax 101837
 Replacement-Business Fund (Fund 7081). 101838

Section 383.10. SAN BOARD OF SANITARIAN REGISTRATION 101839

General Services Fund Group 101840
 4K90 893609 Operating Expenses \$ 130,000 \$ 130,000 101841
 TOTAL GSF General Services 101842
 Fund Group \$ 130,000 \$ 130,000 101843
 TOTAL ALL BUDGET FUND GROUPS \$ 130,000 \$ 130,000 101844

Section 384.10. OSB OHIO STATE SCHOOL FOR THE BLIND 101846

General Revenue Fund 101847
 GRF 226100 Personal Services \$ 7,326,155 \$ 7,326,155 101848
 GRF 226200 Maintenance \$ 688,363 \$ 688,363 101849
 GRF 226300 Equipment \$ 72,783 \$ 72,783 101850
 TOTAL GRF General Revenue Fund \$ 8,087,301 \$ 8,087,301 101851
 General Services Fund Group 101852
 4H80 226602 Education Reform \$ 61,000 \$ 61,000 101853
 Grants
 TOTAL GSF General Services 101854
 Fund Group \$ 61,000 \$ 61,000 101855
 Federal Special Revenue Fund Group 101856
 3100 226626 Coordinating Unit \$ 2,527,105 \$ 2,527,105 101857
 3P50 226643 Medicaid Professional \$ 50,000 \$ 50,000 101858
 Services
 Reimbursement
 TOTAL FED Federal Special 101859
 Revenue Fund Group \$ 2,577,105 \$ 2,577,105 101860
 State Special Revenue Fund Group 101861

4M50 226601	Work Study and Technology Investment	\$	250,000	\$	250,000	101862
TOTAL SSR State Special Revenue						101863
Fund Group		\$	250,000	\$	250,000	101864
TOTAL ALL BUDGET FUND GROUPS						101865
Section 384.50. OSD OHIO SCHOOL FOR THE DEAF						101867
General Revenue Fund						101868
GRF 221100	Personal Services	\$	8,713,704	\$	8,713,704	101869
GRF 221200	Maintenance	\$	905,035	\$	905,035	101870
GRF 221300	Equipment	\$	78,650	\$	78,650	101871
TOTAL GRF General Revenue Fund						101872
General Services Fund Group						101873
4M10 221602	Education Reform Grants	\$	76,000	\$	76,000	101874
TOTAL GSF General Services						101875
Fund Group		\$	76,000	\$	76,000	101876
Federal Special Revenue Fund Group						101877
3110 221625	Coordinating Unit	\$	2,460,135	\$	2,460,135	101878
3AD0 221604	VREAL Ohio	\$	25,000	\$	25,000	101879
3R00 221684	Medicaid Professional Services Reimbursement	\$	35,000	\$	35,000	101880
3Y10 221686	Early Childhood Grant	\$	300,000	\$	300,000	101881
TOTAL FED Federal Special Revenue Fund Group						101882
		\$	2,820,135	\$	2,820,135	101883
State Special Revenue Fund Group						101884
4M00 221601	Educational Program Expenses	\$	190,000	\$	190,000	101885
5H60 221609	Even Start Fees and Gifts	\$	250,716	\$	250,716	101886
TOTAL SSR State Special Revenue						101887

Fund Group	\$	440,716	\$	440,716	101888
TOTAL ALL BUDGET FUND GROUPS	\$	13,034,240	\$	13,034,240	101889

Section 385.10. SFC SCHOOL FACILITIES COMMISSION 101891

General Revenue Fund 101892

GRF 230908 Common Schools	\$	192,559,200	\$	165,510,500	101893
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General Obligation

Debt Service

TOTAL GRF General Revenue Fund	\$	192,559,200	\$	165,510,500	101894
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State Special Revenue Fund Group 101895

5E30 230644 Operating Expenses	\$	9,250,000	\$	9,750,000	101896
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TOTAL SSR State Special Revenue 101897

Fund Group	\$	9,250,000	\$	9,750,000	101898
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School Building Assistance Fund Group 101899

5S60230602 Community School Loan	\$	102,000	\$	102,000	101900
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Guarantee

TOTAL SBA School Building	\$	102,000	\$	102,000	101901
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Assistance Fund Group

TOTAL ALL BUDGET FUND GROUPS	\$	201,911,200	\$	175,362,500	101902
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Section 385.20. COMMON SCHOOLS GENERAL OBLIGATION DEBT 101904

SERVICE 101905

The foregoing appropriation item 230908, Common Schools 101906

General Obligation Debt Service, shall be used to pay all debt 101907

service and related financing costs at the times they are required 101908

to be made for obligations issued during the period from July 1, 101909

2009, through June 30, 2011, under sections 151.01 and 151.03 of 101910

the Revised Code. 101911

OPERATING EXPENSES 101912

The foregoing appropriation item 230644, Operating Expenses, 101913

shall be used by the Ohio School Facilities Commission to carry 101914

out its responsibilities under this section and Chapter 3318. of 101915

the Revised Code. 101916

In both fiscal years 2010 and 2011, the Executive Director of 101917
the Ohio School Facilities Commission shall certify on a quarterly 101918
basis to the Director of Budget and Management the amount of cash 101919
from interest earnings to be transferred from the School Building 101920
Assistance Fund (Fund 7032), the Public School Building Fund (Fund 101921
7021), and the Educational Facilities Trust Fund (Fund N087) to 101922
the Ohio School Facilities Commission Fund (Fund 5E30). The amount 101923
transferred from the School Building Assistance Fund (Fund 7032) 101924
may not exceed investment earnings credited to the fund, less any 101925
amount required to be paid for federal arbitrage rebate purposes. 101926
101927

If the Executive Director of the Ohio School Facilities 101928
Commission determines that transferring cash from interest 101929
earnings is insufficient to support operations and carry out its 101930
responsibilities under this section and Chapter 3318. of the 101931
Revised Code, the Commission may, with the approval of the 101932
Controlling Board, transfer cash not generated from interest from 101933
the Public School Building Fund (Fund 7021) and the Educational 101934
Trust Fund (Fund N087) to the Ohio School Facilities Commission 101935
Fund (Fund 5E30). 101936

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 101937

At the request of the Executive Director of the Ohio School 101938
Facilities Commission, the Director of Budget and Management may 101939
cancel encumbrances for school district projects from a previous 101940
biennium if the district has not raised its local share of project 101941
costs within one year of receiving Controlling Board approval 101942
under section 3318.05 of the Revised Code. The Executive Director 101943
of the Ohio School Facilities Commission shall certify the amounts 101944
of the canceled encumbrances to the Director of Budget and 101945
Management on a quarterly basis. The amounts of the canceled 101946
encumbrances are hereby appropriated. 101947

Section 385.50. EXTREME ENVIRONMENTAL CONTAMINATION OF SCHOOL FACILITIES 101948
101949

Notwithstanding any other provision of law to the contrary, 101950
the Ohio School Facilities Commission may provide assistance under 101951
the Exceptional Needs School Facilities Program established in 101952
section 3318.37 of the Revised Code to any school district, and 101953
not exclusively to a school district in the lowest seventy-five 101954
per cent of adjusted valuation per pupil on the current ranking of 101955
school districts established under section 3318.011 of the Revised 101956
Code, for the purpose of the relocation or replacement of school 101957
facilities required as a result of extreme environmental 101958
contamination. 101959

The school district's portion of a project to replace a 101960
contaminated facility undertaken pursuant to this section shall 101961
not exceed fifty per cent of the cost of the project. This 101962
paragraph does not affect the district's portion of the cost of 101963
subsequent classroom facilities projects the district may 101964
undertake under Chapter 3318. of the Revised Code. 101965

The Ohio School Facilities Commission shall contract with an 101966
independent environmental consultant to conduct a study and to 101967
report to the Commission as to the seriousness of the 101968
environmental contamination, whether the contamination violates 101969
applicable state and federal standards, and whether the facilities 101970
are no longer suitable for use as school facilities. The 101971
Commission then shall make a determination regarding funding for 101972
the relocation or replacement of the school facilities. If the 101973
federal government or other public or private entity provides 101974
funds for restitution of costs incurred by the state or school 101975
district in the relocation or replacement of the school 101976
facilities, the school district shall use such funds in excess of 101977
the school district's share to refund the state for the state's 101978

contribution to the environmental contamination portion of the 101979
project. The school district may apply an amount of such 101980
restitution funds up to an amount equal to the school district's 101981
portion of the project, as defined by the Commission, toward 101982
paying its portion of that project to reduce the amount of bonds 101983
the school district otherwise must issue to receive state 101984
assistance under sections 3318.01 to 3318.20 of the Revised Code. 101985

Section 385.60. CANTON CITY SCHOOL DISTRICT PROJECT 101986

(A) The Ohio School Facilities Commission may commit up to 101987
thirty-five million dollars to the Canton City School District for 101988
construction of a facility described in this section, in lieu of a 101989
high school that would otherwise be authorized under Chapter 3318. 101990
of the Revised Code. The Commission shall not commit funds under 101991
this section unless all of the following conditions are met: 101992

(1) The District has entered into a cooperative agreement 101993
with a state-assisted technical college; 101994

(2) The District has received an irrevocable commitment of 101995
additional funding from nonpublic sources; and 101996

(3) The facility is intended to serve both secondary and 101997
postsecondary instructional purposes. 101998

(B) The Commission shall enter into an agreement with the 101999
District for the construction of the facility authorized under 102000
this section that is separate from and in addition to the 102001
agreement required for the District's participation in the 102002
Classroom Facilities Assistance Program under section 3318.08 of 102003
the Revised Code. Notwithstanding that section and sections 102004
3318.03, 3318.04, and 3318.083 of the Revised Code, the additional 102005
agreement shall provide, but not be limited to, the following: 102006

(1) The Commission shall not have any oversight 102007
responsibilities over the construction of the facility. 102008

(2) The facility need not comply with the specifications for plans and materials for high schools adopted by the Commission.

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(3) The Commission may decrease the basic project cost that would otherwise be calculated for a high school under Chapter 3318. of the Revised Code.

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(4) The state shall not share in any increases in the basic project cost for the facility above the amount authorized under this section.

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All other provisions of Chapter 3318. of the Revised Code apply to the approval and construction of a facility authorized under this section.

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The state funds committed to the facility authorized by this section shall be part of the total amount the state commits to the Canton City School District under Chapter 3318. of the Revised Code. All additional state funds committed to the Canton City School District for classroom facilities assistance shall be subject to all provisions of Chapter 3318. of the Revised Code.

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Section 385.70. Notwithstanding section 3318.05 of the Revised Code, for each school district whose project under sections 3318.01 to 3318.20 of the Revised Code was conditionally approved by the Ohio School Facilities Commission in July 2008, that conditional approval shall lapse and the amount reserved and encumbered for the project shall be released on December 31, 2009.

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Section 385.80. Notwithstanding any provision of Chapter 3318. of the Revised Code to the contrary, and notwithstanding the agreement between the Cincinnati City School District and the Ohio School Facilities Commission under section 3318.08 of the Revised Code, the Commission shall encumber and pay state funds to the District in the amount of \$4,000,000, in addition to the amount prescribed in that agreement, for the purpose of dedicating

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additional state funding toward the acquisition of the School for 102039
the Creative and Performing Arts, as that building is included in 102040
the District's project under section 3318.38 of the Revised Code. 102041
The District shall use the funds paid under this section solely 102042
for that purpose. The School for the Creative and Performing Arts 102043
need not comply with the specifications included in the Ohio 102044
Design Manual adopted by the Commission to implement classroom 102045
facilities projects under Chapter 3318. of the Revised Code. This 102046
section shall not affect any other building included in the 102047
District's project under section 3318.38 of the Revised Code, nor 102048
shall it affect the state's portion of funding for the remainder 102049
of that project. 102050

The Commission shall use funds appropriated to it for 102051
classroom facilities projects to pay the funds required under this 102052
section. The Commission shall encumber the funds required under 102053
this section in accordance with section 3318.11 of the Revised 102054
Code. 102055

Section 385.85. In fiscal years 2010 through 2012, the Ohio 102056
School Facilities Commission may approve one or more projects 102057
under the Exceptional Needs School Facilities Assistance Program 102058
established under that section for any school district that meets 102059
the following conditions: 102060

(A) The district initially applied for the Exceptional Needs 102061
Program in fiscal year 2008. 102062

(B) The district's position on the rankings certified under 102063
section 3318.011 of the Revised Code for fiscal year 2009 is 102064
higher than three hundred sixty. 102065

Section 385.90. (A) As used in this section: 102066

(1) "Basic project cost," "percentile," and "project" have 102067
the same meanings as in section 3318.01 of the Revised Code. 102068

(2) "Equity list" means the school district percentile rankings calculated under section 3318.011 of the Revised Code. 102069
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(3) A school district's "portion of the basic project cost" means the amount calculated under section 3318.032 of the Revised Code. 102071
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(B) Notwithstanding any provision of Chapter 3318. of the Revised Code to the contrary, in the case of a school district that received in fiscal year 2008 elector approval for a bond issue for its portion of the basic project cost of a project under sections 3318.01 to 3318.20 of the Revised Code, based on a preliminary estimated equity list projecting rankings of school districts if amendments to section 3318.011 of the Revised Code enacted by Am. Sub. H.B. 119 of the 127th General Assembly had been effective for projects in that fiscal year, and which district on the alternate equity list for fiscal year 2009 funding required by Section 733.13 of Am. Sub. H.B. 562 of the 127th General Assembly, retroactively applying those amendments, was ranked one percentile higher than on the preliminary estimated equity list, resulting in the district's calculated portion being one per cent higher than the amount projected at the time of the bond issue election, the Ohio School Facilities Commission shall reduce the district's portion to that projected on the preliminary estimated equity list. 102074
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Section 385.93. (A) As used in this section, "equity list" means the school district percentile rankings calculated under section 3318.011 of the Revised Code. 102092
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(B) Not later than thirty days after the effective date of this section, the Department of Education shall create an alternate equity list for fiscal year 2009, for use in fiscal year 2010, by recalculating each school district's percentile ranking under section 3318.011 of the Revised Code and shall certify the 102095
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alternate equity list to the Ohio School Facilities Commission. 102100
For this purpose, the Department shall recalculate each school 102101
district's percentile ranking using the district's "average 102102
taxable value" as that term is defined in the version of section 102103
3318.011 of the Revised Code, as it results from the amendments to 102104
that section enacted by this act. 102105

(C) The Commission shall use the alternate equity list 102106
certified under division (B) of this section to determine the 102107
priority for assistance under sections 3318.01 to 3318.20 of the 102108
Revised Code in fiscal year 2010 for each school district that has 102109
not previously been offered funding under those sections. However, 102110
no district that already has been offered assistance under those 102111
sections for fiscal year 2010 prior to the Commission's receipt of 102112
the alternate equity list shall be denied the opportunity for 102113
assistance under those sections for that fiscal year. 102114

(D) Notwithstanding any provision of Chapter 3318. of the 102115
Revised Code to the contrary, for each school district that 102116
receives the Commission's conditional approval of the district's 102117
project under sections 3318.01 to 3318.20 of the Revised Code in 102118
fiscal year 2010, the district's portion of the basic project cost 102119
shall be the lesser of the following: 102120

(1) The amount required under section 3318.032 of the Revised 102121
Code calculated using the percentile in which the district ranks 102122
on the alternate equity list certified under division (B) of this 102123
section; 102124

(2) The amount required under section 3318.032 of the Revised 102125
Code calculated using the percentile in which the district ranks 102126
on the original equity list for fiscal year 2009. 102127

PAYMENT OF DEBT FOR STATEHOUSE RESTORATION 102128

There is hereby appropriated from the Public School Building 102129

Fund (Fund 7021) in fiscal year 2010 the amount necessary to pay 102130
 any outstanding debt obligations issued for the restoration of the 102131
 Ohio Statehouse that was completed in 1996. 102132

Section 387.10. SOS SECRETARY OF STATE 102133

General Revenue Fund 102134

GRF	050321	Operating Expenses	\$	2,464,293	\$	2,221,793	102135
GRF	050407	Pollworkers Training	\$	250,197	\$	250,197	102136
TOTAL GRF	General Revenue Fund		\$	2,714,490	\$	2,471,990	102137

General Services Fund Group 102138

4120	050609	Notary Commission	\$	500,000	\$	500,000	102139
4130	050601	Information Systems	\$	75,000	\$	50,000	102140
4140	050602	Citizen Education	\$	55,712	\$	55,712	102141

Fund

4S80	050610	Board of Voting	\$	7,200	\$	7,200	102142
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Machine Examiners

5FG0	050620	BOE Reimbursement and	\$	100,000	\$	100,000	102143
		Education					

5FH0	050621	Statewide Ballot	\$	300,000	\$	300,000	102144
		Advertising					

5FJ0	050622	County Voting Machine	\$	500,000	\$	500,000	102145
		Revolving Lease/Loan					

Fund

TOTAL	General Services Fund Group		\$	1,537,912	\$	1,512,912	102146
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Federal Special Revenue Fund Group 102147

3AH0	050614	Election	\$	800,000	\$	800,000	102148
		Reform/Health and					
		Human Services					

3AS0	050616	2005 HAVA Voting	\$	3,000,000	\$	3,000,000	102149
		Machines					

TOTAL FED	Federal Special Revenue						102150
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Fund Group			\$	3,800,000	\$	3,800,000	102151
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State Special Revenue Fund Group				102152
5990 050603 Business Services	\$	14,086,100	\$ 14,245,400	102153
Operating Expenses				
5N90 050607 Technology	\$	180,000	\$ 180,000	102154
Improvements				
TOTAL SSR State Special Revenue				102155
Fund Group	\$	14,266,100	\$ 14,425,400	102156
Holding Account Redistribution Fund Group				102157
R001 050605 Uniform Commercial	\$	30,000	\$ 30,000	102158
Code Refunds				
R002 050606 Corporate/Business	\$	85,000	\$ 85,000	102159
Filing Refunds				
TOTAL 090 Holding Account				102160
Redistribution Fund Group	\$	115,000	\$ 115,000	102161
TOTAL ALL BUDGET FUND GROUPS	\$	22,433,502	\$ 22,325,302	102162
 BOARD OF VOTING MACHINE EXAMINERS				102163
 The foregoing appropriation item 050610, Board of Voting				102164
Machine Examiners, shall be used to pay for the services and				102165
expenses of the members of the Board of Voting Machine Examiners,				102166
and for other expenses that are authorized to be paid from the				102167
Board of Voting Machine Examiners Fund, which is created in				102168
section 3506.05 of the Revised Code. Moneys not used shall be				102169
returned to the person or entity submitting equipment for				102170
examination. If it is determined that additional appropriations				102171
are necessary, such amounts are hereby appropriated.				102172
 HAVA FUNDS				102173
 In accordance with the requirements of the "Help America Vote				102174
Act," Pub. L. No. 107-252, on July 1, 2009, or as soon as possible				102175
thereafter, the Secretary of State shall distribute \$2,645,076				102176
from the 2005 HAVA Voting Machine Fund (Fund 3AS0) to the counties				102177
in the amounts specified below:				102178

County	Amount	
Adams	\$5,985	102180
Allen	\$27,275	102181
Ashland	\$11,781	102182
Ashtabula	\$28,627	102183
Athens	\$15,553	102184
Auglaize	\$9,016	102185
Belmont	\$14,994	102186
Brown	\$7,889	102187
Butler	\$80,577	102188
Carroll	\$6,804	102189
Champaign	\$6,312	102190
Clark	\$22,541	102191
Clermont	\$45,082	102192
Clinton	\$8,566	102193
Columbiana	\$23,217	102194
Coshocton	\$7,686	102195
Crawford	\$10,017	102196
Cuyahoga	\$323,691	102197
Darke	\$12,978	102198
Defiance	\$8,757	102199
Delaware	\$34,083	102200
Erie	\$13,976	102201
Fairfield	\$30,996	102202
Fayette	\$5,861	102203
Franklin	\$265,104	102204
Fulton	\$9,702	102205
Gallia	\$8,001	102206
Geauga	\$21,640	102207
Greene	\$35,595	102208
Guernsey	\$9,135	102209
Hamilton	\$198,362	102210
Hancock	\$16,821	102211

Hardin	\$6,426	102212
Harrison	\$3,906	102213
Henry	\$6,678	102214
Highland	\$9,576	102215
Hocking	\$6,174	102216
Holmes	\$6,048	102217
Huron	\$13,356	102218
Jackson	\$8,127	102219
Jefferson	\$16,821	102220
Knox	\$12,537	102221
Lake	\$54,243	102222
Lawrence	\$18,934	102223
Licking	\$37,737	102224
Logan	\$9,918	102225
Lorain	\$66,591	102226
Lucas	\$101,619	102227
Madison	\$9,693	102228
Mahoning	\$66,024	102229
Marion	\$14,679	102230
Medina	\$40,068	102231
Meigs	\$6,086	102232
Mercer	\$6,441	102233
Miami	\$24,444	102234
Monroe	\$6,312	102235
Montgomery	\$132,741	102236
Morgan	\$3,150	102237
Morrow	\$8,190	102238
Muskingum	\$17,451	102239
Noble	\$6,086	102240
Ottawa	\$9,918	102241
Paulding	\$4,788	102242
Perry	\$7,938	102243
Pickaway	\$10,206	102244

Pike	\$6,678	102245
Portage	\$37,107	102246
Preble	\$10,144	102247
Putnam	\$7,889	102248
Richland	\$30,933	102249
Ross	\$14,742	102250
Sandusky	\$16,230	102251
Scioto	\$15,255	102252
Seneca	\$11,496	102253
Shelby	\$7,889	102254
Stark	\$90,720	102255
Summit	\$107,070	102256
Trumbull	\$48,258	102257
Tuscarawas	\$18,837	102258
Union	\$10,206	102259
Van Wert	\$6,610	102260
Vinton	\$4,508	102261
Warren	\$38,771	102262
Washington	\$12,623	102263
Wayne	\$23,625	102264
Williams	\$9,918	102265
Wood	\$30,681	102266
Wyandot	\$5,355	102267

No county shall receive a distribution under this section 102268
until it has entered into an agreement with the Secretary of State 102269
governing the use of the distribution it is to receive. The 102270
distributions are also subject to Controlling Board approval. 102271

Distributions under this section shall be used only to cover 102272
expenses related to contractual voting equipment maintenance fees, 102273
voting equipment software or firmware license fees, voting 102274
equipment support fees, and the acquisition of replacement or 102275
additional voting equipment incurred during the 2010 calendar 102276
year. 102277

An amount equal to the unexpended, unencumbered portion of appropriation item 050616, 2005 HAVA Voting Machines, at the end of fiscal year 2010 is reappropriated for the same purpose in fiscal year 2011.

An amount equal to the unexpended, unencumbered portion of appropriation item 050614, Election Reform/Health and Human Services, at the end of fiscal year 2010 is reappropriated for the same purpose in fiscal year 2011.

On July 1, 2009, or as soon as possible thereafter, the Director of Budget and Management shall transfer from the General Revenue Fund to the credit of the Election Data Collection Grant Fund (Fund 3AC0), all investment earnings and amounts equal to the interest earnings attributable to Fund 3AC0 in each quarter of fiscal year 2009 to Fund 3AC0. An amount equal to the unexpended, unencumbered portion of appropriation item 050619, Election Data Collection Grant, at the end of fiscal year 2009 is reappropriated in fiscal year 2010 for the same purpose.

The Director of Budget and Management shall credit the ongoing interest earnings from the Election Reform/Health and Human Services Fund (Fund 3AH0), the 2005 HAVA Voting Machines Fund (Fund 3AS0), and the Election Data Collection Grant Fund (Fund 3AC0) to the respective funds and distribute these earnings in accordance with the terms of the grant under which the money is received.

HOLDING ACCOUNT REDISTRIBUTION GROUP

The foregoing appropriation items 050605, Uniform Commercial Code Refunds, and 050606, Corporate/Business Filing Refunds, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined that additional appropriations are necessary, such amounts are hereby appropriated.

CASH TRANSFER TO THE CORPORATE AND UNIFORM COMMERCIAL CODE FILING FUND 102309
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On July 1, 2009, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$53,915.40 cash from the Public Utility Territorial Administration Fund (Fund 5590) to the Corporate and Uniform Commercial Code Filing Fund (Fund 5990). 102311
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Section 389.10. SEN THE OHIO SENATE 102316

General Revenue Fund 102317

GRF 020321	Operating Expenses	\$	10,911,095	\$	10,911,095	102318
TOTAL GRF	General Revenue Fund	\$	10,911,095	\$	10,911,095	102319

General Services Fund Group 102320

1020 020602	Senate Reimbursement	\$	852,001	\$	852,001	102321
4090 020601	Miscellaneous Sales	\$	34,497	\$	34,497	102322
TOTAL GSF	General Services Fund Group					102323
		\$	886,498	\$	886,498	102324
TOTAL ALL BUDGET FUND GROUPS		\$	11,797,593	\$	11,797,593	102325

OPERATING EXPENSES 102326

On July 1, 2009, or as soon as possible thereafter, the Clerk of the Senate may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 020321, Operating Expenses, at the end of fiscal year 2009 to be reappropriated to fiscal year 2010. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2010. 102327
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On July 1, 2010, or as soon as possible thereafter, the Clerk of the Senate may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 020321, Operating Expenses, at the end of fiscal year 2010 to be reappropriated to fiscal year 2011. 102334
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The amount certified is hereby reappropriated to the same 102339
 appropriation item for fiscal year 2011. 102340

Section 391.10. CSF COMMISSIONERS OF THE SINKING FUND 102341

Debt Service Fund Group 102342

7070155905 Third Frontier \$ 20,948,300 \$ 29,011,600 102343

Research and
 Development Bond
 Retirement Fund

7072155902 Highway Capital \$ 202,074,000 \$ 203,434,200 102344

Improvement Bond
 Retirement Fund

7073155903 Natural Resources Bond \$ 26,334,400 \$ 26,549,400 102345

Retirement Fund

7074155904 Conservation Projects \$ 20,711,100 \$ 25,684,900 102346

Bond Service Fund

7076155906 Coal Research and \$ 9,968,400 \$ 10,947,000 102347

Development Bond
 Retirement Fund

7077155907 State Capital \$ 148,331,900 \$ 163,443,500 102348

Improvement Bond
 Retirement Fund

7078155908 Common Schools Bond \$ 192,559,200 \$ 165,510,500 102349

Retirement Fund

7079155909 Higher Education Bond \$ 85,317,700 \$ 89,480,300 102350

Retirement Fund

7090155912 Job Ready Site \$ 5,685,400 \$ 10,601,900 102351

Development Bond
 Retirement Fund

TOTAL DSF Debt Service Fund Group \$ 711,930,400 \$ 724,663,300 102352

TOTAL ALL BUDGET FUND GROUPS \$ 711,930,400 \$ 724,663,300 102353

ADDITIONAL APPROPRIATIONS 102354

Appropriation items in this section are for the purpose of 102355
 paying debt service and financing costs on bonds or notes of the 102356
 state issued under the Ohio Constitution and acts of the General 102357
 Assembly. If it is determined that additional amounts are 102358
 necessary for this purpose, such amounts are hereby appropriated. 102359

Section 393.10. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY 102360
 DEVELOPMENT FOUNDATION 102361

Tobacco Master Settlement Agreement Fund Group 102362
 5M90 945601 Operating Expenses \$ 450,000 \$ 450,000 102363
 TOTAL TMF Tobacco Master Settlement \$ 450,000 \$ 450,000 102364
 Agreement Fund Group
 TOTAL ALL BUDGET FUND GROUPS \$ 450,000 \$ 450,000 102365

Section 395.10. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY & 102367
 AUDIOLOGY 102368

General Services Fund Group 102369
 4K90 886609 Operating Expenses \$ 425,000 \$ 425,000 102370
 TOTAL GSF General Services 102371
 Fund Group \$ 425,000 \$ 425,000 102372
 TOTAL ALL BUDGET FUND GROUPS \$ 425,000 \$ 425,000 102373

Section 397.10. BTA BOARD OF TAX APPEALS 102375

General Revenue Fund 102376
 GRF 116321 Operating Expenses \$ 1,642,450 \$ 1,642,450 102377
 TOTAL GRF General Revenue Fund \$ 1,642,450 \$ 1,642,450 102378
 TOTAL ALL BUDGET FUND GROUPS \$ 1,642,450 \$ 1,642,450 102379

Section 399.10. TAX DEPARTMENT OF TAXATION 102381

General Revenue Fund 102382
 GRF 110321 Operating Expenses \$ 81,441,056 \$ 81,441,055 102383
 GRF 110404 Tobacco Settlement \$ 295,231 \$ 295,231 102384

		Enforcement				
GRF 110412	Child Support		\$ 19,512	\$ 19,512		102385
		Administration				
GRF 110901	Property Tax		\$ 569,917,420	\$ 577,463,014		102386
		Allocation - Taxation				
TOTAL GRF	General Revenue Fund		\$ 651,673,219	\$ 659,218,812		102387
		General Services Fund Group				102388
2280 110628	Tax Reform System		\$ 13,600,000	\$ 13,600,000		102389
		Implementation				
4330 110602	Tape File Account		\$ 125,000	\$ 125,000		102390
5AP0 110632	Discovery Project		\$ 2,000,000	\$ 2,000,000		102391
5CZ0 110631	Vendor's License		\$ 250,000	\$ 250,000		102392
		Application				
5N50 110605	Municipal Income Tax		\$ 600,000	\$ 600,000		102393
		Administration				
5N60 110618	Kilowatt Hour Tax		\$ 100,000	\$ 100,000		102394
		Administration				
5V80 110623	Property Tax		\$ 12,000,000	\$ 12,000,000		102395
		Administration				
5W40 110625	Centralized Tax		\$ 200,000	\$ 200,000		102396
		Filing and Payment				
5W70 110627	Exempt Facility		\$ 60,000	\$ 60,000		102397
		Administration				
TOTAL GSF	General Services					102398
Fund Group			\$ 28,935,000	\$ 28,935,000		102399
		State Special Revenue Fund Group				102400
4350 110607	Local Tax		\$ 18,000,000	\$ 18,000,000		102401
		Administration				
4360 110608	Motor Vehicle Audit		\$ 1,000,000	\$ 1,000,000		102402
4370 110606	Income Tax		\$ 200,000	\$ 200,000		102403
		Contribution				
		Administration				

4380	110609	School District Income Tax	\$	5,500,000	\$	5,500,000	102404
4C60	110616	International Registration Plan	\$	706,855	\$	706,855	102405
4R60	110610	Tire Tax Administration	\$	200,000	\$	200,000	102406
5V70	110622	Motor Fuel Tax Administration	\$	4,700,000	\$	4,700,000	102407
6390	110614	Cigarette Tax Enforcement	\$	1,900,000	\$	1,900,000	102408
6420	110613	Ohio Political Party Distributions	\$	500,000	\$	500,000	102409
6880	110615	Local Excise Tax Administration	\$	800,000	\$	800,000	102410
TOTAL SSR State Special Revenue							102411
Fund Group			\$	33,506,855	\$	33,506,855	102412
Agency Fund Group							102413
4250	110635	Tax Refunds	\$	1,546,800,000	\$	1,546,800,000	102414
7095	110995	Municipal Income Tax	\$	21,000,000	\$	21,000,000	102415
TOTAL AGY Agency Fund Group			\$	1,567,800,000	\$	1,567,800,000	102416
Holding Account Redistribution Fund Group							102417
R010	110611	Tax Distributions	\$	50,000	\$	50,000	102418
R011	110612	Miscellaneous Income Tax Receipts	\$	50,000	\$	50,000	102419
TOTAL 090 Holding Account							102420
Redistribution Fund Group			\$	100,000	\$	100,000	102421
TOTAL ALL BUDGET FUND GROUPS			\$	2,282,015,074	\$	2,289,560,667	102422
HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK, AND TANGIBLE TAX							102423
EXEMPTION							102424
The foregoing appropriation item 110901, Property Tax							102425
Allocation - Taxation, is hereby appropriated to pay for the							102426
state's costs incurred due to the Homestead Exemption, the							102427

Manufactured Home Property Tax Rollback, and the Property Tax 102428
Rollback. The Tax Commissioner shall distribute these funds 102429
directly to the appropriate local taxing districts, except for 102430
school districts, notwithstanding the provisions in sections 102431
321.24 and 323.156 of the Revised Code, which provide for payment 102432
of the Homestead Exemption, the Manufactured Home Property Tax 102433
Rollback, and Property Tax Rollback by the Tax Commissioner to the 102434
appropriate county treasurer and the subsequent redistribution of 102435
these funds to the appropriate local taxing districts by the 102436
county auditor. 102437

Upon receipt of these amounts, each local taxing district 102438
shall distribute the amount among the proper funds as if it had 102439
been paid as real property taxes. Payments for the costs of 102440
administration shall continue to be paid to the county treasurer 102441
and county auditor as provided for in sections 319.54, 321.26, and 102442
323.156 of the Revised Code. 102443

Any sums, in addition to the amounts specifically 102444
appropriated in appropriation item 110901, Property Tax Allocation 102445
- Taxation, for the Homestead Exemption, the Manufactured Home 102446
Property Tax Rollback, and the Property Tax Rollback payments, 102447
which are determined to be necessary for these purposes, are 102448
hereby appropriated. 102449

MUNICIPAL INCOME TAX 102450

The foregoing appropriation item 110995, Municipal Income 102451
Tax, shall be used to make payments to municipal corporations 102452
under section 5745.05 of the Revised Code. If it is determined 102453
that additional appropriations are necessary to make such 102454
payments, such amounts are hereby appropriated. 102455

TAX REFUNDS 102456

The foregoing appropriation item 110635, Tax Refunds, shall 102457
be used to pay refunds under section 5703.052 of the Revised Code. 102458

If it is determined that additional appropriations are necessary	102459
for this purpose, such amounts are hereby appropriated.	102460
 INTERNATIONAL REGISTRATION PLAN AUDIT	 102461
The foregoing appropriation item 110616, International	102462
Registration Plan, shall be used under section 5703.12 of the	102463
Revised Code for audits of persons with vehicles registered under	102464
the International Registration Plan.	102465
 TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT	 102466
Of the foregoing appropriation item 110607, Local Tax	102467
Administration, the Tax Commissioner may disburse funds, if	102468
available, for the purposes of paying travel expenses incurred by	102469
members of Ohio's delegation to the Streamlined Sales Tax Project,	102470
as appointed under section 5740.02 of the Revised Code. Any travel	102471
expense reimbursement paid for by the Department of Taxation shall	102472
be done in accordance with applicable state laws and guidelines.	102473
 CENTRALIZED TAX FILING AND PAYMENT FUND	 102474
The Director of Budget and Management, under a plan submitted	102475
by the Tax Commissioner, or as otherwise determined by the	102476
Director of Budget and Management, shall set a schedule to	102477
transfer cash from the General Revenue Fund to the credit of the	102478
Centralized Tax Filing and Payment Fund (Fund 5W40). The transfers	102479
of cash shall not exceed \$400,000 in the biennium.	102480
 TOBACCO SETTLEMENT ENFORCEMENT	 102481
The foregoing appropriation item 110404, Tobacco Settlement	102482
Enforcement, shall be used by the Tax Commissioner to pay costs	102483
incurred in the enforcement of divisions (F) and (G) of section	102484
5743.03 of the Revised Code.	102485
 LOCAL GOVERNMENT PROPERTY TAX REPLACEMENT - BUSINESS	 102486
Notwithstanding section 5751.22(A)(1)(b) of the Revised Code,	102487
payments to local taxing units by May 31, 2011, required by	102488

section 5751.22(C) of the Revised Code shall be in an amount equal 102489
to each of the losses determined under division (D) of section 102490
5751.20 of the Revised Code multiplied by one hundred per cent. 102491

Section 399.20. COMMERCIAL ACTIVITY TAX 102492

(A) Any term used in this section has the same meaning as in 102493
section 5751.01 of the Revised Code. 102494

(B)(1) A person is not required to pay the annual minimum 102495
commercial activity tax due for calendar year 2005 or 2006 under 102496
Chapter 5751. of the Revised Code if the person satisfies all of 102497
the following: 102498

(a) The person was not subject to the tax for those years 102499
because the person did not have nexus with this state or was an 102500
excluded person under division (E)(1) of section 5751.01 of the 102501
Revised Code; 102502

(b) The person erroneously registered for the tax and failed 102503
to cancel the registration before May 10, 2006; 102504

(c) The person canceled its commercial activity tax 102505
registration before February 10, 2007, and was not required to 102506
file the returns and pay the annual minimum tax due February 9, 102507
2007, February 9, 2008, or February 9, 2009. 102508

(2) Notwithstanding division (E) of section 5751.08 of the 102509
Revised Code, if a person satisfying divisions (B)(1)(a), (b), and 102510
(c) of this section paid the tax due for calendar year 2005 or 102511
2006 after being contacted by the Department of Taxation, the 102512
person may request a refund of the amount paid for that year under 102513
that section. 102514

(C) The Tax Commissioner shall cancel the registration of 102515
each such person for which the registration has not yet been 102516
canceled. 102517

Section 401.10.				DOT DEPARTMENT OF TRANSPORTATION	102518
General Revenue Fund					102519
GRF	775451	Public Transportation	\$ 12,715,697	\$ 12,715,697	102520
		- State			
GRF	776465	Ohio Rail Development	\$ 2,932,000	\$ 2,932,000	102521
		Commission			
GRF	776668	Transportation	\$ 1,352,403	\$ 1,243,338	102522
		Operating - Federal			
		Stimulus			
TOTAL GRF General Revenue Fund			\$ 17,000,100	\$ 16,891,035	102523
TOTAL ALL BUDGET FUND GROUPS			\$ 17,000,100	\$ 16,891,035	102524
Section 403.10.				TOS TREASURER OF STATE	102526
General Revenue Fund					102527
GRF	090321	Operating Expenses	\$ 8,281,875	\$ 8,281,875	102528
GRF	090401	Office of the Sinking	\$ 537,223	\$ 537,223	102529
		Fund			102530
GRF	090402	Continuing Education	\$ 403,959	\$ 403,959	102531
GRF	090524	Police and Fire	\$ 8,000	\$ 7,500	102532
		Disability Pension			102533
		Fund			
GRF	090534	Police and Fire Ad Hoc	\$ 95,000	\$ 90,000	102534
		Cost			
		of Living			102535
GRF	090554	Police and Fire	\$ 720,000	\$ 680,000	102536
		Survivor			
		Benefits			102537
GRF	090575	Police and Fire Death	\$ 20,000,000	\$ 20,000,000	102538
		Benefits			102539
TOTAL GRF General Revenue Fund			\$ 30,046,057	\$ 30,000,557	102540
General Services Fund Group					102541

4E90	090603	Securities Lending	\$	4,200,000	\$	4,200,000	102542
		Income					
5770	090605	Investment Pool	\$	550,000	\$	550,000	102543
		Reimbursement					102544
5C50	090602	County Treasurer	\$	150,000	\$	150,000	102545
		Education					
6050	090609	Treasurer of State	\$	185,000	\$	185,000	102546
		Administrative Fund					102547
TOTAL GSF General Services							102548
Fund Group			\$	5,085,000	\$	5,085,000	102549
Agency Fund Group							102550
4250	090635	Tax Refunds	\$	31,000,000	\$	31,000,000	102551
TOTAL Agency Fund Group			\$	31,000,000	\$	31,000,000	102552
TOTAL ALL BUDGET FUND GROUPS			\$	66,131,057	\$	66,085,557	102553

Section 403.20. OFFICE OF THE SINKING FUND 102555

The foregoing appropriation item 090401, Office of the 102556
Sinking Fund, shall be used for costs incurred by or on behalf of 102557
the Commissioners of the Sinking Fund and the Ohio Public 102558
Facilities Commission with respect to State of Ohio general 102559
obligation bonds or notes, and the Treasurer of State with respect 102560
to State of Ohio general obligation and special obligation bonds 102561
or notes, including, but not limited to, printing, advertising, 102562
delivery, rating fees and the procurement of ratings, professional 102563
publications, membership in professional organizations, and other 102564
services referred to in division (D) of section 151.01 of the 102565
Revised Code. The General Revenue Fund shall be reimbursed for 102566
such costs relating to the issuance and administration of Highway 102567
Capital Improvement bonds or notes authorized under Ohio 102568
Constitution, Article VIII, Section 2m and Chapter 151. of the 102569
Revised Code. That reimbursement shall be made from appropriation 102570
item 155902, Highway Capital Improvement Bond Retirement Fund, by 102571
intrastate transfer voucher pursuant to a certification by the 102572

Office of the Sinking Fund of the actual amounts used. The amounts 102573
 necessary to make such a reimbursement are hereby appropriated 102574
 from the Highway Capital Improvement Bond Retirement Fund created 102575
 in section 151.06 of the Revised Code. 102576

POLICE AND FIRE DEATH BENEFIT FUND 102577

The foregoing appropriation item 090575, Police and Fire 102578
 Death Benefits, shall be disbursed quarterly by the Treasurer of 102579
 State at the beginning of each quarter of each fiscal year to the 102580
 Board of Trustees of the Ohio Police and Fire Pension Fund. The 102581
 Treasurer of State shall certify such amounts quarterly to the 102582
 Director of Budget and Management. By the twentieth day of June of 102583
 each fiscal year, the Board of Trustees of the Ohio Police and 102584
 Fire Pension Fund shall certify to the Treasurer of State the 102585
 amount disbursed in the current fiscal year to make the payments 102586
 required by section 742.63 of the Revised Code and shall return to 102587
 the Treasurer of State moneys received from this appropriation 102588
 item but not disbursed. 102589

TAX REFUNDS 102590

The foregoing appropriation item 090635, Tax Refunds, shall 102591
 be used to pay refunds under section 5703.052 of the Revised Code. 102592
 If the Director of Budget and Management determines that 102593
 additional amounts are necessary for this purpose, such amounts 102594
 are hereby appropriated. 102595

Section 405.10. TTA OHIO TUITION TRUST 102596

State Special Revenue Fund Group					102597
5P30 095602	Variable Savings	\$	6,175,707	\$	6,156,515
	Plans				102598
6450 095601	Guaranteed Savings	\$	842,959	\$	862,150
	Plan				102599
TOTAL SSR	State Special Revenue				102600

Fund Group	\$	7,018,666	\$	7,018,665	102601
TOTAL ALL BUDGET FUND GROUPS	\$	7,018,666	\$	7,018,665	102602

FUND ABOLITION 102603

On July 1, 2009, or as soon as possible thereafter, the 102604
 Director of Budget and Management shall transfer the cash balance 102605
 in the Index Savings Plan Fund (Fund 5AM0) to the Variable Savings 102606
 Fund (Fund 5P30). The Director shall cancel any existing 102607
 encumbrances against appropriation item 095603, Index Savings 102608
 Plan, and re-establish them against appropriation item 095602, 102609
 Variable Savings Plans. The re-established encumbrance amounts are 102610
 hereby appropriated. Upon completion of these transfers, Fund 5AM0 102611
 is hereby abolished. 102612

On July 1, 2009, or as soon as possible thereafter, the 102613
 Director of Budget and Management shall transfer the cash balance 102614
 in the Banking Products Fund (Fund 5DC0) to the Variable College 102615
 Savings Fund (Fund 5P30). The Director shall cancel any existing 102616
 encumbrances against appropriation item 095604, Banking Products, 102617
 and re-establish them against appropriation item 095602, Variable 102618
 Savings Plans. The re-established encumbrance amounts are hereby 102619
 appropriated. Upon completion of these transfers, Fund 5DC0 is 102620
 hereby abolished. 102621

Section 407.10. VTO VETERANS' ORGANIZATIONS 102622

General Revenue Fund 102623

VAP AMERICAN EX-PRISONERS OF WAR 102624

GRF	743501	State Support	\$	27,533	\$	27,533	102625
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VAN ARMY AND NAVY UNION, USA, INC. 102626

GRF	746501	State Support	\$	60,513	\$	60,513	102627
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VKW KOREAN WAR VETERANS 102628

GRF	747501	State Support	\$	54,398	\$	54,398	102629
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VJW JEWISH WAR VETERANS 102630

GRF	748501	State Support	\$	32,687	\$	32,687	102631
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		VCW CATHOLIC WAR VETERANS				102632
GRF	749501	State Support	\$	63,789	\$	63,789 102633
		VPH MILITARY ORDER OF THE PURPLE HEART				102634
GRF	750501	State Support	\$	62,015	\$	62,015 102635
		VVV VIETNAM VETERANS OF AMERICA				102636
GRF	751501	State Support	\$	204,549	\$	204,549 102637
		VAL AMERICAN LEGION OF OHIO				102638
GRF	752501	State Support	\$	332,561	\$	332,561 102639
		VII AMVETS				102640
GRF	753501	State Support	\$	316,711	\$	316,711 102641
		VAV DISABLED AMERICAN VETERANS				102642
GRF	754501	State Support	\$	237,939	\$	237,939 102643
		VMC MARINE CORPS LEAGUE				102644
GRF	756501	State Support	\$	127,569	\$	127,569 102645
		V37 37TH DIVISION AEF VETERANS' ASSOCIATION				102646
GRF	757501	State Support	\$	6,541	\$	6,541 102647
		VFW VETERANS OF FOREIGN WARS				102648
GRF	758501	State Support	\$	271,277	\$	271,277 102649
TOTAL GRF		General Revenue Fund	\$	1,798,082	\$	1,798,082 102650
TOTAL ALL BUDGET FUND GROUPS			\$	1,798,082	\$	1,798,082 102651
		RELEASE OF FUNDS				102652
		The Director of Budget and Management may release the				102653
		foregoing appropriation items 743501, 746501, 747501, 748501,				102654
		749501, 750501, 751501, 752501, 753501, 754501, 756501, 757501,				102655
		and 758501, State Support.				102656
		Section 409.10. DVS DEPARTMENT OF VETERANS SERVICES				102657
		General Revenue Fund				102658
GRF	900100	Personal Services	\$	25,219,282	\$	25,219,282 102659
GRF	900200	Maintenance	\$	4,427,264	\$	4,427,264 102660
GRF	900402	Hall of Fame	\$	118,750	\$	118,750 102661
GRF	900403	Veteran Record	\$	40,631	\$	40,631 102662

		Conversion				
GRF	900408	Department of	\$	2,283,100	\$	2,283,100 102663
		Veterans Services				
TOTAL GRF		General Revenue Fund	\$	32,089,027	\$	32,089,027 102664
		General Services Fund Group				102665
4840	900603	Veterans Home	\$	770,000	\$	850,000 102666
		Services				
TOTAL GSF		General Services Fund	\$	770,000	\$	850,000 102667
		Group				
		Federal Special Revenue Fund Group				102668
3680	900614	Veterans Training	\$	745,892	\$	745,892 102669
3740	900606	Troops to Teachers	\$	100,000	\$	100,000 102670
3BX0	900609	Medicare Services	\$	2,000,000	\$	2,200,000 102671
3L20	900601	Veterans Home	\$	16,979,245	\$	17,454,046 102672
		Operations - Federal				
TOTAL FED		Federal Special Revenue				102673
		Fund Group	\$	19,825,137	\$	20,499,938 102674
		State Special Revenue Fund Group				102675
4E20	900602	Veterans Home	\$	9,314,438	\$	9,780,751 102676
		Operating				
6040	900604	Veterans Home	\$	1,541,020	\$	1,700,000 102677
		Improvement				
TOTAL SSR		State Special Revenue				102678
		Fund Group	\$	10,855,458	\$	11,480,751 102679
TOTAL ALL BUDGET FUND GROUPS			\$	63,539,622	\$	64,919,716 102680
		Section 411.10. DVM STATE VETERINARY MEDICAL BOARD				102682
		General Services Fund Group				102683
4K90	888609	Operating Expenses	\$	319,407	\$	319,407 102684
TOTAL GSF		General Services				102685
		Fund Group	\$	319,407	\$	319,407 102686
TOTAL ALL BUDGET FUND GROUPS			\$	319,407	\$	319,407 102687

Section 413.10. DYS DEPARTMENT OF YOUTH SERVICES				102689
General Revenue Fund				102690
GRF	470401	RECLAIM Ohio	\$ 201,695,971 \$ 192,963,840	102691
GRF	470412	Lease Rental Payments	\$ 23,460,900 \$ 26,043,900	102692
GRF	470510	Youth Services	\$ 18,558,587 \$ 18,558,587	102693
GRF	470640	RECLAIM - Federal Stimulus	\$ 3,767,869 \$ 0	102694
GRF	472321	Parole Operations	\$ 13,400,020 \$ 13,400,020	102695
GRF	477321	Administrative Operations	\$ 14,754,419 \$ 14,754,419	102696
TOTAL GRF	General Revenue Fund		\$ 275,637,766 \$ 265,720,766	102697
General Services Fund Group				102698
1750	470613	Education Reimbursement	\$ 11,000,000 \$ 11,000,000	102699
4790	470609	Employee Food Service	\$ 200,000 \$ 150,000	102700
4A20	470602	Child Support	\$ 450,000 \$ 450,000	102701
4G60	470605	General Operational Funds	\$ 250,000 \$ 250,000	102702
5BN0	470629	E-Rate Program	\$ 35,000 \$ 35,000	102703
TOTAL GSF	General Services Fund Group		\$ 11,935,000 \$ 11,885,000	102704 102705
Federal Special Revenue Fund Group				102706
3210	470601	Education	\$ 6,531,076 \$ 5,455,413	102707
3210	470603	Juvenile Justice Prevention	\$ 300,000 \$ 300,000	102708
3210	470606	Nutrition	\$ 2,750,000 \$ 2,750,000	102709
3210	470610	Rehabilitation Programs	\$ 36,000 \$ 36,000	102710
3210	470614	Title IV-E Reimbursements	\$ 6,000,000 \$ 6,000,000	102711
3BH0	470630	Federal Juvenile	\$ 50,000 \$ 0	102712

		Programs FFY 06					
3BT0	470634	Federal Juvenile	\$	50,000	\$	0	102713
		Programs					
3BY0	470635	Federal Juvenile	\$	334,000	\$	335,000	102714
		Programs FFY 07					
3BZ0	470636	Federal Juvenile	\$	653,350	\$	570,700	102715
		Programs FFY 08					
3CP0	470638	Federal Juvenile	\$	500,000	\$	500,000	102716
		Programs FFY 09					
3CR0	470639	Federal Juvenile	\$	0	\$	500,000	102717
		Programs FFY 10					
3V50	470604	Juvenile	\$	1,935,300	\$	2,361,000	102718
		Justice/Delinquency					
		Prevention					
3Z80	470625	Federal Juvenile	\$	2,000	\$	0	102719
		Programs FFY 04					
3Z90	470626	Federal Juvenile	\$	2,000	\$	0	102720
		Programs FFY 05					
TOTAL FED		Federal Special Revenue					102721
Fund Group			\$	19,143,726	\$	18,808,113	102722
		State Special Revenue Fund Group					102723
1470	470612	Vocational Education	\$	2,166,296	\$	2,788,906	102724
5BH0	470628	Partnerships for	\$	1,500,000	\$	1,500,000	102725
		Success					
TOTAL SSR		State Special Revenue					102726
Fund Group			\$	3,666,296	\$	4,288,906	102727
TOTAL ALL BUDGET FUND GROUPS			\$	310,382,788	\$	300,702,785	102728
		OHIO BUILDING AUTHORITY LEASE PAYMENTS					102729
		The foregoing appropriation item 470412, Lease Rental					102730
		Payments, shall be used to meet all payments to the Ohio Building					102731
		Authority for the period from July 1, 2009, to June 30, 2011,					102732
		under the leases and agreements for facilities made under Chapter					102733

152. of the Revised Code. This appropriation is the source of 102734
funds pledged for bond service charges on related obligations 102735
issued pursuant to Chapter 152. of the Revised Code. 102736

EDUCATION REIMBURSEMENT 102737

The foregoing appropriation item 470613, Education 102738
Reimbursement, shall be used to fund the operating expenses of 102739
providing educational services to youth supervised by the 102740
Department of Youth Services. Operating expenses include, but are 102741
not limited to, teachers' salaries, maintenance costs, and 102742
educational equipment. This appropriation item may be used for 102743
capital expenses related to the education program. 102744

EMPLOYEE FOOD SERVICE AND EQUIPMENT 102745

Notwithstanding section 125.14 of the Revised Code, the 102746
foregoing appropriation item 470609, Employee Food Service, may be 102747
used to purchase any food operational items with funds received 102748
into the fund from reimbursements for state surplus property. 102749

Section 503.10. PERSONAL SERVICE EXPENSES 102750

Unless otherwise prohibited by law, any appropriation from 102751
which personal service expenses are paid shall bear the employer's 102752
share of public employees' retirement, workers' compensation, 102753
disabled workers' relief, and all group insurance programs; the 102754
costs of centralized accounting, centralized payroll processing, 102755
and related personnel reports and services; the cost of the Office 102756
of Collective Bargaining; the cost of the Employee Assistance 102757
Program; the cost of the affirmative action and equal employment 102758
opportunity programs administered by the Department of 102759
Administrative Services; the costs of interagency information 102760
management infrastructure; and the cost of administering the state 102761
employee merit system as required by section 124.07 of the Revised 102762
Code. These costs shall be determined in conformity with the 102763

appropriate sections of law and paid in accordance with procedures 102764
specified by the Office of Budget and Management. Expenditures 102765
from appropriation item 070601, Public Audit Expense - Local 102766
Government, may be exempted from the requirements of this section. 102767

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 102768
AGAINST THE STATE 102769

Except as otherwise provided in this section, an 102770
appropriation in this act or any other act may be used for the 102771
purpose of satisfying judgments, settlements, or administrative 102772
awards ordered or approved by the Court of Claims or by any other 102773
court of competent jurisdiction in connection with civil actions 102774
against the state. This authorization does not apply to 102775
appropriations to be applied to or used for payment of guarantees 102776
by or on behalf of the state, or for payments under lease 102777
agreements relating to, or debt service on, bonds, notes, or other 102778
obligations of the state. Notwithstanding any other statute to the 102779
contrary, this authorization includes appropriations from funds 102780
into which proceeds of direct obligations of the state are 102781
deposited only to the extent that the judgment, settlement, or 102782
administrative award is for, or represents, capital costs for 102783
which the appropriation may otherwise be used and is consistent 102784
with the purpose for which any related obligations were issued or 102785
entered into. Nothing contained in this section is intended to 102786
subject the state to suit in any forum in which it is not 102787
otherwise subject to suit, and is not intended to waive or 102788
compromise any defense or right available to the state in any suit 102789
against it. 102790

Section 503.30. CAPITAL PROJECT SETTLEMENTS 102791

This section specifies an additional and supplemental 102792
procedure to provide for payments of judgments and settlements if 102793

the Director of Budget and Management determines, pursuant to 102794
division (C)(4) of section 2743.19 of the Revised Code, that 102795
sufficient unencumbered moneys do not exist in the fund to support 102796
a particular appropriation to pay the amount of a final judgment 102797
rendered against the state or a state agency, including the 102798
settlement of a claim approved by a court, in an action upon and 102799
arising out of a contractual obligation for the construction or 102800
improvement of a capital facility if the costs under the contract 102801
were payable in whole or in part from a state capital projects 102802
appropriation. In such a case, the Director may either proceed 102803
pursuant to division (C)(4) of section 2743.19 of the Revised Code 102804
or apply to the Controlling Board to increase an appropriation or 102805
create an appropriation out of any unencumbered moneys in the 102806
state treasury to the credit of the capital projects fund from 102807
which the initial state appropriation was made. The amount of an 102808
increase in appropriation or new appropriation approved by the 102809
Controlling Board is hereby appropriated from the applicable 102810
capital projects fund and made available for the payment of the 102811
judgment or settlement. 102812

If the Director does not make the application authorized by 102813
this section or the Controlling Board disapproves the application, 102814
and the Director does not make application under division (C)(4) 102815
of section 2743.19 of the Revised Code, the Director shall for the 102816
purpose of making that payment make a request to the General 102817
Assembly as provided for in division (C)(5) of that section. 102818

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 102819

In order to provide funds for the reissuance of voided 102820
warrants under section 126.37 of the Revised Code, there is hereby 102821
appropriated, out of moneys in the state treasury from the fund 102822
credited as provided in section 126.37 of the Revised Code, that 102823
amount sufficient to pay such warrants when approved by the Office 102824

of Budget and Management. 102825

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 102826
BALANCES OF OPERATING APPROPRIATIONS 102827

(A) An unexpended balance of an operating appropriation or 102828
reappropriation that a state agency lawfully encumbered prior to 102829
the close of a fiscal year is hereby reappropriated on the first 102830
day of July of the following fiscal year from the fund from which 102831
it was originally appropriated or reappropriated for the following 102832
period and shall remain available only for the purpose of 102833
discharging the encumbrance: 102834

(1) For an encumbrance for personal services, maintenance, 102835
equipment, or items for resale, other than an encumbrance for an 102836
item of special order manufacture not available on term contract 102837
or in the open market or for reclamation of land or oil and gas 102838
wells, for a period of not more than five months from the end of 102839
the fiscal year; 102840

(2) For an encumbrance for an item of special order 102841
manufacture not available on term contract or in the open market, 102842
for a period of not more than five months from the end of the 102843
fiscal year or, with the written approval of the Director of 102844
Budget and Management, for a period of not more than twelve months 102845
from the end of the fiscal year; 102846

(3) For an encumbrance for reclamation of land or oil and gas 102847
wells, for a period ending when the encumbered appropriation is 102848
expended or for a period of two years, whichever is less; 102849

(4) For an encumbrance for any other expense, for such period 102850
as the Director approves, provided such period does not exceed two 102851
years. 102852

(B) Any operating appropriations for which unexpended 102853
balances are reappropriated beyond a five-month period from the 102854

end of the fiscal year by division (A)(2) of this section shall be 102855
reported to the Controlling Board by the Director of Budget and 102856
Management by the thirty-first day of December of each year. The 102857
report on each such item shall include the item, the cost of the 102858
item, and the name of the vendor. The report shall be updated on a 102859
quarterly basis for encumbrances remaining open. 102860

(C) Upon the expiration of the reappropriation period set out 102861
in division (A) of this section, a reappropriation made by this 102862
section lapses, and the Director of Budget and Management shall 102863
cancel the encumbrance of the unexpended reappropriation not later 102864
than the end of the weekend following the expiration of the 102865
reappropriation period. 102866

(D) Notwithstanding division(C) of this section, with the 102867
approval of the Director of Budget and Management, an unexpended 102868
balance of an encumbrance that was reappropriated on the first day 102869
of July by this section for a period specified in division (A)(3) 102870
or (4) of this section and that remains encumbered at the close of 102871
the fiscal biennium is hereby reappropriated on the first day of 102872
July of the following fiscal biennium from the fund from which it 102873
was originally appropriated or reappropriated for the applicable 102874
period specified in division (A)(3) or (4) of this section and 102875
shall remain available only for the purpose of discharging the 102876
encumbrance. 102877

(E) The Director of Budget and Management may correct 102878
accounting errors committed by the staff of the Office of Budget 102879
and Management, such as re-establishing encumbrances or 102880
appropriations cancelled in error, during the cancellation of 102881
operating encumbrances in November and of nonoperating 102882
encumbrances in December. 102883

(F) If the Controlling Board approved a purchase, that 102884
approval remains in effect so long as the appropriation used to 102885
make that purchase remains encumbered. 102886

Section 503.60. APPROPRIATIONS RELATED TO CASH TRANSFERS AND	102887
RE-ESTABLISHMENT OF ENCUMBRANCES	102888
Any cash transferred by the Director of Budget and Management	102889
under section 126.15 of the Revised Code is hereby appropriated.	102890
Any amounts necessary to re-establish appropriations or	102891
encumbrances under section 126.15 of the Revised Code are hereby	102892
appropriated.	102893
Section 503.70. INCOME TAX DISTRIBUTION TO COUNTIES	102894
There are hereby appropriated out of any moneys in the state	102895
treasury to the credit of the General Revenue Fund, which are not	102896
otherwise appropriated, funds sufficient to make any payment	102897
required by division (B)(2) of section 5747.03 of the Revised	102898
Code.	102899
Section 503.80. EXPENDITURES AND APPROPRIATION INCREASES	102900
APPROVED BY THE CONTROLLING BOARD	102901
Any money that the Controlling Board approves for expenditure	102902
or any increase in appropriation that the Controlling Board	102903
approves under sections 127.14, 131.35, and 131.39 of the Revised	102904
Code or any other provision of law is hereby appropriated for the	102905
period ending June 30, 2011.	102906
Section 503.90. FUNDS RECEIVED FOR USE OF GOVERNOR'S	102907
RESIDENCE	102908
If the Governor's Residence Fund (Fund 4H20) receives payment	102909
for use of the residence pursuant to section 107.40 of the Revised	102910
Code, the amounts so received are hereby appropriated to	102911
appropriation item 100604, Governor's Residence Gift.	102912
Section 503.95. The Director of Transportation shall permit	102913

the construction of a curb cut on State Route 91, near Vine Street, in Lake County. 102914
 102915

Section 506.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 102916

Unless the agency and nuclear electric utility mutually agree to a higher amount by contract, the maximum amounts that may be assessed against nuclear electric utilities under division (B)(2) of section 4937.05 of the Revised Code and deposited into the specified funds are as follows: 102917
 102918
 102919
 102920
 102921

<u>Fund</u>	<u>User</u>	<u>FY 2010</u>	<u>FY 2011</u>	
Utility Radiological Safety Fund (Fund 4E40)	Department of Agriculture	\$ 134,631	\$ 134,631	102922 102923
Radiation Emergency Response Fund (Fund 6100)	Department of Health	\$ 887,445	\$ 920,372	102924
ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$ 286,114	\$ 286,114	102925
Emergency Response Plan Fund (Fund 6570)	Department of Public Safety	\$ 1,413,889	\$ 1,415,945	102926

Section 506.20. Upon the written request of the Director of Public Safety, the Director of Budget and Management may make periodic transfers of cash totaling \$16,220,000 in each fiscal year from the Highway Operating Fund (Fund 7002) to the State Highway Safety Fund (Fund 7036). 102927
 102928
 102929
 102930
 102931

Section 509.10. (A) There is hereby created the Budget Planning and Management Commission, consisting of six members. The Speaker of the House of Representatives shall appoint three members of the House of Representatives, not more than two of whom shall be members of the same political party, and the President of 102932
 102933
 102934
 102935
 102936

the Senate shall appoint three members of the Senate, not more than two of whom shall be members of the same political party. The initial appointments shall be made not later than ninety days after the effective date of this section. Vacancies shall be filled in the manner provided for original appointments.

(B) The commission shall complete a study and make recommendations that are designed to provide relief to the state during the current difficult fiscal and economic period. In developing the recommendations, the commission shall do all of the following:

(1) Develop a strategy for managing one-time revenues received and appropriated by the state without raising taxes when those revenues are no longer available in fiscal year 2011;

(2) Determine whether to recommend establishing a statutory spending limit for one-time revenues at a level equal to a specific percentage of state spending.

(C) The commission shall appoint two of its members to serve as co-chairpersons for the commission. One co-chairperson shall be a member of the majority party of the House of Representatives, and one co-chairperson shall be a member of the majority party of the Senate. Commission meetings shall take place at the call of the co-chairpersons of the commission. The commission shall conduct meetings during the period of July 1, 2009, through June 30, 2010.

(D) Not later than June 30, 2010, the commission shall submit a written report of its recommendations to the Speaker of the House of Representatives, the President of the Senate, and the Governor. The commission ceases to exist upon submission of its report.

(E) The Legislative Service Commission shall provide

technical, professional, and clerical support necessary for the 102967
Budget Planning and Management Commission to perform its duties. 102968

Section 512.10. TRANSFERS TO THE GENERAL REVENUE FUND OF 102969
INTEREST EARNED 102970

Notwithstanding any provision of law to the contrary, the 102971
Director of Budget and Management, through June 30, 2011, may 102972
transfer interest earned by any state fund to the General Revenue 102973
Fund. This section does not apply to funds whose source of revenue 102974
is restricted or protected by the Ohio Constitution, federal tax 102975
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 102976
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 102977

Section 512.30. GRF TRANSFER TO THE OAKS PROJECT 102978
IMPLEMENTATION FUND 102979

On July 1 of each fiscal year, or as soon as possible 102980
thereafter, the Director of Budget and Management shall transfer 102981
an amount not to exceed \$2,100,000 cash from the General Revenue 102982
Fund to the OAKS Project Implementation Fund (Fund 5N40). 102983

Section 512.40. TRANSFERS FROM THE BUDGET STABILIZATION FUND 102984

Notwithstanding any provision of law to the contrary, the 102985
Director of Budget and Management, in either year of the biennium, 102986
may transfer cash from the Budget Stabilization Fund to the 102987
General Revenue Fund in order to balance General Revenue Fund 102988
revenues with General Revenue Fund expenditures. Ten days before 102989
any such transfer, the Director shall notify the Governor, the 102990
Speaker of the House of Representatives, the President of the 102991
Senate, and the Minority Leaders of the House of Representatives 102992
and the Senate of the date and amount of the transfer and the cash 102993
balance remaining in the Budget Stabilization Fund. 102994

Section 512.50. TRANSFERS FROM EDUCATION FACILITIES TRUST AND 102995
PUBLIC SCHOOL BUILDING FUNDS TO GRF 102996

Notwithstanding any provision of law to the contrary, the 102997
Director of Budget and Management shall transfer a total of 102998
\$250,000,000 cash in either fiscal year 2010 or fiscal year 2011 102999
from the Education Facilities Trust Fund (Fund N087) and the 103000
Public School Building Fund (Fund 7021), which are used by the 103001
School Facilities Commission, to the General Revenue Fund. Not 103002
later than June 30, 2013, \$250,000,000 cash shall be deposited 103003
into a fund of the Commission, for the purpose of constructing or 103004
renovating school facilities pursuant to Chapter 3318. of the 103005
Revised Code. 103006

Section 512.60. CASH TRANSFERS TO THE GENERAL REVENUE FUND 103007
FROM NON-GRF FUNDS 103008

Notwithstanding any provision of law to the contrary, during 103009
fiscal years 2010 and 2011, the Director of Budget and Management 103010
may transfer cash from non-General Revenue Funds that are not 103011
constitutionally restricted to the General Revenue Fund in order 103012
to ensure that available General Revenue Fund receipts and 103013
balances are sufficient to support General Revenue Fund 103014
appropriations in each fiscal year. 103015

Before September 1 of each fiscal year, the Director of 103016
Budget and Management shall prepare quarterly estimates 103017
identifying funds in the state treasury from which cash transfers 103018
are to be made and the anticipated amount of these cash transfers. 103019
Beginning with the quarter ending September 30, 2009, and on a 103020
quarterly basis thereafter, the Director of Budget and Management 103021
shall prepare a summary comparing the estimated and actual amounts 103022
of these cash transfers by fund. This quarterly summary shall be 103023
included in the report required under section 126.05 of the 103024

Revised Code. 103025

Section 512.80. GRF TRANSFER TO THE PUBLIC AUDIT EXPENSE 103026
INTRA-STATE FUND 103027

On July 1, 2009, or as soon as possible thereafter, the 103028
Director of Budget and Management shall transfer \$400,900 cash 103029
from the General Revenue Fund to the Public Audit Expense 103030
Intra-State Fund (Fund 1090). The amounts transferred are hereby 103031
appropriated to help pay for expenses incurred in the Auditor of 103032
State's role relating to fiscal caution, fiscal watch, and fiscal 103033
emergency activities as defined in Chapter 3316. of the Revised 103034
Code and for performance audits for school districts in fiscal 103035
distress. 103036

Section 515.10. On and after the effective date of section 103037
3354.24 of the Revised Code as enacted by Sub. H.B. 1 of the 128th 103038
General Assembly: 103039

(A) The board of trustees of the Eastern Gateway Community 103040
College District (the District) shall have the powers and duties 103041
formerly prescribed as powers and duties of the board of trustees 103042
of the Jefferson County Community College District and any 103043
additional powers and duties granted or imposed by law. 103044

(B) The board of trustees of the District assumes the 103045
obligations of, and is the successor to and continuation of, the 103046
board of trustees of the Jefferson County Community College 103047
District. 103048

(C) Any business commenced but not completed by the board of 103049
trustees of the Jefferson County Community College District shall 103050
be completed by the board of trustees of the District in the same 103051
manner, and with the same effect, as if completed by the board of 103052
trustees of the Jefferson County Community College District. No 103053
validation, cure, right, privilege, remedy, obligation, or 103054

liability is lost or impaired by reason of the enactment by this 103055
act of this section and section 3354.24 of the Revised Code. 103056

(D) Rules of the board of trustees of the Jefferson County 103057
Community College District shall continue as rules for the board 103058
of trustees of the District until amended or rescinded by the 103059
board of trustees of the District. 103060

(E) Any reference in statute, rule, contract, grant, or other 103061
document to the board of trustees of the Jefferson County 103062
Community College District shall be construed to refer to the 103063
board of trustees of the District. 103064

(F) No judicial, administrative, or other proceeding to which 103065
the board of trustees of the Jefferson County Community College 103066
District is a party and that is pending on the effective date of 103067
this section shall be affected by the enactment by this act of 103068
this section and section 3354.24 of the Revised Code. Upon 103069
application to the court or other tribunal, the board of trustees 103070
of the District shall be substituted for the board of trustees of 103071
the Jefferson County Community College District as a party to the 103072
action or proceeding, and the action shall be prosecuted or 103073
defended in the name of the board of trustees of the District. 103074

(G) All books, records, documents, files, transcripts, 103075
equipment, furniture, supplies, and other materials assigned to or 103076
possessed by the board of trustees of the Jefferson County 103077
Community College District shall be transferred to the board of 103078
trustees of the District. 103079

(H) The employees of the board of trustees of the Jefferson 103080
County Community College District shall be employees of the board 103081
of trustees of the District. 103082

Section 515.20. On the effective date of this section, the 103083
duties, responsibilities, and functions of the Ohio Board of 103084

Regents under sections 4741.41, 4741.44, 4741.45, and 4741.46 of 103085
the Revised Code and its assets and liabilities under those 103086
sections are transferred to the State Veterinary Medical Licensing 103087
Board. The State Veterinary Medical Licensing Board assumes the 103088
obligations and authority of the Ohio Board of Regents with regard 103089
to sections 4741.41, 4741.44, 4741.45, and 4741.46 of the Revised 103090
Code. No right, privilege, or remedy, and no duty, liability, or 103091
obligation, accrued by the Ohio Board of Regents under sections 103092
4741.41, 4741.44, 4741.45, and 4741.46 of the Revised Code is 103093
impaired or lost by reason of the transfer and shall be 103094
recognized, administered, performed, or enforced by the State 103095
Veterinary Medical Licensing Board. 103096

Business commenced but not completed by the Ohio Board of 103097
Regents with regard to sections 4741.41, 4741.44, 4741.45, and 103098
4741.46 of the Revised Code shall be completed by the State 103099
Veterinary Medical Licensing Board in the same manner, and with 103100
the same effect, as if completed by the Ohio Board of Regents. 103101

All determinations of the Ohio Board of Regents that are made 103102
pursuant to sections 4741.41, 4741.44, 4741.45, and 4741.46 of the 103103
Revised Code continue in effect as determinations of the State 103104
Veterinary Medical Licensing Board until modified or rescinded by 103105
the State Veterinary Medical Licensing Board. 103106

Whenever the Ohio Board of Regents is referred to in statute, 103107
contract, or other instrument for the purposes of sections 103108
4741.41, 4741.44, 4741.45, and 4741.46 of the Revised Code, the 103109
reference is deemed to refer to the State Veterinary Medical 103110
Licensing Board. 103111

No pending action or proceeding being prosecuted or defended 103112
in court or before any agency by the Ohio Board of Regents for the 103113
purposes of sections 4741.41, 4741.44, 4741.45, and 4741.46 of the 103114
Revised Code is affected by the transfer and shall be prosecuted 103115

or defended in the name of the State Veterinary Medical Licensing Board. Upon application to the court or agency, the State Veterinary Medical Licensing Board shall be substituted as a party.

Section 515.30. On the effective date of this section, the Division of Soil and Water Conservation in the Department of Natural Resources is renamed the Division of Soil and Water Resources. The Division of Soil and Water Conservation's functions, and its assets and liabilities, are transferred to the Division of Soil and Water Resources. The Division of Soil and Water Resources is successor to, assumes the obligations and authority of, and otherwise continues the Division of Soil and Water Conservation. No right, privilege, or remedy, and no duty, liability, or obligation, accrued under the Division of Soil and Water Conservation is impaired or lost by reason of the renaming and shall be recognized, administered, performed, or enforced by the Division of Soil and Water Resources.

Business commenced but not completed by the Division of Soil and Water Conservation or by the Chief of the Division of Soil and Water Conservation shall be completed by the Division of Soil and Water Resources or the Chief of the Division of Soil and Water Resources in the same manner, and with the same effect, as if completed by the Division of Soil and Water Conservation or the Chief of the Division of Soil and Water Conservation.

All of the Division of Soil and Water Conservation's rules, orders, and determinations continue in effect as rules, orders, and determinations of the Division of Soil and Water Resources until modified or rescinded by the Division of Soil and Water Resources.

Subject to the layoff provisions of sections 124.321 to 124.382 of the Revised Code, all employees of the Division of Soil

and Water Conservation continue with the Division of Soil and 103147
Water Resources and retain their positions and all benefits 103148
accruing thereto. 103149

The Director of Budget and Management shall determine the 103150
amount of unexpended balances in the appropriation accounts that 103151
pertain to the Division of Soil and Water Conservation and shall 103152
recommend to the Controlling Board their transfer to the 103153
appropriation accounts that pertain to the Division of Soil and 103154
Water Resources. The Chief of the Division of Soil and Water 103155
Conservation shall provide full and timely information to the 103156
Controlling Board to facilitate the transfer. 103157

Whenever the Division of Soil and Water Conservation or the 103158
Chief of the Division of Soil and Water Conservation is referred 103159
to in a statute, contract, or other instrument, the reference is 103160
deemed to refer to the Division of Soil and Water Resources or to 103161
the Chief of the Division of Soil and Water Resources, whichever 103162
is appropriate in context. 103163

No pending action or proceeding being prosecuted or defended 103164
in court or before an agency by the Division of Soil and Water 103165
Conservation or the Chief of the Division of Soil and Water 103166
Conservation is affected by the renaming and shall be prosecuted 103167
or defended in the name of the Division of Soil and Water 103168
Resources or the Chief of the Division of Soil and Water 103169
Resources, whichever is appropriate. Upon application to the court 103170
or agency, the Division of Soil and Water Resources or the Chief 103171
of the Division of Soil and Water Resources shall be substituted. 103172

Section 515.40. On the effective date of this section, the 103173
Division of Water in the Department of Natural Resources is 103174
abolished and its functions, and its assets and liabilities, are 103175
transferred to the Division of Soil and Water Resources and the 103176
Division of Parks and Recreation, as applicable, in the Department 103177

of Natural Resources. The Division of Soil and Water Resources and 103178
the Division of Parks and Recreation, as applicable, are 103179
successors to, assume the obligations and authority of, and 103180
otherwise continue the Division of Water. No right, privilege, or 103181
remedy, and no duty, liability, or obligation, accrued under the 103182
Division of Water is impaired or lost by reason of the abolishment 103183
and shall be recognized, administered, performed, or enforced by 103184
the Division of Soil and Water Resources or the Division of Parks 103185
and Recreation, whichever is applicable. 103186

Business commenced but not completed by the Division of Water 103187
or by the Chief of the Division of Water shall be completed by the 103188
Division of Soil and Water Resources or the Chief of the Division 103189
of Soil and Water Resources or by the Division of Parks and 103190
Recreation or the Chief of the Division of Parks and Recreation, 103191
whichever is applicable, in the same manner, and with the same 103192
effect, as if completed by the Division of Water or the Chief of 103193
the Division of Water. 103194

All of the Division of Water's rules, orders, and 103195
determinations continue in effect as rules, orders, and 103196
determinations of the Division of Soil and Water Resources or the 103197
Division of Parks and Recreation, whichever is applicable, until 103198
modified or rescinded by the Division of Soil and Water Resources 103199
or the Division of Parks and Recreation, as applicable. If 103200
necessary to ensure the integrity of the numbering of the 103201
Administrative Code, the Director of the Legislative Service 103202
Commission shall renumber the Division of Water's rules to reflect 103203
their transfer to the Division of Soil and Water Resources or to 103204
the Division of Parks and Recreation, as applicable. 103205

Subject to the layoff provisions of sections 124.321 to 103206
124.382 of the Revised Code, all employees of the Division of 103207
Water are transferred to the Division of Soil and Water Resources 103208

or to the Division of Parks and Recreation, as applicable, and 103209
retain their positions and all benefits accruing thereto. 103210

The Director of Budget and Management shall determine the 103211
amount of unexpended balances in the appropriation accounts that 103212
pertain to the Division of Water and shall recommend to the 103213
Controlling Board their transfer to the appropriation accounts 103214
that pertain to the Division of Soil and Water Resources or the 103215
Division of Parks and Recreation, as applicable. The Chief of the 103216
Division of Water shall provide full and timely information to the 103217
Controlling Board to facilitate the transfer. 103218

Whenever the Division of Water or the Chief of the Division 103219
of Water is referred to in a statute, contract, or other 103220
instrument, the reference is deemed to refer to the Division of 103221
Soil and Water Resources or to the Chief of the Division of Soil 103222
and Water Resources or to the Division of Parks and Recreation or 103223
to the Chief of the Division of Parks and Recreation, whichever is 103224
appropriate in context. 103225

No pending action or proceeding being prosecuted or defended 103226
in court or before an agency by the Division of Water or the Chief 103227
of the Division of Water is affected by the abolishment and shall 103228
be prosecuted or defended in the name of the Division of Soil and 103229
Water Resources or the Chief of the Division of Soil and Water 103230
Resources or of the Division of Parks and Recreation or the Chief 103231
of the Division of Parks and Recreation, whichever is appropriate. 103232
Upon application to the court or agency, the Division of Soil and 103233
Water Resources or the Chief of the Division of Soil and Water 103234
Resources or the Division of Parks and Recreation or the Chief of 103235
the Division of Parks and Recreation, whichever is applicable, 103236
shall be substituted. 103237

Section 515.50. On the effective date of this section, the 103238
Division of Real Estate and Land Management in the Department of 103239

Natural Resources is abolished and its functions, and its assets 103240
and liabilities, are transferred to the Director of Natural 103241
Resources, to the Division of Engineering, and to the Division of 103242
Parks and Recreation, as applicable, in the Department of Natural 103243
Resources. The Director of Natural Resources, the Division of 103244
Engineering, and the Division of Parks and Recreation are 103245
successors to, assume the obligations and authority of, and 103246
otherwise continue the Division of Real Estate and Land 103247
Management. No right, privilege, or remedy, and no duty, 103248
liability, or obligation, accrued under the Division of Real 103249
Estate and Land Management is impaired or lost by reason of the 103250
abolishment and shall be recognized, administered, performed, or 103251
enforced by the Director of Natural Resources, the Division of 103252
Engineering, and the Division of Parks and Recreation, whichever 103253
is applicable. 103254

Business commenced but not completed by the Division of Real 103255
Estate and Land Management or by the Chief of the Division of Real 103256
Estate and Land Management shall be completed by the Director of 103257
Natural Resources, by the Division of Engineering or the Chief 103258
Engineer, or by the Division of Parks and Recreation or the Chief 103259
of the Division of Parks and Recreation, whichever is applicable, 103260
in the same manner, and with the same effect, as if completed by 103261
the Division of Real Estate and Land Management or the Chief of 103262
the Division of Real Estate and Land Management. 103263

All of the Division of Real Estate and Land Management's 103264
rules, orders, and determinations continue in effect as rules, 103265
orders, and determinations of the Director of Natural Resources, 103266
the Division of Engineering, or the Division of Parks and 103267
Recreation, whichever is applicable, until modified or rescinded 103268
by the Director of Natural Resources, the Division of Engineering, 103269
or the Division of Parks and Recreation, as applicable. If 103270
necessary to ensure the integrity of the numbering of the 103271

Administrative Code, the Director of the Legislative Service 103272
Commission shall renumber the Division of Real Estate and Land 103273
Management's rules to reflect their transfer to the Director of 103274
Natural Resources, to the Division of Engineering, or to the 103275
Division of Parks and Recreation, as applicable. 103276

Subject to the layoff provisions of sections 124.321 to 103277
124.382 of the Revised Code, all employees of the Division of Real 103278
Estate and Land Management are transferred to the office of the 103279
Director of Natural Resources, the Division of Engineering, or the 103280
Division of Parks and Recreation, as applicable, and retain their 103281
positions and all benefits accruing thereto. 103282

The Director of Budget and Management shall determine the 103283
amount of unexpended balances in the appropriation accounts that 103284
pertain to the Division of Real Estate and Land Management and 103285
shall recommend to the Controlling Board their transfer to the 103286
appropriation accounts that pertain to the Director of Natural 103287
Resources, the Division of Engineering, or the Division of Parks 103288
and Recreation, as applicable. The Chief of the Division of Real 103289
Estate and Land Management shall provide full and timely 103290
information to the Controlling Board to facilitate the transfer. 103291

Whenever the Division of Real Estate and Land Management or 103292
the Chief of the Division of Real Estate and Land Management is 103293
referred to in a statute, contract, or other instrument, the 103294
reference is deemed to refer to the Director of Natural Resources, 103295
to the Division of Engineering or the Chief Engineer, or to the 103296
Division of Parks and Recreation or the Chief of the Division of 103297
Parks and Recreation, whichever is appropriate in context. 103298

No pending action or proceeding being prosecuted or defended 103299
in court or before an agency by the Division of Real Estate and 103300
Land Management or the Chief of the Division of Real Estate and 103301
Land Management is affected by the abolishment and shall be 103302
prosecuted or defended in the name of the Department of Natural 103303

Resources or the Director of Natural Resources, of the Division of 103304
Engineering or the Chief Engineer, or of the Division of Parks and 103305
Recreation or the Chief of the Division of Parks and Recreation, 103306
whichever is appropriate. Upon application to the court or agency, 103307
the Department of Natural Resources or the Director of Natural 103308
Resources, the Division of Engineering or the Chief Engineer, or 103309
the Division of Parks and Recreation or the Chief of the Division 103310
of Parks and Recreation, whichever is applicable, shall be 103311
substituted. 103312

Section 515.60. (A) On the effective date of this section, 103313
the functions, duties, and responsibilities of the Department of 103314
Agriculture under sections 3717.01 to 3717.33 and 3717.48 of the 103315
Revised Code, as those sections existed prior to their amendment 103316
by this act, are transferred to the Department of Health. The 103317
Department of Health assumes the obligations and authority of the 103318
Department of Agriculture under those sections as amended by this 103319
act. No right, privilege, or remedy and no duty, liability, or 103320
obligation accrued under those sections prior to their amendment 103321
by this act is impaired or lost by the transfer and shall be 103322
recognized, administered, performed, or enforced by the Department 103323
of Health. 103324

(B) Business that has been commenced but not completed prior 103325
to the effective date of this section by the Department of 103326
Agriculture or the Director of Agriculture pursuant to sections 103327
3717.01 to 3717.33 and 3717.48 of the Revised Code, as those 103328
sections existed prior to their amendment by this act, shall be 103329
completed by the Department of Health or the Director of Health in 103330
the same manner, and with the same effect, as if completed by the 103331
Department of Agriculture or the Director of Agriculture. 103332

(C) All of the rules adopted by the Director of Agriculture 103333
under sections 3717.05 and 3717.33 of the Revised Code and all of 103334

the orders and determinations of the Director issued or made under 103335
sections 3717.01 to 3717.33 and 3717.48 of the Revised Code, as 103336
all of those sections existed prior to their amendment by this 103337
act, continue in effect as rules, orders, and determinations of 103338
the Director of Health until modified or rescinded by the Director 103339
of Health. 103340

(D) All joint letters of opinion that have been issued by the 103341
Director of Agriculture and the Director of Health in accordance 103342
with section 3717.041 of the Revised Code, as that section existed 103343
prior to its amendment by this act, continue in effect as letters 103344
of opinion of the Director of Health until modified or rescinded 103345
by the Director of Health. 103346

(E) Subject to the layoff provisions of sections 124.321 to 103347
124.382 of the Revised Code, all employees of the Department of 103348
Agriculture that are employed prior to the effective date of this 103349
section to administer and enforce sections 3717.01 to 3717.33 and 103350
3717.48 of the Revised Code, as those sections existed prior to 103351
their amendment by this act, continue with the Department of 103352
Health and retain their positions and all benefits accruing 103353
thereto. 103354

(F) The Director of Budget and Management shall determine the 103355
amount of unexpended balances in the appropriation accounts that 103356
pertain to the Department of Agriculture pursuant to sections 103357
3717.01 to 3717.33 and 3717.48 of the Revised Code, as those 103358
sections existed prior to their amendment by this act, and shall 103359
recommend to the Controlling Board their transfer to the General 103360
Revenue Fund. The Director of Agriculture shall provide full and 103361
timely information to the Controlling Board to facilitate the 103362
transfer. 103363

(G) Whenever the Department of Agriculture or the Director of 103364
Agriculture is referred to in a contract or other instrument, the 103365
reference is deemed to refer to the Department of Health or to the 103366

Director of Health, whichever is appropriate in context. 103367

(H) No pending action or proceeding being prosecuted or 103368
defended in court or before an agency by the Department of 103369
Agriculture or the Director of Agriculture pursuant to sections 103370
3717.01 to 3717.33 and 3717.48 of the Revised Code, as those 103371
sections existed prior to their amendment by this act, is affected 103372
by the transfer of authority to administer and enforce those 103373
sections, as amended by this act, by the Department of Health or 103374
the Director of Health and shall be prosecuted or defended in the 103375
name of the Department of Health or the Director of Health, 103376
whichever is appropriate. Upon application to the court or agency, 103377
the Department of Health or the Director of Health shall be 103378
substituted. 103379

(I) Any appointed member of the Retail Food Safety Advisory 103380
Council created in section 3717.021 of the Revised Code who is 103381
serving on the Council on the effective date of this section shall 103382
remain in office for the remainder of the member's term unless the 103383
member resigns or is removed from office in accordance with that 103384
section. Subsequent appointments to the Council shall be made in 103385
accordance with section 3717.021 of the Revised Code as amended by 103386
this act. 103387

Section 518.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 103388

Certain appropriations are in this act for the purpose of 103389
paying debt service and financing costs on general obligation 103390
bonds or notes of the state issued pursuant to the Ohio 103391
Constitution and acts of the General Assembly. If it is determined 103392
that additional appropriations are necessary for this purpose, 103393
such amounts are hereby appropriated. 103394

Section 518.20. LEASE PAYMENTS TO OPFC, OBA, AND TREASURER OF 103395
STATE 103396

Certain appropriations are in this act for the purpose of 103397
making lease rental payments pursuant to leases and agreements 103398
relating to bonds or notes issued by the Ohio Building Authority 103399
or the Treasurer of State or, previously, by the Ohio Public 103400
Facilities Commission, pursuant to the Ohio Constitution and acts 103401
of the General Assembly. If it is determined that additional 103402
appropriations are necessary for this purpose, such amounts are 103403
hereby appropriated. 103404

Section 518.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM 103405
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 103406

The Office of Budget and Management shall process payments 103407
from general obligation and lease rental payment appropriation 103408
items during the period from July 1, 2009, to June 30, 2011, 103409
relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 103410
2n, 2o, 2p, 2q, and 15 of Article VIII, Ohio Constitution, and 103411
Chapters 151. and 154. of the Revised Code. Payments shall be made 103412
upon certification by the Treasurer of State, Office of the 103413
Sinking Fund, of the dates and the amounts due on those dates. 103414

Section 518.40. AUTHORIZATION FOR OHIO BUILDING AUTHORITY AND 103415
OBM TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 103416

The Office of Budget and Management shall process payments 103417
from lease rental payment appropriation items during the period 103418
from July 1, 2009, to June 30, 2011, pursuant to the lease 103419
agreements entered into relating to bonds or notes issued under 103420
Section 2i of Article VIII, Ohio Constitution, and Chapter 152. of 103421
the Revised Code. Payments shall be made upon certification by the 103422
Ohio Building Authority of the dates and the amounts due on those 103423
dates. 103424

Section 521.10. STATE AND LOCAL REBATE AUTHORIZATION 103425

There is hereby appropriated, from those funds designated by 103426
or pursuant to the applicable proceedings authorizing the issuance 103427
of state obligations, amounts computed at the time to represent 103428
the portion of investment income to be rebated or amounts in lieu 103429
of or in addition to any rebate amount to be paid to the federal 103430
government in order to maintain the exclusion from gross income 103431
for federal income tax purposes of interest on those state 103432
obligations under section 148(f) of the Internal Revenue Code. 103433

Rebate payments shall be approved and vouchered by the Office 103434
of Budget and Management. 103435

Section 521.20. STATEWIDE INDIRECT COST RECOVERY 103436

Whenever the Director of Budget and Management determines 103437
that an appropriation made to a state agency from a fund of the 103438
state is insufficient to provide for the recovery of statewide 103439
indirect costs under section 126.12 of the Revised Code, the 103440
amount required for such purpose is hereby appropriated from the 103441
available receipts of such fund. 103442

Section 521.30. GRF TRANSFERS ON BEHALF OF THE STATEWIDE 103443
INDIRECT COST ALLOCATION PLAN 103444

The total transfers made from the General Revenue Fund by the 103445
Director of Budget and Management under this section shall not 103446
exceed the amounts transferred into the General Revenue Fund under 103447
section 126.12 of the Revised Code. 103448

The director of an agency may certify to the Director of 103449
Budget and Management the amount of expenses not allowed to be 103450
included in the Statewide Indirect Cost Allocation Plan under 103451
federal regulations, from any fund included in the Statewide 103452
Indirect Cost Allocation Plan, prepared as required by section 103453
126.12 of the Revised Code. 103454

Upon determining that no alternative source of funding is 103455

available to pay for such expenses, the Director of Budget and Management may transfer from the General Revenue Fund into the fund for which the certification is made, up to the amount of the certification. The director of the agency receiving such funds shall include, as part of the next budget submission prepared under section 126.02 of the Revised Code, a request for funding for such activities from an alternative source such that further federal disallowances would not be required.

Section 521.40. FISCAL YEAR 2009 GENERAL REVENUE FUND ENDING BALANCE

Notwithstanding divisions (B) and (C) of section 131.44 of the Revised Code, all fiscal year 2009 surplus revenue in excess of the amount required under division (A)(3) of section 131.44 of the Revised Code shall remain in the General Revenue Fund.

Section 521.45. GRF SPENDING REDUCTIONS

To implement the Executive Order 2009-70S, the Director of Budget and Management shall reduce state agency General Revenue Fund account categories 510, 520, and 530 expenditures by a minimum of \$100,000,000 per fiscal year while preserving critical services of the state.

Section 521.50. FEDERAL GOVERNMENT INTEREST REQUIREMENTS

Notwithstanding any provision of law to the contrary, on or before the first day of September of each fiscal year, the Director of Budget and Management, in order to reduce the payment of adjustments to the federal government, as determined by the plan prepared under division (A) of section 126.12 of the Revised Code, may designate such funds as the Director considers necessary to retain their own interest earnings.

Section 521.60. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 103484

Pursuant to the plan for compliance with the Federal Cash 103485
Management Improvement Act required by section 131.36 of the 103486
Revised Code, the Director of Budget and Management may cancel and 103487
re-establish all or part of encumbrances in like amounts within 103488
the funds identified by the plan. The amounts necessary to 103489
re-establish all or part of encumbrances are hereby appropriated. 103490

Section 521.70. FISCAL STABILIZATION AND RECOVERY 103491

(A) To ensure the level of accountability and transparency 103492
required by federal law, the Director of Budget and Management may 103493
issue guidelines to any agency applying for federal money made 103494
available to this state for fiscal stabilization and recovery 103495
purposes, and may prescribe the process by which agencies are to 103496
comply with any reporting requirements established by the federal 103497
government. 103498

(B) Notwithstanding any provision of law to the contrary, 103499
federal money received by or on behalf of this state for fiscal 103500
stabilization in support of elementary, secondary, and higher 103501
education, public safety, and any other government service shall 103502
be deposited into the state treasury to the credit of the General 103503
Revenue Fund. The federal money shall not be used as a match for 103504
the state's share of Medicaid. 103505

(C) Federal money received by or on behalf of the state for 103506
fiscal stabilization and recovery purposes in fiscal years 2010 103507
and 2011 shall not be used for purposes of the computation of debt 103508
service under division (D) of Section 17 of Article VIII, Ohio 103509
Constitution, and division (E) of section 126.16 of the Revised 103510
Code. 103511

Section 521.80. OVERSIGHT OF FEDERAL STIMULUS FUNDS 103512

The Office of Internal Audit within the Office of Budget and Management shall monitor and measure the effectiveness of funds allocated to the state as part of the federal American Recovery and Reinvestment Act of 2009. As part of its duties under this section, the Office of Internal Audit shall investigate how funds are allocated to each state agency and how the agency spends the funds. The Office of Internal Audit shall submit a report of its findings to the President of the Senate, Minority Leader of the Senate, Speaker of the House of Representatives, Minority Leader of the House of Representatives, and the Chairs of the committees in the Senate and House of Representatives handling finance and appropriations. The report shall be submitted every six months at the following intervals:

(1) For the six-month period ending December 31, 2009, not later than February 1, 2010;

(2) For the six-month period ending June 30, 2010, not later than August 1, 2010;

(3) For the six-month period ending December 31, 2010, not later than February 1, 2011;

(4) For the six-month period ending June 30, 2011, not later than August 1, 2011.

Section 523.10. ADVANCED ENERGY RESEARCH AND DEVELOPMENT

(A) All items set forth in this division are hereby appropriated, for fiscal years 2011 and 2012, the biennium ending on June 30, 2012, out of any moneys in the state treasury to the credit of the Advanced Energy Research and Development Taxable Fund (Fund 7004) derived from the proceeds of obligations heretofore authorized under section 166.11 of the Revised Code:

AIR AIR QUALITY DEVELOPMENT AUTHORITY

C89800 Advanced Energy Research and Development \$ 9,000,000

Taxable

TOTAL Advanced Energy Research and Development \$ 9,000,000 103543

Taxable Fund

TOTAL AIR QUALITY DEVELOPMENT AUTHORITY \$ 9,000,000 103544

(B) All items set forth in this division are hereby 103545
appropriated, for fiscal years 2011 and 2012, the biennium ending 103546
on June 30, 2012, out of any moneys in the state treasury to the 103547
credit of the Advanced Energy Research and Development Fund (Fund 103548
7005) derived from the proceeds of obligations heretofore 103549
authorized under section 166.11 of the Revised Code: 103550

AIR AIR QUALITY DEVELOPMENT AUTHORITY 103551

C89801 Advanced Energy Research and Development \$ 19,000,000 103552

TOTAL Advanced Energy Research and Development \$ 19,000,000 103553

Fund

TOTAL AIR QUALITY DEVELOPMENT AUTHORITY \$ 19,000,000 103554

(C) The appropriation items C89800, Advanced Energy Research 103555
and Development Taxable, and C89801, Advanced Energy Research and 103556
Development, shall be used for advanced energy projects as 103557
provided in sections 3706.25 to 3706.30 of the Revised Code. 103558

(D) Expenditures from appropriations contained in this 103559
section may be accounted for as though made in the main capital 103560
appropriations act for the fiscal year 2011-2012 biennium enacted 103561
by the 128th General Assembly. The Air Quality Development 103562
Authority shall not expend any of the appropriations made in this 103563
section until after July 1, 2010. 103564

Section 601.10. That Sections 205.10, 309.10, 317.10, 321.10, 103565
325.20, and 327.10 of Am. Sub. H.B. 2 of the 128th General 103566
Assembly be amended to read as follows: 103567

Sec. 205.10. DPS DEPARTMENT OF PUBLIC SAFETY 103568

State Highway Safety Fund Group 103569

4W40	762321	Operating Expense - BMV	\$	85,145,103	\$	89,005,103	103570
4W40	762410	Registrations Supplement	\$	31,753,145	\$	32,480,610	103571
5V10	762682	License Plate Contributions	\$	2,100,000	\$	2,100,000	103572
7036	761321	Operating Expense - Information and Education	\$	8,819,954	\$	8,828,661	103573
7036	761401	Lease Rental Payments	\$	13,337,000	\$	11,836,200	103574
7036	764033	Minor Capital Projects	\$	1,250,000	\$	1,250,000	103575
7036	764321	Operating Expense - Highway Patrol	\$	269,887,828	\$	269,975,259	103576
7036	764605	Motor Carrier Enforcement Expenses	\$	3,340,468	\$	3,340,468	103577
8300	761603	Salvage and Exchange - Administration	\$	20,800	\$	21,632	103578
8310	761610	Information and Education - Federal	\$	468,982	\$	468,982	103579
8310	764610	Patrol - Federal	\$	2,455,484	\$	2,455,484	103580
8310	764659	Transportation Enforcement - Federal	\$	6,132,592	\$	6,132,592	103581
8310	765610	EMS - Federal	\$	582,007	\$	582,007	103582
8310	767610	Liquor Enforcement - Federal	\$	514,184	\$	514,184	103583
8310	769610	Food Stamp Trafficking Enforcement - Federal	\$	1,032,135	\$	1,032,135	103584
8310	769631	Homeland Security - Federal	\$	2,100,000	\$	2,184,000	103585
8320	761612	Traffic Safety - Federal	\$	16,577,565	\$	16,577,565	103586

8350	762616	Financial Responsibility Compliance	\$	6,063,600	\$	6,063,600	103587
8370	764602	Turnpike Policing	\$	11,553,959	\$	11,553,959	103588
8380	764606	Patrol Reimbursement	\$	100,000	\$	100,000	103589
83C0	764630	Contraband, Forfeiture, Other	\$	622,894	\$	622,894	103590
83F0	764657	Law Enforcement Automated Data System	\$	10,984,978	\$	9,053,266	103591
83G0	764633	OMVI Enforcement/Education	\$	650,000	\$	650,000	103592
83J0	764693	Highway Patrol Justice Contraband	\$	2,100,000	\$	2,100,000	103593
83M0	765624	Operating Expense - Trauma and EMS	\$	2,915,113	\$	2,924,562	103594
83N0	761611	Elementary School Seat Belt Program	\$	390,000	\$	405,600	103595
83P0	765637	EMS Grants	\$	4,562,912	\$	4,562,912	103596
83R0	762639	Local Immobilization Reimbursement	\$	750,000	\$	750,000	103597
83T0	764694	Highway Patrol Treasury Contraband	\$	21,000	\$	21,000	103598
8400	764607	State Fair Security	\$	1,396,283	\$	1,396,283	103599
8400	764617	Security and Investigations	\$	6,317,530	\$	6,432,686	103600
8400	764626	State Fairgrounds Police Force	\$	830,769	\$	849,883	103601
8400	769632	Homeland Security - Operating	\$	1,552,049	\$	1,614,131	103602
8410	764603	Salvage and Exchange - Highway Patrol	\$	1,339,399	\$	1,339,399	103603
8440	761613	Seat Belt Education Program	\$	400,000	\$	400,000	103604

8460	761625	Motorcycle Safety Education	\$	3,324,987	\$	3,538,903	103605
8490	762627	Automated Title Processing Board	\$	19,240,839	\$	19,240,839	103606
TOTAL	HSF	State Highway Safety Fund Group	\$	520,633,559	\$	522,404,799	103607
General Services Fund Group							103608
4P60	768601	Justice Program Services	\$	1,070,962	\$	1,109,004	103609
4S30	766661	Hilltop Utility Reimbursement	\$	520,000	\$	540,800	103610
5ET0	768625	Drug Law Enforcement	\$	4,200,000	\$	4,200,000	103611
5Y10	764695	Highway Patrol Continuing Professional Training	\$	280,820	\$	280,820	103612
5Y10	767696	Investigative Unit Continuing Professional Training	\$	15,000	\$	15,000	103613
TOTAL	GSF	General Services Fund Group	\$	6,086,782	\$	6,145,624	103614
Federal Special Revenue Fund Group							103615
3290	763645	Federal Mitigation Program	\$	10,801,636	\$	11,233,702	103616
3370	763609	Federal Disaster Relief	\$	27,707,636	\$	27,707,636	103617
3390	763647	Emergency Management Assistance and Training	\$	84,031,935	\$	84,072,023	103618
3AY0	768606	Federal Justice Grants	\$	1,020,000	\$	745,000	103619
3CB0	768691	Federal Justice Grants - FFY06	\$	920,000	\$	795,000	103620

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3CC0	768609	Justice Assistance Grants - FFY07	\$	1,450,000	\$	1,215,000	103621
3DE0	768612	Federal Stimulus - Justice Assistance Grants	\$	36,146,492	\$	1,902,447	103622
<u>3DH0</u>	<u>768613</u>	<u>Federal Stimulus -</u> <u>Justice Programs</u>	\$	<u>4,404,597</u>	\$	<u>200,000</u>	103623
3L50	768604	Justice Program	\$	12,056,300	\$	12,056,300	103624
3N50	763644	U.S. Department of Energy Agreement	\$	31,358	\$	31,672	103625
TOTAL FED	Federal Special Revenue		\$	174,165,357	\$	139,758,780	103626
Fund Group				<u>178,569,954</u>		<u>139,958,780</u>	
State Special Revenue	Fund Group						103627
4V30	763662	EMA Service and Reimbursement	\$	4,474,751	\$	4,653,743	103628
5390	762614	Motor Vehicle Dealers Board	\$	200,000	\$	200,000	103629
5B90	766632	Private Investigator and Security Guard Provider	\$	1,341,478	\$	1,395,137	103630
5BK0	768687	Criminal Justice Services - Operating	\$	400,000	\$	400,000	103631
5BK0	768689	Family Violence Shelter Programs	\$	750,000	\$	750,000	103632
5CM0	767691	Federal Investigative Seizure	\$	642,175	\$	642,175	103633
5DS0	769630	Homeland Security	\$	517,350	\$	538,044	103634
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	1,600,000	\$	2,750,000	103635
5FL0	769634	Investigations	\$	1,172,080	\$	1,195,522	103636
6220	767615	Investigative Contraband and	\$	375,000	\$	375,000	103637

		Forfeiture				
6570	763652	Utility Radiological Safety	\$	1,413,889	\$	1,415,945 103638
6810	763653	SARA Title III HAZMAT Planning	\$	254,794	\$	262,438 103639
8500	767628	Investigative Unit Salvage	\$	100,000	\$	100,000 103640
TOTAL SSR State Special Revenue Fund Group			\$	13,241,517	\$	14,678,004 103641
Liquor Control Fund Group						103642
7043	767321	Liquor Enforcement - Operating	\$	12,007,894	\$	11,897,178 103643
TOTAL LCF Liquor Control Fund Group			\$	12,007,894	\$	11,897,178 103644
Agency Fund Group						103645
5J90	761678	Federal Salvage/GSA	\$	1,500,000	\$	1,500,000 103646
TOTAL AGY Agency Fund Group			\$	1,500,000	\$	1,500,000 103647
Holding Account Redistribution Fund Group						103648
R024	762619	Unidentified Motor Vehicle Receipts	\$	1,885,000	\$	1,885,000 103649
R052	762623	Security Deposits	\$	350,000	\$	350,000 103650
TOTAL 090 Holding Account Redistribution Fund Group			\$	2,235,000	\$	2,235,000 103651
TOTAL ALL BUDGET FUND GROUPS			\$	729,870,109	\$	698,619,383 103652
				<u>734,274,706</u>		<u>698,819,383</u>

MOTOR VEHICLE REGISTRATION 103653

The Registrar of Motor Vehicles may deposit revenues to meet 103654
the cash needs of the State Bureau of Motor Vehicles Fund (Fund 103655
4W40) established in section 4501.25 of the Revised Code, obtained 103656
under sections 4503.02 and 4504.02 of the Revised Code, less all 103657
other available cash. Revenue deposited pursuant to this paragraph 103658
shall support, in part, appropriations for operating expenses and 103659
defray the cost of manufacturing and distributing license plates 103660

and license plate stickers and enforcing the law relative to the 103661
operation and registration of motor vehicles. Notwithstanding 103662
section 4501.03 of the Revised Code, the revenues shall be paid 103663
into Fund 4W40 before any revenues obtained pursuant to sections 103664
4503.02 and 4504.02 of the Revised Code are paid into any other 103665
fund. The deposit of revenues to meet the aforementioned cash 103666
needs shall be in approximately equal amounts on a monthly basis 103667
or as otherwise determined by the Director of Budget and 103668
Management pursuant to a plan submitted by the Registrar of Motor 103669
Vehicles. 103670

CASH TRANSFERS FROM THE STATE BUREAU OF MOTOR VEHICLES FUND 103671

Notwithstanding any provision of law to the contrary, on July 103672
1, 2009, or as soon as possible thereafter, the Director of Budget 103673
and Management may transfer, from the Bureau of Motor Vehicles 103674
Fund (Fund 4W40), cash in the amounts of up to \$635,293 to the 103675
Justice Program Services Fund (Fund 4P60), up to \$3,284,464 to the 103676
EMA Service and Reimbursement Fund (Fund 4V30), and up to \$879,060 103677
to the Investigations Fund (Fund 5FL0). 103678

Notwithstanding any provision to the contrary, the Director 103679
of Budget and Management may make additional cash transfers in 103680
fiscal years 2010 and 2011 from the Bureau of Motor Vehicles Fund 103681
(Fund 4W40) to any of the following five funds if the Director of 103682
Public Safety determines that the cash balance is insufficient in 103683
those funds and requests the Director to make the transfer: the 103684
Justice Program Services Fund (Fund 4P60), the EMA Service and 103685
Reimbursement Fund (Fund 4V30), the Investigations Fund (Fund 103686
5FL0), the Homeland Security Fund (Fund 5DS0), and the Trauma and 103687
Emergency Medical Services Fund (Fund 83M0). 103688

CAPITAL PROJECTS 103689

The Registrar of Motor Vehicles may transfer cash from the 103690
State Bureau of Motor Vehicles Fund (Fund 4W40) to the State 103691

Highway Safety Fund (Fund 7036) to meet its obligations for 103692
capital projects CIR-047, Department of Public Safety Office 103693
Building and CIR-049, Warehouse Facility. 103694

OBA BOND AUTHORITY/LEASE RENTAL PAYMENTS 103695

The foregoing appropriation item 761401, Lease Rental 103696
Payments, shall be used for payments to the Ohio Building 103697
Authority for the period July 1, 2009, to June 30, 2011, under the 103698
primary leases and agreements for public safety related buildings 103699
financed by obligations issued under Chapter 152. of the Revised 103700
Code. Notwithstanding section 152.24 of the Revised Code, the Ohio 103701
Building Authority may, with approval of the Director of Budget 103702
and Management, lease capital facilities to the Department of 103703
Public Safety. 103704

HILLTOP TRANSFER 103705

The Director of Public Safety shall determine, per an 103706
agreement with the Director of Transportation, the share of each 103707
debt service payment made out of appropriation item 761401, Lease 103708
Rental Payments, that relates to the Department of 103709
Transportation's portion of the Hilltop Building Project, and 103710
shall certify to the Director of Budget and Management the amounts 103711
of this share. The Director of Budget and Management shall 103712
transfer the amounts of such shares from the Highway Operating 103713
Fund (Fund 7002) to the State Highway Safety Fund (Fund 7036). 103714

CASH TRANSFERS OF SEAT BELT FINE REVENUES 103715

Notwithstanding any provision of law to the contrary, the 103716
Controlling Board, upon request of the Director of Public Safety, 103717
may approve the transfer of cash between the following four funds 103718
that receive fine revenues from enforcement of the mandatory seat 103719
belt law: the Trauma and Emergency Medical Services Fund (Fund 103720
83M0), the Elementary School Program Fund (Fund 83N0), the Trauma 103721
and Emergency Medical Services Grants Fund (Fund 83P0), and the 103722

Seat Belt Education Fund (Fund 8440).	103723
STATE DISASTER RELIEF	103724
The State Disaster Relief Fund (Fund 5330) may accept	103725
transfers of cash and appropriations from Controlling Board	103726
appropriation items for Ohio Emergency Management Agency disaster	103727
response costs and disaster program management costs, and may also	103728
be used for the following purposes:	103729
(A) To accept transfers of cash and appropriations from	103730
Controlling Board appropriation items for Ohio Emergency	103731
Management Agency public assistance and mitigation program match	103732
costs to reimburse eligible local governments and private	103733
nonprofit organizations for costs related to disasters;	103734
(B) To accept and transfer cash to reimburse the costs	103735
associated with Emergency Management Assistance Compact (EMAC)	103736
deployments;	103737
(C) To accept disaster related reimbursement from federal,	103738
state, and local governments. The Director of Budget and	103739
Management may transfer cash from reimbursements received by this	103740
fund to other funds of the state from which transfers were	103741
originally approved by the Controlling Board.	103742
(D) To accept transfers of cash and appropriations from	103743
Controlling Board appropriation items to fund the State Disaster	103744
Relief Program, for disasters that have been declared by the	103745
Governor, and the State Individual Assistance Program for	103746
disasters that have been declared by the Governor and the federal	103747
Small Business Administration. The Ohio Emergency Management	103748
Agency shall publish and make available application packets	103749
outlining procedures for the State Disaster Relief Program and the	103750
State Individual Assistance Program.	103751
JUSTICE ASSISTANCE GRANT FUND	103752

The federal payments made to the state for the Byrne Justice Assistance Grants Program under Title II of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Justice Assistance Grant Fund (Fund 3DE0), which is hereby created in the state treasury. All investment earnings of the fund shall be credited to the fund.

JUSTICE ASSISTANCE GRANTS

The foregoing appropriation ~~item~~ items 768612, Federal Stimulus - Justice Assistance Grants, and 768613, Federal Stimulus - Justice Programs, shall be used to support activities to prevent and control crime and to improve the criminal justice system.

FAMILY VIOLENCE PREVENTION FUND

Notwithstanding any provision of law to the contrary, in each of fiscal years 2010 and 2011, the first \$750,000 received to the credit of the Family Violence Prevention Fund (Fund 5BK0) in each of those fiscal years shall be appropriated to appropriation item 768689, Family Violence Shelter Programs, and the next \$400,000 received to the credit of Fund 5BK0 in each of those fiscal years shall be appropriated to appropriation item 768687, Criminal Justice Services - Operating. Any moneys received to the credit of Fund 5BK0 in excess of the aforementioned appropriated amounts in each fiscal year shall, upon the approval of the Controlling Board, be used to provide grants to family violence shelters in Ohio.

SARA TITLE III HAZMAT PLANNING

The SARA Title III HAZMAT Planning Fund (Fund 6810) is entitled to receive grant funds from the Emergency Response Commission to implement the Emergency Management Agency's responsibilities under Chapter 3750. of the Revised Code.

COLLECTIVE BARGAINING INCREASES

Notwithstanding division (D) of section 127.14 and division 103784
(B) of section 131.35 of the Revised Code, except for the General 103785
Revenue Fund, the Controlling Board may, upon the request of 103786
either the Director of Budget and Management, or the Department of 103787
Public Safety with the approval of the Director of Budget and 103788
Management, increase appropriations for any fund, as necessary for 103789
the Department of Public Safety, to assist in paying the costs of 103790
increases in employee compensation that have occurred pursuant to 103791
collective bargaining agreements under Chapter 4117. of the 103792
Revised Code and, for exempt employees, under section 124.152 of 103793
the Revised Code. 103794

CASH BALANCE FUND REVIEW 103795

Not later than the first day of April in each fiscal year of 103796
the biennium, the Director of Budget and Management shall review 103797
the cash balances for each fund, except the State Highway Safety 103798
Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund 103799
4W40), in the State Highway Safety Fund Group, and shall recommend 103800
to the Controlling Board an amount to be transferred to the credit 103801
of Fund 7036 or Fund 4W40, as appropriate. 103802

Sec. 309.10. The federal payments made to the state for the 103803
Weatherization Assistance Program and the State Energy Grant 103804
Program under Title IV of Division A of the American Recovery and 103805
Reinvestment Act of 2009, and for the Homelessness Prevention Fund 103806
under Title XII of Division A of the American Recovery and 103807
Reinvestment Act of 2009, shall be deposited to the credit of the 103808
Federal Special Revenue Fund (Fund 3080). 103809

The federal payments made to the state for the Energy Star 103810
Rebate Program under the American Recovery and Reinvestment Act of 103811
2009 shall be deposited to the credit of the Energy Star Rebate 103812
Program Fund (Fund 3DA0), which is hereby created in the state 103813
treasury. 103814

The federal payments made to the state for the Energy Efficiency and Conservation Block Grants Program under Title IV of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Energy Efficiency and Conservation Block Grants Fund (Fund 3DB0), which is hereby created in the state treasury.

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The federal payments made to the state for the Community Development Block Grant program under Title XII of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Community Development Block Grant Fund (Fund 3K80).

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The federal payments made to the state for community services block grants under Title XII of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Community Services Block Grant Fund (Fund 3L00).

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The federal payments made to the state for the Home Investment Partnerships Program under Title XII of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the HOME Program Fund (Fund 3V10).

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The items in this division are appropriated as designated out of any moneys in the state treasury to the credit of their respective funds that are not otherwise appropriated.

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Appropriations

DEV DEPARTMENT OF DEVELOPMENT 103838

Federal Special Revenue Fund Group 103839

3080 195603 Housing and Urban Development \$ 0 \$ 26,205,724 103840

3080 195605 Federal Projects \$ 0 \$ 266,781,409 103841

3080 195618 Energy Federal Grants \$ 0 \$ 96,083,000 103842

3DA0 195632 Federal Stimulus - \$ 0 \$ 11,000,000 103843

		Energy Star Rebate Program					
3DB0	195642	Federal Stimulus - Energy Efficiency and Conservation Block Grants	\$	0	\$	21,000,000	103844
3K80	195613	Community Development Block Grant	\$	0	\$	12,957,527	103845
3L00	195612	Community Services Block Grant	\$	0	\$	38,979,000	103846
3V10	195601	HOME Program	\$	0	\$	83,484,547	103847
TOTAL FED		Federal Special Revenue	\$	0	\$	556,491,207	103848
Fund Group							
TOTAL ALL BUDGET FUND GROUPS			\$	0	\$	556,491,207	103849

The foregoing appropriation item 195605, Federal Projects, shall be used to carry out the Home Weatherization Assistance Program, subject to any requirements of the American Recovery and Reinvestment Act of 2009 that apply to the money appropriated.

The foregoing appropriation items 195603, Housing and Urban Development, 195618, Energy Federal Grants, 195613, Community Development Block Grant, 195612, Community Services Block Grant, 195601, HOME Program, 195632, Federal Stimulus - Energy Star Rebate Program, and 195642, Federal Stimulus - Energy Efficiency and Conservation Block Grants, shall be used in accordance with the requirements of the American Recovery and Reinvestment Act of 2009 that apply to the money appropriated.

~~Sec. 317.10. (A) The federal payments made to the state for the Immunization Program under Title VIII of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Preventive Health Block Grant Fund (Fund 3870).~~

~~(B)~~ The federal payments made to the state for the Special Supplemental Nutrition Program under Title VIII of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Women, Infants, and Children Fund (Fund 3890). 103867
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~~(C)~~(B) The federal payments made to the state for the IDEA - Infants and Children Program under Title VIII of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the General Operations Fund (Fund 3920). 103872
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~~(D)~~(C) The items in this section are appropriated as designated out of any moneys in the state treasury to the credit of their respective funds that are not otherwise appropriated. 103876
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Appropriations

DOH DEPARTMENT OF HEALTH 103879

Federal Special Revenue Fund Group 103880

3890 440604 Women, Infants, and Children \$ 0 \$ 2,000,000 103881

3920 440618 Federal Public Health Programs \$ 0 \$ 14,410,000 103882

TOTAL FED Federal Special Revenue Fund Group \$ 0 \$ 16,410,000 103883

TOTAL ALL BUDGET FUND GROUPS \$ 0 \$ 16,410,000 103884

The foregoing appropriation items 440604, Women, Infants, and Children, and 440618, Federal Public Health Programs, shall be used in accordance with the requirements of the American Recovery and Reinvestment Act of 2009 that apply to the money appropriated. 103885
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Sec. 321.10. The federal payments made to the state for the Vocational Rehabilitation Program under Title VIII of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Consolidated Federal Fund (Fund 103890
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The federal payments made to the state for the Independent 103895
Living Program under Title VIII of Division A of the American 103896
Recovery and Reinvestment Act of 2009 shall be deposited to the 103897
credit of the Independent Living/Vocational Rehabilitation Fund 103898
(Fund 3L40). 103899

The items in this section are appropriated as designated out 103900
of any moneys in the state treasury to the credit of their 103901
respective funds that are not otherwise appropriated. 103902

Appropriations

RSC REHABILITATION SERVICES COMMISSION 103903

Federal Special Revenue Fund Group 103904

3790 415616 Federal - Vocational \$ 0 \$ 21,590,000 103905

Rehabilitation

3L40 415612 Federal Independent \$ 0 \$ ~~509,000~~ 103906

Living Centers or 509,170

Services

3L40 415617 Independent \$ 0 \$ 1,392,958 103907

Living/Vocational

Rehabilitation

Programs

4680 415618 Third Party Funding \$ 0 \$ 245,816 103908

TOTAL FED Federal Special Revenue \$ 0 \$ ~~23,491,958~~ 103909

Fund Group 23,737,944

TOTAL ALL BUDGET FUND GROUPS \$ 0 \$ ~~23,491,958~~ 103910

23,737,944

The foregoing appropriation items 415616, Federal - 103911
Vocational Rehabilitation, 415612, Federal Independent Living 103912
Centers or Services, and 415617, Independent Living/Vocational 103913
Rehabilitation Programs, shall be used in accordance with the 103914
requirements of the American Recovery and Reinvestment Act of 2009 103915

that apply to the money appropriated. 103916

Sec. 325.20. Expenditures from appropriations made in 103917
~~Sections 325.05 and Section~~ 325.10 shall be accounted for as 103918
 though made in Am. Sub. H.B. 67 of the 127th General Assembly. 103919
 However, law contained in the relevant operating appropriations 103920
 act that is generally applicable to the appropriations made in 103921
 that act also is generally applicable to the appropriations made 103922
 in ~~Sections 325.05 and Section~~ 325.10 of ~~this act~~ Am. Sub. H.B. 2 103923
of the 128th General Assembly. 103924

Sec. 327.10. The unexpended, unencumbered portions of the 103925
 appropriation items made in Sections 303.10, 305.10, 307.10, 103926
 309.10, 311.10, 313.10, 317.10, 318.10, 319.10, 321.10, ~~325.05,~~ 103927
 and 325.10 of Am. Sub. H.B. 2 of the 128th General Assembly at the 103928
 end of fiscal year 2009 are hereby reappropriated for the same 103929
 purposes for fiscal year 2010. 103930

Section 601.11. That existing Sections 205.10, 309.10, 103931
 317.10, 321.10, 325.20, and 327.10 of Am. Sub. H.B. 2 of the 128th 103932
 General Assembly are hereby repealed. 103933

Section 610.10. That Sections 103.80.80, 103.80.90, 103934
 301.20.50, and 301.30.30 of H.B. 496 of the 127th General Assembly 103935
 be amended to read as follows: 103936

Reappropriations

Sec. 103.80.80. OSB SCHOOL FOR THE BLIND 103937

C22606	Glass Windows/East Wall of Natatorium	\$	63,726	103938
C22607	Renovation of Science Laboratory	\$	58,850	103939
	Greenhouse			
C22608	Renovating Recreation Area	\$	213,900	103940
C22609	New Classrooms for Secondary MH Program	\$	996,164	103941

C22610	Renovation of Student Health Service Area	\$	144,375	103942
C22611	Replacement of Cottage Windows	\$	208,725	103943
C22612	Residential Renovations	\$	7,043 <u>41,649</u>	103944
C22613	Food Preparation Area Air Conditioning	\$	67,250	103945
C22614	New School Lighting	\$	184,500	103946
C22616	Renovation and Repairs	\$	890,000	103947
C22617	Elevator Replacement	\$	110,000	103948
Total Ohio School for the Blind		\$	2,944,533	103949
			<u>2,979,139</u>	

RESIDENTIAL RENOVATIONS 103950

The amount reappropriated for the foregoing appropriation item C22612, Residential Renovations, is the unencumbered and unallotted balance as of June 30, 2008, in appropriation item C22612, Residential Renovations, plus \$34,606. 103951
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Reappropriations

Sec. 103.80.90. OSD SCHOOL FOR THE DEAF 103955

C22103	Dormitory Renovations	\$	2,833	103956
C22104	Boilers, Blowers, and Controls for the School Complex	\$	47,360	103957
C22105	Central Warehouse	\$	676,624	103958
C22106	Storage Barn	\$	330,850	103959
			<u>384,279</u>	
C22107	Renovation and Repairs	\$	1,000,000	103960
Total Ohio School for the Deaf		\$	2,057,667	103961
			<u>2,111,096</u>	
TOTAL Administrative Building Fund		\$	101,617,431	103962
			<u>101,705,466</u>	

STORAGE BARN 103963

The amount reappropriated for the foregoing appropriation item C22106, Storage Barn, is the unencumbered and unallotted 103964
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balance as of June 30, 2008, in appropriation item C22106, Storage 103966
Barn, plus \$53,429. 103967

Reappropriations

Sec. 301.20.50. CLS CLEVELAND STATE UNIVERSITY			103968
C26000	Basic Renovations	\$ 5,169,538	103969
C26002	17th - 18th Street Block	\$ 93,418	103970
C26003	Instructional and Data Processing Equipment	\$ 1,324,280	103971
C26004	Asbestos Abatement	\$ 410,414	103972
C26007	Land Acquisitions	\$ 9,264	103973
C26008	Geographic Information Systems	\$ 46,335	103974
C26009	Landscaping/Sidewalks/Stairs	\$ 15,742	103975
C26011	College of Education Building	\$ 26,612,728	103976
C26012	Electrical System Upgrades - Phase 2	\$ 9,550	103977
C26013	Fire Alarm System Upgrade	\$ 37,450	103978
C26014	Property Acquisition	\$ 1,120,237	103979
C26016	Student Services	\$ 10,017	103980
C26022	Campus Fire Alarm Upgrade	\$ 355,145	103981
C26024	Rhodes Tower Data Center Relocation	\$ 22,055	103982
C26025	University Annex-Vacate and Demolition	\$ 49,390	103983
C26027	Cleveland Playhouse	\$ 60,822	103984
C26031	Main Classroom Stair Tower & Entry	\$ 18,582	103985
C26033	Physical Education Building Pool Painting and Light Fixture Replacement	\$ 2,901	103986
C26034	Neighborhood Centers Renovations	\$ 500,000	103987
C26035	Cleveland Institute of Art	\$ 2,000,000	103988
C26036	Bakers Building Renovations	\$ 1,328,583	103989
C26038	Cleveland State University Windtower Generator Project	\$ 400,000	103990
C26039	Kenston Wind Turbine Project in Geauga	\$ 300,000	103991
C26041	Anthropology Department Renovation/Relocation	\$ 400,000	103992

C26042	Chester Building Annex Demolition	\$	921,583	103993
C26043	Law Building Roof Replacement	\$	213,937	103994
C26044	Sensor Systems Engineering	\$	15,958,820	103995
<u>C26057</u>	<u>Western Reserve Historical Society</u>	<u>\$</u>	<u>3,500,000</u>	103996
Total Cleveland State University		\$	57,390,791	103997
			<u>60,890,791</u>	

NEIGHBORHOOD CENTERS RENOVATIONS 103998

Of the foregoing appropriation item C26034, Neighborhood 103999
Centers Renovations, \$250,000 shall be used for renovations to the 104000
Friendly Inn Settlement House and \$250,000 shall be used for 104001
renovations to the Merrick House. 104002

Reappropriations

Sec. 301.30.30. WSU WRIGHT STATE UNIVERSITY 104003

C27500	Basic Renovations	\$	4,543,368	104004
C27501	Basic Renovations - Lake	\$	86,157	104005
C27504	Library Access Consolidation System	\$	5,551,183	104006
C27505	Information Technology Center	\$	23,860	104007
C27506	Specialized Communication	\$	7,798	104008
C27508	Environmental Technology Consortium	\$	6,298	104009
C27511	Electrical Infrastructure - Phase 1	\$	80,151	104010
C27513	Science Lab Renovations - Planning	\$	9,484,384	104011
C27514	Lake Campus University Center	\$	2,007,909	104012
C27517	Video Analysis Content Extraction	\$	56,641	104013
C27523	Advanced Data Manager	\$	186,309	104014
C27526	Lake Campus Rehabilitation	\$	478,906	104015
C27527	Advanced Technology Intelligence Center	\$	2,500,000	104016
C27529	Consolidated Community Project - Greene	\$	750,000	104017
C27531	Glenn Helen Preserve Eco Art Classroom	\$	15,000	104018
<u>C27538</u>	<u>Camp Clifton Improvements</u>	<u>\$</u>	<u>90,000</u>	104019
<u>C27541</u>	<u>WSU STEM School</u>	<u>\$</u>	<u>750,000</u>	104020
Total Wright State University		\$	25,777,964	104021

25,867,964

Section 610.11. That existing Sections 103.80.80, 103.80.90, 104023
301.20.50, and 301.30.30 of H.B. 496 of the 127th General Assembly 104024
are hereby repealed. 104025

Section 610.12. That Section 301.60.50 of H.B. 496 of the 104026
127th General Assembly, as amended by Am. Sub. H.B. 420 of the 104027
127th General Assembly, be amended to read as follows: 104028

Reappropriations

Sec. 301.60.50. STC STARK TECHNICAL COLLEGE			104029
C38900 Basic Renovations	\$	374,496	104030
C38901 Instructional and Data Processing Equipment	\$	22,356	104031
C38903 Timken Regional Campus Technology Project	\$	219,659	104032
C38912 Health and Science Building	\$	4,814,648	104033
Total Stark Technical College	\$	5,431,159	104034
TOTAL Higher Education Improvement Fund	\$	828,556,976	104035
		<u>832,056,976</u>	

Section 610.13. That existing Section 301.60.50 of H.B. 496 104037
of the 127th General Assembly, as amended by Am. Sub. H.B. 420 of 104038
the 127th General Assembly is hereby repealed. 104039

Section 610.14. That Sections 201.30 and 301.20.20 of H.B. 104040
496 of the 127th General Assembly, as amended by Am. Sub. H.B. 562 104041
of the 127th General Assembly, be amended to read as follows: 104042

Sec. 201.30. All items set forth in this section are hereby 104043
appropriated out of any moneys in the state treasury to the credit 104044
of the Cultural and Sports Facilities Building Fund (Fund 7030) 104045
that are not otherwise appropriated: 104046

		Reappropriations	
AFC CULTURAL FACILITIES COMMISSION			104047
C37102	Center of Science and Industry - Toledo	\$ 12,268	104048
C37114	Woodward Opera House Renovation	\$ 1,150,000	104049
C37118	Statewide Site Repairs	\$ 100,100	104050
C37124	Waco Museum & Aviation Learning Center	\$ 500,000	104051
C37131	Bramley Historic House	\$ 75,000	104052
C37132	Beck Center for the Cultural Arts	\$ 100,000	104053
C37133	Delaware County Cultural Arts Center	\$ 40,000	104054
C37137	West Side Arts Consortium	\$ 138,000	104055
C37138	Ice Arena Development	\$ 5,500,000	104056
C37139	Stan Hywet Hall & Gardens	\$ 1,000,000	104057
C37141	Spring Hill Historic Home	\$ 125,000	104058
C37143	Lorain Palace Civic Theatre	\$ 200,000	104059
C37144	Great Lakes Historical Society	\$ 150,000	104060
C37153	Historic Sites and Museums	\$ 980,319	104061
C37155	Buffington Island State Memorial	\$ 33,475	104062
C37182	Lorain County Historical Society	\$ 300,000	104063
C37184	Marion Palace Theatre	\$ 1,575,000	104064
C37185	McConnellsville Opera House	\$ 75,000	104065
C37186	Secrest Auditorium	\$ 75,000	104066
C37187	Renaissance Theatre	\$ 700,000	104067
C37188	Trumpet in the Land	\$ 100,000	104068
C37189	Mid-Ohio Valley Players	\$ 80,000	104069
C37190	The Anchorage	\$ 50,000	104070
C37193	Galion Historic Big Four Depot Restoration	\$ 170,000	104071
C37195	Lake County Historical Society	\$ 250,000	104072
C37196	Hancock Historical Society	\$ 75,000	104073
C37197	Riversouth Development	\$ 1,000,000	104074
C37198	Ft. Piqua Hotel	\$ 200,000	104075
C37199	Marina District Amphitheatre and Related Development	\$ 2,000,000	104076

C371A1	Lima Historic Athletic Field	\$	100,000	104077
C371A3	Voice Of America Museum	\$	275,000	104078
C371A5	Clark County Community Arts Expansion Project	\$	500,000	104079
C371A6	Westcott House Historic Site	\$	75,000	104080
C371A8	Miami Township Community Amphitheatre	\$	50,000	104081
C371A9	Western Reserve Historical Society	\$	2,500,000	104082
C371B0	Cleveland Steamship Mather Museum	\$	100,000	104083
C371B5	Arts Castle	\$	100,000	104084
C371B6	Cincinnati Art and Technical Academy	\$	325,000	104085
C371B7	Ohio Glass Museum	\$	250,000	104086
C371B9	Ariel Theatre	\$	100,000	104087
C371C2	Ensemble Theatre	\$	450,000	104088
C371C4	Art Academy of Cincinnati	\$	100,000	104089
C371C5	Riverbend Pavilion Improvements	\$	250,000	104090
C371C7	Music Hall: Over-The-Rhine	\$	750,000	104091
C371C8	John Bloomfield Home Restoration	\$	720	104092
C371C9	Malinta Historical Society Caboose Exhibit	\$	6,000	104093
C371D1	Art Deco Markay Theatre	\$	200,000	104094
C371D4	Broad Street Historical Renovation	\$	300,000	104095
C371D5	Amherst Historical Society	\$	35,000	104096
C371D6	COSI - Toledo	\$	980,000	104097
C371D7	Ohio Theatre - Toledo	\$	100,000	104098
C371E2	Aurora Outdoor Sports Complex	\$	50,000	104099
C371E3	Preble County Historical Society	\$	100,000	104100
C371E4	Tecumseh Sugarloaf Mountain Amphitheatre	\$	120,000	104101
C371F0	Richard Howe House	\$	100,000	104102
C371F2	Packard Music Hall Renovation Project	\$	575,000	104103
C371F3	Holland Theatre	\$	100,000	104104
C371F6	Marietta Colony Theatre	\$	335,000	104105
C371G7	Huntington Park	\$	7,000,000	104106
C371G9	Riverbend - Cincinnati Symphony	\$	3,000,000	104107

C371H0	Marina District Amphitheatre	\$	2,900,000	104108
C371H1	Cincinnati Museum Center	\$	2,000,000	104109
C371H2	National Underground Railroad Freedom Center	\$	2,000,000	104110
C371H4	Pro Football Hall of Fame	\$	1,650,000	104111
C371H5	Heritage Center - Dayton	\$	1,300,000	104112
C371H6	Western Reserve Historical Society	\$	1,000,000	104113
C371H7	COSI Columbus	\$	1,000,000	104114
C371H8	Columbus Museum of Art	\$	1,000,000	104115
C371I0	Stan Hywet Hall and Gardens	\$	1,175,000	104116
C371I1	Akron Art Museum	\$	1,000,000	104117
C371I2	Sauder Village	\$	830,000	104118
C371I3	Horvitz Center for the Arts	\$	750,000	104119
C371I4	Ensemble Theatre	\$	750,000	104120
C371I5	Voice of America Museum	\$	750,000	104121
C371I6	Cleveland Steamship Mather	\$	600,000	104122
C371I7	Cuyahoga County Soldier and Sailor Monument	\$	500,000	104123
C371I8	King-Lincoln Arts and Entertainment District	\$	500,000	104124
C371I9	Art Academy of Cincinnati	\$	500,000	104125
C371J0	Great Lakes Historical Society	\$	500,000	104126
C371J3	Davis Shai Historical Facility	\$	300,000	104127
C371J4	Massillon Museum	\$	275,000	104128
C371J5	The Mandel Center	\$	250,000	104129
C371J6	Peggy R McConnell Arts Center	\$	250,000	104130
C371J7	Columbus College of Art and Design	\$	250,000	104131
C371J9	Stambaugh Hall Improvements	\$	250,000	104132
C371K0	Youngstown Symphony Orchestra	\$	250,000	104133
C371K1	Wood County Historical Center/Museum	\$	220,000	104134
C371K3	Cincinnati Ballet	\$	200,000	104135
C371K4	City of Avon Stadium Complex	\$	200,000	104136
C371K5	Renaissance Performing Arts Center	\$	200,000	104137

C371K6	Oxford Arts Center	\$	174,000	104138
C371K7	Wayne County Historical Society	\$	170,000	104139
C371K8	Maumee Valley Historical Society	\$	150,000	104140
C371K9	Trumbull County Historical Society	\$	150,000	104141
C371L0	First Lunar Flight Project	\$	25,000	104142
C371L1	Holmes County Historical Society Improvements	\$	140,000	104143
C371L2	Westerville Parks & Recreation Firefighters Memorial/First Responder Park	\$	125,000	104144
C371L3	Ukranian Museum	\$	100,000	104145
C371L4	Gordon Square Arts District	\$	100,000	104146
C371L5	Moreland Theatre Renovation	\$	100,000	104147
C371L6	Karamu House	\$	100,000	104148
C371L7	Symmes Township Historical Society	\$	100,000	104149
C371L8	Springfield Veterans Park Amphitheatre	\$	100,000	104150
C371L9	Gallia County Historical Genealogical Society	\$	100,000	104151
C371M1	The Octagon House	\$	100,000	104152
C371M2	Vinton County Stage-Pavilion Project	\$	100,000	104153
C371M3	County Line Historical Society-Wayne/Holmes	\$	100,000	104154
C371M4	Paul Brown Museum	\$	75,000	104155
C371M5	The Works Ohio Center for History, Art and Technology	\$	75,000	104156
C371M8	Hale Farm and Village	\$	50,000	104157
C371M9	Howe House Historic Site	\$	50,000	104158
C371N0	Beavercreek Community Theatre	\$	50,000	104159
C371N1	Jamestown Opera House	\$	50,000	104160
C371N2	Johnny Appleseed Museum	\$	50,000	104161
C371N3	Vinton County Historical Society Alice House Project	\$	50,000	104162
C371N4	Woodward Opera House Renovations	\$	50,000	104163

C371N5	Little Brown Jug Facility Improvements	\$	50,000	104164
C371N6	Applecreek Historical Society	\$	50,000	104165
C371N7	Wyandot Historic Courthouse	\$	50,000	104166
C371N8	Galion Historical Big 4 Depot	\$	30,000	104167
C371N9	Bucyrus Historic Depot Renovations	\$	30,000	104168
C371O1	Arts West Performing Arts Center	\$	25,000	104169
C371O2	Chester Academy Historical Site	\$	25,000	104170
C371O3	Portland Civil War Museum and Historical Displays	\$	25,000	104171
C371O4	Morgan County Opera House	\$	25,000	104172
C371O5	Crawford Antique Museum	\$	9,000	104173
C371O6	Monroe City Historical Society Building Repair	\$	5,000	104174
C371O7	Wright Dunbar Historical Facility	\$	250,000	104175
C371O8	Nationwide Children's Hospital Livingston Park Cultural Improvements	\$	1,000,000	104176
C371P1	WACO Aircraft Museum	\$	30,000	104177
C371P2	Bradford Railroad Museum	\$	30,000	104178
C371P3	Cincinnati Ballet Facility	\$	415,000	104179
C371P5	Fort Recovery Renovations	\$	100,000	104180
C371P6	Music Hall Garage	\$	1,000,000	104181
C371P7	Hip Klotz Memorial	\$	150,000	104182
C371P8	AB Graham Center	\$	40,000	104183
	Total Cultural Facilities Commission	\$	64,803,882	104184
			<u>61,303,882</u>	
	TOTAL Cultural and Sports Facilities Building Fund	\$	64,803,882	104185
			<u>61,303,882</u>	

Reappropriations

	Sec. 301.20.20. BGU BOWLING GREEN STATE UNIVERSITY			104187
C24000	Basic Renovations	\$	10,751,883	104188
C24001	Basic Renovations - Firelands	\$	811,360	104189
C24002	Instructional and Data Processing	\$	1,200,186	104190

	Equipment			
C24004	ADA Modifications	\$	19,544	104191
C24005	Child Care Facility	\$	49,406	104192
C24007	Materials Network	\$	90,981	104193
C24008	Video Link	\$	10,644	104194
C24013	Hannah Hall Rehabilitation	\$	2,005,522	104195
C24014	Biology Lab Renovation	\$	12,533,708	104196
C24015	Campus-Wide Paving/Sidewalk Upgrade	\$	4,899	104197
C24016	Student Learning	\$	13,149	104198
C24017	Video Teaching Network	\$	5,436	104199
C24019	Kinetic Spectrometry Consortium	\$	77,671	104200
C24020	Admissions Visitor Center	\$	3,000,000	104201
C24021	Theatre/Performing Arts Complex	\$	8,750,000	104202
C24022	University Hall Rehabilitation	\$	1,174,981	104203
C24025	Administration Building Fire Alarm System	\$	83,986	104204
C24026	Campus-Wide Carpet Upgrade	\$	329,700	104205
C24027	Reroof East, West, and North Buildings	\$	173,999	104206
C24028	Instructional Laboratory - Phase 1	\$	960,000	104207
C24031	Health Center Addition	\$	9,750,000	104208
C24032	Student Services Building Replacement	\$	8,100,000	104209
C24033	BGU Aviation Improvements	\$	500,000	104210
C24034	Tunnel Upgrade-Phase II	\$	98,820	104211
C24035	Library Depository Northwest	\$	56,000	104212
C24036	Wood County Environmental Health Project	\$	700,000	104213
<u>C24041</u>	<u>BGSU Ice Arena</u>	<u>\$</u>	<u>300,000</u>	104214
<u>C24042</u>	<u>Water Quality Lab Equipment</u>	<u>\$</u>	<u>200,000</u>	104215
<u>C24043</u>	<u>Center for Microscopy and Microanalysis</u>	<u>\$</u>	<u>200,000</u>	104216
	Total Bowling Green State University	\$	61,251,875	104217

Section 610.15. That existing Sections 201.30 and 301.20.20 104219
of H.B. 496 of the 127th General Assembly, as amended by Am. Sub. 104220
H.B. 562 of the 127th General Assembly are hereby repealed. 104221

Section 610.16. That Section 301.20.80 of H.B. 496 of the 104222
127th General Assembly, as amended by Am. Sub. H.B. 562 of the 104223
127th General Assembly, be amended to read as follows: 104224

Reappropriations

Sec. 301.20.80. OSU OHIO STATE UNIVERSITY			104225
C31500	Basic Renovations	\$ 34,349,496	104226
C31501	Basic Renovations - Regional Campuses	\$ 6,506,516	104227
C31502	Brown Hall Annex Replacement	\$ 6,213	104228
C31505	Basic Renovations - ATI	\$ 129,714	104229
C31506	Supplemental Renovations - OARDC	\$ 3,319,202	104230
C31507	Supplemental Renovations - Regional	\$ 191,955	104231
C31508	Dreese Lab Addition	\$ 5,953	104232
C31510	Bioscience/Parks Hall Addition	\$ 12,584	104233
C31512	Greenhouse Modernization	\$ 40,982	104234
C31515	Life Sciences Research Building	\$ 218,170	104235
C31520	Food Science & Technology Building	\$ 92,786	104236
C31522	Heart & Lung Institute	\$ 32,437	104237
C31523	Superconducting Radiation	\$ 65,094	104238
C31524	Brain Tumor Research Center	\$ 6,001	104239
C31525	Engineering Center Net Shape Manufacturing	\$ 20,730	104240
C31526	Membrane Protein Typology	\$ 8,835	104241
C31527	Instructional and Data Processing Equipment	\$ 6,014,848	104242
C31528	Fine Particle Technologies	\$ 116,770	104243
C31529	Advanced Plasma Engineering	\$ 22,690	104244
C31530	Plasma Ramparts	\$ 1,150	104245
C31531	IN-SITU AL-BE Composites	\$ 1,733	104246
C31532	Jay Cooke Residence - Roof and Windows	\$ 86,668	104247
C31535	Asbestos Abatement	\$ 5,325	104248
C31536	Materials Network	\$ 91,983	104249

As Reported by the Senate Finance and Financial Institutions Committee

C31537	Bio-Technology Consortium	\$	42,378	104250
C31538	Analytical Electron Microscope	\$	375,000	104251
C31539	High Temp Alloys & Alluminoids	\$	220,000	104252
C31541	Supplemental Renovations - ATI	\$	33,969	104253
C31542	Maintenance, Receiving, and Storage Facility - Marion	\$	58,646	104254
C31543	McPherson Lab Rehabilitation	\$	37,243	104255
C31544	Heart and Lung Institute	\$	101,808	104256
C31546	ADA Modifications - ATI	\$	41,936	104257
C31547	ADA Modifications - Lima	\$	358	104258
C31548	ADA Modifications - Mansfield	\$	15,253	104259
C31550	Titanium Alloys	\$	54,912	104260
C31552	Advanced Manufacturing	\$	38,579	104261
C31553	Manufacturing Processes/Materials	\$	62,574	104262
C31554	Terhertz Studies	\$	35,294	104263
C31556	Marion Park/Road/Sidewalk/Lights	\$	2,750	104264
C31557	Pomerene Lighting/Wiring	\$	249,584	104265
C31558	NMR Consortium	\$	75,116	104266
C31559	Versatile Film Facility	\$	62,872	104267
C31560	OCARNET	\$	5,916	104268
C31561	Bioprocessing Research	\$	1,905	104269
C31562	Localized Corrosion Research	\$	6,128	104270
C31563	ATM Testbed	\$	3,633	104271
C31564	Physical Sciences Building	\$	79,383	104272
C31565	Morrill Hall Remodeling - Vacated Library Space - Marion	\$	923	104273
C31568	Sisson Hall Replacement	\$	5,537	104274
C31570	Machinery Acoustics	\$	3,804	104275
C31571	Sensors and Measurements	\$	15,115	104276
C31572	Polymer Magnets	\$	1,099	104277
C31574	Al Alloy Corrosion	\$	14,292	104278
C31578	Page Hall Planning	\$	7,210	104279
C31579	Botany & Zoology Building Planning	\$	209,467	104280

C31581	Robinson Laboratory Planning	\$	36,765	104281
C31582	Don Scott Field Replacement Barns	\$	1,495,619	104282
C31583	Galvin Hall 3rd Floor Renovation - Lima	\$	22,135	104283
C31584	Horticultural Operations Center - ATI	\$	1,475,400	104284
C31585	OARDC Feed Mill	\$	5,050,968	104285
C31587	Biological Sciences Cooling Tower	\$	6,930	104286
C31589	Mount Hall HVAC Modifications	\$	40,982	104287
C31591	Ohio Biomedical Consortium on Medical Therapeutic Micro Devices	\$	49,275	104288
C31592	Plant and Microbe Functional Genomics Facilities	\$	16,259	104289
C31593	Consortium for Novem Microfabrications Methods of Medical Devices in Non-Silicon Materials	\$	149,066	104290
C31594	Bone & Mineral Metabolism Research Lab	\$	5,845	104291
C31597	Animal & Plant Biology Level 3	\$	8,133,780	104292
C31598	Main Library Rehabilitation	\$	56,456,214	104293
C31599	Psychology Building	\$	57,722	104294
C315A0	Thorne Hall and Gowley Hall Renovations - Phase 3	\$	598,043	104295
C315A2	Nanosecond Infrared Measurement	\$	2,588	104296
C315A4	Millimeter/Submillimeter Instrument	\$	5,919	104297
C315A5	X-Ray Powder Diffractometer	\$	558	104298
C315A6	Deconvolution Microscope	\$	1,101	104299
C315B2	Denney Hall Renovation - Phase I	\$	18,495	104300
C315B3	Ion Mass Spectrometry	\$	6,594	104301
C315B5	Role of Molecular Interfaces	\$	17,773	104302
C315B8	New Millimeter Spectrometer	\$	24,996	104303
C315C2	1224 Kinnear Road - Bale	\$	11,105	104304
C315C3	Non-Silicon Micromachining	\$	73,991	104305
C315C4	High Performance Computing	\$	2,910	104306
C315C5	Veterinary Hospital Auditorium Renovation	\$	7,736	104307

C315D0	OARDC Boiler Replacement	\$	656,442	104308
C315D2	Supercomputer Center Expansion	\$	1,600,414	104309
C315D5	Information Literacy	\$	24,824	104310
C315D6	Online Business Major	\$	6,618	104311
C315D8	Renovation of Graves Hall	\$	68,196	104312
C315E0	OARDC Wooster Phone System Replacement	\$	467,398	104313
C315E1	Utility - North Tunnel Steamline Upgrade	\$	114,298	104314
C315E2	Dual Beam Characterization	\$	150,000	104315
C315E6	Environmental Technology Consortium	\$	11,297	104316
C315E7	Campbell, University, and Evans Hall	\$	45,877	104317
C315E8	Laboratory Animal Facility	\$	83,481	104318
C315F1	Western Branch Headquarters & Machinery Building	\$	662,850	104319
C315F2	Muck Crops Branch/Shop Building Replacement	\$	782,173	104320
C315F3	Hazardous Waste Handling/Storage Building	\$	1,103,062	104321
C315F4	Agriculture/Engineering Building Renovation & Addition	\$	200,000	104322
C315F5	OSU Extension Office/Agriculture Business Enhancement Center	\$	300,000	104323
C315F6	Community Heritage Art Gallery - Lima	\$	100,000	104324
C315F8	Nanotechnology Molecular Assembly	\$	437,296	104325
C315F9	Networking and Communication	\$	478,761	104326
C315G0	Planetary Gear	\$	125,000	104327
C315G1	X-Ray Fluorescence <u>Fluorescence</u> Spectrometer	\$	2,283	104328
C315G2	Precision Navigation	\$	85,000	104329
C315G3	Welding & Metal Working	\$	200,000	104330
C315G5	Inductively Coupled Plasma Etching	\$	126,492	104331
C315G6	Accelerated Metals	\$	1,020,331	104332
C315G7	Mathematical Biosciences Institute	\$	9,819	104333
C315G9	Mershon Auditorium HVAC System	\$	3,379	104334

Improvements			
C315H0	Molecular Microdevices	\$	2,066 104335
C315H1	Research Center HVAC System Improvements	\$	38,052 104336
C315H2	Infrared Absorption Measurements	\$	3,423 104337
C315H3	Dark Fiber	\$	2,532,628 104338
C315H4	Shared Data Backup System	\$	96,876 104339
C315H6	Third Frontier Network Testbed	\$	202,763 104340
C315H7	Distributed Learning Workshop	\$	2,500 104341
C315H8	Accelerated Maturation of Materials	\$	42,279 104342
C315H9	Nanoscale Polymers Manufacturing	\$	358,802 104343
C315J0	Hydrogen Production and Storage	\$	217 104344
C315J1	Ohio Organic Semiconductor	\$	226,422 104345
C315J4	Comprehensive Cancer - Chiller	\$	19,187 104346
Replacement			
C315J5	Kottman Hall - 103 Central Classroom	\$	20,893 104347
C315J7	Low Cost Nanocomposite Foams	\$	101,705 104348
C315J8	West Campus Chilled Water & Scott Hall	\$	20,093 104349
C315J9	McCracken Power Plant Spill Control	\$	120,251 104350
C315K0	Glacial Assessment	\$	22,764 104351
C315K2	Center for Advanced Propulsion and Power	\$	1,313,076 104352
C315K3	Parks Hall Chiller Replacement	\$	134,678 104353
C315K4	Hybrid Electric Vehicle Modeling	\$	363,452 104354
C315K5	Computational Nanotechnology	\$	500,000 104355
C315K6	Townshend Hall - Roof Replacement	\$	328,772 104356
C315K8	Veterinary Hospital Roof Replacement	\$	174,815 104357
Phase II			
C315K9	Hopkins Hall Phase II Priorities I, II	\$	41,756 104358
C315L0	Bioscience 6th Floor Renovation - Priority	\$	140,937 104359
C315L1	Ohio Commons For Digital Education	\$	14,594 104360
C315L2	Postle Hall Fire Alarm Replacement	\$	116,441 104361
C315L3	NonCredit Job Education & Training	\$	14,201 104362
C315L4	Campus South Dorms	\$	3,767 104363

	Renovation/Improvements			
C315L5	Bricker Hall Roof Replacement	\$	23,608	104364
C315L8	Cooperative Control Testbed	\$	3,000	104365
C315M0	Neuroscience Center Core	\$	576	104366
C315M2	Campus Grounds-Exterior Lighting - Phase	\$	31,523	104367
	VIII			
C315M3	930 Kinnear Road Renovations	\$	181,402	104368
C315M4	Waterman Lab & Don Scott Field	\$	23,528	104369
C315M5	Lincoln Tower Renovations - Phase I	\$	254,767	104370
C315M6	Coe Corrosion Coop	\$	56,781	104371
C315M7	OSU Cancer Program Expansion	\$	2,000,000	104372
C315M8	Smith Laboratory Rehabilitation	\$	2,799,448	104373
C315M9	Warner Library and Student Center	\$	1,618,275	104374
C315N0	Hopewell Hall Science Suite	\$	508,408	104375
C315N1	Atomic Force Microscopy	\$	180,000	104376
C315N2	Interactive Applications	\$	344,865	104377
C315N3	Platform Lab	\$	76,685	104378
C315N4	Integrated Biomass to Electricity	\$	392,680	104379
C315N8	Center for Polymer Nanomaterials	\$	9,801,899	104380
C315N9	Ohio Bioproducts Innovation Center	\$	7,765,250	104381
C315P1	Specialized Planetary Gears	\$	40,920	104382
C315P2	OSU Agricultural Building	\$	295,409	104383
C315P3	Automated AFM System	\$	618	104384
C315P4	Integrated Wireless Communication	\$	3,454	104385
C315P5	Newton Hall-Roof Replacement	\$	140,646	104386
C315P6	Chirped-Pulse Amplifier	\$	258,732	104387
C315P7	Central Classroom Building Renovation	\$	55,686	104388
C315P9	Airport Hangers 1 2 & 3 Roof Replacement	\$	485,250	104389
C315Q0	Veterinary Hospital Holding Replacement	\$	1,902,970	104390
C315Q1	Aeronautical and Astronautical Research	\$	676,482	104391
	Lab-Roof Replacement			
C315Q2	Superconductivity Technology Center	\$	324,136	104392
C315Q3	Periodic Materials Assemblies	\$	60,239	104393

C315Q4	Biological Sciences Building Supply Fan Replacement	\$	628,573	104394
C315Q5	Biological Sciences Building-Fume Hood Repairs	\$	968,531	104395
C315Q6	Kottman Hall Fume Hood Repairs	\$	1,476,940	104396
C315Q7	Photonic Force Microscope	\$	4,887	104397
C315Q9	Brown Hall Renovation/Replacement	\$	3,500,000	104398
C315R0	Hughes Hall Renovation	\$	1,500,000	104399
C315R1	COMPH Academic Center	\$	5,000,000	104400
C315R2	Murray Hall Renovation	\$	1,000,000	104401
C315R3	New Student Life Building	\$	1,000,000	104402
C315R4	Founders/Hopewell Hall Renovation	\$	1,960,080	104403
C315R5	Agricultural and Biological Engineering Building Renovation	\$	4,000,000	104404
C315R6	Selby Hall Phytotron Facility Renovation	\$	2,000,000	104405
C315R7	Stone Laboratory Resource Facility Improvements	\$	500,000	104406
C315R8	OSU Extension Safety Improvements in Madison County	\$	94,000	104407
C315R9	Camp Clifton Improvements	\$	90,000	104408
C315S0	Delaware Speech & Hearing with OSU Medical College	\$	75,000	104409
C315S1	Kottman Hall-Windows/Masonry Renovation	\$	1,065,280	104410
C315S2	Postle Hall Partial Window Replacement	\$	630,000	104411
C315S3	Celeste Lab Fume Hood Repairs	\$	1,000,300	104412
C315S4	Utility Upgrade/East Campus Area	\$	45,969	104413
Total Ohio State University		\$	199,648,786	104414
			<u>199,558,786</u>	

OSU EXTENSION OFFICE/AGRICULTURE BUSINESS ENHANCEMENT CENTER 104415

The foregoing appropriation item C315F5, OSU Extension Office/Agriculture Business Enhancement Center, shall be used for building renovations to the Center. 104416
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Section 610.17. That existing Section 301.20.80 of H.B. 496 of the 127th General Assembly, as amended by Am. Sub. H.B. 562 of the 127th General Assembly, is hereby repealed.

Section 610.20. That Section 11 of Am. Sub. H.B. 554 of the 127th General Assembly be amended to read as follows:

Sec. 11. (A) All items set forth in this division are hereby appropriated out of any moneys in the state treasury, for the biennium ending on June 30, 2010, to the credit of the Advanced Energy Research and Development Taxable Fund (Fund 7004) that are not otherwise appropriated:

AIR AIR QUALITY DEVELOPMENT AUTHORITY

C89800	Advanced Energy R&D <u>Research and Development</u> Taxable	\$	9,000,000 <u>18,000,000</u>	104430
	Total Air Quality Development Authority	\$	9,000,000 <u>18,000,000</u>	104431
	TOTAL Advanced Energy Research and Development Taxable Fund	\$	9,000,000 <u>18,000,000</u>	104432

(B) All items set forth in this division are hereby appropriated out of any moneys in the state treasury, for the biennium ending on June 30, 2010, to the credit of the Advanced Energy Research and Development Fund (Fund 7005) that are not otherwise appropriated:

AIR AIR QUALITY DEVELOPMENT AUTHORITY

C89801	Advanced Energy R&D <u>Research and Development</u>	\$	19,000,000 <u>38,000,000</u>	104440
	Total Air Quality Development Authority	\$	19,000,000 <u>38,000,000</u>	104441
	TOTAL Advanced Energy Research and Development Fund	\$	19,000,000 <u>38,000,000</u>	104442

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(C) The foregoing appropriation items C89800, Advanced Energy
~~R&D~~ Research and Development Taxable, and C89801, Advanced Energy
~~R&D~~ Research and Development, shall be used for advanced energy
projects in the manner provided in sections 3706.25 to 3706.30 of
the Revised Code. The Executive Director of the Air Quality
Development Authority may certify to the Director of Budget and
Management that a need exists to appropriate investment earnings
of funds 7004 and 7005 to be so used. If the Director of Budget
and Management, pursuant to sections 3706.25 to 3706.30 of the
Revised Code, determines that investment earnings are available to
support additional appropriations, such amounts are hereby
appropriated.

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(D) Upon the request of the Executive Director of the Air
Quality Development Authority, the Director of Budget and
Management may transfer cash between funds 7004 and 7005. Amounts
transferred are hereby appropriated.

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(E) Expenditures from appropriations contained in this
section may be accounted as though made in the main capital
appropriations act of the FY 2009-FY 2010 biennium of the 127th
General Assembly. The appropriations made in this section are
subject to all provisions of the FY 2009-FY 2010 biennial capital
appropriations act of the 127th General Assembly that are
generally applicable to such appropriations.

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Section 610.21. That existing Section 11 of Am. Sub. H.B. 554
of the 127th General Assembly is hereby repealed.

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Section 610.30. That Sections 233.30.20, 233.30.50,
233.40.30, and 235.10 of Am. Sub. H.B. 562 of the 127th General
Assembly be amended to read as follows:

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Sec. 233.30.20. BGU BOWLING GREEN STATE UNIVERSITY			104472
C24000	Basic Renovations	\$ 4,354,164	104473
C24001	Basic Renovations - Firelands	\$ 298,536	104474
C24021	Fine Art and Theater Complex	\$ 6,116,000	104475
C24037	Academic Buildings Rehabilitation	\$ 6,857,801	104476
C24038	Health Sciences Building	\$ 934,363	104477
C24039	Wood County Health District Facility	\$ 1,200,000	104478
C24040	James H. McBride Arboretum at BGSU Firelands	\$ 378,000	104479
<u>C24041</u>	<u>BGSU Ice Arena</u>	<u>\$ 1,200,000</u>	104480
Total Bowling Green University		\$ 20,138,864	104481

Appropriations

Sec. 233.30.50. CLS CLEVELAND STATE UNIVERSITY			104483
C26000	Basic Renovations	\$ 6,431,121	104484
<u>C26027</u>	<u>Cleveland Playhouse</u>	<u>\$ 150,000</u>	104485
C26035	Cleveland Institute of Art	\$ 500,000	104486
C26048	Rhodes Tower Renovation	\$ 4,030,166	104487
C26049	Basic Science Building HVAC and Electrical Upgrade	\$ 1,125,000	104488
C26050	Law Building Renovation	\$ 3,500,000	104489
C26051	Cleveland Hearing and Speech Center	\$ 125,000	104490
C26052	University Hospitals Ireland Cancer Center	\$ 3,000,000	104491
C26053	Playhouse Square Center	\$ 350,000	104492
<u>C26057</u>	<u>Western Reserve Historical Society</u>	<u>\$ 300,000</u>	104493
Total Cleveland State University		\$ 19,061,287 <u>19,511,287</u>	104494

Appropriations

Sec. 233.40.30. CTI COLUMBUS STATE COMMUNITY COLLEGE			104496
C38400	Basic Renovations	\$ 1,691,834	104497
C38411	Columbus Hall Renovation	\$ 5,470,913	104498

C38412	Painters Apprenticeship Council	\$	500,000	104499
C38413	Jewish Community Center NE Initiative	\$	575,000	104500
C38414	Somali Community Center	\$	100,000	104501
<u>C38415</u>	<u>Building E</u>	<u>\$</u>	<u>1,200,000</u>	104502
Total Columbus State Community College		\$	8,337,747	104503
			<u>9,537,747</u>	

Sec. 235.10. The items set forth in this section are hereby 104505
appropriated out of any moneys in the state treasury to the credit 104506
of the Parks and Recreation Improvement Fund (Fund 7035) that are 104507
not otherwise appropriated. 104508

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES				104509
C725A0	State Parks, Campgrounds, Cabins, & Lodges	\$	5,150,000	104510
C725A9	Park Boating Facilities - Shawnee Marina	\$	1,000,000	104511
C725B8	Upgrade Underground Fuel Storage Tanks - Statewide	\$	250,000	104512
C725E2	Local Parks Projects	\$	26,227,333	104513
C725E6	Project Planning	\$	500,000	104514
C725L8	Statewide Trails Program - Hocking Hills Trails Rehabilitation Phase II	\$	1,000,000	104515
C725M5	Middle Bass Island State Park - Marina	\$	4,000,000	104516
C725N0	Handicapped Accessibility - Statewide	\$	100,000	104517
C725N4	Hazardous Waste/Asbestos Abatement - Statewide	\$	150,000	104518
C725N6	Statewide Wastewater/Water Systems Upgrade	\$	3,000,000	104519
C725R3	State Park Renovations/Upgrading - Statewide Beach Bath House Replacement	\$	1,000,000	104520
Total Department of Natural Resources		\$	42,377,333	104521
TOTAL Parks and Recreation Improvement Fund		\$	42,377,333	104522
FEDERAL REIMBURSEMENT				104523

All reimbursements received from the federal government for 104524
any expenditures made pursuant to this section shall be deposited 104525
in the state treasury to the credit of the Parks and Recreation 104526
Improvement Fund (Fund 7035). 104527

LOCAL PARKS PROJECTS 104528

Of the foregoing appropriation item C725E2, Local Parks 104529
Projects, an amount equal to two per cent of the projects listed 104530
may be used by the Department of Natural Resources for the 104531
administration of local projects, \$3,050,000 shall be used for the 104532
Scioto Mile Development, \$2,000,000 shall be used for the 104533
Riverfront Park, \$2,000,000 shall be used for the Goodyear Park, 104534
\$1,090,000 shall be used for the Sterling Park, \$1,000,000 shall 104535
be used for the Little Miami Trail extension - Hamilton County 104536
Park District, \$675,000 shall be used for the Anthony Wayne Youth 104537
Foundation Recreation area, \$100,000 shall be used for the Euclid 104538
Beach Pier, \$500,000 shall be used for the Euclid Marina 104539
Breakwater Project, \$500,000 shall be used for the Columbus Crew 104540
Facility - Hilliard, \$500,000 shall be used for the Franklin Park 104541
Conservatory, \$500,000 shall be used for the Colerain Township 104542
Park, \$500,000 shall be used for the Green Township Legacy Place 104543
Park, \$475,000 shall be used for the Dublin Emerald Fields Special 104544
Needs Playground, \$450,000 shall be used for the Sippo Lake Park 104545
improvements, \$400,000 shall be used for the Mentor Beach Park or 104546
Mentor Lagoons Marina, \$400,000 shall be used for the Harrison 104547
Park - Wick District - Smoky, \$400,000 shall be used for the Wayne 104548
County Rails to Trails Project, \$350,000 shall be used by Franklin 104549
County Metro Parks for the Whittier Peninsula Park, \$350,000 shall 104550
be used for the Perry Township Park, \$733,333 shall be used for 104551
the East Bank of the Flats, \$175,000 shall be used for the New 104552
Richmond Park, \$300,000 shall be used for the Beaver creek Wildlife 104553
Education Center, \$300,000 shall be used for the Versailles Park 104554
Project, \$300,000 shall be used for the Madison Township Park, 104555

\$284,000 shall be used for the Bike and Pedestrian Path - 104556
SugarTree Corridor, \$275,000 shall be used for the Montville 104557
Township Park Project, \$250,000 shall be used for the Grand Lake 104558
St. Mary's Shoreline Rip Rap Project, \$250,000 shall be used for 104559
the West Chester Beckett Park Improvements, \$250,000 shall be used 104560
for the City of Strongsville Family Aquatic Center, \$250,000 shall 104561
be used for the Reis Park improvements, \$250,000 shall be used for 104562
the McIntyre Park Hiking and Biking Trails, \$250,000 shall be used 104563
for the Circleville Community Park Project, \$250,000 shall be used 104564
for the Fremont Area Foundation Park athletic facilities, \$250,000 104565
shall be used for the Alliance Park, \$250,000 shall be used for 104566
the Audubon Ohio Nature Center, \$200,000 shall be used for the 104567
Maple Heights Pool/Park improvements, \$200,000 shall be used for 104568
the Lancaster Community Parks revitalization, \$200,000 shall be 104569
used for the Grandview Yard Public Park, \$200,000 shall be used 104570
for the Wyoming City Regional Park, \$200,000 shall be used for the 104571
Chagrin River Lakefront Park, \$200,000 shall be used for the 104572
Aullwood Audubon Center, \$400,000 shall be used for the Austin 104573
Pike Project - land acquisition, \$200,000 shall be used for the 104574
Mary Virginia Crites Hammum Community Park, \$500,000 shall be used 104575
for the Canton Water Facilities Park Project, \$150,000 shall be 104576
used for the Lima Historic Athletic Field, \$150,000 shall be used 104577
for the Myers Memorial Bandshell, \$150,000 shall be used for the 104578
City of Logan Park/Pool improvements, \$150,000 shall be used for 104579
the Houston Fisher Memorial Park improvements, \$150,000 shall be 104580
used for the Indian Lake State Park Campground Electrical 104581
Improvements, \$150,000 shall be used for the Avon Lake Veterans 104582
Park improvements, \$125,000 shall be used for the York Township 104583
Park land acquisition, \$124,500 shall be used for the Salt Fork 104584
Concession Stand, \$100,000 shall be used for the Monroe Veterans' 104585
Memorial Park, \$100,000 shall be used for the Rivers Edge Bikeway, 104586
\$100,000 shall be used for the Mayfield Heights Park Facility 104587
improvement, \$100,000 shall be used for the Auburn Township 104588

Community Park, \$100,000 shall be used for the Kidron Community 104589
Park Improvements, \$100,000 shall be used for the Lucas County 104590
Marina, \$100,000 shall be used for the Youngstown City Park, 104591
\$100,000 shall be used for the Salisbury Township Park 104592
improvements/land acquisition, \$100,000 shall be used for the 104593
Community Built Playground, \$100,000 shall be used for the Burkes 104594
Point Park, \$100,000 shall be used for the Barberton Newton Park, 104595
\$100,000 shall be used for the Crown Point Conservation Easement, 104596
\$100,000 shall be used for the Mudbrook Trail and Greenway 104597
Project, \$100,000 shall be used for the Waddell Park in the City 104598
of Niles, \$100,000 shall be used for the Moonville Rail Trail 104599
Project, \$100,000 shall be used for the Springboro Park 104600
improvements, \$75,000 shall be used for the Ault Park 104601
improvements, \$75,000 shall be used for the Willard Soccer and 104602
Football Park Project, \$75,000 shall be used for the Austintown 104603
Nature Rooms, \$75,000 shall be used for the Meigs Local Enrichment 104604
Project Multi-Purpose Complex, \$75,000 shall be used for the 104605
Miracle League facility - Muskingum County, \$70,000 shall be used 104606
for the City of Nelsonville ~~Park/land acquisition to acquire land,~~ 104607
~~make park improvements, or purchase park-related equipment,~~ 104608
\$65,000 shall be used for the Village of Jacksonville Park 104609
improvements, \$58,500 shall be used by the Greene County Parks and 104610
Recreation Department to provide recreational opportunities, 104611
\$50,000 shall be used for the Ohio Wildlife Center, \$50,000 shall 104612
be used for the Kelley's Island Park Restroom PHASE II, \$50,000 104613
shall be used for the Little League Challenger Field - Cambridge, 104614
\$50,000 shall be used for the Avon Isle Park improvements, \$50,000 104615
shall be used for the Monroe Township, Clermont County Fair Oak 104616
Park, \$46,000 shall be used for the Huntington Township Park 104617
Projects, \$35,000 shall be used for the Village of Buchtel Park 104618
improvements, \$35,000 shall be used for the Village of Syracuse 104619
Park improvements, \$30,000 shall be used for the Village of Albany 104620
Park improvements, \$30,000 shall be used for the Village of 104621

Aberdeen Boat Dock, \$30,000 shall be used for the Village of 104622
Hamler Parks improvement, \$25,000 shall be used for the Coshocton 104623
Children's Park, \$25,000 shall be used for the Alt Park 104624
improvements, \$25,000 shall be used for the Cambridge Handicapped 104625
Playground, \$25,000 shall be used for the Murray City Community 104626
Parks improvement, \$25,000 shall be used for the Marblehead 104627
Lighthouse State Park - Replica Life Boat Station, \$25,000 shall 104628
be used for the Village of Attica Park Maintenance, \$20,000 shall 104629
be used for the Village of Stockport Park improvements, \$15,000 104630
shall be used for the Village of Salineville Baseball Field, 104631
\$15,000 shall be used for the City of Parma Heights Greenbriar 104632
Commons Park Walking Trail, \$10,000 shall be used for the Village 104633
of Albany Bike Paths, \$10,000 shall be used for the Salem Park 104634
Board, \$10,000 shall be used for the Village of Pomeroy Mini Park 104635
improvements, \$10,000 shall be used for the Skyvue Outdoor 104636
Classroom, and \$6,000 shall be used for the Wadsworth Skate Park. 104637
104638
104639
104640

Section 610.31. That existing Sections 233.30.20, 233.30.50, 104641
233.40.30, and 235.10 of Am. Sub. H.B. 562 of the 127th General 104642
Assembly are hereby repealed. 104643

Section 610.40. That Section 231.20.30 of Am. Sub. H.B. 562 104644
of the 127th General Assembly, as amended by Am. Sub. H.B. 420 of 104645
the 127th General Assembly, be amended to read as follows: 104646

Appropriations

Sec. 231.20.30. DMR DEPARTMENT OF MENTAL RETARDATION AND 104647
DEVELOPMENTAL DISABILITIES 104648
STATEWIDE AND CENTRAL OFFICE PROJECTS 104649
C59004 Community Assistance Projects \$ 13,551,537 104650

C59022	Razing of Buildings	\$	200,000	104651
C59024	Telecommunications	\$	400,000	104652
C59029	Generator Replacement	\$	1,000,000	104653
C59034	Statewide Developmental Centers	\$	4,294,237	104654
C59050	Emergency Improvements	\$	500,000	104655
C59051	Energy Conservation	\$	500,000	104656
C59052	Guernsey County MRDD Boiler Replacement	\$	275,000	104657
C59054	Recreation Unlimited Life Center Ashley <u>Campus Support Company - Delaware</u>	\$	150,000	104658
C59055	Camp McKinley Improvements	\$	30,000	104659
C59056	The Hope Learning Center	\$	250,000	104660
	Total Statewide and Central Office Projects	\$	21,150,774	104661
	TOTAL Department of Mental Retardation and Developmental Disabilities	\$	21,150,774	104662
	TOTAL Mental Health Facilities Improvement Fund	\$	127,630,774	104663

COMMUNITY ASSISTANCE PROJECTS 104664

The foregoing appropriation item C59004, Community Assistance 104665
Projects, may be used to provide community assistance funds for 104666
the development, purchase, construction, or renovation of 104667
facilities for day programs or residential programs that provide 104668
services to persons eligible for services from the Department of 104669
Mental Retardation and Developmental Disabilities or county boards 104670
of mental retardation and developmental disabilities. Any funds 104671
provided to nonprofit agencies for the construction or renovation 104672
of facilities for persons eligible for services from the 104673
Department of Mental Retardation and Developmental Disabilities 104674
and county boards of mental retardation and developmental 104675
disabilities shall be governed by the prevailing wage provisions 104676
in section 176.05 of the Revised Code. 104677

Of the foregoing appropriation item C59004, Community 104678
Assistance Projects, \$250,000 shall be used for North Olmsted 104679
Welcome House. Notwithstanding any provision of law to the 104680

contrary, North Olmsted Welcome House is not subject to the 104681
requirements of Chapter 153. of the Revised Code. 104682

Section 610.41. That existing Section 231.20.30 of Am. Sub. 104683
H.B. 562 of the 127th General Assembly, as amended by Am. Sub. 104684
H.B. 420 of the 127th General Assembly, is hereby repealed. 104685

Section 610.50. That Sections 227.10 and 233.50.80 of Am. 104686
Sub. H.B. 562 of the 127th General Assembly, as amended by Am. 104687
Sub. H.B. 420 of the 127th General Assembly, be amended to read as 104688
follows: 104689

Sec. 227.10. The items set forth in this section are hereby 104690
appropriated out of any moneys in the state treasury to the credit 104691
of the Cultural and Sports Facilities Building Fund (Fund 7030) 104692
that are not otherwise appropriated. 104693

Appropriations

		Appropriations	
AFC CULTURAL FACILITIES COMMISSION			104694
C37118	Statewide Site Repairs	\$ 650,000	104695
C37120	Cincinnati Museum Center	\$ 2,500,000	104696
C37122	Akron Art Museum	\$ 700,000	104697
C37123	Youngstown Symphony Orchestra	\$ 675,000	104698
C37127	Cedar Bog	\$ 50,000	104699
C37139	Stan Hywet Hall & Gardens	\$ 1,050,000	104700
C37140	McKinley Museum Improvements	\$ 200,000	104701
C37142	Midland Theatre Improvements	\$ 300,000	104702
C37148	Hayes Presidential Center	\$ 150,000	104703
C37152	Zoar Village Building Restoration	\$ 90,000	104704
C37153	Basic Renovations and Emergency Repairs	\$ 850,000	104705
C37158	Rankin House Restoration and Development	\$ 242,000	104706
C37163	Harding Home and Tomb	\$ 340,000	104707
C37165	Ohio Historical Center Rehabilitation	\$ 514,000	104708
C37187	Renaissance Theatre	\$ 900,000	104709

C37188	Trumpet in the Land Facility	\$	150,000	104710
C371A3	Voice of America Museum Facility	\$	500,000	104711
C371A9	Western Reserve Historical Society	\$	300,000	104712
C371C7	Music Hall Facility	\$	1,100,000	104713
C371E5	Pro Football Hall of Fame	\$	500,000	104714
C371F6	Colony Theater	\$	250,000	104715
C371G4	Collections Storage Facility and Learning Center	\$	1,240,000	104716
C371G6	Lockington Locks Stabilization	\$	462,000	104717
C371H2	National Underground Railroad Freedom Center	\$	850,000	104718
C371H5	Heritage Center of Dayton Manufacturing & Entrepreneurship	\$	1,000,000	104719
C371H7	COSI - Columbus	\$	500,000	104720
C371H8	Columbus Museum of Art	\$	1,500,000	104721
C371J3	Davis-Shai Historical Facility	\$	725,000	104722
C371J4	Massillon Museum Improvements	\$	150,000	104723
C371J6	Peggy McConnell Arts Center - Worthington	\$	475,000	104724
C371J9	Stambaugh Auditorium	\$	675,000	104725
C371K3	Cincinnati Ballet	\$	250,000	104726
C371L3	Ukrainian Museum	\$	50,000	104727
C371L4	Gordon Square Arts District	\$	1,800,000	104728
C371M8	Hale Farm and Village	\$	200,000	104729
C371O9	Historic Site-Signage - Phase II	\$	50,000	104730
C371P4	Cleveland Playhouse	\$	150,000	104731
C371P9	Civil War Site Improvements	\$	475,000	104732
C371Q0	On-Line Portal to Ohio's Heritage	\$	427,000	104733
C371Q1	Lucas County Multi-purpose Sports Arena	\$	2,200,000	104734
C371Q2	Ballpark Village project	\$	2,000,000	104735
C371Q5	Cincinnati Zoo	\$	1,500,000	104736
C371Q6	Cincinnati Art Museum	\$	1,500,000	104737
C371R0	King Arts Complex	\$	861,000	104738

C371R3	Loudonville Opera House	\$	600,000	104739
C371R4	Eagles Palace Theater	\$	410,000	104740
C371R6	Historic McCook House	\$	500,000	104741
C371R7	Jeffrey Mansion in Bexley	\$	475,000	104742
C371R8	Columbus Zoo and Aquarium	\$	500,000	104743
C371S0	Towpath Trail	\$	500,000	104744
C371S1	Museum of Contemporary Art Cleveland	\$	450,000	104745
C371S2	Arts in Stark Cultural Center	\$	150,000	104746
C371S3	Ohio Genealogical Society	\$	350,000	104747
C371S5	The Fine Arts Association	\$	300,000	104748
C371S7	Maltz Museum of Jewish Heritage	\$	300,000	104749
C371S8	Allen County Historical Society Museum Renovation	\$	280,000	104750
C371S9	Portsmouth Mural	\$	250,000	104751
				104752
C371T2	Bucyrus Little Theater Restoration Project	\$	250,000	104753
C371T3	Boonshoft Museum of Discovery	\$	250,000	104754
C371T5	Cliffton Cultural Arts Center	\$	250,000	104755
C371T6	Baltimore Theatre	\$	50,000	104756
C371T7	Rock Mill Park Improvements	\$	150,000	104757
C371T9	Cozad-Bates House Historic Project	\$	100,000	104758
C371U3	Lake Erie Nature & Science Center	\$	200,000	104759
C371U4	Great Lakes Science Center	\$	300,000	104760
C371U5	Cleveland Zoological Society	\$	150,000	104761
C371U8	Kidron Historical Society - Sonnenberg Village project	\$	200,000	104762
C371V0	Chesterhill Union Hall Theatre	\$	25,000	104763
C371V1	Geauga County Historical Society - Maple Museum	\$	20,000	104764
C371V2	Hallsville Historical Society	\$	100,000	104765
C371V3	Fayette County Historical Society	\$	150,000	104766
C371V4	Covedale Theatre	\$	100,000	104767

C371V5	Mariemont City - Women's Cultural Arts Center	\$	220,000	104768
C371V6	Madeira Historical Society/Miller House	\$	60,000	104769
C371V7	Sylvania Historic Village restoration	\$	200,000	104770
C371V9	Henry County Historical Society museum	\$	59,000	104771
C371W0	Antwerp Railroad Depot historic building	\$	106,000	104772
C371W1	Village of Edinburg Veterans Memorial	\$	35,000	104773
C371W2	Lorain County Historical Society Horace Starr House	\$	200,000	104774
C371W3	North Ridgeville Historic Community Theater	\$	175,000	104775
C371W4	Redbrick Center for the Arts	\$	200,000	104776
C371W5	Irene Lawrence Fuller Historic House	\$	250,000	104777
C371W6	Preble County Historical Society Amphitheater	\$	250,000	104778
C371W7	BalletTech	\$	200,000	104779
C371W8	Cincinnati Museum Center - Eulett Center	\$	150,000	104780
C371W9	Rickenbacker Boyhood Home	\$	139,000	104781
C371X0	Rivers Edge Amphitheater project	\$	100,000	104782
C371X1	Variety Theater	\$	85,000	104783
C371X2	Morgan Township Historical Society	\$	80,000	104784
C371X3	Salem Community Theater	\$	53,000	104785
C371X4	Our House State Memorial	\$	50,000	104786
C371X5	Belle's Opera House Improvements	\$	50,000	104787
C371X6	Warren Veterans memorial	\$	50,000	104788
C371X7	Huntington Playhouse	\$	40,000	104789
C371X8	Cambridge Performing Arts Center	\$	37,500	104790
C371X9	Old Harvey Historic School Restoration	\$	25,000	104791
C371Y0	Dalton Community Historical Society	\$	10,000	104792
C371Y1	Mohawk Veterans' Memorial	\$	15,000	104793
C371Y2	Cleveland Museum of Natural History	\$	150,000	104794
C371Y3	Fire Museum	\$	83,334	104795
C371Y4	New Town Indian Artifact Museum	\$	300,000	104796

C371Y5	City of Perrysburg Fort Meigs	\$	200,000	104797
C371Y6	Historic League Park Restoration	\$	150,000	104798
C371Y8	Madisonville Arts Center of Hamilton County	\$	36,000	104799
C371Z0	Marietta Citizens Armory Cultural Center	\$	200,000	104800
C371Z1	Great Lakes Historical Museum	\$	200,000	104801
C371Z3	Port of Lorain Foundation - Lorain Lighthouse Restoration	\$	190,000	104802
Total Cultural Facilities Commission		\$	42,759,834	104803
			<u>42,309,834</u>	
TOTAL Cultural and Sports Facilities Building Fund		\$	42,759,834	104804
			<u>42,309,834</u>	

Of the foregoing appropriation item C371Q5, Cincinnati Zoo, 104805
\$750,000 shall be used for the Cat Canyon/Small Cat Reproduction 104806
Center project. 104807

Appropriations

Sec. 233.50.80. STC STARK TECHNICAL COLLEGE				104808
C38900	Basic Renovations	\$	786,333	104809
C38913	Business Technologies Building	\$	2,034,537	104810
C38914	Corporate and Community Services Facility	\$	500,000	104811
Total Stark Technical College		\$	3,320,870	104812
Total Board of Regents and				104813
Institutions of Higher Education		\$	598,559,802	104814
			<u>600,209,802</u>	
TOTAL Higher Education Improvement Fund		\$	609,109,802	104815
			<u>610,759,802</u>	

Section 610.51. That existing Sections 227.10 and 233.50.80 104817
of Am. Sub. H.B. 562 of the 127th General Assembly, as amended by 104818
Am. Sub. H.B. 420 of the 127th General Assembly are hereby 104819
repealed. 104820

Section 620.10. That Section 831.06 of Am. Sub. H.B. 530 of the 126th General Assembly be amended to read as follows:

Sec. 831.06. The amendments by this act of the first paragraph of division (F) of section 5751.01, of division (F)(2)(w) of section 5751.01, of the first paragraph of section ~~5751.032~~ 5751.53, and of divisions (A)(7) and (A)(8)(c) of section 5751.032 of the Revised Code are nonsubstantive corrections of errors in Chapter 5751. of the Revised Code.

Section 620.11. That existing Section 831.06 of Am. Sub. H.B. 530 of the 126th General Assembly is hereby repealed.

Section 630.10. That Section 4 of Am. Sub. H.B. 516 of the 125th General Assembly, as most recently amended by Am. Sub. H.B. 100 of the 127th General Assembly, be amended to read as follows:

Sec. 4. The following agencies shall be retained pursuant to division (D) of section 101.83 of the Revised Code and shall expire on December 31, 2010:

	REVISED CODE	
	OR	
	UNCODIFIED	
AGENCY NAME	SECTION	
Administrator, Interstate Compact on Mental Health	5119.50	104834
Administrator, Interstate Compact on Placement of Children	5103.20	104835
Advisory Board of Governor's Office of Faith-Based and Community Initiatives	107.12	104836
Advisory Boards to the EPA for Air Pollution	121.13	104837
Advisory Boards to the EPA for Water Pollution	121.13	104838
Advisory Committee of the State Veterinary Medical	4741.03(D)(3)	104839

Licensing Board		
Advisory Committee on Livestock Exhibitions	901.71	104847
Advisory Council on Amusement Ride Safety	1711.51	104848
Advisory Board of Directors for Prison Labor	5145.162	104849
Advisory Council for Each Wild, Scenic, or Recreational River Area	1517.18	104850
Advisory Councils or Boards for State Departments	107.18 or 121.13	104851
Advisory Group to the Ohio Water Resources Council	1521.19(C)	104852
Alzheimer's Disease Task Force	173.04(F)	104853
AMBER Alert Advisory Committee	5502.521	104854
Apprenticeship Council	4139.02	104855
Armory Board of Control	5911.09	104856
Automated Title Processing Board	4505.09(C)(1)	104857
Banking Commission	1123.01	104858
Board of Directors of the Ohio Health Reinsurance Program	3924.08	104859
Board of Voting Machine Examiners	3506.05(B)	104860
Brain Injury Advisory Committee	3304.231	104861
Capitol Square Review and Advisory Board	105.41	104862
Child Support Guideline Advisory Council	3119.024	104863
Children's Trust Fund Board	3109.15	104864
Citizens Advisory Committee (BMV)	4501.025	104865
Citizen's Advisory Councils (Dept. of Mental Retardation and Developmental Disabilities)	5123.092	104866
Clean Ohio Trail Advisory Board	1519.06	104867
Coastal Resources Advisory Council	1506.12	104868
Commission on African-American Males	4112.12	104869
Commission on Hispanic-Latino Affairs	121.31	104870
Commission on Minority Health	3701.78	104871
Committee on Prescriptive Governance	4723.49	104872
Commodity Advisory Commission	926.32	104873
Community Mental Retardation and Developmental	5123.353	104874

Disabilities Trust Fund Advisory Council		
Community Oversight Council	3311.77	104875
Compassionate Care Task Force	Section 3, H.B. 474, 124th GA	104876
Continuing Education Committee (for Sheriffs)	109.80	104877
Coordinating Committee, Agricultural Commodity Marketing Programs	924.14	104878
Council on Alcohol and Drug Addiction Services	3793.09	104879
Council on Unreclaimed Strip Mined Lands	1513.29	104880
Council to Advise on the Establishment and Implementation of the Birth Defects Information System	3705.34	104881
County Sheriffs' Standard Car-Marking and Uniform Commission	311.25	104882
Credit Union Council	1733.329	104883
Criminal Sentencing Advisory Committee	181.22	104884
Day-Care Advisory Council	5104.08	104885
Dentist Loan Repayment Advisory Board	3702.92	104886
Development Financing Advisory Council	122.40	104887
Education Commission of the States (Interstate Compact for Education)	3301.48	104888
Electrical Safety Inspector Advisory Committee	3783.08	104889
Emergency Response Commission	3750.02	104890
Engineering Experiment Station Advisory Committee	3335.27	104891
Environmental Education Council	3745.21	104892
EPA Advisory Boards or Councils	121.13	104893
Farmland Preservation Advisory Board	901.23	104894
Financial Planning & Supervision Commission for Municipal Corporation, County, or Township	118.05	104895
Financial Planning & Supervision Commission for School District	3316.05	104896
Forestry Advisory Council	1503.40	104897

Sub. H. B. No. 1
As Reported by the Senate Finance and Financial Institutions Committee

Governance Authority for a State University or College	3345.75	104898
Governor's Advisory Council on Physical Fitness, Wellness, & Sports	3701.77	104899
Governor's Council on People with Disabilities	3303.41	104900
Governor's Residence Advisory Commission	107.40	104901
Great Lakes Commission (Great Lakes Basin Compact)	6161.01	104902
Gubernatorial Transition Committee	107.29	104903
Head Start Partnership Study Council	Section 41.35, H.B. 95, 125th GA	104904
Hemophilia Advisory Subcommittee	3701.0210	104905
Housing Trust Fund Advisory Committee	175.25 <u>174.06</u>	104906
Industrial Commission Nominating Council	4121.04	104907
Industrial Technology and Enterprise Advisory Council	122.29	104908
Infant Hearing Screening Subcommittee	3701.507	104909
Insurance Agent Education Advisory Council	3905.483	104910
Interagency Council on Hispanic/Latino Affairs	121.32(J)	104911
Interstate Mining Commission (Interstate Mining Compact)	1514.30	104912
Interstate Rail Passenger Advisory Council (Interstate High Speed Intercity Rail Passenger Network Compact)	4981.35	104913
Joint Council on MR/DD	101.37	104914
Joint Select Committee on Volume Cap	133.021	104915
Labor-Management Government Advisory Council	4121.70	104916
Legal Rights Service Commission	5123.60	104917
Legislative Task Force on Redistricting, Reapportionment, and Demographic Research	103.51	104918
Maternal and Child Health Council	3701.025	104919
Medically Handicapped Children's Medical Advisory Council	3701.025	104920

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Midwest Interstate Passenger Rail Compact Commission (Ohio members)	4981.361	104921
Military Activation Task Force	5902.15	104922
Milk Sanitation Board	917.03	104923
Mine Subsidence Insurance Governing Board	3929.51	104924
Minority Development Financing Board	122.72	104925
Multi-Agency Radio Communications Systems Steering Committee	Sec. 21, H.B. 790, 120th GA	104926
Multidisciplinary Council	3746.03	104927
Muskingum River Advisory Council	1501.25	104928
National Museum of Afro-American History and Culture Planning Committee	149.303	104929
Ohio Advisory Council for the Aging	173.03	104930
Ohio Aerospace & Defense Advisory Council	122.98	104931
Ohio Arts Council	3379.02	104932
Ohio Business Gateway Steering Committee	5703.57	104933
Ohio Cemetery Dispute Resolution Commission	4767.05	104934
Ohio Civil Rights Commission Advisory Agencies and Conciliation Councils	4112.04(B)	104935
Ohio Commercial Insurance Joint Underwriting Association Board Of Governors	3930.03	104936
Ohio Commercial Market Assistance Plan Executive Committee	3930.02	104937
Ohio Commission on Dispute Resolution and Conflict Management	179.02	104938
Ohio Commission to Reform Medicaid	Section 59.29, H.B. 95, 125th GA	104939
Ohio Community Service Council	121.40	104940
Ohio Council for Interstate Adult Offender Supervision	5149.22	104941
Ohio Cultural Facilities Commission	3383.02	104942
Ohio Developmental Disabilities Council	5123.35	104943

Ohio Expositions Commission	991.02	104944
Ohio Family and Children First Cabinet Council	121.37	104945
Ohio Geology Advisory Council	1505.11	104946
Ohio Grape Industries Committee	924.51	104947
Ohio Hepatitis C Advisory Commission	3701.92	104948
Ohio Historic Site Preservation Advisory Board	149.301	104949
Ohio Historical Society Board of Trustees	149.30	104950
Ohio Judicial Conference	105.91	104951
Ohio Lake Erie Commission	1506.21	104952
Ohio Medical Malpractice Commission	Section 4, S.B. 281, 124th GA and Section 3, S.B. 86, 125th GA	104953
Ohio Medical Quality Foundation	3701.89	104954
Ohio Parks and Recreation Council	1541.40	104955
Ohio Peace Officer Training Commission	109.71	104956
Ohio Public Defender Commission	120.01	104957
Ohio Public Library Information Network Board	Sec. 69, H.B. 117, 121st GA, as amended by H.B. 284, 121st GA	104958
Ohio Quarter Horse Development Commission	3769.086	104959
Ohio Small Government Capital Improvements Commission	164.02	104960
Ohio Soil and Water Conservation Commission	1515.02	104961
Ohio Standardbred Development Commission	3769.085	104962
Ohio Steel Industry Advisory Council	122.97	104963
Ohio Teacher Education and Licensure Advisory Council	3319.28(D)	104964
Ohio Thoroughbred Racing Advisory Committee	3769.084	104965

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Ohio Tuition Trust Authority	3334.03	104966
Ohio University College of Osteopathic Medicine Advisory Committee	3337.10	104967
Ohio Vendors Representative Committee	3304.34	104968
Ohio War Orphans Scholarship Board	5910.02	104969
Ohio Water Advisory Council	1521.031	104970
Ohio Water Resources Council	1521.19	104971
Ohioana Library Association, Martha Kinney Cooper Memorial	3375.62	104972
Oil and Gas Commission	1509.35	104973
Operating Committee, Agricultural Commodity Marketing Programs	924.07	104974
Organized Crime Investigations Commission	177.01	104975
Pharmacy and Therapeutics Committee of the Dept. of Job and Family Services	5111.81 <u>5111.084</u>	104976
Physician Loan Repayment Advisory Board	3702.81	104977
Power Siting Board	4906.02	104978
Prequalification Review Board	5525.07	104979
Private Water Systems Advisory Council	3701.346	104980
Public Employment Risk Reduction Advisory Commission	4167.02	104981
Public Health Council	3701.33	104982
Public Utilities Commission Nominating Council	4901.021	104983
Public Utility Property Tax Study Committee	5727.85	104984
Radiation Advisory Council	3748.20	104985
Reclamation Commission	1513.05	104986
Recreation and Resources Commission	1501.04	104987
Recycling and Litter Prevention Advisory Council	1502.04	104988
Rehabilitation Services Commission Consumer Advisory Committee	3304.24	104989
Savings & Loans Associations & Savings Banks Board	1181.16	104990
Schools and Ministerial Lands Divestiture Committee	501.041	104991

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Second Chance Trust Fund Advisory Committee	2108.17	104992
Small Business Stationary Source Technical and Environmental Compliance Assistance Council	3704.19	104993
Solid Waste Management Advisory Council	3734.51	104994
State Agency Coordinating Group	1521.19	104995
State Board of Emergency Medical Services	4765.04	104996
Subcommittees		
State Council of Uniform State Laws	105.21	104997
State Committee for the Purchase of Products and Services Provided by Persons with Severe Disabilities	4115.32	104998
State Criminal Sentencing Commission	181.21	104999
State Fire Commission	3737.81	105000
State Racing Commission	3769.02	105001
State Victims Assistance Advisory Committee	109.91	105002
Student Tuition Recovery Authority	3332.081	105003
Tax Credit Authority	122.17	105004
Technical Advisory Committee to Assist the Director of the Ohio Coal Development Office	1551.35	105005
Technical Advisory Council on Oil and Gas	1509.38	105006
Transportation Review Advisory Council	5512.07	105007
Unemployment Compensation Review Commission	4141.06	105008
Unemployment Compensation Advisory Council	4141.08	105009
Utility Radiological Safety Board	4937.02	105010
Vehicle Management Commission	125.833	105011
Veterans Advisory Committee	5902.02(K)	105012
Volunteer Fire Fighters' Dependents Fund Boards (Private and Public)	146.02	105013
Water and Sewer Commission	1525.11(C)	105014
Waterways Safety Council	1547.73	105015
Wildlife Council	1531.03	105016
Workers' Compensation Board of Directors	4121.123	105017
Nominating Committee		

Section 630.11. That existing Section 4 of Am. Sub. H.B. 516 105018
of the 125th General Assembly, as most recently amended by Am. 105019
Sub. H.B. 100 of the 127th General Assembly, is hereby repealed. 105020

Section 640.10. That Section 153 of Am. Sub. H.B. 117 of the 105021
121st General Assembly, as most recently amended by Am. Sub. H.B. 105022
119 of the 127th General Assembly, be amended to read as follows: 105023

Sec. 153. (A) Sections 5112.01, 5112.03, 5112.04, 5112.05, 105024
5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.18, 105025
5112.19, 5112.21, and 5112.99 of the Revised Code are hereby 105026
repealed, effective October 16, ~~2009~~ 2011. 105027

(B) Any money remaining in the Legislative Budget Services 105028
Fund on October 16, ~~2009~~ 2011, the date that section 5112.19 of 105029
the Revised Code is repealed by division (A) of this section, 105030
shall be used solely for the purposes stated in then former 105031
section 5112.19 of the Revised Code. When all money in the 105032
Legislative Budget Services Fund has been spent after then former 105033
section 5112.19 of the Revised Code is repealed under division (A) 105034
of this section, the fund shall cease to exist. 105035

Section 640.11. That existing Section 153 of Am. Sub. H.B. 105036
117 of the 121st General Assembly, as most recently amended by Am. 105037
Sub. H.B. 119 of the 127th General Assembly, is hereby repealed. 105038
105039

Section 640.20. That Sections 120.01, 120.02, and 120.05 of 105040
Am. Sub. H.B. 119 of the 127th General Assembly be amended to read 105041
as follows: 105042

Sec. 120.01. During the period beginning July 1, 2007, and 105043
expiring July 1, ~~2009~~ 2011, the operation of sections 3718.02, 105044

3718.05, 3718.06, 3718.07, 3718.08, 3718.09, 3718.10, 3718.99, and 105045
6111.441 of the Revised Code is suspended. On July 1, ~~2009~~ 2011, 105046
sections 3718.02, 3718.05, 3718.06, 3718.07, 3718.08, 3718.09, 105047
3718.10, 3718.99, and 6111.441 of the Revised Code, in either 105048
their present form or as they are later amended, again become 105049
operational. 105050

Sec. 120.02. (A)(1) Effective July 2, 2007, the rules adopted 105051
by the Public Health Council under section 3718.02 of the Revised 105052
Code that took effect on January 1, 2007, are not valid. Not later 105053
than July 2, 2007, the Director of Health shall adopt rules that 105054
are identical to the rules adopted by the Public Health Council 105055
that were in effect prior to January 1, 2007, and were codified in 105056
Chapter 3701-29 of the Administrative Code, except the rules in 105057
that chapter that established requirements for separation 105058
distances from a water table and soil absorption requirements. 105059

At the same time that the Public Health Council adopts the 105060
rules required under division (A)(2) of this section, the Director 105061
shall rescind the rules adopted under this division. 105062

The adoption and rescission of rules under this division are 105063
not subject to section 119.03 of the Revised Code. However, the 105064
Director shall file the adoption and rescission of the rules in 105065
accordance with section 119.04 of the Revised Code. Upon that 105066
filing, the adoption and rescission of the rules take immediate 105067
effect. 105068

(2) Not later than thirty days after the effective date of 105069
this section as enacted by Am. Sub. H.B. 119 of the 127th General 105070
Assembly and notwithstanding any provision of law to the contrary, 105071
the Public Health Council shall rescind rules adopted by the 105072
Council under section 3718.02 of the Revised Code, that took 105073
effect on January 1, 2007. At the same time as those rules are 105074

rescinded, the Council shall adopt rules that are identical to the 105075
rules adopted by the Council that were in effect prior to January 105076
1, 2007, and were codified in Chapter 3701-29 of the 105077
Administrative Code, except the rules in that Chapter that 105078
established requirements for separation distances from a water 105079
table and soil absorption requirements. Instead, a board of health 105080
or the authority having the duties of a board of health shall 105081
adopt standards establishing requirements for separation distances 105082
from a water table and soil absorption requirements based on the 105083
water table and soils in the applicable health district for 105084
purposes of the installation and operation of household sewage 105085
treatment systems and small flow on-site sewage treatment systems 105086
in the applicable health district. 105087

The rescission and adoption of rules under this division are 105088
not subject to section 119.03 of the Revised Code. However, the 105089
Public Health Council shall file the rules in accordance with 105090
section 119.04 of the Revised Code. Upon that filing, the rules 105091
take immediate effect. 105092

(B) A local board of health or the authority having the 105093
duties of a board of health may adopt standards for use in the 105094
health district that are more stringent than the rules adopted 105095
under division (A)(1) or (2) of this section, provided that the 105096
board of health or authority having the duties of a board of 105097
health in adopting such standards considers the economic impact of 105098
those standards on property owners, the state of available 105099
technology, and the nature and economics of the available 105100
alternatives. If a board of health or authority having the duties 105101
of a board of health adopts standards that are more stringent than 105102
the rules adopted under division (A)(1) or (2) of this section, 105103
the board or authority shall send a copy of the standards to the 105104
Department of Health. 105105

(C)(1) A board of health or the authority having the duties 105106

of a board of health shall approve or deny the use of household 105107
sewage treatment systems and small flow on-site sewage treatment 105108
systems in the applicable health district. In approving or denying 105109
a household sewage treatment system or a small flow on-site sewage 105110
treatment system for use in the health district, the board or 105111
authority shall consider the economic impact of the system on 105112
property owners, the state of available technology, and the nature 105113
and economics of the available alternatives, ensure that a system 105114
will not create a public health nuisance, and require a system to 105115
comply with the requirements established in divisions (C)(2) and 105116
(3) of this section. 105117

(2) Notwithstanding any rule adopted by the Director of 105118
Health or the Public Health Council or standard adopted by a board 105119
of health or the authority having the duties of a board of health 105120
governing the installation and operation of sewage treatment 105121
systems, a board of health or the authority having the duties of a 105122
board of health shall ensure that the design and installation of a 105123
soil absorption system prevents public health nuisances. To the 105124
extent determined necessary by a board of health or the authority 105125
having the duties of a board of health, a sewage treatment system 105126
that is installed after the effective date of this section as 105127
enacted by Am. Sub. H.B. 119 of the 127th General Assembly shall 105128
not discharge to a ditch, stream, pond, lake, natural or 105129
artificial waterway, drain tile, other surface water, or the 105130
surface of the ground unless authorized by a national pollutant 105131
discharge elimination system (NPDES) permit issued under Chapter 105132
6111. of the Revised Code and rules adopted under it. In addition, 105133
a sewage treatment system shall not discharge to an abandoned 105134
well, a drainage well, a dry well or cesspool, a sinkhole, or 105135
another connection to ground water. As a condition to the issuance 105136
of a permit to operate a system, a board of health or the 105137
authority having the duties of a board of health shall require a 105138
service contract for any sewage treatment system that is subject 105139

to an NPDES permit to the extent required by the Environmental 105140
Protection Agency. If classified as a class V injection well, a 105141
household sewage treatment system serving a two- or three-family 105142
dwelling or a small flow on-site sewage treatment system shall 105143
comply with 40 C.F.R. 144, as published in the July 1, 2005, Code 105144
of Federal Regulations and with the registration requirements 105145
established in rule 3745-34-13 of the Administrative Code. 105146

105147

(3) Notwithstanding any rule adopted by the Director of 105148
Health or the Public Health Council or standard adopted by a board 105149
of health or the authority having the duties of a board of health 105150
governing the installation and operation of household sewage 105151
treatment systems, all septic tanks, other disposal component 105152
tanks, dosing tanks, pump vaults, household sewage disposal system 105153
holding tanks and privy vaults, or other applicable sewage 105154
disposal system components manufactured after the effective date 105155
of this section as enacted by Am. Sub. H.B. 119 of the 127th 105156
General Assembly and used in this state shall be watertight and 105157
structurally sound. 105158

(4) For purposes of division (C) of this section, "economic 105159
impact" means all of the following with respect to the approval or 105160
denial of a household sewage treatment system or small flow 105161
on-site sewage treatment system, as applicable: 105162

(a) The cost of a proposed system; 105163

(b) The cost of an alternative system that will not create a 105164
public health nuisance; 105165

(c) A comparison of the costs of repairing a system as 105166
opposed to replacing the system with a new system; 105167

(d) The value of the dwelling or facility, as applicable, 105168
that the system services as indicated in the most recent tax 105169
duplicate. 105170

(D)(1) Notwithstanding any rule adopted by the Director of Health or the Public Health Council governing the installation and operation of household sewage treatment systems, a board of health or the authority having the duties of a board of health may establish and collect fees for the purposes of this section.

(2) In addition to the fees that are authorized to be established under division (D)(1) of this section, there is hereby levied an application fee of twenty-five dollars for a sewage treatment system installation permit. A board of health or the authority having the duties of a board of health shall collect the fee on behalf of the Department of Health and forward the fee to the Department to be deposited in the state treasury to the credit of the Sewage Treatment System Innovation Fund, which is hereby created. Not more than seventy-five per cent of the money in the Fund shall be used by the Department to administer the sewage treatment system program, and not less than twenty-five per cent of the money in the Fund shall be used to establish a grant program in cooperation with boards of health to fund the installation and evaluation of new technology pilot projects. In the selection of the pilot projects, the Director of Health shall consult with the Sewage Treatment System Technical Advisory Committee created in section 3718.03 of the Revised Code.

(E) Not later than one year after the installation of a household sewage treatment system, a board of health or the authority having the duties of a board of health shall inspect the system to ensure that it is not a public health nuisance.

(F) The Department of Health may file an injunctive action against a board of health or the authority having the duties of a board of health that allows a household sewage treatment system or small flow on-site sewage treatment system to cause a public health nuisance, provided that the Department provides reasonable notice to the board or authority and allows for the opportunity to

abate the nuisance prior to the action. 105203

(G) The Environmental Protection Agency shall not require a 105204
board of health or the authority having the duties of a board of 105205
health to enter into a memorandum of understanding or any other 105206
agreement with the Agency regarding the issuance of NPDES permits 105207
for off-lot sewage treatment systems. Instead, a representative of 105208
a board of health or the authority having the duties of a board of 105209
health may meet with a person who intends to install such a system 105210
to determine the feasibility of the system and refer the person to 105211
the Agency to secure an NPDES permit for the system if needed. The 105212
Environmental Protection Agency, within ninety days or as quickly 105213
as possible after the effective date of this section as enacted by 105214
Am. Sub. H.B. 119 of the 127th General Assembly, shall seek a 105215
revision to the general NPDES permit, issued pursuant to the 105216
federal Water Pollution Control Act as defined in section 6111.01 105217
of the Revised Code, in order not to require a memorandum of 105218
understanding with a board of health or the authority having the 105219
duties of a board of health and that allows a property owner to 105220
seek coverage under the general NPDES permit for purposes of this 105221
division. A board of health or the authority having the duties of 105222
a board of health voluntarily may enter into a memorandum of 105223
understanding with the Environmental Protection Agency to 105224
implement the general NPDES permit. In the interim, the Agency 105225
shall work with boards of health or authorities having the duties 105226
of boards of health and with property owners in order to 105227
facilitate the owners' securing an NPDES permit in counties 105228
without a memorandum of understanding. 105229

(H) Notwithstanding any rule adopted by the Director of 105230
Health or the Public Health Council governing the installation and 105231
operation of household sewage treatment systems, a board of health 105232
or the authority having the duties of a board of health that, 105233
prior to the effective date of this section, has obtained 105234

authority from the Department of Health and the Environmental 105235
Protection Agency to regulate small flow on-site sewage treatment 105236
systems may continue to regulate such systems on and after the 105237
effective date of this section as enacted by Am. Sub. H.B. 119 of 105238
the 127th General Assembly. A board of health or the authority 105239
having the duties of a board of health that has not obtained such 105240
authority may request the authority from the Department of Health 105241
and the Environmental Protection Agency in the manner provided by 105242
law. 105243

(I) Because the rules adopted by the Public Health Council 105244
under section 3718.02 of the Revised Code that were effective on 105245
January 1, 2007, have been rescinded by operation of this section, 105246
the references to those rules in section 3718.021 of the Revised 105247
Code are not operable. Instead, notwithstanding any other 105248
provisions of this section, the Director of Health or the Public 105249
Health Council, as applicable, shall provide for the 105250
implementation of section 3718.021 of the Revised Code in the 105251
rules that are required to be adopted under division (A) of this 105252
section. 105253

(J) The Department of Health in cooperation with a board of 105254
health or the authority having the duties of a board of health 105255
shall assess the familiarity of the board's or authority's staff 105256
with the best practices in the use of sewage treatment systems and 105257
conduct appropriate training to educate the board's or authority's 105258
staff in those best practices and in the use of any new sewage 105259
treatment system technology that is recommended for use by the 105260
Sewage Treatment System Technical Advisory Committee created in 105261
section 3718.03 of the Revised Code. 105262

(K)(1) As used in this section, "household sewage treatment 105263
system," "small flow on-site sewage treatment system," and "sewage 105264
treatment system" have the same meanings as in section 3718.01 of 105265
the Revised Code. 105266

(2) For the purposes of this section, "household sewage treatment system" is deemed to mean "household sewage disposal system" as necessary for the operation of this section.

(3) For purposes of this section, a public health nuisance shall be deemed to exist when an inspection conducted by a board of health documents odor, color, or other visual manifestations of raw or poorly treated sewage and either of the following applies:

(a) Water samples exceed five thousand fecal coliform counts per one hundred milliliters (either MPN or MF) in two or more samples when five or fewer samples are collected or in more than twenty per cent of the samples when more than five samples are taken.

(b) Water samples exceed five hundred seventy-six E. Coli counts per one hundred milliliters in two or more samples when five or fewer samples are collected or in more than twenty per cent of the samples when more than five samples are taken.

(L) Neither the Director of Health or the Public Health Council shall adopt rules prior to July 1, ~~2009~~ 2011, that modify or change the requirements established by this section.

(M) This section expires on the effective date of the rules that are to be adopted under section 3718.02 of the Revised Code when that section becomes operational on July 1, ~~2009~~ 2011, pursuant to Section 120.01 of ~~this act~~ Am. Sub. H.B. 119 of the 127th General Assembly.

Sec. 120.05. Sections 120.03 and 120.04 of Am. Sub. H.B. 119 of the 127th General Assembly take effect on July 1, ~~2009~~ 2011.

Section 640.21. That existing Sections 120.01, 120.02, and 120.05 of Am. Sub. H.B. 119 of the 127th General Assembly are hereby repealed.

Section 690.10. That Section 3 of Am. Sub. H.B. 203 of the 105296
126th General Assembly and Section 325.05 of Am. Sub. H.B. 2 of 105297
the 128th General Assembly are hereby repealed. 105298

Section 690.20. That Sections 309.30.74 and 309.30.75 of this 105299
act are repealed effective July 1, 2011. 105300

Section 690.21. The repeal by this act of Section 309.30.74 105301
of this act on July 1, 2011, does not eliminate the requirement 105302
for a hospital to make an installment payment of the hospital's 105303
assessment under that section that is due after June 30, 2011. 105304

The repeal by this act of Section 309.30.75 of this act on 105305
July 1, 2011, does not eliminate the requirement for the 105306
Department of Job and Family Services to make an installment 105307
payment under the Hospital Inpatient and Outpatient Supplemental 105308
Upper Payment Limit Program to a hospital that is due after June 105309
30, 2011. 105310

Section 701.10. EXEMPT EMPLOYEE CONSENT TO CERTAIN DUTIES 105311

(A) As used in this section, "appointing authority" has the 105312
same meaning as in section 124.01 of the Revised Code, and "exempt 105313
employee" has the same meaning as in section 124.152 of the 105314
Revised Code. 105315

(B) Notwithstanding section 124.181 of the Revised Code, both 105316
of the following apply: 105317

(1) In cases where no vacancy exists, an appointing authority 105318
may, with the written consent of an exempt employee, assign duties 105319
of a higher classification to that exempt employee for a period of 105320
time not to exceed two years, and that exempt employee shall 105321
receive compensation at a rate commensurate with the duties of the 105322
higher classification. 105323

(2) If necessary, exempt employees who are assigned to duties 105324
within their agency to maintain operations during the Ohio 105325
Administrative Knowledge System (OAKS) implementation may agree to 105326
a temporary assignment that exceeds the two-year limit. 105327

Section 701.20. FINANCIAL PLANNING AND SUPERVISION 105328
COMMISSIONS 105329

For any Financial Planning and Supervision Commission 105330
established prior to the effective date of the amendment of 105331
section 118.05 of the Revised Code by the Main Operating 105332
Appropriations Act of the 128th General Assembly, four members 105333
constitute a quorum and the affirmative vote of a majority of the 105334
members is necessary for any action taken by vote of the 105335
commission. 105336

Section 701.30. SCIENCE AND TECHNOLOGY COLLABORATION 105337

The Department of Development, the Board of Regents, the Air 105338
Quality Development Authority, the Department of Agriculture, and 105339
the Third Frontier Commission shall collaborate in relation to 105340
appropriation items and programs referred to as Technology-based 105341
Economic Development Programs in this section, and other 105342
technology-related appropriations and programs in the Department 105343
of Development, Air Quality Development Authority, Department of 105344
Agriculture, and the Board of Regents as these agencies may 105345
designate, to ensure implementation of a coherent state science 105346
and technology strategy. 105347

To the extent permitted by law, the Air Quality Development 105348
Authority shall assure that coal research and development 105349
programs, proposals, and projects consider or incorporate 105350
collaborations with Third Frontier Project programs and grantees 105351
and with Technology-based Economic Development Programs and 105352
grantees. 105353

"Technology-based Economic Development Programs" means 105354
appropriation items 195401, Thomas Edison Program; 898402, Coal 105355
Development Office; 898604, Coal Research and Development Fund; 105356
235508, Air Force Institute of Technology; 235510, Ohio 105357
Supercomputer Center; 235535, Ohio Agricultural Research and 105358
Development Center; 235556, Ohio Academic Resources Network; 105359
195435, Biomedical Research and Technology Transfer; 195687, Third 105360
Frontier Research & Development Projects; C23506, Third Frontier 105361
Project; 195692, Research & Development Taxable Bond Projects; 105362
195694, Jobs Fund Bioproducts; 195695, Jobs Fund Biomedical; 105363
Technology Action grants provided in 195615, Facilities 105364
Establishment; and tax credits supporting the Ohio Venture Capital 105365
Authority and Technology Investment Tax Credit programs. 105366
105367

Technology-based Economic Development Programs shall be 105368
managed and administered in accordance with the following 105369
objectives: (1) to build on existing competitive research 105370
strengths; (2) to encourage new and emerging discoveries and 105371
commercialization of products and ideas that will benefit the Ohio 105372
economy; and (3) to assure improved collaboration among programs 105373
administered by the Third Frontier Commission and with other state 105374
programs that are intended to improve economic growth and job 105375
creation. As directed by the Third Frontier Commission, 105376
Technology-based Economic Development Program managers shall 105377
report to the Commission or the Third Frontier Advisory Board 105378
regarding the contributions of their programs to achieving these 105379
objectives. 105380

Each Technology-based Economic Development Program shall be 105381
reviewed annually by the Third Frontier Commission with respect to 105382
its development of complementary relationships within a combined 105383
state science and technology investment portfolio, and with 105384
respect to its overall contribution to the state's science and 105385

technology strategy, including the adoption of appropriately 105386
consistent criteria for: (1) the scientific and technical merit 105387
and relationship to Ohio's research strengths of activities 105388
supported by the program; (2) the relevance of the program's 105389
activities to commercial opportunities in the private sector; (3) 105390
the private sector's involvement in a process that continually 105391
evaluates commercial opportunities to use the work supported by 105392
the program; and (4) the ability of the program and recipients of 105393
grant funding from the program to engage in activities that are 105394
collaborative, complementary, and efficient in the expenditure of 105395
state funds. Each Technology-based Economic Development Program 105396
shall provide an annual report to the Third Frontier Commission 105397
that discusses existing, planned, or possible collaborations 105398
between programs and between recipients of grant funding related 105399
to technology, development, commercialization, and the support of 105400
Ohio's economic development. The annual review conducted by the 105401
Third Frontier Commission shall be a comprehensive review of the 105402
entire state science and technology program portfolio rather than 105403
a review of individual programs. 105404

Applicants for Third Frontier and Technology-based Economic 105405
Development Programs funding shall identify their requirements for 105406
high-performance computing facilities and services, including both 105407
hardware and software, in all proposals. If an applicant's 105408
requirements exceed approximately \$100,000 for a proposal, the 105409
Ohio Supercomputer Center shall convene a panel of experts. The 105410
panel shall review the proposal to determine whether the 105411
proposal's requirements can be met through Ohio Supercomputer 105412
Center facilities or through other means and report such 105413
information to the Third Frontier Commission. 105414

To ensure that the state receives the maximum benefit from 105415
its investment in the Third Frontier Project and the NextGen 105416
Network, organizations receiving Third Frontier awards and 105417

Technology-based Economic Development Programs awards shall, as 105418
appropriate, be expected to have a connection to the NextGen 105419
Network that enables them and their collaborators to achieve award 105420
objectives through the NextGen Network. 105421

Section 701.40. The General Assembly intends that all funds 105422
appropriated or otherwise made available by the state for fiscal 105423
stabilization or recovery purposes, or by the American Recovery 105424
and Reinvestment Act of 2009, shall be used, to the extent 105425
possible, in accordance with the preferences established in 105426
section 125.09 of the Revised Code to purchase products made and 105427
services performed in the United States and in this state. The 105428
General Assembly further recognizes that a preference for buying 105429
goods and materials that are produced, and services that are 105430
performed, in the United States for projects is important for 105431
maximizing the creation of American jobs and restoring economic 105432
growth and opportunity. 105433

If any person requests or obtains a waiver of the preferences 105434
referred to in the first paragraph of this section, the Director 105435
of Administrative Services shall publish information identifying 105436
the person and the product or service with regard to which the 105437
waiver was requested or obtained. The purpose of publishing this 105438
identifying information is to enhance opportunities for producers, 105439
service providers, and workers to identify and provide products 105440
made and services performed in the United States and this state, 105441
and thereby to maximize the success of the fiscal stabilization 105442
and economic recovery program. The director shall publish the 105443
identifying information on an internet web site maintained by the 105444
Department of Administrative Services. 105445

Section 701.70. The Department of Administrative Services 105446
shall conduct a pilot project involving propane-powered state 105447
vehicles. During the period commencing October 1, 2009, and ending 105448

September 30, 2010, the Department of Administrative Services 105449
shall convert or cause to be converted to a propane fuel system 105450
five per cent of the gasoline-powered passenger cars, sport 105451
utility vehicles, and light-duty pickup trucks owned by the state. 105452
During the period commencing October 1, 2010, and ending December 105453
31, 2010, the Department shall convert or cause to be converted to 105454
a propane fuel system an additional five per cent of the 105455
gasoline-powered motor vehicles described in this section. Only 105456
propane fuel systems that have been approved by the United States 105457
Environmental Protection Agency shall be installed in state 105458
vehicles pursuant to this section. 105459

During the period commencing October 1, 2009, and ending 105460
September 30, 2011, the Department shall keep detailed records of 105461
the propane-powered vehicles, including fuel mileage and 105462
maintenance costs. After September 30, 2011, the Department shall 105463
conduct a study of the pilot project to assess all aspects of the 105464
use by the state of propane-powered vehicles during the pilot 105465
project. The study shall include all relevant findings and 105466
recommendations, if any, regarding future use of propane gas in 105467
state vehicles, and shall be compiled into a final report. 105468

Not later than December 31, 2011, the Department shall submit 105469
copies of the final report to the Governor, the President of the 105470
Senate, the Minority Leader of the Senate, the Speaker of the 105471
House of Representatives, and the Minority Leader of the House of 105472
Representatives. 105473

Section 701.80. The Director of Budget and Management shall 105474
prepare, beginning on October 1, 2009, and on the first day of 105475
each calendar quarter thereafter, a list of all employees paid by 105476
warrant of the Director who work primarily for one state agency 105477
while being paid from appropriations made to another state agency. 105478
The Director shall provide a copy of the list to the President of 105479

the Senate, the Speaker of the House of Representatives, and the 105480
Minority Leaders of the Senate and House of Representatives. 105481

Section 701.90. (A) In adopting the rules required under 105482
division (K) of section 122.85 of the Revised Code, as enacted by 105483
this act, the Director of Development shall file the notice and 105484
text of the proposed rules as required by division (B) of section 105485
119.03 of the Revised Code not later than two hundred five days 105486
after the effective date of this section. 105487

(B) Not later than eighty days after the effective date of 105488
this section, the Director of Development shall adopt initial 105489
rules to effect the same purposes of the rules required under 105490
division (K) of section 122.85 of the Revised Code, as enacted by 105491
this act. The initial rules shall be adopted pursuant to section 105492
111.15 of the Revised Code, but division (D) of that section does 105493
not apply to the adoption of the initial rules. The initial rules 105494
shall be effective until the final rules adopted pursuant to 105495
division (A) of this section and Chapter 119. of the Revised Code 105496
take effect. 105497

Section 701.95. The several appointing authorities shall make 105498
initial appointments to the Small Business Regulatory Review Board 105499
under section 121.257 of the Revised Code, as enacted by this act, 105500
for terms commencing on January 1, 2010. 105501

Section 701.97. The head officer of a state agency shall 105502
track the agency's compliance with minority business enterprise 105503
and EDGE business enterprise program requirements using the 105504
scorecard system that has been developed by the Deputy Director of 105505
the Equal Opportunity Division. Within five business days after 105506
the last day of each quarter in fiscal years 2010 and 2011, the 105507
head of the state agency shall transmit the compliance tracking 105508

data the state agency has obtained using the scorecard system 105509
during the quarter of the fiscal year just ended to the Deputy 105510
Director. 105511

The Deputy Director of the Equal Opportunity Division of the 105512
Department of Administrative Services shall develop and implement 105513
a scorecard system that will enable state agencies to track their 105514
compliance with minority business enterprise and EDGE business 105515
enterprise program requirements. The Deputy Director shall make 105516
the scorecard system available to each state agency. A "state 105517
agency," for purposes of the scorecard system, is a discrete unit 105518
that is organized as a part of, and that carries out one or more 105519
functions of, state government. The scorecard system shall be 105520
designed to enable state agencies to transmit compliance tracking 105521
data obtained using the scorecard system to the Deputy Director. 105522

Quarterly, by the first day of the second month following the 105523
last month of each quarter in fiscal years 2010 and 2011, the 105524
Deputy Director shall compile and study the compliance tracking 105525
data that has been transmitted by state agencies and prepare a 105526
report of state agency compliance with minority business 105527
enterprise and EDGE business enterprise program requirements. The 105528
Deputy Director shall submit copies of the report to the Governor, 105529
the President of the Senate, the Speaker of the House of 105530
Representatives, the Minority Leaders of the Senate and House of 105531
Representatives, and the chairpersons of the standing committees 105532
of the Senate and House of Representatives having jurisdiction 105533
over state finance. 105534

Section 709.10. (A) There is hereby created in the Department 105535
of Agriculture the Ohio Beekeepers Task Force consisting of the 105536
following members: 105537

(1) Two members of the standing committee of the House of 105538

Representatives that is primarily responsible for considering 105539
agricultural matters appointed by the Governor, each from a 105540
different political party; 105541

(2) Two members of the standing committee of the Senate that 105542
is primarily responsible for considering agricultural matters 105543
appointed by the Governor, each from a different political party; 105544

(3) The Chief of the Division of Plant Industry in the 105545
Department of Agriculture or the Chief's designee; 105546

(4) The Director of Natural Resources or the Director's 105547
designee; 105548

(5) Two representatives of the Ohio State Beekeepers 105549
Association appointed by the Association; 105550

(6) The Director of The Ohio State University Extension or 105551
the Director's designee; 105552

(7) An apiculture specialist of The Ohio State University 105553
Extension appointed by the Director of The Ohio State University 105554
Extension; 105555

(8) The Chair of The Ohio State University Department of 105556
Entomology or the Chair's designee; 105557

(9) A representative of the Ohio Produce Growers and 105558
Marketing Association appointed by the Association; 105559

(10) A representative of the Ohio Farm Bureau Federation Bee 105560
and Honey Committee appointed by the Federation; 105561

(11) A representative of the Ohio Farmers Union appointed by 105562
the Union; 105563

(12) A representative of the County Commissioners Association 105564
of Ohio appointed by the Association. 105565

(B) The members shall be appointed not later than sixty days 105566
after the effective date of this section. The Task Force shall 105567

hold its first meeting not later than ninety days after the 105568
effective date of this section. 105569

(C) The Governor shall select a chairperson and 105570
vice-chairperson from among the members of the Task Force. The 105571
chairperson may appoint a secretary. 105572

(D) The members of the Task Force shall receive no 105573
compensation for their services. 105574

(E) Not later than ten months after the effective date of 105575
this section, the Ohio Beekeepers Task Force shall submit a report 105576
to the Governor, the President of the Senate, the Speaker of the 105577
House of Representatives, and the Ohio State Beekeepers 105578
Association. The report shall do all of the following: 105579

(1) Provide an overview of the characteristics of the 105580
honeybee crisis in Ohio; 105581

(2) Examine and provide an overview of and conclusions 105582
regarding whether pollinator shortages are affecting crop 105583
pollination in Ohio; 105584

(3) Review and provide an overview of the Ohio Honeybee 105585
Emergency Action Plan; 105586

(4) Review and provide a summary of the federal initiatives 105587
regarding Ohio's bee population and of all of the Department of 105588
Agriculture's and the Ohio State Beekeepers Association's programs 105589
concerning Ohio's bee population; 105590

(5) Provide an overview of the five-year goals of the 105591
Department of Agriculture concerning honeybees, including 105592
recommendations for the restoration of Ohio's bee population; 105593

(6) Examine and describe the funding that is available for 105594
honeybee programs and issues affecting honeybees; 105595

(7) Any other issues that the Task Force considers 105596
appropriate. 105597

(F) Not later than ninety days following the submission of 105598
the report, the Task Force shall meet and respond to any question 105599
from a person who received the report. The Task Force shall cease 105600
to exist upon submitting its response to all questions from 105601
persons who received the report. 105602

Section 709.20. There is hereby created the State Clean 105603
Diesel Funding Task Force consisting of ten members as follows: 105604
the Director of the Ohio Air Quality Development Authority or the 105605
director's designee, the Director of Development or the director's 105606
designee, a representative from the Environmental Protection 105607
Agency, appointed by the Director of Environmental Protection, a 105608
representative from the Ohio Department of Transportation, 105609
appointed by the Director of Transportation, and six members 105610
appointed by the Governor, including one representative from a 105611
diesel engine manufacturer, one representative from a statewide 105612
environmental advocacy organization, one representative of a 105613
construction equipment dealer as defined in section 1353.01 of the 105614
Revised Code, one representative from a statewide organization 105615
representing contractors, one representative from a statewide 105616
organization representing the trucking industry, and one 105617
representative from a metropolitan planning organization. The 105618
Governor shall appoint the appropriate members of the Task Force 105619
not later than thirty days after the effective date of this 105620
section. 105621

The task force shall study methods of funding state clean 105622
diesel incentive programs and shall issue a report of its 105623
findings, including a recommendation for a dedicated and stable 105624
long term funding source for the Diesel Emissions Reduction Grant 105625
Program, to the General Assembly and the Governor by January 1, 105626
2010. Upon issuing the report, the task force shall cease to 105627
exist. 105628

Section 715.10. (A) There is hereby created the Energy	105629
Planning Task Force consisting of the following members:	105630
(1) The Director of Natural Resources or the Director's	105631
designee;	105632
(2) The Director of Environmental Protection or the	105633
Director's designee;	105634
(3) The Director of Development or the Director's designee;	105635
(4) Two members of the Senate appointed by the President of	105636
the Senate, one of whom shall be from the majority party and one	105637
of whom shall be from the minority party;	105638
(5) Two members of the House of Representatives appointed by	105639
the Speaker of the House of Representatives, one of whom shall be	105640
from the majority party and one of whom shall be from the minority	105641
party;	105642
(6) The following members appointed jointly by the President	105643
of the Senate and the Speaker of the House of Representatives:	105644
(a) A representative of Ohio's business community who	105645
represents businesses with fewer than fifty employees;	105646
(b) A representative of Ohio's business community who	105647
represents businesses with fifty or more employees;	105648
(c) A representative of large commercial energy users;	105649
(d) A representative of a statewide environmental advocacy	105650
organization;	105651
(e) A person with knowledge and expertise in the area of	105652
alternative energy;	105653
(f) A person with knowledge and expertise in the area of coal	105654
gasification.	105655
(B) All appointments shall be made to the Task Force not	105656

later than thirty days after the effective date of this section. 105657
At the first meeting of the Task Force, the members shall select a 105658
chairperson and a vice-chairperson. Thereafter, the Task Force 105659
shall meet on a regular basis as determined by the chairperson. 105660
Vacancies on the Task Force shall be filled in the manner provided 105661
for original appointments. Members of the Task Force shall receive 105662
no compensation for serving on the Task Force. The Department of 105663
Natural Resources shall provide technical support to the Task 105664
Force. 105665

(C) The Task Force shall develop a state energy plan with the 105666
goal of maximizing access to and utilization of Ohio's energy 105667
resources for the purpose of facilitating Ohio's energy 105668
independence. 105669

(D) The Task Force shall present its state energy plan to the 105670
Governor and the General Assembly not later than eighteen months 105671
after the effective date of this section. Upon submission of the 105672
plan, the Task Force shall cease to exist. 105673

Section 733.10. A member of the Ohio Tuition Trust Authority 105674
created in section 3334.03 of the Revised Code as it existed prior 105675
to the amendment of that section by this act continues to serve as 105676
a member of the Ohio Tuition Trust Authority Board created in that 105677
section as amended by this act until the member's term expires as 105678
provided in that section. 105679

Section 739.10. The Department of Insurance shall not 105680
designate any entities, which have not been designated prior to 105681
the effective date of this section, to provide investment options 105682
under alternative retirement plans established by public 105683
institutions of higher education in accordance with Chapter 3305. 105684
of the Revised Code pursuant to section 3305.03 of the Revised 105685
Code until July 1, 2010. 105686

Section 741.10. PAYROLL REDUCTION STRATEGIES 105687

Notwithstanding any other provision of law to the contrary, 105688
the Office of Collective Bargaining of the Department of 105689
Administrative Services is authorized to negotiate with the 105690
respective state collective bargaining units various payroll 105691
reduction strategies through the collective bargaining process 105692
prior to July 1, 2009, including, but not limited to, reductions 105693
in pay for fiscal years 2010 and 2011 and an increase in each 105694
state employee's share of dental, vision, and life insurance 105695
benefits for those fiscal years. If the Office successfully 105696
negotiates or reaches alternative payroll reduction strategies 105697
through the collective bargaining process, those payroll reduction 105698
strategies shall be implemented. The total amount of state 105699
employee payroll reduction strategy savings to be negotiated or 105700
implemented for each of those fiscal years shall be between 105701
\$170,000,000 and \$200,000,000, unless otherwise agreed to by the 105702
Office of Collective Bargaining and the Director of Budget and 105703
Management. The Director of Budget and Management is authorized to 105704
transfer cash from non-General Revenue Fund funds to the General 105705
Revenue Fund to carry out this section. 105706

Section 745.10. For the time period beginning on the 105707
effective date of this section and ending June 30, 2010: 105708

(A) For purposes of Chapter 4505. of the Revised Code, 105709
"manufactured housing broker" includes a manufactured home broker. 105710

(B) Notwithstanding division (N) of section 4517.01 of the 105711
Revised Code, "salesperson" shall include any person employed by a 105712
manufactured home broker to sell, display, and offer for sale, or 105713
deal in manufactured homes or mobile homes for a commission, 105714
compensation, or other valuable consideration, but does not 105715
include any public officer performing official duties. 105716

(C)(1) For purposes of section 4517.03 of the Revised Code, 105717
if a licensed new or used motor vehicle dealer also is a licensed 105718
manufactured home park operator, all of the following apply: 105719

(a) An established place of business that is located in the 105720
operator's manufactured home park and that is used for selling, 105721
leasing, and renting manufactured homes and mobile homes in that 105722
manufactured home park shall be considered as used exclusively for 105723
that purpose even though rent and other activities related to the 105724
operation of the manufactured home park take place at the same 105725
location or office. 105726

(b) The dealer's established place of business in the 105727
manufactured home park shall be staffed by someone licensed and 105728
regulated under Chapter 4517. of the Revised Code who could 105729
reasonably assist any retail customer with or without an 105730
appointment, but such established place of business shall not be 105731
required to satisfy office size, display lot size, and physical 105732
barrier requirements applicable to other used motor vehicle 105733
dealers. 105734

(c) The manufactured and mobile homes being offered for sale, 105735
lease, or rental by the dealer may be located on individual rental 105736
lots inside the operator's manufactured home park. 105737

(2) For purposes of section 4517.03 of the Revised Code, a 105738
place of business used for the brokering or sale of manufactured 105739
homes or mobile homes shall be considered as used exclusively for 105740
brokering, selling, displaying, offering for sale, or dealing in 105741
motor vehicles even though industrialized units, as defined by 105742
section 3781.06 of the Revised Code, are brokered, sold, 105743
displayed, offered for sale, or dealt at the same place of 105744
business. 105745

(D) Notwithstanding division (B) of section 4517.22 of the 105746
Revised Code, contracts may be signed, deposits taken, and sales 105747

consummated at a motor vehicle show at which the motor vehicles 105748
being displayed are new manufactured homes, as defined in division 105749
(C)(4) of section 3781.06 of the Revised Code. 105750

Section 745.20. Notwithstanding section 4781.16 of the 105751
Revised Code, any person licensed as a new motor vehicle dealer, 105752
used motor vehicle dealer, manufactured homes broker, or 105753
salesperson under Chapter 4517. of the Revised Code on June 30, 105754
2010, may continue to engage in the business of displaying, 105755
selling at retail, or brokering manufactured homes or mobile homes 105756
under the authority of such license until the license expires or 105757
until the manufactured homes commission issues or denies the 105758
person a manufactured housing dealer's license, manufactured 105759
housing broker's license, or manufactured housing salesperson's 105760
license under Chapter 4781. of the Revised Code, whichever occurs 105761
earlier. 105762

Section 745.30. Effective July 1, 2010, the manufactured 105763
homes commission may suspend or revoke any existing new motor 105764
vehicle dealer, used motor vehicle dealer, manufactured homes 105765
broker, or salesperson license issued to a person engaged in the 105766
business of displaying, selling at retail, or brokering 105767
manufactured homes or mobile homes, and such action may be 105768
appealed under section 4781.25 of the Revised Code. 105769

Section 745.40. Effective July 1, 2010, nothing in sections 105770
4517.01 to 4517.99 of the Revised Code shall be construed to apply 105771
to any of the following: 105772

(A) Manufactured homes as defined in division (C)(4) of 105773
section 3781.06 of the Revised Code; 105774

(B) Mobile homes as defined in division (O) of section 105775
4501.01 of the Revised Code; or 105776

(C) Dealers, brokers or salespersons of manufactured homes or 105777
mobile homes. 105778

Section 745.50. The amendment of sections 4582.07, 4582.08, 105779
4582.32, and 4582.33 of the Revised Code is intended to eliminate 105780
certain unintended effects that resulted from the enactment of 105781
those sections, in that, as enacted, those sections 105782
unintentionally burdened the process by which Ohio port 105783
authorities promote their authorized purposes, including 105784
activities that enhance, foster, aid, provide, or promote 105785
transportation, economic development, housing, recreation, 105786
education, governmental operation, culture, or research, and the 105787
creation and preservation of jobs and employment opportunities, 105788
within this state, and therefore the amendments apply to work 105789
commenced or to be commenced, as well as proceedings occurring, 105790
after the effective date of the amendments, and insofar as the 105791
provisions of the amendments are applicable to, support, or 105792
facilitate any financing proceedings that are pending, in 105793
progress, or completed on such effective date, also apply to those 105794
financing proceedings and to any securities authorized or issued 105795
pursuant to those financing proceedings, and any such financing 105796
proceedings pending, in progress, or completed and any securities 105797
authorized, sold, issued, delivered, or validated pursuant to 105798
those financing proceedings, shall be deemed to have been taken, 105799
and authorized, sold, issued, delivered, and validated in 105800
conformity herewith and with sections 4582.07, 4582.08, 4582.32, 105801
and 4582.33 of the Revised Code, if and as applicable. 105802

Section 747.10. (A) The terms of the members of the 105803
Residential Construction Advisory Committee serving on the 105804
effective date of section 4740.14 of the Revised Code as amended 105805
by this act shall expire one hundred eighty days after the 105806
effective date of section 4740.14 of the Revised Code as amended 105807

by this act. 105808

(B) Upon the expiration of the terms of the members of the 105809
Residential Construction Advisory Committee serving on the 105810
effective date of section 4740.14 of the Revised Code as amended 105811
by this act, the members of the Residential Construction Advisory 105812
Committee shall be appointed as described in section 4740.14 of 105813
the Revised Code as amended by this act and such members' terms 105814
shall expire as follows: 105815

(1) The terms of the members described in divisions (A)(3), 105816
(A)(6), and one of the members described in division (A)(1) of 105817
section 4740.14 of the Revised Code as amended by this act shall 105818
expire on January 1, 2012. 105819

(2) The terms of the member described in division (A)(4), one 105820
of the members described in division (A)(1), and one of the 105821
members described in division (A)(2) of section 4740.14 of the 105822
Revised Code as amended by this act shall expire on January 1, 105823
2013. 105824

(3) The terms of the member described in division (A)(5), one 105825
of the members described in division (A)(1), and one of the 105826
members described in division (A)(2) of section 4740.14 of the 105827
Revised Code as amended by this act shall expire on January 1, 105828
2014. 105829

(C) The Board of Building Standards shall determine which of 105830
the members appointed pursuant to division (A)(1) of section 105831
4740.14 of the Revised Code as amended by this act will serve the 105832
term described in division (B)(1), which member will serve the 105833
term described in division (B)(2), and which member will serve the 105834
term described in division (B)(3) of this section, and shall 105835
determine which of the members appointed pursuant to division 105836
(A)(2) of section 4740.14 of the Revised Code as amended by this 105837
act will serve the term described in division (B)(2) and which 105838

member will serve the term described in division (B)(3) of this section. 105839
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(D) Upon the expiration of the appointments to the Residential Construction Advisory Committee made by division (B) of this section, all successive terms shall last for the period described in division (C) of section 4740.14 of the Revised Code as amended by this act. 105841
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Section 751.10. MEDICAID COMMUNITY BEHAVIORAL HEALTH AND ADMINISTRATION ADVISORY GROUP 105846
105847

(A) As used in this section: 105848

(1) "ADAMHS board" means all of the following: 105849

(a) Boards of alcohol, drug addiction, and mental health services; 105850
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(b) Alcohol and drug addiction services boards; 105852

(c) Community mental health boards. 105853

(2) "Community behavioral health services" means both of the following: 105854
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(a) Community mental health services certified by the Director of Mental Health under section 5119.611 of the Revised Code; 105856
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(b) Services provided by an alcohol and drug addiction program certified by the Department of Alcohol and Drug Addiction Services under section 3793.06 of the Revised Code. 105859
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(B) There is hereby created the Medicaid Community Behavioral Health Administration Advisory Group. The Group shall consist of all of the following: 105862
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(1) The Director of Mental Health or the Director's designee; 105865

(2) The Director of Alcohol and Drug Addiction Services or 105866

the Director's designee; 105867

(3) The Director of Job and Family Services or the Director's designee; 105868
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(4) Subject to division (C) of this section, representatives of ADAMHS boards appointed by the co-chairpersons of the Group; 105870
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(5) Subject to division (C) of this section, representatives of providers of community behavioral health services appointed by the co-chairpersons of the Group; 105872
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(6) Subject to division (C) of this section, consumers of community behavioral health services and advocates of such consumers appointed by the co-chairpersons of the Group; 105875
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(7) The following state policy makers: 105878

(a) At the option of the Speaker of the House of Representatives, up to two members of the House of Representatives from different political parties appointed by the Speaker of the House of Representatives; 105879
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(b) At the option of the President of the Senate, up to two members of the Senate from different political parties appointed by the President of the Senate; 105883
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(c) Other state policy makers deemed necessary and appointed by the co-chairpersons of the Group. 105886
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(C) The Directors of Mental Health and Alcohol and Drug Addiction Services, or their designees, shall serve as co-chairpersons of the Advisory Group. The co-chairpersons shall determine the number of persons to be appointed under divisions (B)(4), (5), (6), and (7)(c) of this section. The co-chairpersons shall appoint the same number of persons under divisions (B)(4), (5), and (6) of this section so as to ensure balanced representation by the ADAMHS boards, providers, and consumers and consumer advocates. In making appointments under divisions (B)(4), 105888
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(5), and (6) of this section, the co-chairpersons shall accept nominations from all of the following:

(1) The Ohio Association of County Behavioral Health Authorities;

(2) The National Alliance on Mental Illness Ohio;

(3) The Ohio Council of Behavioral Health and Family Services Providers;

(4) The Ohio Association of Child Caring Agencies;

(5) The Ohio Citizens Advocates for Chemical Dependency Prevention and Treatment;

(6) The Ohio Alliance for Recovery Providers;

(7) The Ohio Federation for Children's Mental Health;

(8) Other organizations that represent the interests of ADAMHS boards, providers, and consumers and consumer advocates.

(D) Members of the Advisory Group shall serve without compensation, except to the extent that serving on the Group is considered part of their regular employment duties. The Departments of Mental Health and Alcohol and Drug Addiction Services jointly may reimburse members of the Group for their reasonable travel expenses.

(E) The Advisory Group shall study the administration and management of Medicaid-covered community behavioral health services. Not later than June 30, 2010, the Group shall submit a report regarding its study to the Governor and, in accordance with section 101.68 of the Revised Code, the General Assembly. The report shall include all of the following:

(1) A plan for the administration and management of Medicaid-covered community behavioral health services in accordance with federal requirements, including the applicable

federal requirements of 42 C.F.R. Parts 431 and 433; 105927

(2) A fiscal analysis of the impact that changing the entity 105928
that is responsible for paying providers of Medicaid-covered 105929
community behavioral health services and changing related 105930
management functions would have on the Departments of Mental 105931
Health and Alcohol and Drug Addiction Services and ADAMHS boards. 105932
The fiscal analysis shall include an examination of funding 105933
options for any such changes and focus on creating the most 105934
efficient and effective payment system possible. 105935

(3) Recommendations for increasing efficiencies related to 105936
all of the following: 105937

(a) Submission of Medicaid claims for community behavioral 105938
health services; 105939

(b) The processing and payment of Medicaid claims for 105940
community behavioral health services; 105941

(c) Exchange of information regarding Medicaid-covered 105942
community behavioral health services and non-Medicaid-covered 105943
community behavioral health services. 105944

(4) Recommendations for system changes needed for the 105945
effective administration and management of the Medicaid-covered 105946
community behavioral health services. Such recommendations shall 105947
focus on increasing efficiencies, transparency, and accountability 105948
in order to improve the delivery of community behavioral health 105949
services. 105950

(F) The Advisory Group shall cease to exist on submission of 105951
its report. 105952

(G)(1) Subject to division (G)(2) of this section, the 105953
Departments of Mental Health and Alcohol and Drug Addiction 105954
Services may implement, in whole or in part, the recommendations 105955
included in the Advisory Group's report. If the Departments 105956

implement any of the recommendations, the Departments shall 105957
implement the recommendations under the supervision of the 105958
Department of Job and Family Services. 105959

(2) The Departments' implementation of recommendations under 105960
division (G)(1) of this section is subject to changes in state 105961
law, including state law regarding funding, that otherwise would 105962
conflict with the Departments' implementation of the 105963
recommendations. The Departments may take actions as part of the 105964
implementation of the recommendations as are consistent with state 105965
law. 105966

Section 751.13. STUDY REGARDING AMOUNT, DURATION, AND SCOPE 105967
OF COMMUNITY BEHAVIORAL HEALTH SERVICES 105968

(A) The Directors of Alcohol and Drug Addiction Services, 105969
Mental Health, and Job and Family Services shall convene a group 105970
consisting of representatives of all of the following: 105971

(1) Their departments; 105972

(2) Boards of alcohol, drug addiction, and mental health 105973
services; community mental health boards; and alcohol and drug 105974
addiction services boards; 105975

(3) Providers of community behavioral health services; 105976

(4) Consumers of community behavioral health services and 105977
advocates of such consumers. 105978

(B) Members of the group convened under this section shall 105979
serve without compensation, except to the extent that serving on 105980
the group is considered part of their regular employment duties. 105981

The group shall develop recommendations regarding the amount, 105982
duration, and scope of publicly funded community behavioral health 105983
services that should be available through Ohio's community 105984
behavioral health system, including recommendations regarding the 105985
conditions under which the services should be available. The group 105986

shall prepare a report with its recommendations. The group shall 105987
submit the report to the Governor and, in accordance with section 105988
101.68 of the Revised Code, the General Assembly not later than 105989
June 30, 2011. The group shall cease to exist on submission of the 105990
report. 105991

Section 751.20. SERVICE COORDINATION WORKGROUP 105992

(A) There is hereby created the Service Coordination 105993
Workgroup. The Workgroup shall consist of a representative of each 105994
of the following: 105995

(1) The Office of the Governor, appointed by the Governor; 105996

(2) The Department of Alcohol and Drug Addiction Services, 105997
appointed by the Director of Alcohol and Drug Addiction Services; 105998

(3) The Department of Education, appointed by the 105999
Superintendent of Public Instruction; 106000

(4) The Department of Health, appointed by the Director of 106001
Health; 106002

(5) The Department of Job and Family Services, appointed by 106003
the Director of Job and Family Services; 106004

(6) The Department of Mental Health, appointed by the 106005
Director of Mental Health; 106006

(7) The Department of Mental Retardation and Developmental 106007
Disabilities, appointed by the Director of Mental Retardation and 106008
Developmental Disabilities; 106009

(8) The Department of Youth Services, appointed by the 106010
Director of Youth Services; 106011

(9) The Office of Budget and Management, appointed by the 106012
Director of Budget and Management; 106013

(10) The Family and Children First Cabinet Council, appointed 106014
by the chairperson of the Council. 106015

(B) The representative of the Office of the Governor shall 106016
serve as chairperson of the Workgroup. 106017

(C) Members of the Workgroup shall serve without 106018
compensation, except to the extent that serving on the Workgroup 106019
is considered part of their regular employment duties. 106020

(D) The Workgroup shall develop procedures for coordinating 106021
services that the entities represented on the Workgroup provide to 106022
individuals under age twenty-one and the families of those 106023
individuals. In developing the procedures, the Workgroup shall 106024
focus on maximizing resources, reducing unnecessary costs, 106025
removing barriers to effective and efficient service coordination, 106026
eliminating duplicate services, prioritizing high risk 106027
populations, and any other matters the Workgroup considers 106028
relevant to service coordination. Not later than July 31, 2009, 106029
the Workgroup shall submit a report to the Governor with 106030
recommendations for implementing the procedures. 106031

(E) The Workgroup shall cease to exist June 30, 2011. 106032

Section 751.40. The Director of Natural Resources shall enter 106033
into a memorandum of understanding with Farmers and Hunters 106034
Feeding the Hungry. The memorandum shall prescribe a method by 106035
which, during the period from July 1, 2009, through June 30, 2011, 106036
Farmers and Hunters Feeding the Hungry may donate venison to 106037
Ohio's food banks. The memorandum also shall prescribe methods 106038
that encourage private persons to make matching donations in money 106039
or food to Ohio's food banks that are equal or greater in value to 106040
the venison that is donated by the Farmers and Hunters Feeding the 106041
Hungry. 106042

Section 753.10. (A) The Director of Natural Resources shall 106043
enter into a memorandum of understanding with the Southeastern 106044
Ohio Port Authority to develop the future use of the property that 106045

formerly comprised the Marietta State Nursery. The memorandum	106046
shall provide for all of the following:	106047
(1) Sale of the property for highest and best use;	106048
(2) Sale and usage of the property that is compatible with neighboring properties;	106049
	106050
(3) Maximum financial return for the Department of Natural Resources;	106051
	106052
(4) Expeditious sale of parcels of the property.	106053
(B) The memorandum shall require contracted professional engineering services to provide both of the following:	106054
	106055
(1) A phase 1 environmental site assessment;	106056
(2) A master plan for property development, including all of the following:	106057
	106058
(a) An inventory of site features and assets;	106059
(b) Collection of public input through a meeting and comment period;	106060
	106061
(c) Identification of site usage areas such as commercial, light industrial, residential, recreational use, or green space use;	106062
	106063
	106064
(d) Lot lines and parcel sizes in concept;	106065
(e) Means of ingress and egress from State Route 7 and interior site access that are delineated in concept, including possible eastern access to the site with a rough calculation of cut and fill required for the construction of roads;	106066
	106067
	106068
	106069
(f) Identification of utility services, locations, and capacities;	106070
	106071
(g) Plans for compliance with subdivision regulations;	106072
(h) Recommendations for possible deed restrictions;	106073

(i) An evaluation of permits that must be obtained and other regulatory requirements that must be satisfied for purposes of the development of the property;	106074 106075 106076
(j) Any necessary maps.	106077
(C) The memorandum shall require the Southeastern Ohio Port Authority to do all of the following:	106078 106079
(1) Manage the formulation of the master plan;	106080
(2) Create a master plan brochure and sales brochures;	106081
(3) Market the property by mail, signage, and the web sites <i>www.pioneerspirit.us</i> and <i>www.Ohiosites.com</i> ;	106082 106083
(4) Respond to sales leads;	106084
(5) Screen inquiries regarding the property;	106085
(6) Negotiate sales based on pricing guidelines established by the Department of Natural Resources;	106086 106087
(7) Present qualified purchase offers to the Department.	106088
(D) The memorandum shall specify that the Department of Natural Resources owns the property, that it may sell the property in lots to the Port Authority, and that the Port Authority then may sell the lots to individual private buyers.	106089 106090 106091 106092
(E) The memorandum shall specify that the Department of Natural Resources is responsible for paying for the environmental, engineering, graphic design, signage, and printing costs as invoices for those costs are received. The Department and the Port Authority shall agree to a cap for each of those invoices. In addition, the memorandum shall specify that as parcels of the property are transferred to private buyers, the Port Authority retains five per cent of the sale price of each parcel as a fee for services provided by the Port Authority.	106093 106094 106095 106096 106097 106098 106099 106100 106101
Section 753.30. Not later than October 1, 2009, the Director	106102

of Administrative Services shall prepare and submit a report to 106103
the Controlling Board that lists all state-owned real property and 106104
building leases throughout the state. The report shall provide at 106105
least the following details for each parcel of real property and 106106
each building lease: the location; the lease holder, if relevant; 106107
the square footage; and the value. 106108

Section 753.40. (A) The Governor is hereby authorized to 106109
execute a deed in the name of the state conveying to Fairfield 106110
Village Realty, LLC, ("grantee"), an Ohio limited liability 106111
company, and its successors and assigns, all of the state's right, 106112
title, and interest in the following described real estate: 106113

Situated in Section 20, Township 2, Range 2, City of 106114
Fairfield, County of Butler, State of Ohio, being part of 106115
Fairfield City Lot No. 483, and being all of that real estate 106116
conveyed to The Butler County Board of Mental Retardation and 106117
Developmental Disabilities by deeds recorded in Deed Book 1553, 106118
Page 549 and Deed Book 1602, Page 538, and part of that real 106119
estate recorded in Deed Book 1451, Page 248 (all references to 106120
deeds, microfiche, plats, surveys, etc. refer to the records of 106121
the Butler County Recorder's Office, unless noted otherwise) and 106122
being more particularly bounded and described as follows: 106123

Commencing at the southwest corner of said Section 20; 106124

Thence North 4°00'00" East, along the west line of said 106125
Section 20 for a distance of 1138.50 feet to the south line of a 106126
tract of land conveyed to Cincinnati Financial Corporation by deed 106127
recorded in Official Record Volume 6544, Page 199; 106128

Thence North 80°01'34" East, leaving the west line of said 106129
Section 20 along the south line of said Cincinnati Financial 106130
Corporation for a distance of 1476.72 feet to the northwest corner 106131
of a tract of land conveyed to The Butler County Board of Mental 106132

Retardation and Developmental Disabilities by deed recorded in 106133
Deed Book 1451, Page 248, also being the TRUE PLACE OF BEGINNING 106134
for the land herein described; 106135

Thence North 80°01'34" East, continuing along the south line 106136
of said Cincinnati Financial Corporation tract for a distance of 106137
1215.00 feet to the west line of a tract of land conveyed to 106138
Cincinnati Financial Corporation by deed recorded in Official 106139
Record Volume 7039, Page 97; 106140

Thence South 3°59'06" West, leaving the south line of said 106141
Cincinnati Financial Corporation tract along the west line of said 106142
Cincinnati Financial Corporation tract for a distance of 1140.76 106143
feet to the northerly line of a tract of land conveyed to 106144
Cincinnati Mills, LLC by deeds recorded in Official Record Volume 106145
9048, Page 5078, Official Record Volume 9494, Page 5461, and 106146
Official Record Volume 9494, page 5496 (Hamilton County, Ohio 106147
Recorder's Office), also being in the south line of said Section 106148
20 and the corporation line between the City of Fairfield (Butler 106149
County) and the City of Forest Park (Hamilton County); 106150

Thence South 80°04'24" West, leaving the west line of said 106151
Cincinnati Financial Corporation tract along the south line of 106152
said Section 20 for a distance of 521.77 feet to the easterly line 106153
of said Cincinnati Mills, LLC tract; 106154

Thence leaving the south line of said Section 20 along the 106155
easterly line of said Cincinnati Mills, LLC tract the following 106156
three (3) courses: 106157

1) Along the arc of a curve to the right having a radius of 106158
225.00 feet for an arc distance of 260.16 feet, the chord of said 106159
arc being subtended by a central angle of 66°15'00" and a long 106160
chord bearing North 66°48'06" West for a distance of 245.91 feet; 106161

2) North 33°40'36" West for a distance of 519.55 feet; 106162

3) Along the arc of a curve to the left having a radius of 106163

250.00 feet for an arc distance of 65.00 feet, the chord of said 106164
arc being subtended by a central angle of 14°53'52" and a long 106165
chord bearing North 41 °07'32" West for a distance of 64.82 feet 106166
to the existing south right-of-way of Kolb Drive; 106167

Thence leaving the easterly line of said Cincinnati Mills, 106168
LLC tract along the existing south right-of-way of Kolb Drive the 106169
following two (2) courses: 106170

1) Along the arc of a curve to the left having a radius of 106171
50.00 feet for an arc distance of 34.31 feet, the chord of said 106172
arc being subtended by a central angle of 39°19'01" and a long 106173
chord bearing North 45°31'41" East for a distance of 33.64 feet; 106174

2) North 79°00'00" East for a distance of 10.00 feet to the 106175
east terminus of Kolb Drive also being in the west line of said 106176
Butler County Board of Mental Retardation and Developmental 106177
Disabilities (Deed Book 1451, Page 248). 106178

Thence North 11 °00'00" West, leaving the existing south 106179
right-of-way of Kolb Drive along the west of said Butler County 106180
Board of Mental Retardation and Developmental Disabilities (Deed 106181
Book 1451, Page 248) for a distance of 421.73 feet to the place of 106182
beginning and containing 25.349 acres, subject however to all 106183
covenants, conditions, reservations or easements of record 106184
contained in any instrument of record to the above described tract 106185
of land. 106186

Being all of that real estate conveyed to The Butler County 106187
Board of Mental Retardation and Developmental Disabilities by 106188
deeds recorded in Deed Book 1553, Page 549 and Deed Book 1602, 106189
Page 538, and part of that real estate recorded in Deed Book 1451, 106190
Page 248 of the Butler County, Ohio Recorder's Office. 106191

This description was prepared from deeds and plats of record 106192
with bearings based upon deed recorded in Deed Book 1451, Page 248 106193
of the Butler County, Ohio Recorder's Office. 106194

WOOLPERT, INC., Paul W. Feie, Ohio Registered Surveyor No. 106195
6723 106196

This legal description may be modified to a final form if 106197
modifications are needed to meet recordation standards in Butler 106198
County, Ohio. 106199

(B)(1) Consideration for conveyance of the real estate 106200
described in division (A) of this section is \$450,000. The 106201
consideration shall be paid by the grantee to the state at the 106202
closing according to an executed offer to purchase real estate 106203
agreement reached between the state, through the Department of 106204
Administrative Services, and the grantee. 106205

(2) As additional consideration for conveyance of the real 106206
estate described in division (A) of this section, grantee and 106207
Empowering People, Inc., ("EPI"), an Ohio corporation and the 106208
licensed operator of the facility on the real estate, have 106209
executed and delivered to the Department of Mental Retardation and 106210
Developmental Disabilities, a "Cognovit Promissory Purchase Note," 106211
dated June 30, 2008, for \$5,000,000. The grantee and EPI shall be 106212
entitled to credits against the "Cognovit Promissory Purchase 106213
Note" for certain completed improvements and development 106214
obligations defined as the "Improvement Plan" in the "Definitive 106215
Agreement" dated June 30, 2008, and signed by the grantee and EPI. 106216
The balance of the "Cognovit Promissory Purchase Note" shall be 106217
forgiven if the grantee and EPI complete all development 106218
obligations set forth in the "Definitive Agreement," the 106219
"Improvement Plan," and the "Cognovit Promissory Purchase Note." 106220

(C) The real estate described in division (A) of this section 106221
shall be sold as an entire tract and not in parcels through a 106222
Governor's Deed. Any personal property or chattels located on the 106223
real estate shall be transferred to the grantee through a bill of 106224
sale. 106225

(D) The Governor's Deed shall contain deed restrictions that 106226
prohibit, within five years from the date of closing, the grantee 106227
from transferring the real estate described in division (A) of 106228
this section to a third party or assigning its interest in the 106229
real estate to a third party without the prior written approval of 106230
the Department of Mental Retardation and Developmental 106231
Disabilities. Prior written approval shall not be required if the 106232
transfer or assignment is due to the death or disability of the 106233
grantee's owner. If a transfer or assignment of the real estate 106234
involves the termination or reduction in the level of services 106235
provided to individuals with mental retardation and developmental 106236
disabilities, the Department shall not approve the transfer or 106237
assignment unless the termination or reduction is otherwise 106238
required by law, including a judicial proceeding that is not 106239
caused by any act or omission of the grantee. 106240

(E) Before the execution of the Governor's Deed as described 106241
in division (F) of this section, possession of the real estate 106242
described in division (A) of this section shall be governed by an 106243
existing interim lease between the Department of Administrative 106244
Services and the grantee, an operating license between the 106245
Department of Mental Retardation and Developmental Disabilities 106246
and EPI, and the "Definitive Agreement" between the grantee, EPI, 106247
and the Department of Mental Retardation and Developmental 106248
Disabilities. 106249

(F) The Auditor of State, with the assistance of the Attorney 106250
General, shall prepare a Governor's Deed to the real estate 106251
described in division (A) of this section. The Governor's Deed 106252
shall state the consideration and the deed restrictions contained 106253
in division (D) of this section. The deed shall be executed by the 106254
Governor in the name of the State, countersigned by the Secretary 106255
of State, sealed with the Great Seal of the State, presented in 106256
the Office of the Auditor of State for recording, and delivered to 106257

the grantee. The grantee shall present the Governor's Deed for recording in the Office of the Butler County Recorder.

(G) The grantee shall pay the costs of the conveyance of the real estate described in division (A) of this section, including recordation costs of the Governor's Deed.

(H) This section expires two years after its effective date.

Section 753.50. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to the Jackson City Schools Board of Education ("grantee"), its successors and assigns, all of the state's right, title, and interest in the following described real estate:

Parcel 1

The following described tract is located in part of the Scioto Salt Reserve (SSR) Lots 4 and 5, Township 6 North, Range 18 West, Franklin Township, Jackson County Ohio. Being part of the State of Ohio, Ohio Agricultural Research and Development Center's tract two and tract three, as recorded in Volume 209, at Page 648, of the Deed Records, Recorder's Office, Jackson County, Ohio and being more accurately described as follows:

Beginning at the intersection of the centerline of the Portsmouth Branch of the B&O SW Railroad (Jackson Short Line) and the township line between Franklin and Lick Townships, thence South 82°18'53" East, along the township line, a distance of 1398.90 feet to an iron pin set, said pin being the **TRUE POINT OF BEGINNING** for the herein described tract;

Thence South 82°18'53" East, continuing along the township line, passing an iron pin previously set at the southeast corner of Lick Township, SSR Lot 116 at a distance of 41.07 feet, a total distance of 215.54 feet to an iron pin set on the west right-of-way line of County Home Road (Township Road 707, 40'

right-of-way), also being a tract of the Board of County Commissioners of Jackson County, as recorded in Deed Volume 76, at Page 267; 106288
106289
106290

Thence South 07°11'24" West, along the west right-of-way line of County Home road and said Commissioner's tract, a distance of 637.87 feet to an iron pin set; 106291
106292
106293

Thence South 25°23'58" West, through the tract of which this description is a part, a distance of 677.82 feet to an iron pin set on the north right-of-way line of State Route 93 (right-of-way varies) and being the south line of the tract of which this description is a part; 106294
106295
106296
106297
106298

Thence North 64°30'00" West, along the north right-of-way line of State Route 93, a distance of 223.70 feet to an iron pin set on the east line of the Ohio Department of Transportation's tract as recorded in Deed Volume 270, at Page 49; 106299
106300
106301
106302

Thence along said Ohio Department of Transportation's tract and the right-of-way line for state Route 93, the following two (2) courses; 106303
106304
106305

 North 25°30'00" East, a distance of 20.00 feet to an iron pin set; 106306
106307

 North 61°03'58" West, a distance of 136.45 feet to an iron pin set; 106308
106309

Thence North 23°14'34" East, through the tract of which this description is a part, a distance of 1190.21 feet to the point of beginning. Containing a total of 9.665 acres, 9.648 acres are within Scioto Salt Reserve Lot 4, and 0.017 acres within Scioto Salt Reserve Lot 5. All being part of Auditor's Parcel # 0050010004500; 106310
106311
106312
106313
106314
106315

Being subject to all legal right-of-ways and easements. 106316

All iron pins set for this survey are 5/8" rebar (30" long) with 106317

i.d. cap stamped "Dana Exline 7060." 106318

A plat of survey is attached hereto and made a part hereof. This 106319
description is valid only if the plat is attached and recorded 106320
with it. 106321

Bearings for this survey are rotated to ODOT plans JAC 93-13.95 106322
recorded in Jackson County Record of Centerline Plats Book 1, Page 106323
83. 106324

The above description was prepared from an actual field survey 106325
completed on March 08, 2001, by Dana A. Exline, Ohio Professional 106326
Surveyor #7060. 106327

Easement 106328

The following described easement is located in part of the Scioto 106329
Salt Reserve (SSR) Lots 4 and 5, Township 6 North, Range 18 West, 106330
Franklin Township, Jackson County Ohio, and being part of the 106331
State of Ohio, Ohio Agricultural Research and Development Center's 106332
tract two and three, as recorded in Volume 209, at Page 648, of 106333
the Deed Records, Recorder's Office, Jackson County, Ohio. Being a 106334
sixty (60) foot wide easement, with thirty (30) feet on each side 106335
of the following described centerline: 106336

Beginning at the intersection of the Portsmouth Branch of the B&O 106337
SW Railroad (Jackson Short Line) and the township line between 106338
Franklin and Lick Townships, thence South 82°18'53" East, along 106339
the township line, a distance of 1398.90 feet to an iron pin set 106340
for the northwest corner of the 9.665 acre tract this easement 106341
will serve; thence South 23°14'34" West, along the west line of 106342
said 9.665 acre tract, a distance of 1048.27 feet to a point, said 106343
point being the **TRUE POINT OF BEGINNING** for this easement 106344
description; 106345

Thence North 64°30'00" West, through the tract of which this 106346
description is a part, a distance of 739.98 feet to a point on the 106347
easterly right-of-way line of the Jackson Short Line Railroad, 106348

formerly known as the Portsmouth Branch of the B&O SW Railroad, 106349
said point being the terminus of this easement description. 106350

All iron pins set for this survey are 5/8" rebar (30" long) with 106351
i.d. cap stamped "Dana Exline 7060." 106352

A plat of survey is attached hereto and made a part hereof. This 106353
description is valid only if the plat is attached and recorded 106354
with it. 106355

Bearings for this survey are rotated to ODOT plans JAC 93-13.95 106356
recorded in Jackson County Record of Centerline Plats Book 1, Page 106357
83. 106358

The above description was prepared from an actual field survey 106359
completed on March 08, 2001, by Dana A. Exline, Ohio Professional 106360
Surveyor #7060. 106361

Parcel 2 106362

The following described tract is located in part of the Scioto 106363
Salt Reserve (SSR) Lot 4, Township 6 North, Range 18 West, 106364
Franklin Township, Jackson County Ohio. Being part of the State of 106365
Ohio, Ohio Agricultural Research and Development Center's tract 106366
two as recorded in Volume 209, at Page 648, of the Deed Records, 106367
Recorder's Office, Jackson County, Ohio and being more accurately 106368
described as follows: 106369

Beginning at the intersection of the centerline of the Portsmouth 106370
Branch of the B&O SW Railroad (Jackson Short Line) and the 106371
township line between Franklin and Lick townships, thence South 106372
82°18'53" East, along the township line, a distance of 1654.44 106373
feet to an iron pin set on the east right-of-way line of County 106374
Home Road (Township Road 707, 40' right-of-way) also being a tract 106375
of the Board of County Commissioners of Jackson County, as 106376
recorded in Deed Volume 76, at page 267, said pin being the **TRUE** 106377
POINT OF BEGINNING for the herein described tract; 106378

Thence South 82°18'53" East, continuing along the township line, a distance of 353.70 feet to an iron pin set; 106379
106380

Thence South 38°54'57" West, through the tract of which this description is a part, a distance of 672.60 feet to an iron pin set on the east right-of-way line of County Home Road and said Commissioner's tract; 106381
106382
106383
106384

Thence North 07°11'24" East, along the east right-of-way line of County Home Road, a distance of 575.15 feet to the point of beginning. Containing a total of 2.335 acres. Being part of Auditor's Parcel # 0050010004500; 106385
106386
106387
106388

Being subject to all legal right-of-ways and easements. 106389

All iron pins set for this survey are 5/8" rebar (30" long) with i.d. cap stamped "Dana Exline 7060." 106390
106391

A plat of survey is attached hereto and made a part hereof. This description is valid only if the plat is attached and recorded with it. 106392
106393
106394

Bearings for this survey are rotated to ODOT plans JAC 93-13.95 recorded in Jackson County Record of Centerline Plats Book 1, Page 83. 106395
106396
106397

The above description was prepared from an actual field survey completed on March 08, 2001, by Dana A. Exline, Ohio Professional Surveyor #7060. 106398
106399
106400

(B) Consideration for conveyance of the real estate is the conveyance from the grantee to the state, its successors and assigns, of the following described real estate: 106401
106402
106403

The following described tract is located in part of the Scioto Salt Reserve (SSR) Lots 117 and 118, Township 7 North, Range 18 West, Lick Township, Jackson County Ohio, and being part of the Jackson City Schools, Board of Education's 24.118 acre tract, as recorded in Volume 330, at Page 333, of the Deed Records, 106404
106405
106406
106407
106408

Recorder's Office, Jackson County, Ohio and being more accurately 106409
described as follows: 106410

Beginning at the intersection of the centerline of the Portsmouth 106411
Branch of the B&O SW Railroad (Jackson Short Line) and the 106412
township line between Lick and Franklin Townships, thence South 106413
82°18'53" East, along the township line, passing an iron pin set 106414
at the southwest corner of SSR Lot 117 at 1439.97 feet, a total 106415
distance of 2112.86 feet to an iron pin set and being the **TRUE** 106416
POINT OF BEGINNING for the herein described tract; 106417

Thence North 05°33'28" East, through the tract of which this 106418
description is a part, a distance of 735.22 feet to an iron pin 106419
set on the north line of the 24.118 acre tract; 106420

Thence South 82°15'00" East, along the north line of the tract of 106421
which this description is a part, a distance of 659.26 feet to an 106422
iron pin previously set on the west line of a twenty foot wide 106423
ingress-egress easement for the Jackson County Home Cemetery; 106424

Thence South 07°08'47" West, along an easterly line of the tract 106425
of which this description is a part, a distance of 308.00 feet to 106426
an iron pin previously set; 106427

Thence South 82°18'53" East, along a boundary line of the tract of 106428
which this description is a part passing into SSR Lot 118 at 20.00 106429
ft, a total distance of 108.20 feet to an iron pin previously set; 106430

Thence South 07°08'47" West, along an easterly line of the tract 106431
of which this description is a part, a distance of 426.00 feet to 106432
an iron pin previously set on the township line between Lick and 106433
Franklin Townships; 106434

Thence North 82°18'53" West, along the township line passing an 106435
iron pin previously set for the southeast corner of SSR Lot 117 at 106436
88.20 feet, a total distance of 747.07 feet to the point of 106437
beginning. Containing a total of 12.000 acres. 11.137 acres are 106438
within Scioto Salt Reserve Lot 117, and 0.863 acres are within 106439

Scioto Salt Reserve Lot 118. All being part of Auditor's Parcel # 106440
H120060025401; 106441

Being subject to all legal right-of-ways and easements. 106442

All iron pins set for this survey are 5/8" rebar (30" long) with 106443
i.d. cap stamped "Dana Exline 7060." 106444

A plat of survey is attached hereto and made a part hereof. This 106445
description is valid only if the plat is attached and recorded 106446
with it. 106447

Bearings for this survey are rotated to ODOT plans JAC 93-13.95 106448
recorded in Jackson County Record of Centerline Plats Book 1, Page 106449
83. 106450

The above description was prepared from an actual field survey 106451
completed on March 08, 2001 by Dana A. Exline, Ohio Professional 106452
Surveyor #7060. 106453

(C) The grantee shall pay the costs of the conveyance. 106454

(D) Upon the conveyance to the state of the real estate 106455
described in division (B) of this Section, the Auditor of State, 106456
with the assistance of the Attorney General, shall prepare a deed 106457
to the real estate described in division (A) of this Section. The 106458
deed shall state the consideration. The deed shall be executed by 106459
the Governor in the name of the state, countersigned by the 106460
Secretary of State, sealed with the Great Seal of the State, 106461
presented in the Office of the Auditor of State for recording, and 106462
delivered to the grantee. The grantee shall present the deed for 106463
recording in the Office of the Jackson County Recorder. 106464

(E) This Section expires one year after its effective date. 106465

Section 755.10. AMISH TRANSPORTATION STUDY 106466

The Director of Transportation shall conduct an Amish 106467
Transportation Study in Burton Township, Geauga County. 106468

The study shall:	106469
(1) Identify the major problems involving the integration of Amish transportation into the existing motor vehicle transportation system;	106470 106471 106472
(2) Evaluate the existing transportation network, including horse and buggy and foot traffic routes within Burton Township, and quantify the effectiveness of those routes for transporting persons and commodities;	106473 106474 106475 106476
(3) Include a study of the indigenous Amish population within Burton Township;	106477 106478
(4) Identify potential bypass routes for alternate types of traffic to reduce alternate traffic reliance on existing public transportation routes; and	106479 106480 106481
(5) List recommendations for future public roadway improvement projects to improve the safety for alternate types of traffic, such as horse and buggy and persons walking on foot, as well as for motor vehicle traffic.	106482 106483 106484 106485
Section 755.20. (A) There is hereby created the Ohio Task Force on Transportation Funding and Fuel Taxes. The Task Force shall consist of the following members: two members of the Senate appointed by the President of the Senate, one member of the Senate appointed by the President based on the recommendation of the Minority Leader of the Senate, two members of the House of Representatives appointed by the Speaker of the House of Representatives, one member of the House of Representatives appointed by the Speaker based on the recommendation of the Minority Leader of the House of Representatives, the Director of Transportation or the Director's designee, the Director of Development or the Director's designee, the Director of the Ohio Turnpike Commission or the Director's designee, a representative	106486 106487 106488 106489 106490 106491 106492 106493 106494 106495 106496 106497 106498

of the Governor's office with responsibility for energy policy 106499
appointed by the Governor, a member representing labor 106500
organizations appointed by the Governor, a member representing the 106501
Ohio Contractors Association appointed by the Association, a 106502
member representing the Ohio Aggregates Association appointed by 106503
the Association, a member representing the Ohio Concrete 106504
Association appointed by the Association, a member representing 106505
the Ohio Petroleum Council appointed by the Council, a member 106506
representing the Ohio Petroleum Marketers and Convenience Store 106507
Association appointed by the Association, a member representing 106508
the Ohio Convenience Store Association appointed by the 106509
Association, a member representing the Ohio Council of Retail 106510
Merchants appointed by the Council, a member representing the Ohio 106511
Environmental Council appointed by the Council, and a member 106512
representing the Ohio Trucking Association appointed by the 106513
Association. The appointed members shall be appointed not later 106514
than forty-five days after the effective date of this section. 106515

The President and Speaker shall each designate as co-chairs 106516
of the Task Force one of the members they appoint. Members of the 106517
Task Force shall receive no compensation or reimbursement for 106518
serving on the Task Force. The General Assembly shall furnish such 106519
staff support to the Task Force as the Task Force may require. 106520

(B) The Task Force shall review the existing transportation 106521
revenues, shall examine areas of expected shortfalls in revenue 106522
based on declining gas tax revenue, escalating construction costs, 106523
and increasing need, and shall explore traditional and innovative 106524
options to improve transportation funding. The Task Force shall 106525
formulate such recommendations for transportation funding as it 106526
considers advisable and shall compile a written report that 106527
contains its findings and recommendations. 106528

(C) Not later than June 30, 2010, the Task Force shall submit 106529

its report to the Governor, the President of the Senate, the
Minority Leader of the Senate, the Speaker of the House of
Representatives, and the Minority Leader of the House of
Representatives. At that point, the Task Force shall cease to
exist.

Section 757.10. (A) This section is intended as remedial
legislation authorizing the exemption of airport property for
which a port authority applied for tax exemption, but was denied
because the applicant was a lessee and not the owner of the
property, as required under section 5715.27 of the Revised Code as
that section existed before its amendment by Sub. H.B. 160 of the
127th General Assembly.

(B) As used in this section:

(1) "Eligible year" means any year for which taxes,
penalties, and interest could have been remitted or abated, and
the property placed on the exempt tax list, under a previous
application for exemption if the application had not been
dismissed as provided under division (A) of this section.

(2) "Qualified property" means real property owned by a
subdivision of this state, leased to a port authority created
under Chapter 4582. of the Revised Code, and used as an airport,
and that currently qualifies for exemption from taxation under any
section of the Revised Code, but for which the application for
exemption for an eligible year was dismissed by the Tax
Commissioner as provided in division (A) of this section.

(3) "Subdivision," "taxing authority," and "taxing unit" have
the same meanings as in section 5705.01 of the Revised Code.

(C) Notwithstanding section 5713.081 of the Revised Code, if
an application for exemption from and abatement or remission of
property taxes for qualified property was dismissed because of

failure to comply with Chapter 5713., or section 5715.27 of the Revised Code as that section existed before its amendment by Sub. H.B. 160 of the 127th General Assembly, the current owner of qualified property, on or before January 1, 2010, may file with the Tax Commissioner an application requesting that the property be placed on the exempt tax list and that all paid or unpaid taxes, penalties, and interest on the property be abated or remitted, as appropriate, for each eligible year. The application shall be filed on the form prescribed by the Commissioner under section 5715.27 of the Revised Code. The owner shall include with the application a copy of the Commissioner's final determination dismissing the previous application and the certificate issued by the county treasurer under division (F) of this section. Failure to include the Commissioner's final determination that dismissed the previous application for exemption or the treasurer's certificate shall result in dismissal of the application filed under this section.

(D) Upon receiving an application under this section, the Tax Commissioner shall determine if the applicant and the applicant's property satisfy the requirements for exemption, abatement, and remission under this section. If the requirements are satisfied, the Commissioner shall issue an order directing the auditor to place the property on the exempt tax list of the county and ordering that all paid or unpaid taxes, penalties, and interest be abated or remitted for every eligible year the property was qualified property. If the Commissioner determines that the property does not satisfy the requirements for exemption for one or more years, the Commissioner shall deny the application for those years and certify the finding to the county treasurer of the county in which the property is located for collection of all taxes, penalties, and interest and distribution thereof to the appropriate subdivisions. Tax payments for eligible years shall not be considered unpaid taxes for purposes of establishing

jurisdiction to consider an application under this section. 106593

(E) The county auditor shall notify the county treasurer that 106594
any tax payments for eligible years that have not been distributed 106595
shall be held in a special fund pending a decision by the Tax 106596
Commissioner on an application filed under this section. No 106597
subdivision or other taxing unit is entitled to advance payment of 106598
such amounts under section 321.34 of the Revised Code. After the 106599
Commissioner issues a decision, the county auditor shall either 106600
remit the taxes, penalties, and interest to the applicant if the 106601
application is approved or distribute the taxes, penalties, and 106602
interest to the proper taxing authorities if the application for 106603
exemption is denied. 106604

(F) Upon request by the applicant, the county treasurer shall 106605
determine whether all taxes, penalties, and interest that were 106606
levied for all tax years that are not eligible years and whether 106607
all special assessments charged against the property have been 106608
paid in full. If so, the treasurer shall issue a certificate to 106609
the applicant stating that all such amounts have been paid, or, if 106610
not, the certificate shall list the tax years for which such 106611
taxes, penalties, interest, and special assessments remain unpaid. 106612

Section 757.20. Division (F)(2)(ff) of section 5751.01 of the 106613
Revised Code applies to tax periods beginning on or after July 1, 106614
2005. Notwithstanding section 5751.08 of the Revised Code, 106615
applications for refunds accruing from the application of division 106616
(F)(2)(ff) of section 5751.01 of the Revised Code may be filed 106617
with the Tax Commissioner within the later of ninety days after 106618
the effective date of this section or the end of the four-year 106619
period prescribed by section 5751.08 of the Revised Code. 106620

Section 757.30. This section does not apply to owners of land 106621
converted on or after July 1, 2009. 106622

Section 5713.34 of the Revised Code does not apply to, and no civil or criminal penalties shall be imposed on, an owner of land, the value of which for tax year 2009 and any preceding tax year was determined in accordance with rules adopted by the Tax Commissioner for the valuation of land devoted exclusively to agricultural use if either of the following occurs on or after July 1, 2009, but before July 1, 2010:

(A) The owner informs the county auditor or the Tax Commissioner that the land is not or was not used exclusively for agricultural use for one or more tax years for which the land was so valued;

(B) The county auditor or the Tax Commissioner determines that the land is not or was not used exclusively for agricultural use for one or more tax years for which the land was so valued.

Section 759.10. Notwithstanding division (B)(1) of section 5919.34 of the Revised Code, the number of participants in the Ohio National Guard Scholarship Program for the summer term occurring in the year 2009 shall be limited to the equivalent of one thousand two hundred full-time participants.

Section 801.10. As used in the uncodified law of this act, "American Recovery and Reinvestment Act of 2009" means the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115.

Section 803.20. Section 718.04 of the Revised Code, as amended by this act, first applies to taxable years beginning on or after January 1, 2010.

The amendment by this act of section 5725.151 of the Revised Code applies to any credit claimed under that section on or after the effective date of this amendment.

Section 5747.113 of the Revised Code, as amended by this act, 106652
first applies to taxable years beginning on or after January 1, 106653
2009. 106654

The amendment by this act of section 5747.76 of the Revised 106655
Code applies to taxable years ending on or after the effective 106656
date of this amendment. 106657

Section 803.30. In anticipation of the amendments to section 106658
124.134 of the Revised Code taking effect on August 30, 2009, the 106659
Director of Administrative Services shall determine an additional, 106660
prorated amount of vacation leave for employees who are in their 106661
fourth, ninth, fourteenth, nineteenth, or twenty-fourth year of 106662
service to receive as a result of the transition occurring on that 106663
date. The additional, prorated amount shall be such that the 106664
affected employees are not harmed as a result of the transition, 106665
and shall be added to the vacation leave balances of the affected 106666
employees on August 30, 2009. 106667

Section 803.40. Notwithstanding division (B) of section 106668
4763.06 of the Revised Code, a certificate holder, registrant, or 106669
licensee whose certificate, registration, or license expired on or 106670
after October 1, 2008, may, up and until the effective date of 106671
section 4763.06 of the Revised Code as amended by this act, renew 106672
the certificate, registration, or license without having to comply 106673
also with section 4763.05 of the Revised Code by payment of all 106674
fees for renewal and payment of the late filing fee set forth in 106675
section 4763.09 of the Revised Code. Such a certificate holder, 106676
registrant, or licensee may not engage in any activities permitted 106677
by the certification, registration, or license being renewed 106678
during the period following the certificate's, registration's, or 106679
license's normal expiration date until all renewal fees and the 106680
late filing fee have been paid. 106681

Section 803.50. The amendment by this act of section 5727.811 106682
of the Revised Code applies to the measurement period that 106683
includes the effective date of that section and ensuing 106684
measurement periods. 106685

Section 803.60. The amendment of section 105.41 of the 106686
Revised Code by this act does not abrogate any collective 106687
bargaining agreement, for the duration of the agreement, that 106688
applies to employees of the Capitol Square Review and Advisory 106689
Board and that was entered into under Chapter 4117. of the Revised 106690
Code before the effective date of that amendment. 106691

Section 806.10. The items of law contained in this act, and 106692
their applications, are severable. If any item of law contained in 106693
this act, or if any application of any item of law contained in 106694
this act, is held invalid, the invalidity does not affect other 106695
items of law contained in this act and their applications that can 106696
be given effect without the invalid item of law or application. 106697
106698

Section 809.10. An item of law, other than an amending, 106699
enacting, or repealing clause, that composes the whole or part of 106700
an uncodified section contained in this act has no effect after 106701
June 30, 2011, unless its context clearly indicates otherwise. 106702

Section 812.10. Except as otherwise provided in this act, the 106703
amendment, enactment, or repeal by this act of a section is 106704
subject to the referendum under Ohio Constitution, Article II, 106705
Section 1c and therefore takes effect on the ninety-first day 106706
after this act is filed with the Secretary of State or, if a later 106707
effective date is specified below, on that date. 106708

The amendments by this act to section 3901.381 of the Revised 106709

Code take effect twelve months after the effective date specified 106710
in the first paragraph of this section. 106711

The amendments by this act to sections 173.99, 2921.13, 106712
3733.02, and 4781.06 of the Revised Code take effect January 1, 106713
2010. 106714

The amendments by this act to sections 1349.20, 1349.22, and 106715
3953.231 of the Revised Code take effect January 1, 2010. 106716

The amendment, enactment, or repeal by this act of sections 106717
4505.20, 4517.01, 4517.02, 4517.03, 4517.052, 4517.27, 4517.30, 106718
4517.33, 4517.43, 4781.02, 4781.04, 4781.05, 4781.16, 4781.17, 106719
4781.18, 4781.19, 4781.20, 4781.21, 4781.22, 4781.23, 4781.24, 106720
4781.25, and 4781.99 of the Revised Code takes effect July 1, 106721
2010. 106722

The amendment of sections 5743.15 and 5743.61 of the Revised 106723
Code takes effect January 1, 2010. 106724

The enactment of section 3903.77 of the Revised Code takes 106725
effect one year after the effective date specified in the first 106726
paragraph of this section. 106727

The repeal of sections 173.71, 173.72, 173.721, 173.722, 106728
173.723, 173.724, 173.73, 173.731, 173.732, 173.74, 173.741, 106729
173.742, 173.75, 173.751, 173.752, 173.753, 173.76, 173.77, 106730
173.771, 173.772, 173.773, 173.78, 173.79, 173.791, 173.80, 106731
173.801, 173.802, 173.803, 173.81, 173.811, 173.812, 173.813, 106732
173.814, 173.815, 173.82, 173.83, 173.831, 173.832, 173.833, 106733
173.84, 173.85, 173.86, 173.861, 173.87, 173.871, 173.872, 106734
173.873, 173.874, 173.875, 173.876, 173.88, 173.89, 173.891, 106735
173.892, 173.90, and 173.91 of the Revised Code takes effect 106736
January 1, 2010. 106737

Sections 803.10 and 803.20 of this act take effect January 1, 106738
2010. 106739

The repeal by this act of sections 119.031 and 121.24 of the Revised Code takes effect January 1, 2010.

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Section 812.20. The amendment, enactment, or repeal by this act of the sections listed below is exempt from the referendum because it is or relates to an appropriation for current expenses within the meaning of Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, or defines a tax levy within the meaning of Ohio Constitution, Article II, Section 1d, and therefore takes effect immediately when this act becomes law or, if a later effective date is specified below, on that date.

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Sections 103.24, 121.40, 121.401, 121.402, 124.03, 124.15, 124.152, 124.18, 124.183, 124.34, 124.381, 124.382, 124.385, 124.386, 124.392, 124.393, 124.821, 124.822, 124.86, 126.05, 131.33, 145.298, 303.213, 307.79, 319.301, 319.302, 319.54, 321.24, 323.156, 504.21, 901.20, 903.082, 903.11, 903.25, 905.32, 905.33, 905.331, 905.36, 905.38, 905.381, 905.50, 905.51, 905.52, 905.56, 905.66, 907.13, 907.14, 907.16, 907.30, 907.31, 921.02, 921.06, 921.09, 921.11, 921.13, 921.16, 921.22, 921.27, 921.29, 923.44, 923.46, 927.51, 927.52, 927.53, 927.54, 927.56, 927.69, 927.70, 927.701, 927.71, 927.74, 1501.01, 1501.05, 1501.07, 1501.30, 1504.01, 1504.02, 1504.03, 1504.04, 1506.01, 1507.01, 1511.01, 1511.02, 1511.021, 1511.022, 1511.03, 1511.04, 1511.05, 1511.06, 1511.07, 1511.071, 1511.08, 1514.08, 1514.13, 1515.08, 1515.14, 1515.183, 1519.03, 1520.02, 1520.03, 1521.02, 1521.03, 1521.031, 1521.04, 1521.061, 1521.062, 1521.064, 1521.07, 1521.10, 1521.11, 1521.12, 1521.13, 1521.14, 1521.15, 1521.16, 1521.18, 1521.19, 1523.01, 1523.02, 1523.03, 1523.04, 1523.05, 1523.06, 1523.07, 1523.08, 1523.09, 1523.10, 1523.11, 1523.12, 1523.13, 1523.14, 1523.15, 1523.16, 1523.17, 1523.18, 1523.19, 1523.20, 1541.03, 3301.07, 3301.122, 3301.163, 3301.164, 3301.95, 3311.059, 3311.0510, 3313.64, 3313.642, 3313.843, 3314.028, 3314.08, 3314.085, 3314.35, 3317.013, 3317.02, 3317.021, 3317.022, 3317.03,

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3317.063, 3318.011, 3333.04, 3333.122, 3333.27, 3333.28, 3333.38, 106772
3333.61, 3333.62, 3333.66, 3333.91, 3345.32, 3704.14, 3704.143, 106773
3712.03, 3714.073, 3718.03, 3901.3812, 3923.90, 3923.91, 4117.02, 106774
4117.12, 4117.24, 4501.29, 4503.068, 4503.10, 4505.06, 5101.073, 106775
5111.21, 5111.65, 5111.651, 5111.68, 5111.681, 5111.685, 5111.686, 106776
5111.688, 5111.689, 5111.874, 5111.875, 5123.0412, 5123.19, 106777
5123.193, 5703.80, 5725.18, 5727.84, 5729.03, 5739.01, 5739.011, 106778
5739.03, 5739.033, 5739.051, and 6111.044 of the Revised Code. 106779
106780

The amendment by this act to section 124.134 of the Revised 106781
Code takes effect on August 30, 2009. 106782

The amendment or enactment of sections 3721.02, 3721.50, 106783
3721.51, 3721.511, 3721.512, 3721.513, 3721.53, 3721.55, 3721.56, 106784
4301.43, 4503.182, 4507.23, 5111.222, 5111.231, 5111.24, 5111.25, 106785
5112.30, 5112.31, 5112.37, 5112.371, and 5112.372 of the Revised 106786
Code takes effect July 1, 2009. 106787

Sections of this act prefixed with section numbers in the 106788
200's, 300's, 400's, 500's, 700's, and 800's, except for Sections 106789
265.60.60, 265.70.20, 309.40.20, 309.50.30, 313.20, 371.60.20, 106790
399.20, 512.40, 523.10, 701.20, and 751.10 of this act. 106791

The amendment of Sections 120.01, 120.02, and 120.05 of Am. 106792
Sub. H.B. 119 of the 127th General Assembly takes effect July 1, 106793
2009. 106794

The amendment of Section 153 of Am. Sub. H.B. 117 of the 106795
121st General Assembly. 106796

Sections 309.30.20, 309.30.30, 309.30.40, 309.30.50, 106797
309.30.60, and 309.30.70 of this act take effect July 1, 2009. 106798

Section 812.30. The sections that are listed in the left-hand 106799
column of the following table combine amendments by this act that 106800
are and that are not exempt from the referendum under Ohio 106801

Constitution, Article II, Sections 1c and 1d and section 1.471 of the Revised Code. 106802
106803

The middle column identifies the amendments to the listed sections that are subject to the referendum under Ohio Constitution, Article II, Section 1c and therefore take effect on the ninety-first day after this act is filed with the Secretary of State or, if a later effective date is specified, on that date. 106804
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The right-hand column identifies the amendments to the listed sections that are exempt from the referendum because they are or relate to an appropriation for current expenses within the meaning of Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, or define a tax levy within the meaning of Ohio Constitution, Article II, Section 1d, and therefore take effect immediately when this act becomes law or, if a later effective date is specified, on that date. 106809
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Section of law	Amendments subject to referendum	Amendments exempt from referendum	106817
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121.04	All amendments except those described in the right-hand column	The amendment striking "Water;" the amendment replacing "conservation" with " <u>resources</u> "; and the amendment striking "Real estate and land management;"	106818
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1521.05	All amendments except those described in the right-hand column	The amendments to division (B)	106819
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1521.06	All amendments except those described in the right-hand column	The amendments to division (A)	106820
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1521.063	All amendments except	The amendments to	106821
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	those described in the right-hand column	divisions (A) and (A)(1) replacing "division of water" with "division of soil and water resources"	
3315.37	All amendments except the amendment described in the right-hand column	The amendment to the fourth paragraph that strikes through "3333.27,"	106822
3734.57	The amendment to division (A) authorizing electronic payment of solid waste disposal fees	All other amendments to division (A)	106823
4117.01	All amendments except those described in the right-hand column	The amendment to division (C)(5), the amendment striking the language from division (C)(15), and the amendments adjusting the division numbering in divisions (C)(16) and (17)	106824
5751.20	All amendments except those described in the right-hand column	The amendments to division (B), effective July 1, 2009	106825
	Section 812.40. The amendment by this act to section 127.16 of the Revised Code is subject to the referendum. The amendment to division (D)(34) takes effect on the ninety-first day after this act is filed with the Secretary of State, and the amendment striking through division (D)(35) and renumbering division (D)(36) as division (D)(35) takes effect on January 1, 2010.		106826 106827 106828 106829 106830 106831

Section 815.10. The General Assembly, applying the principle 106832
stated in division (B) of section 1.52 of the Revised Code that 106833
amendments are to be harmonized if reasonably capable of 106834
simultaneous operation, finds that the following sections, 106835
presented in this act as composites of the sections as amended by 106836
the acts indicated, are the resulting versions of the sections in 106837
effect prior to the effective date of the sections as presented in 106838
this act: 106839

Section 9.314 of the Revised Code as amended by Am. Sub. H.B. 106840
106 and Sub. H.B. 204, both of the 125th General Assembly. 106841

Section 109.57 of the Revised Code as amended by both Sub. 106842
H.B. 428 and Sub. S.B. 163 of the 127th General Assembly. 106843

Section 109.572 of the Revised Code as amended by Sub. H.B. 106844
195, Sub. H.B. 545, and Sub. S.B. 247, all of the 127th General 106845
Assembly. 106846

Section 109.77 of the Revised Code as amended by Am. Sub. 106847
H.B. 490, Sub. H.B. 545, and H.B. 675, all of the 124th General 106848
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